

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER **Of the Resource Management Act 1991 ("the Act")**

AND

IN THE MATTER **Applications for the discharge to air of contaminants
(CRC175344) and discharge of contaminants to land that
may enter water (CRC175345)**

BETWEEN **CANTERBURY LANDSCAPES SUPPLIES LIMITED**

Appellant

**MEMORANDUM ACCOMPANYING RESPONSE TO THE SECOND MINUTE OF
COMMISSIONERS MCGARRY & ISELI**

Anthony Harper

Solicitor Acting: G J Cleary
Level 9, HSBC Tower
62 Worcester Boulevard,
PO Box 2646, Christchurch
Tel +64 3 379 0920
Fax +64 3 366 9277
www.anthonharper.co.nz

1 INTRODUCTION

- 1.1 The purpose of the Memorandum is to provide some commentary to accompany the information provided by the Applicant in response to the Commissioners' Second Minute. The structure followed is to outline each separate request and to provide a brief commentary on the Applicant's response.

2 ITEMISED DIRECTIONS OF SECOND MINUTE

- *Written details of the amendments made to the application during the hearing- Direction 2 (i); and*
 - *Details on the design and capacity of the proposed impermeable pad and the leachate and stormwater collection system- Direction 2 (ii)*
- 2.1 As identified in the memorandum of 04 April 2018, the Applicants propose to install an aerated static pile process (ASP) on a 1000m² concrete pad. The full details of the ASP process, including design drawings are attached as Appendix 1 to this Memorandum.
- 2.2 Further, with respect to stormwater and leachate management for curing and mature windrows, the Applicants propose that all windrows be placed on a 500mm sawdust/fine pad and that all gaps between windrows will be lined with a sawdust/bark fine pad of 300mm depth. Effectively therefore, all of the compost storage areas for curing and mature piles will have a layer of sawdust/bark fine to capture run-off from windrows. In addition, the compost storage areas will be ringed by bunds to eliminate the possibility of run-off entering or flowing out of the bunded areas.
- 2.3 Further analysis of stormwater management including a series of plans showing schematics for the amended compost storage areas is incorporated into the Sephira Report dated 05 April 2018 which is attached as Appendix 2.
- *An aerial photograph of the application site describing the material currently onsite and showing estimated volumes of existing piles and rows – Direction 2 (iii)*
- 2.4 An aerial photograph dated 28 March 2018 is attached as Appendix 3.
- *Records of volumes of raw materials taken to the application site (including the source of that material) and of compost produced since September 2016.- Direction 2 (iv)*
- 2.5 As advised in the Memorandum dated 04 April 2018, for reasons of commercial sensitivity, the Applicant has prepared a spreadsheet which, while omitting the details of suppliers, sets out in precise detail the volumes of raw materials received
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and compost produced since September 2016. A copy of the spreadsheet is attached as Appendix 4.

- *A copy of the lease agreement for the application site – Direction 2 (v)*

2.6 As advised in the Memorandum of 04 April 2018, the Applicant is not in a position to provide the lease agreement.

- *Terms of the mediated agreement – Direction 2 (vi)*

2.7 A copy of the mediated agreement is attached as Appendix 5.

- *A map showing any recorded springs within 2km of the application site and the headwaters of Silver Stream- Direction 2(vii)*

2.8 The requested map is included within the Sephira Report attached as Appendix 2.

- *Measures to be implemented for fly and vermin control at the application site – Direction 2 (viii)*

2.9 A copy of a fly and vermin management plan is attached as Appendix 6. This is essentially the same document provided as part of a request for further information by the Waimakariri District Council in respect of the land use consent application.

- *Operational Procedures to be implemented to monitor the composting process to ensure pathogens are destroyed and fire risk avoided – Direction 2 (ix)*

2.10 With the proposed implementation of the ASP process and as described in Appendix 1, the Applicant will incorporate a system of continuous automated monitoring of temperatures within the active phase composting rows. This continuous monitoring will ensure that optimum temperatures are maintained within the windrows thereby ensuring all pathogens are destroyed and any fire risk avoided. Any risk of fugitive pathogens (which is considered as negligible by the air quality scientists) will be further avoided by covering the active stage compost rows with mature i.e. sterilised compost.

2.11 For curing stages, the level of temperature monitoring is reduced to weekly for the first month and monthly thereafter. Monitoring will be undertaken by means of hand held temperature measurement probes.

2.12 All monitoring requirements are to be incorporated into the Compost Management Plan and conditions of consent.

- *Information on any potential flood zone designation from a consented water storage dam – Direction 2 (x)*

2.13 The proposed water storage dam discussed at the hearing by Mr. Dodds is not subject to a designation under the relevant District Plan. The proposed dam has however been the subject of an interim decision by the Environment Court dated 07

September 2016. In *Eyre Community Environmental Safety Society v Christchurch [Sic] Regional Council* 2016 NZ EnvC278, the Court stated that consent could not be granted at that point in time owing to concerns regarding the safety of the proposed dam. It is understood that a timetable for a further hearing of the matter has been agreed and this will occur in June 2018. If consent is granted in the future, it is to be expected that this will only be on the basis that the Environment Court is satisfied that all matters of dam safety have been resolved.

2.14 At this present point in time therefore, the proposed dam cannot be taken into account as part of the existing or foreseeable future environment. For completeness however, we understand from parties involved with the June 2018 hearing that the Application site (which is some 25 km from the proposed dam) may in a worst case breach scenario be subject to water velocities of <0.5 l/s within 5.5- 9.15 hours after any full breach.

- *Information regarding the predicted rate of nitrogen discharge (including ammonia nitrogen and nitrate nitrogen) in runoff and leachate from curing phase compost not proposed to be held on a bunded and impermeable surface – Direction 2 (xi)*
- *Confirmation of the expected rate of groundwater flow beneath the site, taking into account the additional information that has come to light during the course of the hearing – Direction 2 (xii)*

2.15 The requested details are addressed in the Sephira Report attached as Appendix 2.

- *A revised set of proposed consent conditions addressing amendments and mitigation measures outlined at the hearing – Direction 2 (xiii).*

2.16 A revised draft set of conditions for the proposed discharge to air and the discharge to land are attached as Appendix 7 & 8 respectively. The revised conditions take into account the proposed amendments outlined above, including in particular the proposal to implement an ASP process for the active composting phase.

2.17 It is note that the ASP system cannot be installed until the first available construction season which commences in September 2018. This is because winter weather conditions are likely to be unsuitable for installation of the concrete pad (incorporating the aeration vents). The applicants intend that the ASP system be installed as soon as practicable after September 2018 and a final or "long-stop" implementation date of 31 December 2018 has been incorporated as a condition of consent.

2.18 The revised set of conditions is a work in progress. Owing to the time devoted to evaluating the feasibility of the ASP process, the Applicants have not had the opportunity to discuss revised conditions with Environment Canterbury and have not fully developed the proposed conditions for moisture and contaminant testing of soils beneath sawdust pads within the compost storage areas for curing and mature

compost windrows. Rather, the Applicants are suggesting a concept only which involves the following key features:

- (a) Testing of a control site not used as part of the Applicant's operation;
- (b) Testing of soil for nitrate and ammonia beneath the sawdust pads within the compost storage areas;
- (c) Incorporating a "trigger point" whereby remedial action is required if the level of contaminants in soil samples from the compost storage areas exceed the levels contained within the control site samples by a specified percentage.

2.19 Alternatives to the above concept are being considered and include the possibility of transposing or adapting conditions imposed on consents for first flush stormwater basins requiring soil testing for levels of specified contaminants.

Gerard Cleary

Solicitor for Canterbury Landscape Supplies.

05 April 2018

