

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of application CRC190445 by the Christchurch City Council for a comprehensive resource consent to discharge stormwater from within the Christchurch City area and Banks Peninsula settlements on or into land, into water and into coastal environments

EVIDENCE SUMMARY OF MARK LAURENSEN ON BEHALF OF Z ENERGY LIMITED, BP OIL NZ LIMITED, AND MOBIL OIL NZ LIMITED (*THE OIL COMPANIES*)

1. INTRODUCTION

1.1 My name is Mark Laursen and I provided planning evidence on behalf of the Oil Companies. I provide below a summary of the main points of my evidence and briefly address key matters arising from rebuttal evidence provided on behalf of the Applicant.

2. SUMMARY OF EVIDENCE

2.1 The Oil Companies' interests in the (CSNDC) relate primarily to how discharges from petroleum industry sites are addressed.

2.2 My evidence provided background to the previous reluctance of the Applicant to accept discharges from the Oil Companies' sites and my expectation that such sites would be considered high risk under the CSNDC. In conjunction with the Canterbury Land and Water Regional Plan (*LWRP*) provisions, I highlighted the difficulties this can create for development, including for works that do not constitute 're-development'. I set out my view that the CSNDC presents an opportunity to better address some of the existing inefficiencies in the interaction between the LWRP, the CSNDC and the Stormwater Bylaw.

2.3 I also set out in my evidence concerns around the potential continuation of this approach to 2025, the absence of a clear pathway for such discharges from 2025, and my view that such an approach is inefficient and unnecessary given the nature of discharges that are in accordance with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998, *MfE Guidelines*). I expressed my view that MfE Guideline compliant discharges should be clearly enabled to provide certainty for discharges in line with best practice and pointed out that this would align with the approach taken in most regional plans around the country. To address this matter, I proposed conditions which focused on compliance with the MfE Guidelines and

the permitted activity Total Suspended Solids (TSS) limits while taking account of the relevant permitted activity requirements of the LWRP.

2.4 In terms of construction phase discharges, I noted the absence of permitted volume and area thresholds for site disturbance from perceived high risk sites and that this has the potential to be unnecessarily restrictive for small-scale disturbance, for instance as provided for under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. This does not appear to have been addressed in rebuttal by the Applicant's experts.

2.5 In terms of sediment arising from disturbance, I explained my view that a focus on methods for controlling sediment is more appropriate than fixed limits on discharges and potential requirements for real time monitoring of TSS.

2.6 Finally, I briefly addressed treatment versus source control and my view that source control should be the subject of greater attention by the Applicant. I emphasised that there seemed to be general agreement amongst the experts around the potential catchment wide benefits of source control and that such an approach would be a more efficient use of resources than treatment on a site by site basis.

3. REBUTTAL ON BEHALF OF THE APPLICANT

3.1 Rebuttal specifically addressing my evidence has been provided by Ms West, Mr Norton and Mr Tipper. Mr Sunich and I discussed a number of these matters with Ms West and Mr Norton by way of a teleconference on Thursday 8 November.

Stormwater

3.2 In terms of operational stormwater risk, I take some limited assurance from the position of the Applicant's experts in our teleconference, namely that well managed retail petroleum industry sites will not be considered high risk. However, I remain concerned that the CSNDC provides no certainty in this regard and my position is reinforced by

the issues the Oil Companies have faced previously when seeking to secure permission to discharge to the reticulated network in Christchurch. I note other experts, for instance Ms Wilkes for Ravensdown, have also raised concerns around the lack of certainty regarding how discharges to the network will be authorised.

3.3 Ms West states in her rebuttal that the Applicant's desire is to authorise as much as possible under this consent, where there is a level of certainty as to the likely contaminants¹. This may be the Applicant's intent, but I do not think it is reflected in the proposed consent conditions which do not provide certainty regarding what will be considered high risk. While in the future it is proposed that this certainty will be provided by matrices (proposed conditions 3 and 40), no such matrices are available and no stakeholder involvement in the development of the matrices is proposed by the Applicant. In my opinion, retention of this level of discretion by the Consent Holder is inappropriate.

3.4 Ms West is opposed to individual sites being subject to compliance against a few specific conditions within the package of conditions². Rather than applying to individual sites per se, I consider conditions relating to operational discharges from petroleum industry sites will in fact apply to a discrete and significant subset of discharges. Based on a crude web-based analysis, I understand there are in the order of 70 Z Energy (including Caltex), BP and Mobil service stations or truck stops in Christchurch City. While I acknowledge that a portion of these will not discharge to the reticulated stormwater network, it is my experience that the majority will do so. I consider that the CSNDC presents an opportunity to provide a clear pathway to enable MfE Guideline compliant discharges from these sites (and those of other companies), both pre and post 2025, while achieving the overall objectives of the CSNDC.

3.5 While I consider the addition of specific condition or conditions to this effect would be appropriate, a degree of certainty would also be

¹ Rebuttal Evidence of Ms West, paragraph 16

² Rebuttal Evidence of Ms West, paragraph 20

provided by a clear acknowledgement at condition 2 that MfE Guideline compliant discharges from areas where hazardous substances are stored and used will not be considered high risk. In conjunction with an undertaking from the Applicant and ECan to engage with the Oil Companies to prepare a Memorandum of Understanding in relation to stormwater discharges from Oil Company sites, I consider this would at least provide improved certainty in relation to operational stormwater discharges.

- 3.6** I note that in addressing the Evidence of Ms Wilkes on behalf of Ravensdown, Mr Norton states that Ravensdown could seek a determination as to whether such sites pose an unacceptable risk or set specific standards and/or monitoring and reporting conditions³. I consider this is essentially what the Oil Companies are seeking to do now, through the CSNDC, at least in relation to MfE Guideline compliant sites.

Re-development

- 3.7** I consider the amended definition of re-development provides improved clarity. Contrary to Ms West's position,⁴ I remain of the view that further clarity is required to ensure that temporary disturbance of a site is not technically re-development. As currently drafted, I consider the definition may be interpreted as capturing temporary site disturbance (which will likely alter the character of stormwater in the short term), irrespective of whether the site is subsequently reinstated, for instance maintenance activities associated with replacement of underground petroleum tanks. My evidence sought that this be addressed through the addition of a specific reference to operational stormwater. I understand Ms West and Mr Norton are opposed to this as the CSNDC does not adopt the terms operational and construction-phase stormwater per the LWRP. I therefore suggest that the same intent could be achieved by adding an additional sentence to the definition simply stating that temporary site disturbance does not constitute re-development.

³ Rebuttal Evidence of Mr Norton, paragraph 12

⁴ Rebuttal Evidence of Ms West, paragraph 29

re-development site means a change to a developed site or a site activity that results in a stormwater discharge that has the potential to increase the scale, intensity or contaminant content of the discharge that existed prior to the commencement of this consent. Temporary disturbance at a development site is not re-development.

Source control

- 3.8** Ms West addresses amendments I sought to condition 38 regarding source control but does not consider there is any added value in a cost benefit analysis forming part of the submission to central government. I disagree and consider that such an analysis has potential to clearly demonstrate the importance of national measures in this regard. I note that Mr Norton appears to be supportive of the principle of such an analysis in his EIC⁵.

Industrial sites

- 3.9** I remain of the view that it is necessary to add the word industrial at clauses a and b of the industrial site definition to avoid inadvertently capturing a range of non-industrial sites.

Industrial site means:

- a. any industrial premises used for the manufacturing, assembly, wholesaling or storage of products or the processing of raw materials and other ancillary activities; or*
- b. any industrial premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials; or*
- c. any other premises from which a contaminant is discharged in connection with any industrial or trade process—but does not include any land under agricultural production.*

⁵ Statement of Evidence of Mr Norton, paragraph 192

High-use sites

- 3.10** I acknowledge use of the defined term 'high-use site' in Schedule 3 to the proposed conditions. Contrary to my position in evidence (based on a misunderstanding that the term was not used in the conditions), I do not consider the definition should now be deleted.

Development sites

- 3.11** Mr Tipper questions the condition I propose to address TSS discharges from operational industry sites by comparison to my opposition to similar limits for construction phase or development site discharges.⁶ This reflects my experience that installation of MfE Guideline compliant oil-water separators is generally recognised as means of achieving an acceptable discharge quality and monitoring to demonstrate as much is not typically required (or practicable). I consider there is potential for significantly more variation in TSS discharges from development sites and I am therefore concerned that a TSS limit will lead to the imposition of similar limits on third parties seeking to discharge to the network, along with a requirement to monitor discharges to demonstrate compliance. For the reasons set out in the evidence of Mr Sunich, I consider a method-based approach can be relied upon in this consent.

Mark Laurensen
13 November 2018

⁶ Rebuttal Evidence of Mr Tipper, paragraph 17