

Guidance Note for Discharge to Land Applications outside a coastal environment



Completing the application form to discharge contaminants?
Please supply more information about your proposed discharge to land.

Please provide an appropriate level of information relative to the scale of your activity. If you seek resource consent for a discharge to land not near any surface water bodies or unconfined aquifers and the discharge volume is small, your description might fit in the space provided on Form B - you can probably do it yourself.

However, if you seek consent to discharge to land in a sensitive area and/ or there are other land discharges in that area, you need to give detailed information. You will likely have to engage a technical consultant to model the likely effects of your proposed activity. Writing 'Not Applicable' is not enough. You need to add some comment, such as: 'My proposed discharge to land complies with Policy 17 because I will take the following actions to avoid adverse effects on land by...'

Only particularly relevant parts of policies and objectives are shown here. Full text, relevant objectives and policies are available at: <http://www.hbrc.govt.nz/our-council/policies-plans-strategies/rmp/>

1. Sustainable management (RMA, Part 2)

The purpose of the Resource Management Act is to promote sustainable management of natural and physical resources. Your proposed activity must use natural and physical resources in a way or at a rate to enable people and communities to provide for their social, economic, and cultural well-being, and for their health and safety. Your proposed activity must also:

- sustain the potential of natural and physical resources to meet the needs of future generations; and
- safeguard the life-supporting capacity of air, water, soil, and ecosystems; and
- avoid, remedy or mitigate any adverse effects of activities on the environment.

Please explain why you think your proposed discharge of contaminants to land is sustainable

2. Relevant legislation (Section 104(1)(b))

Regional Policy Statement (RPS)

Objective 21: existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems must not be degraded.

Objective 22: groundwater quality in unconfined or semi-confined productive aquifers¹ must be maintained or enhanced so it's suitable for human consumption and irrigation without treatment, or after treatment where necessary because of natural water quality.

Policy 17: sets out the approach to manage the effects of activities that may affect the quality of groundwater:

¹ Productive aquifers - an aquifer that has a sufficient quality, quantity and flow of water to be used for water supply purposes

- discharges must comply with the environmental guidelines for groundwater quality, and the associated implementation approach, set out in Policies 75 and 76 (see RRMP section below)
- applicants are encouraged to discharge contaminants onto/ into land - rather than directly to water - where these are likely to have less adverse effect than discharges into water
- consent holders are required to prepare and implement site management plans and spill contingency measures for relevant activities to prevent or minimise spills or other breaches of resource consent conditions causing contamination of groundwater, particularly in areas of high contamination vulnerability for the Heretaunga Plains aquifer system²
- any discharge activity with a significant risk of groundwater contamination in areas of high contamination vulnerability for the Heretaunga Plains aquifer system² is not allowed.

Policy 22: sets out the necessary approach to assess risks of contaminated sites. The following factors must be considered when assessing the risk to environmental and public health through the effects of contaminated sites on groundwater quality:

- the level of contamination in soil and water at the site and the characteristics of the contaminants, such as their mobility
- any numerical standards provided by relevant national guidelines
- in the absence of relevant national guidelines, numerical standards determined in other internationally recognised guidelines
- the current or proposed land use and any restrictions on future land uses of the site
- the proximity of the site to sensitive ecosystems and the sensitivity of those ecosystems to the contaminants
- the possible exposure pathways
- the degree and nature of the discharges from the site
- the geological nature and history of the site.

Policy 22: remediation and/or containment of any existing contaminated site must ensure the final level of contamination is appropriate for the current, proposed or permitted use of that land.

Objective 27: surface water resources and the water quality of rivers, lakes and wetlands must be maintained or enhanced so it's suitable to sustain or improve aquatic ecosystems in catchments as a whole, and recreation where appropriate.

Objectives 34-37 and Policies 64-66 in the RPS give a framework that recognises matters of significance to iwi/ hapū and the actions to consider concerning resource consent applications. This includes avoiding significant adverse effects on waahi tapu (sacred places), tauranga waka (landings for waka), taonga raranga (plants used for weaving and resources used for traditional crafts), mahinga kai (food cultivation areas) and the policy requires recognition of the importance of the relationship of Māori with coastal, lake, wetland and river environments.

Regional Resource Management Plan (RRMP)

Objective 38: sustainable management of land must avoid compromising future use and water quality.

Policy 67: environmental guidelines apply across Hawke's Bay region relating to land use and soil disturbance:

² See Schedule V of the RRMP online at www.hbrc.govt.nz, keyword search: #RRMP

Issue	Guideline
Soil health	There should be no long-term degradation of the physical (including soil structure) or biological properties (including organic matter content) of soil.
Soil contamination	The discharge of contaminants into soil, including hazardous substances, pathogens and diseases, should be at a level that will not cause acute or chronic toxic effects on humans or other non-target species, or have the potential to reduce long-term land use potential.

If your discharge to land has the potential to affect surface water quality, Objective 40 and Policies 71 and 72 are relevant - refer to HBRC's website: [RRMP - Chapter 5](#).

Policy 72A and 76A outline the interim provisions of the National Policy Statement for Freshwater Management 2014 (NPSFM). The policy requires HBRC to consider the extent that:

- a discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem
- it is feasible and dependable to avoid an any more than minor adverse effect on fresh water and any associated ecosystem resulting from the discharge
- the discharge would avoid contamination that adversely effects the health of people and communities as affected by their secondary contact with fresh water
- it is feasible and dependable to avoid an any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge.

Policy 75: environmental guidelines apply to manage activities that affect groundwater quality and apply across Hawke's Bay³:

Issue	Guideline
CONFINED, PRODUCTIVE AQUIFERS IN THE HERETAUNGA PLAINS AND RUATANIWHA PLAINS AQUIFER SYSTEMS (as shown in Schedule IV)	
1. No degradation	There should be no degradation of existing water quality.
OTHER PRODUCTIVE AQUIFERS	
1. Human consumption	The quality of groundwater should meet the "Drinking Water Quality Standards for New Zealand" (Ministry of Health, 1995) without treatment, or after treatment where this is necessary because of the natural water quality.
2. Irrigation	The quality of groundwater should meet the guidelines for irrigation water contained in the "Australian Water Quality Guidelines for Fresh and Marine Waters" (Australian and New Zealand Environment and Conservation Council, 1998) without treatment, or after filtration where this is necessary because of the natural water quality.

³ See the RRMP, Schedule IV online for the boundaries of Ruataniwha and Heretaunga Plains Aquifer Systems

3. Assessment of Environmental Effects (AEE)

Please try and add a sentence or two about each of these points

- The actual or potential effects of your proposed discharge to land on the environment? You can comment on positive effects, as well as possible adverse/negative effects.

Have a think about:

- Is your discharge to land likely to enter groundwater?
If yes, how do you think it could affect other groundwater users?
 - Will the discharge leave residual contaminants in the soil? Will those contaminants have a detrimental effect on soil properties, i.e. drainage, fertility, and limit future land uses on the site?
 - What is the distance between your proposed discharge and the nearest surface water body, i.e. stream, drain, lake, sea? Is your discharge likely to enter surface water?
 - Will your discharge impact upon amenity, social, recreational and cultural values associated with the area?
 - Will the discharge have an odour? If yes, will the effects of the odours extend beyond the boundary of the property on which the discharge occurs?
 - Are there people living near the proposed discharge site? What effect could the discharge have on human health?
- Information about anything you intend to do to try and help reduce the effect that your discharge has on the environment.
 - Details of any alternative methods of discharge and treatment or alternative sites you have thought about for the discharge. Why do you consider the proposed method of treatment and discharge is the best option?
 - Details of anyone you have talked to about your proposed discharge because you think the activity might affect them.

If you have any questions about what to provide, or want to arrange a meeting to discuss your application before you formally lodge it with HBRC
- contact the Consents Advisor on 06 833 8090.