
CLM Sector Group minutes, Wednesday 17 May 2017

Location:	Tonkin + Taylor, Auckland and via teleconference	
Present:	Graeme Proffitt Greg Beck James Corbett James Court Michelle Begbie Shane Moore Terre Maize (Chair)	Pattle Delamore Partners Thomas Consultants Auckland Council BP Oil New Zealand Waikato Regional Council Tonkin + Taylor 4Sight Consulting
In attendance:	Nic Quilty	WasteMINZ
Guests:	Cath Schofield	Ministry for the Environment
Apologies:	Kelly Deihl	Environmental Management Solutions

1. Welcome, introductions and apologies

- The meeting commenced at 10.05am.
- Apologies were received from Kelly Deihl.

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2. Update on MfE's CLM work programme

- Cath: The Ministry was given final policy approval by Cabinet for the NESCS amendments on 8 May. The next stage is for the Parliamentary Council Office to do their drafting. We are not sure how long this will take; we are hoping six to eight weeks. They'll produce an exposure draft that will be tested by a working group. We're also likely to do some scenario testing with some industry groups; e.g. roading. We're still aiming to get it done before election but it will be very tight. The Minister is keen to have that happen. We haven't started to develop the implementation plan yet; we are hoping to start at the end of this month.
- Questions:
 - James Court: What's the last date you can get it to Cabinet?
 - Cath: The House rises on about 17 August and we need to get it to them by then.
 - James Court: If there are going to be delays, will the implementation be delayed once it comes into force?
 - Cath: We were initially saying six months. We have had feedback from councils that 1 January would be difficult, due to statutory holidays and Christmas/New Year leave. Once it goes through Cabinet the final time, it will be gazetted very quickly. It then becomes a public document for everyone to see and the enforcement date will be a few months after that.

3. MfE's implementation plan for the updated NESCS

- Cath: I am aware that you gave some feedback to the Ministry a month or two ago, but we are still happy to get further feedback. We would also like the Steering Committee to review a draft implementation plan. Could this be tied into the next meeting?
- Nic: The Steering Committee meets quarterly. I will organise a special teleconference to review the implementation plan and liaise with Cath over timelines.
- Michelle: I would like the implementation plan to include some direct ability for MfE to spend time with district councils; face to face workshops or seminars.
- Shane: It would also be useful if it's not just limited to council groups, so there is consistency throughout the industry.

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- Greg: I would like to see some fairly broad ranging or maybe specific case studies; examples of how to apply different things.
- James Corbett: I agree we really want to give regulators an idea of what to expect.
- Terre: I agree, I'm wondering if the Ministry could provide some examples, e.g. if you're subdividing a property under two lots, some councils interpret that you have to sample everything on the entire parcel, whereas others say, only the affected part. It would be really good to have examples of what is the right way to do it.
- Greg: Real world examples that we run into all the time.
- Cath: Can you please provide these to us within the next two weeks.
- Michelle: Could these case studies be incorporated into the Users' Guide?
- Cath: We would be open to that, but I would need to check with our legal team, as the Ministry is not meant to give advice. Dave Bull, from HAIL Environmental, is doing the updates to the Users' Guide for the Ministry.
- Michelle: Could you ask the Ministry's legal team if they would consider a factual case study? That could provide a precedent.
- Graeme: Given that we don't know what the amendments are, we don't know what to follow.
- Greg: Where does providing guidance end and giving advice start?
- Cath: What the Ministry's legal department says is that it's fine for us to talk about the policy intent in the guidance.
- Graeme: It's up to the Court to interpret the law; it's not up to the sponsoring department.
- James Court: the Ministry has always shied away from interpreting legislation. That's the Court's role. The current Users' Guide has scenarios and has guidance around the more ambiguous part of the legislation. So that line has already been crossed. The Users' Guide also has no regulatory standing.
- Shane: Smaller councils may not be able to attend workshops, so they need a contact at the Ministry when they are reviewing documents.

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- Cath: The Ministry is not likely to set up an 0800 line for contaminated land. We are happy to give out our names and contact details though, and we do have a more general resource management queries helpline that we can give out to people, which is potentially more enduring than the people. The helpline will always be there. What about some kind of forum where TAs and regional councils could share information between themselves?
- Michelle: There is an LGNZ ListServ, but I haven't seen any activity on for a long time. Could MfE ask LGNZ what is happening with ListServ?
- Nic: I will set up a document setting out the Steering Committee's feedback on the implementation plan and asking them to populate it further.

4. Publicly available list of CLM resources:

- What CLM resources are out there, what needs to be disseminated better and what are the gaps?
 - Greg: There needs to be ready access to the guidelines, standards and regulations.
 - Michelle: A lot of the detailed information on the work that MfE has been involved in, e.g. HAIL guidance, A10, bioavailability, EGVs and Guideline 2. It would also be good if information from international sources could be included, maybe where we've got some gaps. This needs to be separate from NZ information though.
 - Terre: With international websites, it might be helpful if there was information on assessment and remediation technology from the United Kingdom, Europe, United States, Australia etc.
 - Michelle: A link to the Western Australian asbestos guidelines. We are referring to that until the BRANZ guidance is finalised.
 - Terre: Links to any court case decision relating to the NESCS.
 - James Corbett: Links to information/documents on MfE's website.
- Nic: I will set up a spreadsheet noting the above asking the Steering Committee to populate further. I will then discuss with Cath where this list could be held and who would administer it.

5. Maintaining a credible and consistent set of contaminated land guidelines:

- Nic: I advised Cath that that Steering Committee have noted the following activity on this year's work plan: Advocating for a permanent working group to monitor, review, prioritise and revise the contaminated land management framework, including industry guidelines.

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- Cath: The Ministry is quite interested in this approach, but with wider industry involvement, something that would involve ALGA and regional and territorial authorities. We are little bit constrained with resources to set up something and administer it. We wouldn't be able to look at this until the NESCS amendments have been finalised. We might then have a bit more time to devote to it. We would be interested to see what your group see as its role is in that wider permanent working group. It could also be a web-based information sharing 'platform'.
- James Court: I think it's a great idea as more active stewardship of the Ministry's guidelines is required. The lowest cost option is to have an MfE hosted advisory environment group. Every five years they would review the adequacy of each piece of guidance, especially those enshrined in regulation and provide recommendations to the Ministry on whether it needs to be revised now or can it hold of for another five years. The guidelines have a massive impact and they need to be looked after.
- Cath: A comprehensive framework was put together in 2007 and we would like to look at whether we should develop a new one. This potential group could be used to look into it, develop it and that would be a more strategic framework. It would incorporate updating the guidelines and other bits of work that seem to be a priority in the sector.
- James Court: I think it's really great that you've recognised the 2007 document. I wouldn't chuck that old document out, it's more identify what's still relevant and what should be done next.
- Nic: I will discuss this further with the Steering Committee and then with Paul Evans.

6. Previous minutes of 15 February 2017 – accepted?

Resolution: That the Steering Committee receives and approves the previous minutes.

Moved: Greg Beck Seconded: Shane Moore Carried: Unanimously

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7. Matters arising from previous minutes of 15 February 2017

- The status of the action points from the previous meeting (outlined below).

Action	Allocated to	Deadline	Status
Forward the following questions to the Steering Committee: <ul style="list-style-type: none"> Would it be useful to have a five month transition period where the amended NESCS is released but isn't in force? Would councils like MfE to run workshops/roadshows, webinars or some other sort of forum to promote/discuss the changes to the NESCS? Does the existing format work for the CLM guidelines or should they be Standards, one document or renamed, so that it is more obvious what they are? 	Nic	17 Feb 17	Completed
Forward James Court's September 2013 WasteAwareness article on contaminated land guidelines that we have and better ways of managing them to Cath Schofield and James Court	Nic	17 Feb 17	Completed
Forward Cath Schofield further responses from the Steering Committee to the above questions	Nic	22 Feb 16	Completed
Contact Davina McNickel to discuss the Regional Waste Officers Contaminated Land Forum	Nic	28 Feb 17	Completed
Find out what contaminated land related degrees the tertiary institutions in Hamilton have and advise Nic. Further information: <ul style="list-style-type: none"> Michelle contacted the Earth Science, Environmental Planning and Geography schools at the University of Waikato at the end of March. Although a response was slow, she was eventually put through to Dr Megan Balks (Senior Lecturer) in the Soil and Environmental Sciences School and Dr Naomi Simmonds in the Environmental Planning area of the School of Geography (Naomi was away). Megan does include a small snippet of contaminated land in one of her graduate courses. Michelle was going to catch up with Megan for lunch to discuss. Michelle will update Nic once she has met with Naomi and Megan. It's difficult trying to change anything midway through the year. 	Michelle	1 Mar 17	In progress. See further information on left hand side.
Forward geology department contacts at the University of Auckland to Nic. Further information: <ul style="list-style-type: none"> Shane has made contact with the Faculty of Science in the Environmental Department and the 	Shane	17 Feb 17	Completed. See further info on

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<p>Faculty of Civil and Environmental Engineering in the Engineering Department. The Faculty of Science expressed an interest with respect to hydrogeology but not contaminated land, although there might be an opportunity to piggy back off the hydro paper, but it appears that this would require a new course (so a lot of work). Shane has not received a response from the Faculty of Civil and Environmental Engineering.</p> <ul style="list-style-type: none"> Nic will keep in contact with Shane's contact at the Faculty of Science and follow up again with the Faculty of Civil and Environmental Engineering. 			left hand side.
<p>Find out what degrees the contaminated land related tertiary institutions in Wellington have and advise Nic. Further info:</p> <ul style="list-style-type: none"> Victoria University advised Terre they don't really address contaminated land in any of their classes. Alice, Terre's Boss, approached Massey University in Palmerston North, but didn't find anyone who was interested. She will find out more, when she has a meeting there next. One of Graeme's colleagues also found out what Canterbury University offered; a postgraduate paper in coal and environmental geology (the contamination part was mostly about waste and water treatment methods used in coal mines) James: Try the Department of Civil and Environmental Engineering at Auckland University and Unitec (James will forward the contacts to Nic). 	Terre	22 Feb 17	Completed. See further info on left hand side.
<p>If your organisation employs graduates, find out what degrees they have and advise Nic. Further information:</p> <ul style="list-style-type: none"> Science in Geology Science in Environmental Biogeoscience Civil engineering Natural resources engineering Environmental science Earth science Geography Ecology 	Steering Committee	22 Feb 17	Completed. See further info on left hand side.
<p>Contact Waikato, Wellington and Auckland tertiary institutions regarding presentations to students. Further information:</p>	Nic	28 Feb 17	Not completed. See further info

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<ul style="list-style-type: none"> Nic has only just received updates from Terre and Shane. Michelle is still working on Waikato Uni. 			on left hand side.
Forward a draft work plan to the Steering Committee for their review	Nic	17 Feb 17	Completed
Forward the Institute of Environmental Science & Research's (ESR) paper/report on methamphetamine to Nic to forward to Steering Committee and the WasteMINZ member who raised this issue	Shane	17 Feb 17	Completed
Forward ESR's paper/report on methamphetamine to the Steering Committee and the WasteMINZ member who raised this issue (and ask the member if the issue was to do with soils or building waste)	Nic	17 Feb 17	Completed

8. CLM work stream at this year's conference in Hamilton - update:

- Nic gave the following update:
 - The working group consists of Emma Joss (Bay of Plenty Regional Council), Kelly, Michelle, Rachel Rait (Marlborough District Council), Brendon Love (HAIL Environmental) and Richard Griffiths (Aurecon).
 - The working group has identified a number of potential topics, presenters, keynotes and workshops.
 - A workshop topic has been finalised and potential working group members been identified. I haven't contacted any of them yet.
 - The working group is currently preparing the CLM content for the Call for Papers and continuing to put forward potential keynotes.
 - I will forward the potential contaminated land management themes for the Call for Papers and the potential keynotes to the Steering Committee.
- Michelle: Ask Waikato Regional Council for a bus package. This will advise where delegates can catch buses from to go to and from the venue. Michelle will forward Nic a contact.
- Feedback from Steering Committee on potential keynotes:
 - Terre:
 - Lee Shull is a risk assessor and developed the NEPM guidelines in Australia. We attempted to get him for the conference in 2015. Nic will discuss with Paul Evans and the contact Terre to determine who will contact Lee in the first instance.

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- If we've got a lot of focus on asbestos, there is another guy that I know in the US who has a background in environmental science. He lectures worldwide on asbestos, but not much on asbestos in soil. He also is heavily into building science and looks at things like legionella and synthetic mineral fibre. Russ can talk about how health effects can tie into soil.
- What about Ross McFarland from AECOM. I understand he is fielding a big workshop in Sydney on asbestos in soil.
- Nic will discuss the potential keynotes with Paul Evans and then go back to Terre.

9. Potential training for CLM sector

- Nic: Is there a need for more formalised training and, if there is, what are the topics where training might be required?
- Feedback from Steering Committee:
 - Greg: There is always a need for training. Topics could include:
 - Understanding how to apply standards and regulations
 - How to complete an appropriate DSI and PSI
 - Graeme: I agree with Greg. We're in this in between time though. We know the regulations and guidance are going to change. If we run courses now, we risk not telling people at the new information.
 - Shane: Some of the basics won't necessarily change though. When we bring staff on, we assume we have to train them from scratch. They need to be trained on basic field activities.
 - Greg: Designing a sampling strategy won't change.
 - Michelle: I just wonder about demand and how often the training would be run. We could have a contaminated land 101 course, but you need to make sure it's economical.
 - Graeme: When we employ staff, we are not going to wait for a 101 course to come along. However, a course like that would be a good adjunct to our internal training.

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- Shane: With respect to internal training, smaller companies can struggle to do this. Hopefully that need will grow as the certification process rolls out.
- Greg: What kind of status will this training have?
- James Court: One issue we have is effective, efficient and legal disposal of potentially contaminated soil. It's specific and it might tweak the interest of contractors and contaminated land practitioners.
- Nic will put together a document, list the above ideas, and forward it to the Steering Committee for their review and further input.

10. Recent CLM webinars

- 10 March 2017: Benmore Pole 1 Deconstruction – Terre Maize (4Sight Consulting) and Matthew Walker (Transpower): The deconstruction of the Transpower Pole 1 Building at Benmore Substation and the techniques used to remove residual elemental mercury from the concrete and asbestos-containing floor tiles and adhesive.
- NESCS reports – how to deliver what TAs expect – Renate Schütte (Project Lab NZ) and Hollie Griffith (Waikato District Council: Observations and insights into what makes for a NESCS report that not only meets with TA requirements, but also facilitates timely peer review and associated resource consent processing.
- Nic: The webinars are promoted in our weekly newsletters. I will also advise the Steering Committee when contaminated land management related webinar as coming up.
- Feedback from Steering Committee on what other webinars they would like to see:
 - Approach MfE and ask them if they would be interested in being part of the following webinars:
 - Amendments to the NES Users' guide, once it's released (could Dave Bull present?)
 - Bioavailability methodology
 - Updated HAIL guidance
 - Series of webinars on the NESCS updates prior to roadshows

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- Nic will discuss the above webinars with Paul Evans and MfE.

11. Next meeting

- 16 August 2017.

Action items from this meeting:

Action Point	Allocated to	Deadline
NESCS updates: Provide some real life examples for the implementation plan	Steering Committee	31 May 17
NESCS updates: Ask the Ministry's legal team what the parameters are around incorporating case studies into the updated Users' Guide and if they would consider a factual example, which could form a precedent	Cath Schofield	24 May 17
NESCS implementation plan: Ask LGNZ what is happening with ListServ	Cath/Nic	26 May 17
NESCS implementation plan: Forward document to Steering Committee, setting out feedback from today's meeting and asking committee to populate with further feedback	Nic	19 May 17
Publicly available list of CLM resources: Set up a spreadsheet noting the above asking the Steering Committee to populate further	Nic	19 May 17
Publicly available list of CLM resources: Discuss with Cath where this should be held and who should administer it	Nic	26 May 17
Maintaining a credible and consistent set of contaminated land guidelines: Discuss with Paul Evans the proposed permanent working group to monitor, review, prioritise and revise the contaminated land management framework, including industry guidelines and working with other parties, and the Steering Committee's role	Nic	26 May 17
Presenting to tertiary institutions on CLM: Update Nic, once a meeting has taken place with Naomi and Megan and the University of Waikato	Nic	30 Jun 17
Presenting to tertiary institutions on CLM: Contact Shane's contact at the Faculty of Science and follow up again with the Faculty of Civil and Environmental Engineering	Nic	26 May 17
Presenting to tertiary institutions on CLM: Advise Nic if there is any interest from Massey University when Alice next has a meeting there	Terre	30 Jun 17

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Action Point	Allocated to	Deadline
Presenting to tertiary institutions on CLM: Forward contacts from the Department of Civil and Environmental Engineering at Auckland University and Unitec so that Nic can contact them	James Corbett	19 May 17
Conference transport: Forward Nic the bus package contact at Waikato Regional Council	Michelle	26 May 17
Conference transport: Ask Waikato Regional Council for a bus package which will advise where delegates can catch buses from to go to and from the venue	Nic	30 Jun 17
Call for papers and potential keynotes: Forward the potential contaminated land management themes for the Call for Papers and the potential keynotes to the Steering Committee	Nic	19 May 17
Potential keynotes for conference: Discuss Steering Committee's and CLM stream's feedback with Paul Evans	Paul	26 May 17
Potential keynotes for conference: Advise Terre of outcome of discussion with Paul Evans	Nic	29 May 17
Training: Develop a potential training topics document, populate with today's feedback, and forward it to the Steering Committee for their review and further input	Nic	19 May 17
Training: Review and insert other topics in the potential training topics document	Steering Committee	26 May 17
Webinars: Advise the Steering Committee when contaminated land management related webinar are coming up	Nic	When required
Webinars: Discuss the following potential webinars with Paul Evans and MfE: <ul style="list-style-type: none"> • Amendments to the NES Users' guide, once it's released • Bioavailability methodology • Updated HAIL guidance • Series of webinars on the NESCS updates prior to roadshows 	Nic	2 Jun 17

Meeting closed at 11.25am