

WasteMINZ Contaminated Land Management Sector Group

SUBMISSION on 'A Proposed National Environmental Standard for the Outdoor Storage of Tyres: 2020 consultation'

<https://www.mfe.govt.nz/consultations/outdoor-storage-tyres>

1. Do you agree with responsibility for the NES sitting with regional councils rather than district councils? Why?

We agree that the majority of the intent of this NES focusses on discharges to land, water and air; which regional councils are more likely to be involved with (section 15 and section 30 of the RMA). This means that capacity and expertise already lie within regional councils, and so it is appropriate that the responsibility for this NES lies with regional councils. One of the difficulties in the current regime is the onus on regional councils to prove 'significant adverse effects', which we hope this NES will address.

However, we also support the proposal that there must be clear guidance on how District Councils will manage certain activities that fall within their mandate; particularly in urban areas where risks to human health may be more significant than risks to the environment.

2. Do you support having a resource consent threshold for the outdoor storage of tyres below the previously proposed 200m³? Why?

Yes. We consider that leaching of contaminants from tyre stockpiles *could* lead to contaminated sites, and that runoff and leaching from firewater and pyrolytic oil produced during tyre fires would almost certainly result in contaminants entering soil. We consider that a more permissive threshold may result in either acute or chronic effects on land and surrounding water bodies that are difficult to address in the current framework. Having a lower threshold enables councils to more effectively cost recover from the monitoring and enforcement of these activities and should result in fewer tyre storage sites that might result in contaminants in soil, particularly in the instance of tyre fires.

We also consider that a smaller threshold is more likely to discourage the use of the permitted activity thresholds as permitted 'dumping' volumes which may result in contaminated land.

However, we consider that there should be separate (and lower) thresholds for the storage of shredded/crumbed tyres, as they will have a higher leaching potential due to a significantly increased surface area (MWH New Zealand Ltd. (2004) *End-of-Life Tyre Management: Storage Report Options - Final Report for the Ministry for the Environment*). We consider that a comparatively smaller stockpile of shredded/crumbed tyre is more likely to lead to long term ground contamination than larger whole tyre storage and that the regulation should reflect this.

3. Do you support the addition of a proposed permitted activity rule with requirements? Why/why not?

Yes. We consider that there is a need for a permitted activity rule to ensure and enforce expectations around tyre storage that may still have potential for long term ground contamination. The definitions and wording of this permitted activity rule must be unambiguous in order to enable policy effectiveness.

The consultation document suggests that 40m³ is still likely to represent around 500 passenger tyre equivalents (see 200m³ threshold estimation of 2500 stacked tyres on page 14). However, there needs to be a standard way of measuring that criteria, because 40m³ of whole tyres is very different to 40m³ of chipped and shredded tyres. Is it the stack size, with the air included, or is it the actual tyre?

We consider that storage of this volume *may* still have potential to have significant adverse effects, particularly in sensitive or vulnerable areas and soils; either by long term leaching and weathering or by acute impacts from tyre fires. Unfortunately, we cannot suggest a suitable threshold limit, as there is no published research regarding volumes required to have a discernible impact (this is likely to be highly site specific). While evidence is lacking, we need to ensure that the PA volume is not sufficiently large that it becomes a 'pollute up to' or 'dispose up to' volume.

4. Do you have any suggestions on the indicative requirements in table 1?

We generally approve of the indicative requirements, except for the exclusion under e) of not having to have any setbacks if impervious surfaces and bunds are provided. We do not consider that in all cases this will be sufficiently protective.

We also consider that consistency could be made in the following:

- Incorporation of the Fire and Emergency Services requirements for tyre storage
- Incorporation of the setback distances already implemented in the Waikato Regional Council Guidance for storage and stockpiling of end of life tyres for local government' (100m for freshwater and 250m for coastal areas). We do not consider that set back distances of 20m are sufficient buffers for the protection of water and sediment quality.
- Consideration of Waikato DHB concerns regarding reintroduction of the saltmarsh mosquito; for which tyres would provide a suitable habit (i.e. implement a larger coastal setback).
- Incorporation (at least in guidance given its relevance to District Council functions) of setbacks from sensitive human receptors such as schools, hospitals, marae or rest homes.

5. Which of the options (200m³ or 100m³) for setting a resource consent threshold do you support? Why?

100m³. We consider that the fire and pest risks associated with a stockpile of this size would be significantly less than for a 200m³ stockpile. It is also likely that the leaching risks for smaller stockpiles would be lower.

6. How would the proposed options affect your business/organisation?

As we are a multiple stakeholder sector group, this proposal would affect each of our members in different ways. However, we are united in the objective of ensuring reduction in the creation of new contaminated sites; which we consider this NES would achieve.

7. Do you think the scope of the proposed NES should be extended to include indoor tyre storage? Why/why not?

Although at first glance indoor tyre storage appears less likely to have potential to result in contaminated land; we consider that the impacts of an indoor tyre fire are just as great. Indoor tyre fires may often be in built up areas and have greater impact on nearby land users. Warehouse storage of tyres are not likely to have sprinkler systems installed, and firewater runoff via overland flow or stormwater systems has significant potential to contaminate land and sediment in both rural and urban waterways.

We also consider that having an NES which expressly excludes indoor tyre storage may simply result in the re-purposing of derelict warehouse storage; which is likely to be harder for monitoring and compliance agencies to detect.

8. Do you agree with the proposed exemption from the resource consent requirement for farm silage tyres? Why/why not?

No. Our industry is already battling with the effects of farm landfills which are largely unregulated. If farm silage tyres are exempt it may encourage the use of farms as disposal areas for end of life tyres; and waste

tyres have an impact on the environment, regardless of the over-arching activity they are a part of. Inappropriate use of end of life tyres on farms have included holding up culvert crossings and eroding riverbanks. We consider that an accompanying product stewardship scheme should support farmers to be responsible with their use of end of life tyres.

9. Do you have comments on the other aspects of the proposed NES?

- We reinforce the critical importance of an accompanying product stewardship scheme for end of life tyres which will support and enable the effectiveness of this proposal.
- We consider that this NES should state that the burying of tyres is a discretionary activity in order to provide consistency with RMA and Regional Plan directives.
- We would like the guidance document to provide best practice measures for the storage of end of life tyres in order to reduce potential for the creation of contaminated land.