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Reducing waste: a more effective landfill levy
Which region are you currently residing in within New Zealand?
Position
(Not specified)
Northland/Te Tai Tokerau
Auckland/Tāmaki-makau-rau
Waikato
Bay of Plenty/Te Moana-a-Toi
Gisborne/Te Tai Rāwhiti
Hawke's Bay/Te Matau-a-Māui
Taranaki
Manawatu Wanganui/Manawatū-Whanganui
Wellington/Te Whanga-nui-a-Tara
Tasman/Te Tai-o-Aorere
Nelson/Whakatū
Marlborough/Te Tauihu-o-te-waka
West Coast/Te Tai Poutini
Canterbury/Waitaha
Otago/Ōtākou
Southland/Murihiku
Prefer not to say
Notes
We are a sector group that represents multiple sectors (commercial, local government, consultancy) in the contaminated land industry across New Zealand.

Question 1: Do you think the current situation of increasing waste to landfill and poor availability of waste data needs to change?
Position
(Not specified)
Yes
No
Unsure
Notes

Question 2: Do you have any comments on the preliminary review of the effectiveness of the waste disposal levy outlined in appendix A? If so, please specify
Position
(Not specified)
Yes
No
Unsure

Notes

Question 3: Do you think the landfill levy needs to be progressively increased to higher rates in the future (beyond 2023)?
Position
(Not specified)
Yes
No
Unsure
Notes

- Any increase in the landfill levy needs to be based on robust data and a comprehensive assessment of that; not a foregone conclusion unsupported by evidence.
- We agree that there should be a progressive increase of the landfill levy, alongside regular reviews, to allow understanding and mitigation of then unintended consequences.
- We recommend that the landfill levy be reviewed again in three years' time.

Question 4: Do you support expanding the landfill levy to the following landfills?
Positions - Select all that apply
i. waste disposed of at industrial monofills (class 1)
ii. non-hazardous construction and demolition waste (e.g. rubble/concrete/plasterboard/timber) (class 2)
iii. contaminated soils and inert materials (class 3 and 4) (whether requiring restrictions on future use of site or not)
Notes

We support expanding the landfill levy to more landfills because there are viable alternatives for many waste streams and from a purely contaminated soil perspective, this should drive/encourage better risk assessment and alternative remediation/management techniques.

iii. contaminated soils and inert materials

- We do not agree with the way this question aligns contaminated material with inert materials. As a sector involved in contaminated soil assessment and management, we are well aware that there is a wide range of contaminated soil posing anything from negligible to very harmful risks. Our preference would be for contaminated soil to be classified based on the risk it poses and levied according to diversion potential, rather than levied as a group.

- We consider that a different approach to levy setting is required for contaminated soils. There is no benefit to charging the highest levy on highly contaminated and hazardous soil that has no diversion potential from Class 1 facilities; the perverse outcome will be a disincentive to safe and appropriate disposal. Some of the most highly contaminated soils attract pre-treatment fees as well as gate fees, and with a high levy charge on top this may tip the balance towards inappropriate or illegal disposal- potentially encouraging unsafe disposal at lesser controlled facilities such as Class 3 & 4. It is more lightly contaminated soil that would ordinarily be received at Class 3 & 4 facilities that has potential for diversion and potential reuse elsewhere, and this is the material that we consider should be levied at a higher rate to encourage diversion and beneficial reuse. Please refer to our additional comments on this matter in question 8.

- We also consider that robust and nationally consistent definitions for waste types should be set before the waste disposal levy is finalised.
    - The term 'contaminated soil' covers a wide range of material with variable risks. Our ideal scenario would be that contaminated soil is classified with regards to the risk it poses and appropriately disposed of directly proportional to that risk.
    - Table 2 states that these definitions are as per the technical guidelines. However, for example, the clean fill definition is quite different to what clean fills are in real life, and we recommend that this definition is canvassed with industry and regulators.

- We would like to see these definitions, and those in companion documents such as the Disposal to Land Guidelines, address low level asbestos in soil. There are currently inconsistencies in the way the risk from soil containing low level asbestos is handled. For example, low level asbestos (<0.001% Fibrous Asbestos and/or Asbestos Fines) in soil can be left on a playground which arguably won't be subject to controls under the Health and Safety at Work regulations and also could be said to not be a contaminated soil under the Resource Management Act, however it may not meet the clean fill definition. This situation means that disposal of low risk soil is unnecessarily expensive and takes up valuable landfill space.
- Similarly, any urban soils that have anthropogenic additions in areas where background definitions, including these low level/risk contaminants, are not set would be subject to similar non-cleanfill disposal requirements and we see this as an inefficient use of resources.

Question 5: Do you think that some activities, sites, or types of waste should be excluded from the landfill levy?
Positions - Select all that apply
i. cleanfills (class 5)
ii. farm dumps
iii. any others (e.g. any exceptional circumstances)? If so please specify
Notes

Our over-arching comment is that cleanfills and farm landfills are often subject to regional council permitted activity rules. This means that by nature, they are largely 'undetectable' and councils are not well-resourced to undertake monitoring and compliance of these activities. This means that irrespective of whether we should impose a levy or not, enforcement and compliance activities will be challenging, and it may not prove financially viable to levy them in the traditional way. This does not necessarily mean that they do should be exempt; see further discussion below.

i. Cleanfills:
- We do not support the inclusion of cleanfills in the landfill levy. The differences between a short term cleanfill site and large earthworks are slight, and we consider that the risk of applying the levy to a cleanfill is that there would be ambiguity around whether importation of gravel, sand etc to development sites should also be included. We also consider that beneficial reuse of cleanfill, without adverse environmental effects, should be encouraged and not levied.
- We do not consider that many future disposal sites will truly meet the definition of cleanfill (as defined by the waste levy), and so the economic return on levying cleanfill sites would be insignificant.

ii. Farm dumps:
- We consider that there needs to be recognition of the fact that farm dumps are causing harm, and open dialogue and central government direction that New Zealand needs to move away from this historic practice. Our long term goal should be to put an end to uncontrolled waste disposal to land.
- While the inclusion or otherwise of farm dumps in the levy will be hotly contested, the main issue is that exclusion of farm dumps will incentivise farmers to use their own private, uncontrolled facilities over much more expensive but better risk-mitigated facilities. Many regional plans still permit farm landfills, and so we consider that the incentive would be for farmers not only to keep using their dumps, but increase volumes, and also to open new farm dumps where they did not exist before. We cannot allow this to become a side effect of 'improvements' to the Waste Levy.
- We consider the exclusion, and therefore, incentivisation of farm dumps will undo the great work already completed by the Waste Minimisation Fund to explore and enable diversion of farm wastes such as bale wrap, agrichemical containers, CCA treated timber, oil and metal.
- Farm dumps are undeniably abused in many cases and are likely to have a significant environmental impact. Research by Waikato Regional Council indicates that 80% of farms have

a farm dump (meaning thousands in every region) and at least 50% of those are within 10 meters of a water course. Very few of these would employ any protective measures, and so theoretically and ethically, it seems inappropriate to exempt them and incentivise their ongoing use.

- The sheer numbers of farm dumps and their historically (and largely still) permitted status means that Regional Councils have not historically been effective at tackling this issue. Central government need to take each and every opportunity to do so in a nationally consistent way.
- We suggest a multi-tool and progressive approach will be best. Regional plan reviews over time should prevent new farm dumps being created, but while collaborative regional council work (partly funded by WMF) has begun to identify and establish alternative options, farm waste cannot be fully diverted yet, especially for more remote rural areas in the lower south. The proposed NPS Freshwater and the Waste Levy have opportunities to do more.
- We consider that the traditional means of applying a waste levy to farm dumps would be almost impossible to monitor and enforce. We consider that the numbers, remoteness and cost of monitoring and enforcement would not lead to a favourable economic return from a levy as we currently know it. The Essential Freshwater Package proposes to include farm dump identification in farm plans; and we consider that this would be an opportunity to introduce a one off, annual fee for active farm dumps. This would largely avoid costly monitoring of waste volumes and will encourage farmers to make active decisions about whether to close or continue using their legacy waste sites.
- In conclusion, we consider that farm dumps should not be excluded from the levy; but that including them using the same model as for larger, commercial sites would be unsuccessful. We consider that the levy should be imposed on farm dumps alongside farm management plans under the NPS Freshwater; and that rather than a complicated and difficult to monitor fee by volume, an annual flat rate is imposed.

iii. Other – Daily cover in landfills:

- Contaminated soil is often used as daily cover at landfills to deter seagulls and rodents and to reduce odour. While it can be viewed as a beneficial resource, our position is that this type of daily cover is coming into the landfill as waste (excluding material imported for the sole purpose of cover) and should be charged a levy. We consider that there would be an opportunity to misuse the system if daily cover material was exempt from the levy.

iv. Disaster waste (specifically contaminated soils and chemical components), CSRF sites and vulnerable landfills, should be excluded.

Question 6: Do you have any views on how sites that are not intended to be subject to a levy should be defined (e.g. remediation sites, subdivision works)?

Position

(Not specified)

No

Unsure

Yes (please specify below)

Notes

- We consider that levied sites should be defined as off-site disposal areas, where the primary purpose of bringing the material to site is long term disposal of waste (being careful to exclude cleanfill in this definition).
- There will be situations that we would want to be careful to avoid, and it may be useful to include some examples as case studies, e.g.:
  - The upgrade of recreational parks and sports fields, which leads to significant soil movement. Because these sites are considered (by some) to be HAIL sites, and may have elevated concentrations of contaminants, they are not likely meet the definition of cleanfill even if the soil was of suitable quality for reuse under a recreational land use scenario. It would be a very ineffective use of local government funds if earthworks and soil importation at these sites attracted a levy.

- Soil that exceeds background but does not exceed standards for beneficial reuse at less sensitive sites should be able to be reused (at non-waste disposal sites) without attracting a levy. If it did, it would likely prevent re-use of fill that is actually well within soil contaminant standards for commercial sites and result in less effective use of landfill space.

- The UK faced a similar situation in 2009/2010 when they introduced a waste disposal levy and struggled with the definition of waste. They ended up utilising experts similar to SQEPs here in New Zealand; if a SQEP says that this is not waste disposal, then it's not waste disposal (and it won't attract the waste levy). DEFRA then signed this off and endorsed this approach.

Question 7: Which of the following proposed rates for municipal (class 1) landfills do you prefer?

Position

(Not specified)

i. $50 per tonne

ii. $60 per tonne

iii. Other (please specify e.g. higher/lower)

Notes

We do not have a strong preference for the actual rate, but do consider that there should be lower rates for different waste types (see our comments in question 4 iii).

Question 8: Do you think that the levy rate should be the same for all waste types?:

Position

(Not specified)

Yes

No

Unsure

Notes

- We support a graduated levy; with a higher levy considered for wastes that have alternative recycling/reuse/diversion opportunities to incentivise and enable those options to become more economic. There should be less levy (i.e. disincentive) on disposal of high risk, low diversion potential wastes such as highly hazardous contaminated soil. A higher levy on lower risk soil should encourage on-site reuse, encapsulation, treatment or Tier II assessment wherever possible.
- If an unintended consequence of the levy changes is poor control and standards of encapsulated material, we could look to the UK approach to provide robust guidance on appropriate encapsulation situations and how it should be undertaken.
- We have prepared a simple matrix to indicate how the levy may be applied to contaminated soil posing different levels of risk:

	Soils definable as a hazardous material	**Soils unsuitable for other landuse**	**Soils unsuitable for residential use**	**Soils posing risk to ecology or water**	**Soils exceeding background**	**Soils at background**
Cleanfill	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	$0
Class 4 (inert)	Prohibited	Prohibited	Prohibited	Prohibited	$50	$50
Class 3 (contaminated soils)	Prohibited	Prohibited	$50	$50	$50	$50
Class 2 (Demo/non haz)	Prohibited	$50	$50	$50	$50	$50
Class 1 (haz)	$10	$50	$50	$50	$50	$50

- Yes to all of the below with the provision of regular reviews to identify and address unintended consequences arising.
- However, we do not agree with the exclusion example "infilling of a quarry after it has ceased operation". This is usually a commercial venture in itself, and usually designed and consented to accept managed fill, which *should* be subject to a levy.

- We are still concerned with how low level asbestos containing soil will be treated. If it is excluded from the clean fill definition and included in the higher waste classes, it would attract a huge levy which would be disproportionate to the risk it poses.

Question 8i: Should the levy be highest for municipal landfills (class 1)?
Position
(Not specified)
Yes
No
Unsure
Notes
Yes, however we consider that some waste materials may require specific levy rules, see our previous comments (see question 4 iii) about a different levy structure for contaminated soil; so that material with diversion potential is levied at a higher rate.

Question 8ii: Should the levy be lower for industrial monofills (class 1) than municipal landfills (class 1)?
Position
(Not specified)
Yes
No
Unsure
Notes
Monofills are industry specific and often privately owned/managed. It is likely that some monofills have significant diversion potential, while others do not; and as a group we do not feel that we have the information required to make a clear recommendation on this point. We would encourage the expansion of waste data collection to enable better decision-making in this area.

Question 8iii: Should the levy be lower for construction and demolition sites (class 2) than municipal landfills (class 1)?
Position
(Not specified)
Yes
No
Unsure
Notes
As above, we feel that there are likely to be some significant opportunities to divert construction/demolition material, but some of these diversion technologies may not be available yet. As a group we do not feel that we have the information required to make a clear recommendation on this point. We would encourage the expansion of waste data collection to enable better decision-making in this area.

Question 8iv: Should the levy be lowest for contaminated soils and other inert materials (class 3 and 4)?
Position
(Not specified)
Yes
No
Unsure
Notes
Please see our comments in Question 4 iii and elsewhere. Our preferred outcome is one of incentivising disposal of truly hazardous soil at Class 1 facilities, and incentivising the diversion and beneficial reuse of less hazardous soils from Class 3 & 4 facilities.

Question 8v: Should a lower levy apply for specified by-products of recycling operations?
Position
(Not specified)

Yes
No
Unsure
Notes
With respect to the contaminated land industry, we look forward to a time when soil treatment facilities are a viable option. We support the incentivisation of treating soil to reduce the risk and volumes of material in this way.

Question 9: Do you support phasing in of changes to the levy?
Position
(Not specified)
Yes
No
Unsure
Notes

Question 9 (continued): if you support phasing in of changes to the levy, which option do you prefer?
Position
(Not specified)
expand and increase (option B)
expand then increase (option C)
expand then higher increase (option D)
increase then expand (option A)
none of the above
Notes

Question 10: Do you think any changes are required to the existing ways of measuring waste quantities in the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009? If so, please specify:
Position
(Not specified)
Yes
No
Unsure
Notes
No Comment

Question 11: Do you think any changes are required to the definitions in the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009?
Position
(Not specified)
Yes
No
Unsure
Notes
No Comment

Question 12: What do you think about the levy investment plan?
Notes
- We would like to see a review of the allocation of the Waste Minimisation Fund:
  - We seem to be missing an opportunity to involve the contaminated land sector in waste minimisation research and implementation. We consider that the contaminated land sector could use funds to establish guidance to divert lightly contaminated material from landfill, encourage sustainable reuse or management of those soils.

- Territorial Authorities look to regional councils for assistance and technical advice on cross-boundary issues. The current funding allocation model does not encourage and incentivise region or nation-wide collaboration which typically provides economies of scale.
- Although regional councils have the responsibility for managing discharges to land from waste disposal facilities, they do not receive WMF funds to assist with this; and instead have to compete for contestable funds. 50% of the fund is currently awarded to TAs and 50% to the contestable Waste Minimisation Fund. We consider that there is scope for some of the fund to be available to Regional Councils for collaborative and cross-boundary projects; which could include legacy farm dumps and practical alternatives to support farmers.
  - We assert that farm dumps and their effects are a waste issue, not a contaminated land/Contaminated Site Remediation Fund issue as the CSRF is biased towards supplying funding for site specific, orphan sites that have urgent and imminent risk to human health and the environment. Farm landfill issues could be better addressed in a more generic and best practice way.
- The WMF is about future facing waste minimisation and hasn't been amenable to addressing legacy issues such as farm dumps.
- Fly-tipping is a significant burden on local authorities.
- We support the proposal to invest in measures to combat inappropriate forms of disposal, and would like to see local authorities enabled to use part of their Waste Minimisation Fund allocation to increase monitoring and enforcement action following fly-tipping.
- We would not support wide scale ring-fencing or prioritisation of the fund. It's important for the money to be used for research and improvements relating to disposal to land, which will always be a part of our waste story, rather than only used on sustainability/diversion.

Question 13: If the Waste Minimisation Act 2008 were to be reviewed in the future, what are the changes you would like a review to consider?

Notes

- We feel that there could be improvement in its coverage of contaminated soil issues to ensure there are no inconsistencies and anomalies with other regulation and guidelines.
- We would like to see the Act give more attention to farm dumps and rural waste operations which are not currently dealt with well.

Question 14: Do you agree that waste data needs to be improved?

Position

(Not specified)

Yes

No

Unsure

Notes

- Submitting waste data needs to be compulsory and non-compliance should be subject to enforcement.
- We consider that there should be a nationalised electronic/web-based facility for submitting consistent and streamlined data.

Question 15: If the waste data proposals outlined are likely to apply to you or your organisation, can you estimate any costs you would expect to incur to collect, store and report such information? What challenges might you face in complying with the proposed reporting requirements for waste data?

Notes

No Comment

Question 16: What are the main costs and benefits for you if the proposals to increase the levy rate for municipal landfills, expand the levy to additional sites and improve waste data?

Notes

- We consider there is benefit to the entire CLM sector by incentivising alternative remedial methods, which are likely to lead to better environmental outcomes overall.
- However, being able to graduate changes and implement regular reviews and feedback should help reduce unintended consequences such as fly-tipping and illegal/inappropriate waste disposal.
- Fly-tipping is a significant burden on local authorities. We consider that councils cleaning up fly-tipping should be exempt from the levy.
- Levies may change the nature of contaminated land remediation to reduce dig-and-dump towards in-situ management. This will place long-term management costs on future landowners, and require local and regional councils to resource monitoring. This may translate into multiple engineered containment bunds. These containment bunds are more likely across industrial/commercial and rural/remote land instead of disposal to engineered landfills.

If applicable, please describe parts of your submission that you do not want to be published on the Ministry for the Environment website
Notes

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