

Proposed amendments to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

SUBMISSION FORM

The Government is seeking feedback on proposed amendments to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

For more information about the proposed amendments read our Proposed amendments to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health consultation document.

Submissions close at 5.00pm on Friday 14 October 2016.

Making a submission

You can provide feedback in three ways:

1. Use the online submission form available [here](#).
This is our preferred way to receive submissions.
2. Complete this submission form and send to us by email or post.
3. Write your own submission and send to us by email or post.

Publishing and releasing submissions

All or part of any written submission (including names of submitters) may be published on the Ministry for the Environment's website www.mfe.govt.nz. Unless you clearly specify otherwise in your submission, we will consider that you have consented to website posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this consultation under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this consultation. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all the questions. To ensure your point of view is clearly understood, please explain your rationale and provide supporting evidence where appropriate.

Contact information

Name*	Keith Calder, New Zealand Chapter Vice President
Organisation (if applicable)	Environment Institute of Australia and New Zealand Inc. (NZ Chapter)
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Email*	nz@eianz.org
Submitter type*	Individual <input type="checkbox"/> Business / Industry <input type="checkbox"/> Local government <input type="checkbox"/> Central government <input type="checkbox"/> Iwi <input type="checkbox"/> Other (please specify) <input checked="" type="checkbox"/> Professional body

* Questions marked with an asterisk are required.

Hazardous Activities and Industries List (HAIL)

1. Do you agree with the overall approach to amending the HAIL outlined in the consultation document? Why or why not?

Yes

No

2. Do you agree with any of the amendments to the HAIL provided in Appendix 3 of the consultation document? Why, or why not? Where possible, please provide quantitative evidence for or against any of the proposed changes (eg, soil testing of playing fields).

Yes

No

3. Are there any further amendment(s) to the HAIL that should be made? If so, what and why? Where possible, please provide quantitative evidence.

Yes

No

4. What kind of information would you like to see included in guidance on the HAIL? Where possible, please provide information that would support the development of the guidance.

5. What do you expect to be the impacts of the proposed amendment(s) (to landowners, territorial authorities, practitioners, the general public)? Where possible, please provide quantitative evidence.

We also seek specific feedback, particularly from territorial authorities and practitioners, on:

6. Could there be unintended outcomes from the proposed amendment(s)? If so, what are they and how could they be avoided? Where possible, please provide quantitative evidence.

Yes

No

7. What implementation support, if any, would be required to ensure effective implementation of the HAIL?

Does the NESCS apply to my land?

8. Do you agree with the proposal to introduce a risk-based assessment into the NESCS framework? Why, or why not?

Yes

No

9. What terminology should be used in the risk-based assessment (ie, 'reasonably likely', 'more likely than not')?

10. What are the expected impacts of this proposal? Where possible, please provide quantitative evidence.

We also seek specific feedback, particularly from territorial authorities and practitioners, on:

11. Could there be unintended outcomes from this proposal? If so, what are they and how could they be avoided?

Yes

No

NESCS activities and planning controls

12. Do you agree with the proposals? Why, or why not?

Yes

No

13. In terms of proposal 5.2 (soil disturbance by network utility operators), should other groups (ie, requiring authorities) be included? Why or why not? Where possible, please provide quantitative evidence.

Yes

No

14. In terms of proposal 5.3 (subdivisions and change of use), do you agree with either Option 1 or Option 2 outlined in the consultation document? Why, or why not? Where possible, please provide quantitative evidence.

Yes

No

15. What are the expected impacts of the proposals? Where possible, please provide quantitative evidence. For example:

- Do you think that the suitably qualified and experienced practitioner certification statement will reduce costs and/or delays in the consenting process?
- What will be the impact of adopting the definition of 'network utility operator' in section 166 of the RMA?

We also seek specific feedback, particularly from territorial authorities and practitioners, on:

16. Do you agree with the proposed consent requirements for the activity(s)? If not, what changes would you recommend?

Yes

No

17. Could there be unintended outcomes from the proposals? If so, what are they and how could they be avoided?

Yes

No

18. What (if any) implementation support would be required to ensure effective implementation of the proposals?

Management of contaminated land

Template ongoing site management plan (TOSMP)

19. Do you agree with the overall proposal to introduce an option for a TOSMP that applies to residential and rural-residential land uses? Why, or why not?

Yes

No

20. Are you aware of any international examples provided in the consultation document of TOSMPs for residential land uses? If so, please provide information on these.

Yes

No

21. What information would you like to see included in the guidance on options for remediating or managing contamination on residential properties?

22. What are the expected impacts of the proposal (ie, on landowners, territorial authorities, practitioners, and the general public)? Where possible, please provide quantitative evidence.

We also seek specific feedback, particularly from territorial authorities and practitioners, on:

23. Do you agree with the new soil guideline value proposed to apply to sites that have a TOSMP? Why, or why not?

Yes

No

24. How should a TOSMP's implementation (both short term and long term) be monitored? For example, what matters of control should be reserved for council?

25. Do you agree with the proposed mandatory management practices and advice notes of the TOSMP? Why or why not?

Yes

No

26. Could there be unintended outcomes from the proposal? If so, what are they and how could they be avoided?

Yes

No

Bioavailability

27. Do you agree with the proposal to introduce bioavailability testing? Why, or why not?

Yes

No

28. What are the expected impacts of the proposal? Can you provide evidence to support your assessment?

We also seek specific feedback, particularly from territorial authorities and practitioners, on:

29. Could there be unintended outcomes from the proposal? If so, what are they and how could they be avoided?

Yes

No

30. What, if any, implementation support would be required to ensure effective implementation of the proposal?

Other comments

31. Do you have any further comments you wish to make about the proposed amendments?

Standardised certifying statements for contaminated land investigations

The Environment Institute of Australia and New Zealand (EIANZ) consider that Suitably Qualified and Experienced Practitioner (SQEP) certification is a good thing. EIANZ advocates ethical good practice and environment management delivered by competent and well credentialed environmental practitioners.

In 2014 the Certified Environmental Practitioner (CEnvP) Scheme launched the Contaminated Land specialist certification category. Specialist certification enables practitioners to be recognised for their knowledge, experience and leadership skills in specialised areas of environmental practice. The CEnvP Scheme is an initiative of EIANZ.

EIANZ supports the requirement for SQEPs to include a certifying statement. However, it is not clear who is SQEP and who is not, as anyone can write a certifying statement – the only guidance is that provided in the current Users' Guide.

The current Users' Guide (page 17) notes that there is *'currently no accreditation or auditing scheme for contaminated site practitioners in New Zealand; however, existing professional bodies that certify New Zealand-based professionals include: ... the Certified Environmental Practitioner (CEnvP) scheme run by EIANZ.'*

Further discussion on the proposed option is considered as necessary, including any changes required to the Users' Guide.

Releasing submissions

Your submission may be released under the Official Information Act 1982 and may be published on the Ministry's website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to website posting of both your submission and your name.

Please check this box if you would like your name, address, and any personal details withheld.

Note that the name, email, and submitter type fields are mandatory for you to make your submission.

When your submission is complete

If you are emailing your submission, send it to nescs.submissions@mfe.govt.nz as a:

- PDF
- Microsoft Word document (2003 or later version).

If you are posting your submission, send it to NESCS Consultation 2016, Ministry for the Environment, PO Box 10362, Wellington 6143.

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