

12 HAZARDOUS SUBSTANCES

12.1 RESOURCES, ACTIVITIES AND VALUES

Many activities in the District involve the use of substances that are critical to manufacturing and construction, primary production or in day-to-day domestic activities. Examples include cleaning solvents, agrichemicals, fuel and explosives. However, the composition of these substances is such that they can be "hazardous" to the environment in that they have the potential to impair human, plant, or animal health, or to adversely affect the wider environment. These types of substances are commonly called "hazardous substances".

12.2 ISSUE - Environmental Effects

The storage, use, disposal and transport of hazardous substances can and does result in adverse effects on the environment, including the safety of people and property.

12.2.1 Explanation

The Council is now required under the Resource Management Act to control any actual or potential effects of the use, development, or protection of land, including the prevention and mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.

There are two issues arising from the use of hazardous substances in the District. The first issue is concerning the safe day-to-day use of hazardous substances and the second issue is the possible effects hazardous substances have on the environment.

The District Plan is more specifically concerned with the adverse effects of hazardous substances on the environment rather than the safety issues associated with the correct packaging, handling, use and disposal of hazardous substances. However, the two issues do overlap and the Council believes its policies should promote a greater awareness of the dangers of hazardous substances being used incorrectly.

At this stage the issues of safety are being addressed by central government under the Hazardous Substances and New Organisms Act 1996.

Waitaki District is fortunate that many classes of hazardous substances are not used extensively in the District. Nevertheless, the Council would like to ensure that the manufacture, storage, use, transportation, and disposal of hazardous substances in the District is carried out in an appropriate manner and provisions reflect this accordingly. In built up residential and rural residential areas the amounts of hazardous substances that can be used, disposed or stored is restricted compared to other zones of the district.

12.2.2 Objective

Avoid or mitigate adverse environmental effects arising from the use, storage, transportation, manufacture, and disposal of hazardous substances.

12.2.3 Policies

- 1 *To avoid, remedy or mitigate any adverse effect on the environment caused by accidental spillages of hazardous substances, during the use, storage, manufacture, transportation and disposal of hazardous substances.*
- 2 *To avoid or mitigate the potential for adverse effects to the environment from the use of land for the manufacture, storage, disposal and use of hazardous substances; while recognising that the quantities of hazardous substances, which are acceptable in different areas of the District, will vary depending on the proximity of residential use, on community expectation and the sensitivity of the surrounding environment.*
- 3 *To promote the efficient management of the use, storage, transportation, manufacture, and disposal of hazardous substances through a co-ordinated approach between agencies responsible for the management or use of hazardous substances.*
- 4 *To promote public awareness about the potential adverse environmental effects that may arise through the use, storage, transportation, manufacture, and disposal of hazardous substances.*
- 5 *To promote the disposal of hazardous substances at landfills or other facilities that are designed to dispose of hazardous substances safely and avoid or mitigate adverse effects to the environment.*
- 6 *To ensure that any disposal of hazardous substances into any reticulated sewers is appropriately controlled through the use of trade waste bylaws.*

12.2.4 Implementation Methods

To achieve policies 1 - 6 through:

- 1 The provision of rules and performance standards to control the manufacturing, storage, use and disposal of hazardous substances in the District;
- 2 To use enforcement provisions under the Act where hazardous substances are manufactured, stored, used, transported or disposed of in such a way that has or is likely to be either noxious, dangerous, offensive or objectionable to such an extent that it has or is likely to have a significant adverse effect on the environment;
- 3 Liaison with the Otago and Canterbury Regional Councils, Government Departments, and Crown Research Institutes to ensure that any research from these organisations on use, disposal, transportation and storage of hazardous substances and their effects on the environment can be used to make sound planning decisions;
- 4 Liaison with both central government departments and the Otago and Canterbury Regional Councils on developing methods and facilities to dispose of hazardous substances found in the district that presently can not be disposed of.
- 5 Regular updates of a hazardous substances inventory which records the amounts and patterns of hazardous substance use, storage, transportation and disposal in the District.
- 6 The preparation of an emergency response plan, in conjunction with appropriate agencies, for a major spill of a hazardous substance that directly threatens the public or any other part of the environment.

- 7 Reliance on established Codes of Practice in relation to specific industries and activities, as an alternative to rules and performance standards

12.2.5 Explanation and Reasons

The Council recognises that the community transports, uses and stores on many occasions very small quantities of hazardous substances, such as glue for wood work or pesticides for spraying home gardens. Accordingly, the Council has permitted the storage, use, and disposal of hazardous substances as of right subject to site standards to ensure the necessary environmental protection. The quantity permitted as of right is dependent on the nature of the particular substance and the "risk" it poses to the environment; and in addition, on how sensitive a particular environment is. For example, a built up residential area is considered to be more sensitive than an industrial area. Where quantities of specific hazardous substances exceed the limit set by the Council for various zones a land use consent will be required.

Certain industries and operators have developed Codes of Practice for managing the use of hazardous substances. For example, the NZ Defence Force manages hazardous substances in accordance with a code of practice specific to the armed forces, that meets performance standards, as prescribed in the HSNO Act.

The Council also considers that any new industrial processes that are involved in the production of hazardous substances, or any operations that mix different types of hazardous substances, should only be established in appropriate locations and have adequate operational safeguards to ensure protection to the public and the environment.

The Council recognises that the safe disposal of many types of hazardous substances (waste) is difficult, or in some cases impossible. Accordingly, the Council will promote safer disposal practices through public education and advice. This will include advice as to whether hazardous substances can be recycled. A common example of hazardous substances that can be recycled are agrichemicals. Where recycling is not possible Council can advise whether the hazardous substances could be co-disposed of at appropriate landfills at Dunedin. If the hazardous substances cannot be disposed of in this way the Council will advise as to how such substances can be stored.

In cases of accidental spill, contingency measures would be required by both major users of hazardous substances, and the Council, so to minimise adverse effects to people or the environment. An emergency response plan will be considered as items to be resourced by the Council when necessary through the annual plan process.

The Council does not consider that any consent is necessary for the transportation of hazardous substances in the District. At present the Dangerous Goods Act controls the transportation of over 250 litres of any gases, flammable liquids, hydrogen peroxides or corrosives. The transportation of any explosives commercially requires approval under the Explosives Act, with routes being defined for over 1,000kg of explosives. In addition, all transportation of hazardous substances is required to follow New Zealand Standard 5433, which is administered by the Ministry of Transport. Operators who fail to comply with this standard face significant penalties.

The District Council envisages that any strategic controls on transportation routes for hazardous substances would need to be co-ordinated regionally as many routes cross the District's boundaries and transportation bases of companies carrying hazardous substances generally occur in the larger centres.

The control of hazardous substances will only be made possible with a good information base, research, and with the co-operation of people of the District. Accordingly, the provision of a hazardous inventory, liaison with other agencies and educative or advisory methods will be considered as items to be resourced when necessary through the annual plan process.

12.3 ENVIRONMENTAL RESULTS ANTICIPATED

- An up-to-date inventory of the types, amounts and patterns of hazardous substances used, stored, transported and disposed of in the District.
- Hazardous substances collected and disposed of safely and with minor adverse effects on the environment.
- Minimal adverse effects from the storage and use of hazardous substances in the District.
- The implementation, in conjunction with other affected parties, of emergency response procedures, if there is ever a risk to people or property from hazardous substances in the District.

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