

MEMORANDUM

Job 10416

To: Biosolids Partner Councils
From: Hamish Lowe, LEI
Date: 14 May 2020
Subject: Consenting Framework for Discharges of Biosolids to Land

OVERVIEW

This memo sets out a process and opportunity for applying for resource consent (Blue Print) to allow biosolids and sludges to be discharged to land in a way that can reduce the complications and high level of detail needed for individual consent applications.

PROJECT BACKGROUND

A three-year project involving 10 district and regional councils from the lower North Island and supported by the Ministry for the Environment, called the Regional Biosolids Strategy (RBS), has aimed to identify pathways for councils to beneficially use sludge and biosolids. Uptake of the RBS is reliant on feasible end use options being available as alternatives to current biosolids management practices.

As part of the project, partner councils identified time and money limitations associated with consent applications as a major barrier to beneficial use of biosolids/sludge. It was suggested that the development of a 'consenting blueprint' would provide a consistent and more straightforward means for producers to achieve beneficial use where the identified end-use is of a similar nature.

This memo fulfils Year 3: Task 2.A; *Develop a blueprint for managing consenting specific to biosolids use. Discuss potential issues, solutions and other considerations to be taken into account when considering biosolids application to land.*

CONSENTING REQUIREMENTS

Sludges and biosolids emanating from wastewater treatment facilities require discharge/disposal. There are two potential receiving environments: land and water. Discharges of sludges and biosolids to water is non-sensical so opportunities for discharges are primarily to land. Alternatively they could be captured in a contained 'vessel' such as a landfill or mono-fill and there is either no discharge or the discharge (and more accurately the leachate drained), is covered by approval of the facility as a whole.

Discharge of contaminants to land require approval in accordance with S15 of the Resource Management Act (1991). Such approval can be provided through being expressly allowed in a Regional Plan or by way of obtaining a resource consent for the activity. In many cases, such as in the Manawatu Whanganui Regional Councils' OnePlan (Rule 14-7), biosolids can be applied if they meet a specified criteria without the need to obtain a resource consent (permitted



activity). However, the permitted activity threshold is high and requires a well processed material that has been stabilised and have low contaminant level, typically meeting a Biosolid Aa grade (NWWA, 2003).

If the permitted activity requirements cannot be met then a resource consent is required to allow the material to be discharged.

TYPICAL RESOURCE CONSENT CONTENT

As noted above, Resource Consents are needed when the proposed activity is not expressly provided for in a Regional Plan (such as the Restricted Discretionary Rule 14-8 of Horizons OnePlan for Application of grade Ab, Ba or Bb biosolids).

Resource Consent applications need to contain a set of specific information. This includes:

- Form 9
- An AEE (Assessment of Environmental Effects)
 - details of the site where the activity is to occur
 - summary of the environment on and around the site
 - description of the material to be applied
 - description of the application system and rate as to which it is applied
 - summary of the resulting effects of the application given the environmental setting
 - identification of relevant planning and regulatory requirements
 - evaluation of the consistency of the proposed application and its effects against the relevant planning and regulatory requirements
- Appendices
 - Appendix A: Figures – site location
 - Appendix B: Property titles
 - Appendix C: Party Approvals

When seeking multiple consents, much of the above information is consistent from site to site. Therefore, there is an opportunity to develop a consistent approach whereby key information is kept the same with relevant site specific information provided and changed from application to application. This would lessen the workload required for preparing individual consent applications.

PROPOSED CONSENT FRAMEWORK

A revised framework is suggested whereby basic information about the proposed activity can be restructured so that it can be used across multiple sites. By multiple sites, this could mean the same material used within the same general area, or the framework is consistent across a larger area where the planning provisions are the same. Ideally, agreement could be reached about some of the assessment criteria and assessments with Regional Council staff, and this would lessen the need for having to repeat the same evaluation.

A revised structure could look like the following:

- Form 9
- AEE
 - details of the site where the activity is to occur
 - summary of the environment on and around the site
 - evaluation of the consistency of the proposed application and its effects against the relevant planning and regulatory requirements



- Appendices
 - Appendix A: Figures – site location
 - Appendix B: Property titles
 - Appendix C: party Approvals
 - Appendix D: description of the material to be applied
 - Appendix E: description of the application system and rate as to which it is applied
 - Appendix F: summary of the resulting effects of the application given the environmental setting
 - Appendix G: identification of relevant planning and regulatory requirements

The intention of this process is to streamline the preparation of consent applications. Typically, a lot of the technical detail and descriptions/assessment can be consistent between sites. If a common evaluation criteria was developed it would make applications easier to prepare and equally easier to assess by regional council staff.

While different, this process is similar to a permitted or controlled activity, whereby if you meet certain criteria, including nature of material and application criteria, then the process of consent approval is simplified and can be fast tracked.

GLOBAL CONSENT

A similar process to that described above is to adopt a Global Consent strategy, whereby a wider area is considered and consent is granted to allow application anywhere in that area providing a predetermined criteria is met. This would be an alternative, however there can be technical limitations to this approach and it is not favoured by some regional councils.



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