
SECTION 11: HAZARDOUS SUBSTANCES

11.01 CATEGORIES OF ACTIVITIES

11.01.1 PERMITTED ACTIVITIES

The following are permitted activities if they comply with the performance standards set out in 11.03 of the plan:

- (a) Any hazardous facility that equals or falls below the Effects Ratio (R) specified for the zone in the Hazardous Facility Screening Process (HFSP) Activity Matrix in Appendix II.
- (b) The clean up and rehabilitation of contaminated sites by or under the control and direction of the Taranaki Regional Council, or which is undertaken in accordance with the "Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (1992)" - Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council.
- (c) The co-disposal of hazardous substances to a landfill operation, but only where the landfill is operating under a resource consent or a requirement that provides for the disposal of hazardous substances, and:
 - (i) The hazardous substance is listed as being permitted to be disposed of in the landfill; and
 - (ii) The hazardous substance is within the quantities and concentrations permitted in the landfill; and
 - (iii) The disposal is undertaken and completed in accordance with the conditions controlling the landfill operation.
- (d) The retail sale of up to 100,000 litres of petrol in underground storage tanks, and up to 50,000 litres of diesel, provided they comply with the Code of Practice for the Design, Installation and Operation of Underground Petroleum Systems 1992 (Department of Labour – OSH) and Supplement No 1, June 1995.
- (e) The retail sale of LPG with storage up to 6 tonnes capacity provided that they comply with the "Australian Standard AS 1596 – 1989 for LPG Storage and Handling – Siting of LPG Automotive Retail Outlets."
- (f) Any hazardous facility located in the Rural Industrial Zone and identified by a Concept Plan contained in Section 7 of this Plan providing such a facility is managed and operated under a certified management plan prepared in accordance with the provisions in section 11.03.1.2 of this section.

11.01.2 **CONTROLLED ACTIVITIES**

None.

11.01.3 **LIMITED DISCRETIONARY ACTIVITIES**

- (a) Any hazardous facility located in the Rural Industrial Zone, which does not have a management plan prepared in terms of Section 11.03.1.2.

Matters over which Council retains discretion:

- (i) Design of the hazardous substances containment systems on the site.
- (ii) Compliance with the performance standards contained in Section 11.03 (except performance standards 11.03.1.2 and 11.03.6).
- (iii) The level of risk posed by the hazardous substance used and/or stored on the site and the manner in which those risks have been addressed and environmental effects avoided, remedied or mitigated.
- (iv) Management systems for the operation and particularly health and safety systems, emergency response procedures, stormwater treatment and disposal procedures for hazardous substances, fire safety and monitoring and maintenance procedures.
- (v) Compliance with relevant standards, industry-wide and internal codes of practice and legislation and regulations applying to the hazardous facility or substances and any reasons for departing from any such standards or codes.

11.01.4 **DISCRETIONARY ACTIVITIES**

The following are discretionary activities provided they fully comply with the performance standards in 11.03.

- (a) Any hazardous facility that falls within the Effects Ratio (R) levels specified in the HFSP Activity Matrix in Appendix II.
- (b) The clean up and rehabilitation of contaminated sites not provided for as a permitted activity.
- (c) Co-disposal in a landfill not provided for as a permitted activity.
- (d) The retail of petrol, diesel or LPG in quantities not provided for as a permitted activity.

NOTE: Council may impose Financial Contributions in accordance with Section 16.

11.01.5 **NON-COMPLYING ACTIVITIES**

- (a) Any hazardous facility not listed in 11.01.1 and not specified on the HFSP Activity Matrix in Appendix II.

NOTE: Council may impose Financial Contributions in accordance with Section 16.

11.01.6 **PROHIBITED ACTIVITIES**

None.

11.01.7 **EXEMPTIONS**

The Hazardous Facility Screening Procedure is not appropriately applied to all hazardous substance use, storage or transportation. For the purposes of this plan the following activities are exempt from the Hazardous Facility Screening Procedure.

- (a) Trade waste, sewer and waste treatment or disposal facilities;
- (b) Storage or use of hazardous consumer products for private domestic purposes;
- (c) Retail outlets for the domestic usage and sale of hazardous substances including supermarkets, hardware shops and pharmacies;
- (d) Facilities using genetically modified or new organisms;
- (e) Developments that are or may be hazardous but do not involve hazardous substances including mineral extraction high voltage transmission lines, radio masts and electrical substations;
- (f) Dust explosions;
- (g) Gas and oil pipelines;
- (h) Fuel in motor vehicles, boats and small domestic engines.
- (i) Storage and use of hazardous substances in association with any temporary military training activity, in compliance with the Code of Practice developed as Defence Force Orders, through the Defence Act.

11.02 RULES

1. The Hazardous Facility Screening Process (HFSP) matrix set out below shall be used to determine the activity status of a hazardous facility in the Zone in which it is to be located.

Hazardous Facility Screening Procedure (HFSP) Activity Matrix

Zone	Activity Status	
	Permitted	Discretionary
Residential	≤ 0.05	> 0.05
Commercial Rural	≤ 0.25	> 0.25
Industrial	≤ 0.50	> 0.50

2. The Hazardous Facilities Screening Process set out in Appendix II will be used to determine the characteristics of hazardous substances.
3. If the number of hazardous substances on a site is equal to or less than ten, the HFSP will be carried out on all ten substances.
4. If the number of hazardous substances on a site is more than ten, the HFSP will be carried out on those substances which have either:
 - (i) A high or extreme effect rating; or
 - (ii) Are held in quantities exceeding 10% of the applicable Base Threshold;whichever is higher.
5. The calculation of the Effects Ratio (R) shall be undertaken by a person experienced, qualified and presently operating in the field of hazardous substances and facilities, using the Hazardous Facility Screening Process set out in Appendix II.

11.03 PERFORMANCE STANDARDS

For activities which fall within the Effects Ratio (R) levels specified in the Hazardous Facility Screening Process Activity Matrix.

11.03.1 GENERAL ENVIRONMENTAL STANDARDS

1. All activities must fully comply with the permitted activity performance standards that are applicable in the relevant zone.

2. Any person undertaking land use activity or activities involving the storage or use of hazardous substances, excluding service stations, shall prepare a Hazardous Substances Management Plan. The following conditions shall apply to the management plan:
 - (i) The management plan shall be prepared in accordance with the guidelines set out in Section 11.03.6.1 of this section.
 - (ii) The management plan shall include the matters referred to in Section 11.03.6.2 of this section and Section 1.04.3 of this plan.
 - (iii) The management plan shall be submitted to the District Council for certification that it is in accordance with Section 11.03.6 and such certification shall not be unreasonably withheld.
 - (iv) The management plan shall describe how compliance with the standards contained in Section 11.03.6 will be achieved.
 - (v) The management plan shall be adhered to at all times to ensure compliance with the relevant quantitative standards contained in this Plan (refer to 11.03.6.2c).
3. Where any activity involves the use of hazardous substances and facilities, it shall be advised to the Council and included on a register to be held at the Council.
4. All users of hazardous substances shall advise the Council of the methods they adopt to prevent or mitigate adverse effects from the use, storage, transportation, processing, manufacturing and disposal of such substances.
5. The closure of any activity involving the use, storage, transportation, processing, manufacture, and/or disposal of hazardous substances shall be notified to Council, and site owners shall be required to rehabilitate the site to the extent necessary to ensure no permanent long term adverse effects from that activity.

11.03.2 **SITE DESIGN**

1. Areas of the facility where hazardous substances are stored, used, processed or manufactured shall be sealed with materials which are impervious to the substances on the site.
2. Outside storage facilities for liquid and solid hazardous substances shall be sealed and banded so that half the volume of the maximum amount of substances can be contained and excluded from the stormwater system should a spill occur. Containment will be achieved with a retention sump and/or a stormwater valve. In drum storage facilities, the bund shall be able to contain half of the volume contained in all the drums.

- Where compliance with Rule 4 (Code of Practice for "Design, Installation and Operation of Underground Petroleum Storage Systems (Department of Labour 1992), or any amendments, is achieved, that will be considered as one means of complying with this rule.
3. All stormwater grates shall be clearly marked with an appropriate sign stating "Stormwater Only", or the equivalent.
 4. Where storage of petroleum products is proposed in underground storage tanks, compliance with the Code of Practice for "Design, Installation and Operation of Underground Petroleum Storage Systems" (Department of Labour, 1992) and amendments to that Code, will be considered to be one means of complying with the rules in section 11.03.2 of this plan.
 5. Where storage of petroleum products is proposed in above-ground storage tanks, compliance with the Australian Standard AS 1596 – 1989: LPG Storage and Handling – Siting of Automotive Retail Outlets, will be considered to be one means of complying with the rules in section 11.03.2 of this plan.
 6. Areas of the facility where hazardous substances are used, stored, processed, manufactured, mixed or packaged shall be roofed, except that where storage of LPG complies with the provisions of the Australian Standard AS 1596 – 1989: LPG Storage and Handling – Siting of Automotive Retail Outlets, this rule shall not apply.
 7. Areas of the facility which are used for loading or unloading of hazardous substances shall be sealed, bunded and drained so that any spills can be contained and excluded from the stormwater system or so that any spills can be contained and potentially contaminated stormwater intercepted and collected for treatment prior to release to an individual stormwater system.
 8. Areas of the facility which are used for washing equipment or trucks contaminated with hazardous substances shall be sealed, bunded and drained to either a sewage treatment plant or another facility approved by Taranaki Regional Council. A separate resource consent may be required for this.
 9. Vehicle accessways used on the facility to transport hazardous substances shall be provided with cut-off drains which are not directly connected to the stormwater system.

11.03.3 **WASTE MANAGEMENT**

1. Hazardous wastes will be stored onsite in suitable containers that are either covered by an impervious layer or located in a roofed area.
2. Hazardous wastes will not be drained to the stormwater system.

3. Hazardous waste disposal may only be, to facilities which are formally recognised by either a Regional Council or District Council. This includes disposal both within or outside the district.
4. A record will be kept of the quantities of hazardous wastes stored onsite, and taken away for disposal.

11.03.4 **SIGNAGE AND LABELLING**

1. Storage areas for hazardous substances shall be adequately signposted and all hazardous substances containers shall be correctly labelled.

Compliance with the Code of Practice for "Warning Signs for Premises Storing Hazardous Substances" - New Zealand Chemical Industry Council, and amendments to that Code, will be considered to be one means of complying with this rule.

11.03.5 **EMERGENCY AND EVACUATION PLAN**

1. All hazardous facilities shall have an emergency and evacuation plan in place which deals with possible onsite accidents involving hazardous substances.

11.03.6 **HAZARDOUS SUBSTANCES MANAGEMENT PLAN**

The management plan referred to in Section 11.03.1 shall be prepared using the following guidelines where practicable and it shall identify how the relevant quantitative standards in this section are to be met.

1. (a) Information contained in the management plan should be formatted under a number of headings to address the following matters.
 - Site specific description of facility and nature of the activity
 - Description of the geology of the site and subsoil
 - Details of surrounding environment/neighbourhood including any sensitive features of land use, land pattern, landscape and land form (eg rivers, coast, streams, buildings, schools, historical sites)
 - Description of the hazardous substances manufactured, used and/or stored on the site including quantities, manner of storage and use, and location of such
 - Identification of the level of hazard associated with the substances used and stored on the site
 - Spill containment systems operated to avoid release of substances to the environment including loading and unloading areas
 - Operational and procedural methods used to manage the facility including emergency and evacuation systems and fire control

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- Identification of New Zealand Standards, codes of practice and regulations (as relevant) complied with for the operation and management of the substances
 - Identification of the risks associated with the substances used and/or stored on the site in the event of release to the environment including the cumulative effects and synergistic effects (i.e. the effects of one substance upon another) of those substances in the environment
 - Description of the methods used to avoid, remedy or mitigate the effects on the environment of release or loss of the substances used and stored on the site, including the effects on adjoining property or activities
 - Monitoring of the facility and the use of storage of the substances on the site including indicators or triggers for early response in the event of release or loss to the environment
- (b) A description of how compliance with the HSNO Act and regulations and any amendments to that legislation will be achieved and maintained over time.
- (c) Adherence to health and safety, or environmental management systems. The Council considers the use of a system such as the NZCIC Responsible Care Programme, the ISO 9000 system, the ISO 14000 system, the ISRS system, the BS 7750 system, or any other recognised and accepted system, will satisfy this requirement. Details of the system in operation will be required to be included in the management plan.
2. The following quantitative standards apply to the preparation and operation of the management plan in order for any hazardous substances activity to comply with this section:
- (a) A spill containment system such that compliance with performance standards in this section are satisfied including appropriate leak detection systems are in place.
- (b) Compliance with the following standards, codes of practice and regulations, and bylaws as appropriate to the hazardous substances and facility under examination:
- Trade Waste consent or bylaws
 - AS NZ 1596:1997
 - Hazardous Substances Regulations
 - Dangerous Goods Regulations
 - Code of Practice for 'Design Installation and Operation of Underground Petroleum Storage Systems' and 'Supplement No 1 – Management of Existing Underground Petroleum Storage Systems' published by the Department of Labour, OSH, 1992, or any amendments

- (c) Review and updating of the management plan provisions including technical operations and management within the site at least every two years. A copy of the reviewed management plan shall be provided to the Council.