

**BEFORE THE COMMISSIONER APPOINTED BY  
ENVIRONMENT SOUTHLAND**

**In the Matter**

of applications for resource  
consent to operate a landfill  
(APP20202200, APP-  
205862-01-V2)

**Between**

**A B LIME LIMITED**

**Applicant**

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**BRIEF OF EVIDENCE OF STEPHEN SMITH**

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LAWYERS  
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## BRIEF OF EVIDENCE OF STEVE SMITH

### Introduction

1. My name is Stephen Smith. I am the General Manager of AB Lime Limited. I am responsible for the implementation of the overall AB Lime on-site strategic direction, company capability (including human resources and culture), operational systems, improvements, and financial management. I report directly to the AB Lime Board of Directors. I have been in this role since April 2008.
2. I hold a B.Com (Accounting) 1994 from Otago University, a WorkSafe issued A Grade Quarry Managers Certificate of Competence and have significant experience in managing landfill and quarry operations at this site.
3. The purpose of this evidence is to set out the background to the AB Lime Landfill and the reasons for the application, including:
  - (a) A brief history of AB Lime landfill;
  - (b) Symbiosis between the lime quarry and the landfill;
  - (c) Reasons for seeking new consents;
  - (d) Odour issues;
  - (e) Operational handbrakes on landfill that means 'unlimited' volume is not 'unlimited' effects;
  - (f) The level of investment required to improve performance to meet standards relevant to this proposal;
  - (g) Addressing submissions; and
  - (h) The Officer's s 42A report

### History of the Landfill

4. In the late 1990's the Invercargill City Council investigated 40 sites around Southland that might have been suitable for a greenfield landfill site, before settling on, and purchasing, a 121ha property in the Hokonui Hills at Hedgehope.

5. From mid-1998 (and the period leading up to the granting of the AB Lime consent in 2003), the Invercargill City Council had proposed constructing the new landfill facility at this Hedgehope property. There was major opposition to this Hedgehope proposal.
6. In 2002, AB Lime raised the option of siting the landfill at the AB Lime Quarry at Kingsbend, Winton. It was immediately touted as a real alternative to the Hedgehope proposal. At the time, quarrying activities were well advanced at the AB Lime site, landfilling was seen as a preferable use of the land, compared to other greenfield sites.
7. Resource consents for the quarrying and landfilling operations were lodged in 2003. In 2003, the joint application to Southland District Council and Southland Regional Council was publicly notified. The application process drew 38 submissions, 22 in support, 11 against (including the Invercargill City Council itself), and 5 that were neutral.
8. The Committee that eventually granted the application acknowledged the quality of the application and the manner in which AB Lime consulted with its neighbours, and the wider community, on the concept of a landfill at the site.
9. In 2003, after initial local city and district council concerns that AB Lime (a private company) may have a monopoly on waste disposal and would use it for an exclusive economic benefit, a 35-year contract between the parties was signed. It was a major leap of faith at the time for the councils to accept that running a landfill was not necessarily a core council activity, and it could be done by a private company.
10. The final 35-year contract price negotiated actually later proved to show that the 3 local councils (Invercargill City Council, Southland District Council, and the Gore District Council) had saved millions of dollars in waste disposal costs annually. It continues to do so. We are now approximately halfway through this contract period and continue to service the waste disposal needs of these Southland communities.
11. Following the hearing, consent was granted by the Joint Hearing Panel. We constructed the Class 1 facility which opened in June 2004.

12. In June 2021, we will have been operating as a Class 1 landfill facility for 17 years. In a 2010 waste report, the Ministry for the Environment indicated that the AB Lime landfill was one of eleven “high standard” landfills amongst the 43 municipal landfills in NZ.
13. We are proud of our track record as a Class 1 landfill facility, and we seek to get even better with this proposal.
14. In our application summary, we have stated our intention, to become the “premier” landfill for the southern regions of the South Island. The intent of this statement is to become the “best”. Premier to me means leading the way environmentally, commercially and being the best solid waste disposal facility for the communities in the south.
15. In reality, we probably already are the best, but only in context of our 2004 issued consent. If any landfill should be granted a new Class 1 landfill consent within the southern area, we would lose this “best” status, because that new landfill would be meeting 2021 environmental regulatory standards, which have progressed considerably over the course of the 21<sup>st</sup> century
16. Commercially, we intend for the service we provide to remain competitive in the context of the wider waste market. The service a Class 1 landfill provides is “high standard environmental protection for waste” and not just the receipt of the waste itself. Our landfill customers are very discerning and need to be assured that the landfill we have is environmentally robust, as that is what they are paying for. Any deviation from the “premier” as our goal makes our “product” value proposition a harder sell.

### **Symbiosis between Lime Quarry and Landfill**

17. The costs of constructing and running a Class 1 landfill facility are significant. However, AB Lime has significant advantages over other current and potential landfilling facilities.
18. Our site is the home of the South Island’s largest agricultural limestone quarry. We quarry, extract, and sell large quantities of agricultural lime,

fertiliser blends and associated products (circa. 250,000 tonnes per annum)<sup>1</sup>. We employ 47 local people.

19. The extraction of agricultural limestone rock in the quarry enables us to contour the quarry to the exact shape and profile that is required for landfill cell construction. Whilst we do employ contractors and engineers to assist with landfill cell construction, we have a lot of our own mobile plant and equipment to assist with this process. This saves our landfill operation significant costs.
20. Due to vast quantities of lime rock available, and quarry overburden, we have the majority of the landfill cell construction, waste cover and rehabilitation materials already on site when required.
21. We crush, then dry our agricultural lime through two rotary kiln dryers. Whilst these are still primarily coal fired, we now use our available landfill gas to dual fire these kilns which significantly increases their energy efficiency and makes use of landfill gas which is otherwise a wasted resource. We are committed to reducing our emissions as part of this proposal and during normal dryer operation, the landfill gas already replaces 20% of our coal usage. This number is expected to increase as landfill gas volumes increase.
22. We actively seek efficient gas capture, as it has significant environmental and financial benefits (particularly as coal use is phased out in New Zealand), and also due to our obligations under the Emissions Trading Scheme (ETS). There is a financial incentive to capture as much as possible to avoid increasing carbon unit prices. We are consistently seeking ways to do our bit to reduce our carbon footprint from both the coal we use, the waste we receive and the efficiency of our landfill gas capture.
23. There are requirements for the business to comply with strict Health and Safety regulations. Compliance occurs under the guidance and observation of the WorkSafe High Hazards Unit, and their mine inspectors. This means that landfill Health and Safety standards are

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<sup>1</sup> We have a consented extraction rate of 350,000 tonnes per annum until 2038.

aligned, and the landfill is required to adhere to the same high Health and Safety standards that apply to mining activities.

24. Our quarrying, fertiliser, dairy farming, and landfill operations all benefit from the team of environmental scientists and environmental management staff we have on site. As an organisation we are seen as a leader in quarrying and farming environmental discussions. I am currently a DairyNZ Dairy Environmental Leader, and one of thirteen DairyNZ Climate Change Ambassadors around the country.
25. The high level of environmental synergy at and around the site has seen us develop our own 10,000 native plant nursery. We employ a full time Conservation Ranger, to carry out extensive property native bush rehabilitation (in a remnant 63 ha native bush block), as well as riparian, quarry, and landfill rehabilitation plantings. It is our intent to construct and open a walking track for the public once it is completed. We host many community, catchment, school, and farm discussion groups at our site, looking and learning about our environmental initiatives.
26. We also understand the importance of the role we play in waste minimisation. We accept that we are the end of the road for waste disposal. We also host many community, catchment, and school groups, and seek to educate, inform, and advise all areas of the community on the role of the AB Lime landfill in the waste process.

#### **Reasons for seeking new consents**

27. The reality is that we are getting close to reaching the consented 100,000 tonne per annum landfill cap.
28. For clarity, during the 2020 calendar year we received 91,254 tonnes of waste. This was up from 68,799 tonnes in 2019. These tonnage figures have been fully validated and audited by Deloitte as part of our Emission Trading Scheme Annual Returns. Further waste data from January to March 2021 has also been collated. If the waste acceptance

is assessed on a year basis from April 2020 to March 2021, rather than a calendar year, the waste accepted during this time is 95,238 tonnes<sup>2</sup>.

29. Under our existing consent, we are very concerned that any approaches to take larger volumes of waste will have to be rejected by us, no matter the waste. We need to retain some level of “headroom” for volumes being larger than budgeted within our existing agreed commitments.
30. We have seen in recent years an increasing awareness by the community to deal with wastes more appropriately.
31. We now take larger volumes of domestic and industrial wastes, processed sewage, oxidation pond sludge, contaminated soils, and special wastes within our acceptance criteria. In the past, for example, it would have been rare to receive an inquiry for a contaminated soil with levels of contaminants requiring disposal at a Class 1 landfill facility. This is now commonplace as the criteria to meet cleanfill guidelines has tightened.
32. We have requested that the cap be removed to avoid the annual capacity limit from restricting our ability to accept waste in the future. This restriction of an operational tonnage cap is out of step for modern Class 1 landfill facilities. There are many examples of consented operations like ours around the country that do not have a tonnage cap such as Kate Valley and Hampton Downs as discussed in Mr Starke’s evidence<sup>3</sup>.
33. Under our proposal, the landfill will focus more on the management of effects, rather than a volume of waste. This makes perfect sense from an operational perspective. The relationship between the volume of waste and the potential for adverse environmental effects is not linear.
34. I do appreciate that the removal of the volume cap creates a perception of ‘unlimited’ effects, which causes a proportion of the Winton community alarm. But the reality is under our existing consent

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<sup>2</sup> Mr Starke’s evidence at paragraph [20]

<sup>3</sup> Mr Starke’s evidence at paragraph [9]

we can accept 100,000 tonnes, but not 100,001 tonnes. It is how we manage the waste we accept that is important, not the volume we accept. The management framework that we are proposing in this application is a step change for our environmental management. It requires us to pull up our socks to meet modern regulations and best practises that are a level up from our existing consents.

35. AB Lime wish to be able to flex, and adapt, to accept wastes that our community needs is to (within our waste acceptance criteria).
36. We were recently approached about receiving 6,000 tonnes of waste from two old historic closed landfills in coastal Otago. There is an imminent danger of the waste from these old landfills being washed into the sea. It appears like madness to me, that I cannot do anything to help in this situation if the waste meets our consented criteria, because of our current landfill tonnage cap.
37. I acknowledge there are concerns from some submitters about accepting waste from outside Southland. In my view these concerns are not founded in concerns about potential effects. The potential effects on the environment due to accepting waste streams in the AB Lime landfill are the same, irrespective of the location of the waste source. I do not believe waste acceptance should be restricted by regional boundaries.
38. We have a large landfill design capacity. We have a capacity for 24.9 million m<sup>3</sup>, of which nearly 1 million m<sup>3</sup> has been filled to date. Based on historical acceptance data the landfill is likely to reach capacity by approximately 2080<sup>4</sup>. The ability to continue to be able to take all of Southland's waste for many generations is not threatened by our application.

**Odour Issues: Mycoplasma Bovis Cows and Bonamia Ostreae Oysters**

39. A number of submitters have raised issues they experienced with odour from the landfill in 2018. That year we accepted approximately

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<sup>4</sup> This figure has been updated due to having audited 2020 tonnages. The waste projection capacity is discussed in Mr Starke' evidence at paragraphs [17]-[19].

5,000 cattle carcasses (1,127 tonnes) and 1,919 tonnes of oysters and mussels following the Ministry of Primary Industries (MPI) programmes to deal with *Mycoplasma Bovis* and *Bonamia Ostreae*. We acknowledge that as a result of those waste streams our neighbours were subjected to odour effects that were not acceptable.

40. It is useful to set out the background of those two issues for context.
41. The MPI response to the *Bonamia Ostreae* outbreak in the commercial oyster and mussel farms in Big Glory Bay, Stewart Island was significant. Logistically, getting oysters from Big Glory Bay to AB Lime without increasing biosecurity risks took a lot of planning. I attended many meetings, in short succession, at the Civil Defence headquarters in Invercargill. AB Lime were the final disposal location for this shellfish. It is my understanding that there were very limited alternative options available for disposal at the time.
42. As a result of accepting this waste stream our site operational changes were significant. We had to apply to the Southland District Council for a temporary change to our landfill land use consent to allow for longer landfill opening hours mainly due to the harvesting, shipping, and trucking logistics.
43. The waste was arriving very late in the day. We were required to operate the landfill at night, and light towers had to be erected for safety reasons. We had 3-4 AssureQuality staff on-site at all times. AssureQuality had a portacom office and other facilities delivered on site to allow the decontamination of trucks that were entering and leaving the landfill site. The operation went on for weeks.
44. There was a large amount of public attention and we received odour complaints from this operation. In fact, 2 complaints were received about the smell of oysters before we had even received any. This is the nature of running a landfill operation.
45. The MPI response to *Mycoplasma Bovis* was also a significant biosecurity operation (prior to COVID-19, it was New Zealand's largest), that had wide ranging repercussions in Southland. Early on in

the outbreak there were public meetings in Winton to discuss the response. We attended those meetings. At the time, I was there as a concerned farmer, because of our AB Lime 950 cow dairy operation.

46. Emotions were running high. It was clear during that meeting the enormous amount pressure that the Southland farming community was coming under. It was a highly stressful and emotional time for many within the beef and dairy sectors. It was also a very fluid situation for MPI staff, and they were learning “on the fly”.
47. We were latterly approached by MPI to ask if we could receive infected cattle that had to be culled but were not fit for commercial slaughter. After internal discussions, we agreed to accept those cattle. We were worried about the public perception of this, but we felt we had a moral responsibility to accept the waste, because there were very few other satisfactory disposal options. Some of the infected cows were so sick they had to be culled on farms because they were too ill to be transported live<sup>5</sup>. If the AB Lime landfill was not a viable option for MPI it is my understanding they may have had to be buried in alternative locations without Class 1 infrastructure, which could have been a much worse environmental outcome for the region and the country.
48. What we did not anticipate when we agreed to accept the waste was the scale and speed with which we would be required to do so. AssureQuality staff again became part of our landfill operations, for biosecurity decontamination purposes, and a watchdog of our systems.
49. Initially we were expecting to receive loads in the vicinity of 10’s at a time. What happened was it was multiples of 10’s and many loads in quick succession.
50. I don’t think many people appreciate how sick a lot of these cows were. I remember taking a call on a Sunday morning asking us to take 63 dead cattle, that died on the yard at the abattoir before they could be slaughtered. I told them it was a Sunday, and we did not open the landfill on a Sunday. I couldn’t help. They were loaded on trucks,

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<sup>5</sup> Approximately 1000 animals we received had to be culled on farm.

which were parked up, and delivered the next day. The whole situation was pretty horrific for everyone involved.

51. The sheer logistics of it when it was at its peak was incredible. There was a lot of public commentary (including protestations from Local MP's) about the fact these animals were being disposed of rather than processed for some useful purpose. Many of the animals we received were young and too small for processing at abattoirs even if they were healthy enough to get there. Due to the nature of the disease MPI had little control over the speed at which they needed to be dealt with and the abattoirs only had so much capacity. It was difficult for us to get the MPI cow culling process to slow down or stop at the time.
52. With hindsight, I feel we should have been offered a better level of protection and co-ordination by MPI, either under emergency provisions of the RMA, or via an Environmental Court Order. The sheer volume of carcasses was very challenging for us to handle and we were unfortunately not able to avoid some very bad odours.
53. We were issued with abatement notices to stop the odour emissions and in response to those we did everything we could to try and address the issue including installing extra gas capture wells, increasing cover, treating them with limestone, etc. These measures assisted but there were further odour complaints which ultimately resulted in us being issued with an infringement notice.
54. We have never had the ability to tell this story. In both these cases, we felt that we were trying to urgently help our struggling primary industries. We accept our neighbours were negatively affected by these culling operations and our part in it. In many respects it has provided further impetus for this consent application which allows us to update and improve the operational conditions to the most modern standards.
55. We are still paying the price for these operations today as a result of the distrust it has created within parts of the community towards AB Lime. Over a third of the odour complaints we have received in the 17

year period we have been operating, were received in the 3 months following the receiving of the cull cows.

56. We have learnt a lot from these two crisis situations. Part of this proposal is a suite of processes to ensure we better manage these types of scenarios in the future. The proposed conditions of this application identify a protocol to be followed when we are directed to take waste from a Government Agency<sup>6</sup>, or in a similar scenario to the cull cows/oysters. Also, specific chapters have been implemented in the Landfill Operations Management Plan (LOMP) and Landfill Air Quality Management Plan (LAQMP) that allow us to manage the effects of these types of waste streams in the future.
57. It is clear in these situations that events unfold quickly. Through this proposal we are trying to position ourselves as best we can to respond to these types of scenarios and be transparent with Environment Southland, iwi, and neighbours. Part of the notification process included in the protocol will request that a council officer be made available to oversee the disposal so that we can have proactive discussions about how to adapt our operations if necessary.
58. Section 6.1 of the LOMP stipulates that AB Lime are to provide key information on the nature, volume, and duration of the waste stream, as well as providing a clear plan on how we can manage effects on site. This will help with waste acceptance, including deep burial of the waste, treating it with additional lime, as well as providing odour control measures to be followed depending on nature of the waste<sup>7</sup>. This provides AB Lime with the tools to effectively deal with these situations if they arise in the future.

### **Operational handbrakes**

59. We have applied for the removal of the current 100,000 tonne tonnage cap in our application. This has caused concern for submitters, and also in the wider community via social media groups, who are

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<sup>6</sup> Refer to Condition 19 of discharge permit for solid waste onto or into land of proposed conditions of consent

<sup>7</sup> Refer to Section 6.2 of the LOMP.

concerned this will give rise to effects that are unconstrained and unchecked. That is not the reality, so I feel I need to address this directly.

60. Phrases and concerns like, “unlimited waste”, “sole landfill”, “whole lower South Island” have been used in petitions, and media articles when referring to our application.
61. There are currently many landfills (of varying quality) operating in the lower South Island. As such waste producers have quite a few options available for waste disposal. Our aspiration is to be the premier landfill in the Southern South Island. By premier, that does not mean ‘only’, but we want to be the best at what we do, operationally and environmentally so that people will choose to bring their waste to us.
62. Because we receive waste that is gathered by other intermediary operators before coming to us, we actually do not have a great deal of control about where it actually has come from.
63. Waste Management Institute New Zealand (and the Ministry for the Environment) are currently working on designing methods to try and better capture waste information, but it is not easy. This information is also not commercially available.
64. This proposal will put us in a position to assess and adapt to waste inquiries as they come into us and as standards for waste disposal change over time. Although I would reiterate, that anything that we accept in the future will still need to meet the waste acceptance criteria.
65. Consenting, constructing, and operating a Class 1 landfill has a high cost associated with it. As other city and district council solutions come under pressure due to higher environmental standards and compliance, they need to make a call on what they are going to do with their waste. It is not financially possible for smaller townships to construct a modern Class 1 landfill facility. We are in a position to offer our landfill as an option to them.

66. With the removal of the cap, we are requesting flexibility to be able to respond to these inquiries in the future.
67. However, that does not mean that we have infinite capacity. We do have internal, practical limits on our operational capability.
68. Our weighbridge is very busy at times, with our agricultural lime, fertiliser and waste business using the same entry point. The time it takes for vehicle to enter the site puts an operational limit on internal movements to ensure the safety of the site.
69. A second weighbridge is an option we can use to reduce this but would require a step-change to on-site operations and considerable planning. Even with the installation of a second weighbridge if it is required, there will not be an 'unlimited' amount of waste trucks that would be on site.
70. We have certain key pieces of mobile plant (excavators, compactors, dump trucks, etc.) to be able to deal with the waste as it arrives. Only so many pieces of large machinery can be operating at the working face at any one time. This is one of the key 'internal handbrakes' within the site.
71. As is discussed by others, one of the most significant steps we are taking to improve how we manage environmental effects, including landfill gas capture, reduction of leachate ingress and reduction of odour, is to reduce the size of our landfill working face to no more than 1000 m<sup>2</sup>. In May 2020 it was approximately 3,625 m<sup>2</sup> and at other times I understand it has been larger than this. This is a considerable site change we are working toward implementing as we work towards the environmental improvements required if this proposal is granted. The smaller working face constrains our ability to have waste trucks at the tipping face.
72. The other significant operational handbrake is the ability for us to quarry, extract, and sell agricultural lime. Essentially, we are making a hole for the waste to be placed as part of our normal quarrying operations. We are currently consented to extract 350,000 tonnes of lime rock per annum. The bulk density of lime rock verses waste, and

quarry profile verses final landfill profile, does distort this comparison a bit. So, 350,000 tonnes of rock, is not the equivalent to 350,000 tonnes of waste. We have to plan many years ahead with our rock extraction to ensure that the landfill cells will have the room to be constructed. This planning is important. A bad decision made now in quarry planning, could have a negative effect, to a manager in 20 years' time, or even 40.

73. "Unlimited waste" in reality is not really a valid perception for our landfill from the removal of the current tonnage cap.
74. Firstly, because the waste needs to actually exist, and current volumes of waste being produced are unknown.
75. Secondly, the owner of the waste needs to wish for it to be disposed of at the AB Lime landfill. Cost and environmental comparisons for disposal alternatives are unknown and these decisions rest with the relevant district and city councils and other waste producers.
76. Thirdly, as identified with our operational handbrakes we need to be able to satisfactorily deal with the waste within our operational capabilities.
77. Any requests to take large increases in volumes of waste will need close consideration and operational planning. What we expect is gradual incremental increases overtime. However, regardless of how that occurs we considered that it is important to use an environmental effects basis for the framework of a new consent, rather than a tonnage one. It allows us to closely assess the implications and difficulties of any additional waste stream. The assessment of a contaminated soil waste stream looks very different to that of a highly odorous special waste, irrespective of volume.

**Investment required to improve performance to meet standards relevant to this proposal**

78. The AB Lime Board of Directors require us to achieve high environmental and operational standards and to be continually improving. We strive to run a quality operation.

79. It is obvious to anybody reviewing it, that our current landfill consent is a bit outdated. New environmental standards have been implemented and improved since the granting of our original consent, including the National Environmental Standards for Air Quality (NES-AQ).
80. Our existing consents are very prescriptive about what we have to do operationally with cell construction, monitoring, and landfill operation. Many landfill design and operational standards are written into our consent.
81. Our existing consents do not expire until 2038.
82. This point is one of the real upsides of our proposed consent application. The current standards written into our existing consent have been superseded. The environmental standards needing to be met under a new consent will be a lot higher. The granting of this consent secures compliance with these more stringent conditions and the attendant benefits that will arise from that.
83. We do not wish to pre-empt the outcome of this application process, however, we are currently working toward implementing operational changes that will be required to comply with these higher standards. We are excited about getting better at what we do.
84. However, the costs associated with this improvement are significant.
85. Our landfill cell lining system almost doubles in depth due to new industry guidelines. We expect our lining system to cost approximately a third more, under the new industry guidelines. As an indication, under our existing consent guideline, our last small cell (Area 15) cost \$2.4 million to construct, we expect this to increase significantly for the next one.
86. The reduction in working face area to 1,000 m<sup>2</sup>, requires the purchase of \$1.0 million of new mobile plant, the design of a formalised filling plan, and in addition to this, the purchase of drone and surveying equipment to enable closer monitoring of operations and provide on-site survey capability. This equipment costs \$80,000.

87. The landfill now operationally requires 8 full-time staff to operate compared to 3 previously (excluding the two full-time environmental management staff monitoring the landfill, and the 4 part-time weighbridge staff we also have).
88. The NES-AQ standard requires the allowable fugitive methane limits to reduce by 10 times from the currently consented 5%, to 0.5%. Our temporary, intermediate, and permanent landfill cap requirements increase in depth, and will require close monitoring and maintenance. We expect that approximately double the volume and tonnage of cover material will be required to be moved, on a daily, monthly, and annual basis, to meet the new standards.
89. We are currently trialling a proposed new permanent capping design. This cap requires multiple layers of different specified cover materials, including bentonite impregnated fabrics. This will improve our gas capture and reduce fugitive gas emissions, so has benefits to all.
90. A back up flare will be installed as soon as practicable to comply with the NES-AQ standards to flare landfill gas when the principal flare and the alternative energy use to fire the lime kilns are unavailable. The cost of a backup flare is currently unknown, however, our principal flare cost \$700,000 (excluding gas pipelines) and the lime kiln burner project \$224,000. We budget the backup flare cost to be somewhere in between these two project costs.
91. We also foresee landfill leachate management as a future issue under the new NPS – Freshwater Management as the trade waste acceptance criteria tightens. We are currently exploring modern environmentally friendly treatment options for the ongoing management of landfill leachate.

### **Addressing Submissions**

*Te Ao Marama Inc. and Hokonui Rūnanga Inc.*

92. I would like to take this opportunity to acknowledge Hokonui Rūnanga Inc. and Te Ao Marama Inc. on behalf of Te Rūnanga o Awarua and Waihōpai Rūnaka these important hapū. Their input through this

application process has been important to us. We understand that the operation of a landfill and the potential for adverse effects can impact on cultural values.

93. Mr McCone has identified in his evidence the changes requested by hapū as part of this proposal and identifies how we have endeavoured to respond to the matters raised<sup>8</sup>.
94. We acknowledge how busy hapū are, but we will be continuing to develop our relationship further, to improve our cultural awareness as an organisation, and strive for better kaitiakitanga management of the land that AB Lime has under its current ownership.

#### *Adjacent Landowners*

95. I have identified in my evidence how addressing submitters concerns, particularly around waste management and odour impact on day to day operations at the site. Mr Starke, Mr van Kekem and Mr Baker all address the specifics of potential for air quality, landfill operations and groundwater effects in their evidence and I defer to the experts for their assessment on these matters.
96. I would like to acknowledge not only the submitters who have raised concerns, but also all of the neighbours in the vicinity of AB Lime and the wider Winton community.
97. We are proud to live and operate in Browns. We are committed to best practices and this proposal, if granted, provides a positive step-change in environmental management for the site.
98. We understand that during the past, particularly the highlighted cow and shellfish events, we have fallen short in preventing objectionable and offensive odour effects on your property, which has impacted your quality of life.
99. However, we have been learning quickly and we are committed to continual improvement. This proposal provides us with a fit for purpose

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<sup>8</sup> Evidence of Mr McCone at paragraphs [213]-[219]

framework to ensure current standards are met and that best practise techniques can be adopted as technology progresses.

100. If the decision is not granted, we can continue to operate under our existing consents until 2038. Whilst we will seek to implement the improvements, we can within the terms of our consent we will not be able to do all of the things that we are proposing under this proposal. In my view that would be a missed opportunity.

#### **Officer's s 42A Report**

101. The s 42A report has identified concern with AB Lime becoming the 'premier' landfill for the lower South Island.
102. I have specifically addressed this concern in paragraphs [14]-[16] of my evidence. With the conditions of consent proposed and the requirements of a Class 1 landfill it is simply not possible to achieve the industry status of a premier landfill, without providing the level of environmental management required. My evidence demonstrates that commercial drivers and environmental management are interdependent.
103. I think the conclusions drawn in the s 42A report misunderstands this point.
104. Another concern I would like to address from s 42A report is the comment in it being unclear why the cap is required to be removed. In this evidence I have now provided updated and audited 2020 waste acceptance data for the AB Lime landfill. For 2020, we accepted 91,254 tonnes of waste. If it was not clear at the point of lodgement (waste acceptance until May 2020), it is now abundantly clear we do not have much headroom left.
105. In 2021 we are likely to push closer to this limit. I would like to explore a very real scenario for the wider community if this proposal is refused. What happens if another outbreak like *Mycoplasma Bovis* occurs and we are at our tonnage limit? AB Lime cannot legally accept the waste unless compelled to do so by the Government or the Court. There is no Plan B for the region. We are a Class 1 landfill designed with an

effective liner, leachate management system, gas capture system and effective capping. If the waste can meet our current waste acceptance criteria and does not come here, the next option may be Kate Valley in North Canterbury 617 km (minimum 8-hour drive) away. When we talk about future proofing the landfill this is exactly what we mean.

106. If that situation arises and we cannot help, that moment could be dire. The possible flow on effects of this to the wider community are significant.

### **Conclusion**

107. We are proud of our track record as a Class 1 landfill facility, and we seek to get even better with this proposal.
108. In our application summary, we have stated our intention, to become the “premier” landfill for the southern regions of the South Island. The intent of this statement is to become the “best”. Premier means leading the way environmentally, commercially and being the best solid waste disposal facility for the communities in the south.
109. During the 2020 calendar year we received 91,254 tonnes of waste. Further waste data from January to March 2021 has also been collated. If the waste acceptance is assessed on a year basis from April 2020 to March 2021, rather than a calendar year, the waste accepted during this time is 95,238 tonnes.
110. I do appreciate that the removal of the volume cap creates a perception of ‘unlimited’ effects which causes some alarm. However, the reality is under our existing consent we can accept 100,000 tonnes, but not 100,001 tonnes. It is how we manage the waste we accept that is important, not the volume we accept. The management framework that we are proposing in this application is a step change for our environmental management, to meet modern regulations and best practises that are a level up from our existing consents.
111. In both emergency responses, we felt that we were trying to urgently help our struggling primary industries. We accept our neighbours were negatively affected by these operations, which has provided further

impetus for this consent application which allows us to update and improve the operational conditions to the most modern standards.

112. The NES-AQ standard requires the allowable fugitive methane limits to reduce by 10 times from the currently consented 5%, to 0.5%. Our temporary, intermediate, and permanent landfill cap requirements increase in depth, and will require close monitoring and maintenance. We expect that approximately double the volume and tonnage of cover material will be required to be moved, on a daily, monthly, and annual basis, to meet the new standards. This all requires significant investment.
113. Finally, I would like to re-iterate the current standards written into our existing consent have been superseded. The environmental standards needing to be met under a new consent will be a lot higher.
114. The granting of this consent secures compliance with these more stringent conditions and the associated benefits that will arise from that.

Date: 28 April 2021

Steve Smith