

CONTAMINATED LAND Fact Sheet

1

Are you planning:

Earthworks?

Subdivision?

A change of land use?

To sell or buy a property?

To sample soil for
contamination?

Removal or replacement of
an underground fuel storage
system?

To apply for resource consent?

Have you considered that your property could
be contaminated?

Are you aware of your responsibilities under
regulations¹ for potentially contaminated land?

If you are planning to carry out any of these
activities, you must first establish whether your
property could be contaminated. You need to know
whether it is used, or might have been used, for a
hazardous activity or industry.

A National Environmental Standard introduced in 2012 requires
you to do this before you carry out your activity – whether you
are planning to subdivide, change the use of land, disturb the
soil, or remove or replace a fuel storage system. Otherwise,
you may face unwelcome consent delays, increased costs or
penalties for breaching regulations.

¹ The National Environmental Standard for Assessing and Managing
Contaminants in Soil to Protect Human Health (NES Soil) www.legislation.govt.nz/regulation/public/2011/0361/latest/DLM4052228.html

² www.mfe.govt.nz/issues/managing-environmental-risks/contaminated-land/is-land-contaminated/hail.html

This fact sheet will help you to determine whether your
property may be contaminated. It explains:

- what is meant by 'contaminated land'
- how to find out about past land uses on your property
- how to check whether your land is potentially
contaminated by any of the activities on the HAIL list (the
Hazardous Activities and Industries List)²
- If your land is HAIL land (potentially contaminated), then
other fact sheets in this series will help you work out what
to do next.

What is contaminated land?

Contaminated land is land that contains hazardous
substances at levels that can potentially harm people and the
environment, over the short or long term.

People can be exposed to hazardous substances in lots of
ways. They can breathe vapours or dust from the soil, eat food
grown in contaminated soil, or have direct contact with this
soil. The environment may be affected by contamination of soil
or ground water, or the discharge of contaminants to nearby
water bodies.

How do I find out about past uses of my land?

Councils often hold information about properties that may have
been contaminated as a result of land use. We recommend that
you contact both your local (city or district) and regional council
to see if your property is known to have been associated with a
hazardous activity or land use.

Alternatively, you can engage a suitably qualified and
experienced practitioner (SQEP) to make a professional
assessment of the likelihood of contamination.

How do I tell whether my land is potentially contaminated, and covered by the NES regulations?

Look at the Hazardous Activities and Industries List (HAIL),
listed here.

The Hazardous Activities and Industries List (HAIL) as at February 2014

This HAIL list provides guidance on industries and activities
which typically use or store hazardous substances that,
through improper management, could potentially cause
contamination. Remember that the activity may only have
occupied a small part of the property and therefore the
possibility of contamination may also be for a small part of
the property. The presence of an activity or industry does not
necessarily mean that the property is contaminated.

A Chemical manufacture, application & bulk storage

- 1 Agrichemicals, including commercial premises used by spray contractors for filling, storing or washing out tanks for agrichemical application
- 2 Chemical manufacture, formulation or bulk storage
- 3 Commercial analytical laboratory sites
- 4 Corrosives, including formulation or bulk storage
- 5 Dry-cleaning plants, including dry-cleaning premises or the bulk storage of dry-cleaning solvents
- 6 Fertiliser manufacture or bulk storage
- 7 Gasworks, including the manufacture of gas from coal or oil feedstocks
- 8 Livestock dip or spray race operations
- 9 Paint manufacture or formulation (excluding retail paint stores)
- 10 Persistent pesticide bulk storage or use, including sport turfs, market gardens, orchards, glass houses or spray sheds
- 11 Pest control, including the premises of commercial pest control operators or any authorities that carry out pest control where bulk storage or preparation of pesticide occurs, including preparation of poisoned baits or filling or washing of tanks for pesticide application
- 12 Pesticide manufacture (including animal poisons, insecticides, fungicides or herbicides) including the commercial manufacturing, blending, mixing or formulating of pesticides
- 13 Petroleum or petrochemical industries, including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, or bulk storage of petroleum or petrochemicals above or below ground
- 14 Pharmaceutical manufacture, including the commercial manufacture, blending, mixing or formulation of pharmaceuticals, including animal remedies or the manufacturing of illicit drugs with the potential for environmental discharges
- 15 Printing, including commercial printing using metal type, inks, dyes, or solvents (excluding photocopy shops)
- 16 Skin or wool processing, including a tannery or fellmongery, or any other commercial facility for hide curing, drying, scouring or finishing or storing wool or leather products
- 17 Storage tanks or drums for fuel, chemicals or liquid waste
- 18 Wood treatment or preservation including the commercial use of anti-sapstain chemicals during milling, or bulk storage of treated timber outside

B Electrical and electronic works, power generation and transmission

- 1 Batteries, including the commercial assembling, disassembling, manufacturing or recycling of batteries (but excluding retail battery stores)
- 2 Electrical transformers, including the manufacturing, repairing or disposing of electrical transformers or other heavy electrical equipment
- 3 Electronics, including the commercial manufacturing, reconditioning or recycling of computers, televisions and other electronic devices
- 4 Power stations, substations or switchyards

C Explosives and ordnances production, storage and use

- 1 Explosive or ordnance production, maintenance, dismantling, disposal, bulk storage or re-packaging
- 2 Gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors
- 3 Training areas set aside exclusively or primarily for the detonation of explosive ammunition

D Metal extraction, refining and reprocessing, storage and use

- 1 Abrasive blasting, including abrasive blast cleaning (excluding cleaning carried out in fully enclosed booths) or the disposal of abrasive blasting material
- 2 Foundry operations, including the commercial production of metal products by injecting or pouring molten metal into moulds
- 3 Metal treatment or coating, including polishing, anodising, galvanising, pickling, electroplating, or heat treatment or finishing using cyanide compounds
- 4 Metalliferous ore processing, including the chemical or physical extraction of metals, including smelting, refining, fusing or refining metals
- 5 Engineering workshops with metal fabrication

E Mineral extraction, refining and reprocessing, storage and use

- 1 Asbestos products manufacture or disposal, including sites with buildings containing asbestos products known to be in a deteriorated condition
- 2 Asphalt or bitumen manufacture or bulk storage (excluding single-use sites used by a mobile asphalt plant)
- 3 Cement or lime manufacture using a kiln, including the storage of wastes from the manufacturing process
- 4 Commercial concrete manufacture or commercial cement storage
- 5 Coal or coke yards
- 6 Hydrocarbon exploration or production, including well sites or flare pits

- 7 Mining industries (excluding gravel extraction), including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings

F Vehicle refuelling, service and repair

- 1 Airports, including fuel storage, workshops, washdown areas, or fire practice areas
- 2 Brake lining manufacturers, repairers or recyclers
- 3 Engine reconditioning workshops
- 4 Motor vehicle workshops
- 5 Port activities, including dry docks or marine vessel maintenance facilities
- 6 Railway yards, including goods-handling yards, workshops, refuelling facilities or maintenance areas
- 7 Service stations, including retail or commercial refuelling facilities
- 8 Transport depots or yards, including areas used for refuelling or the bulk storage of hazardous substances

G Cemeteries and waste recycling, treatment and disposal

- 1 Cemeteries
- 2 Drum or tank reconditioning or recycling
- 3 Landfill sites
- 4 Scrap yards, including automotive dismantling, wrecking or scrap metal yards
- 5 Waste disposal to land (excluding where biosolids have been used as soil conditioners)
- 6 Waste recycling or waste or wastewater treatment

H Any land that has been subject to the migration of hazardous substances from adjacent land in sufficient quantity that it could be a risk to human health or the environment

- 1 Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment

What if my land is covered by the HAIL?

If any of the above activities have taken place or are taking place on your property, then the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES Soil)⁵ applies.

You may need an NES Soil consent, in addition to any resource consents that you are applying for under the Resource Management Act 1991. You will need to discuss all consent requirements with local (district or city) council and regional council staff.

In some cases, an investigation may need to be carried out by a suitably qualified and experienced practitioner (SQEP) - an environmental consultant with expertise in contaminated land - to determine the actual levels of contamination across a property. This practitioner can also provide you with independent advice.

See your council for further guidance.

More information can be found in the other fact sheets in this series:

Contaminated Land Fact Sheet Two

Are you selling or buying a property that may be contaminated?

Contaminated Land Fact Sheet Three

Are you about to subdivide or change the land use of a potentially contaminated property?

Contaminated Land Fact Sheet Four

Are you carrying out earthworks on a potentially contaminated property?

These factsheets can be downloaded from www.wasteminz.org.nz

Further Information

Risks from Contaminated Land

www.mfe.govt.nz/issues/managing-environmental-risks/contaminated-land/index.html

Users' Guide: National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

www.mfe.govt.nz/publications/rma/users-guide-nes-for-assessing-managing-contaminants-in-soil/guide-nes-for-assessing-managing-contaminants-in-soil.pdf