

Appendix D Compliance and enforcement history

COMPLIANCE AND ENFORCEMENT HISTORY

FTAA referral form

1.4.1 Compliance and enforcement history – repeat for all applicants

1.4.1 Have there been any compliance or enforcement actions taken against the applicant (or if the referral application is lodged by more than one person, any of those persons) under a specified Act definition for either 'compliance' or 'enforcement'?

☒ Yes – see below

☐ No – proceed next

1.4.2 If you answered yes above, please provide a summary of the relevant legislation and provisions, and any compliance or enforcement actions, and the outcome of those actions taken under the specified Act against the applicant or applicants, if the referral is being lodged jointly.

The applicant, Waste Management NZ Limited ("**WMNZ**"), is a leading provider of waste and environmental services in New Zealand, having a comprehensive national footprint and extensive technical capability. Originally established in 1894 as a transport business, WMNZ transitioned into the waste industry approximately 90 years ago. Today, the company operates a wide network of world-class waste disposal and recovery facilities and assets in 94 locations across New Zealand.

WMNZ is strongly committed to robust environmental processes to ensure compliance with all environmental laws and its environmental consents and approvals. As part of ensuring compliance, WMNZ has an audit process to ensure compliance across the business is being achieved.

The following records formal enforcement action (being infringement or abatement notices, enforcement orders and / or prosecution) pursuant to the Resource Management Act 1991 ("**RMA**") in relation to landfills in New Zealand that are owned or operated by WMNZ¹ over the past 10 years (as of the date of this application).

(a) Redvale Landfill and Energy Park

WMNZ owns and operates a landfill and energy park at Landfill Access Road, Dairy Flat, Auckland 0794 ("**Redvale Landfill**"), which is the subject of the present application.

Three infringement notices were issued by Auckland Council in 2016 in relation to:

- The wheel wash being impaired / not operational for a short period and vehicular movement tracked sediment onto a public road adjacent to the landfill site in contravention of the resource consent conditions. WMNZ undertook repairs as a matter of urgency. Repairs to the wheel wash were already underway when a second infringement notice was issued in relation to sediment onto a public road. The issue has since been fully remediated with installation of a second wheel wash to provide a level of redundancy and improve the mud removal.
- An incident involving the discharge of objectionable odour in breach of an abatement notice, issued in 2010.

¹ Including six landfills.

- WMNZ continues to implement procedural controls to minimise offsite odour effects at Redvale Landfill and no enforcement action has been taken in relation to objectionable odour since then.

In 2018, Auckland Council issued a warning for technical breaches of maximum consented leachate levels at Redvale Landfill. No formal notices or fines were issued.

On 23 December 2021, Auckland Council issued an abatement notice (reference ABT21595054) for non-compliance with measured leachate which exceeded resource consent conditions² under Consent BUN20406437:

- To address these non-compliances, leachate levels within the landfill have been part of an ongoing investigation at Redvale, and there has been no outward migration of leachate (despite elevated levels within the landfill). WMNZ has engaged in extensive leachate compliance monitoring since the issue of the abatement notice to understand the potential impacts from this exceedance. WMNZ continues to work with Tonkin & Taylor Limited and the Redvale Peer Review Panel (led by Pattle Delamore Partners Limited) to address this issue, including undertaking leachate level and flex assessments.

The recent leachate level assessments have confirmed the compliance level set out in Condition 108 is unnecessarily restrictive and that in raising the monitoring level the general purpose of the condition will still be upheld. Therefore, with the support of the Redvale Peer Review Panel, WMNZ is intending to make an application under s127 of the RMA to vary Condition 108 to ensure compliance is achieved moving forward, and that the effects from leachate are appropriately managed.

(b) Green Island Landfill

WMNZ operates a landfill at 9 Brighton Road, Green Island, Dunedin 9018 ("**Green Island Landfill**").

On 29 September 2023, Otago Regional Council issued an infringement notice (EN.RMA.23.0107) for odour discharges from the Green Island Landfill beyond the site boundary. WMNZ sought to discuss this notice with the Regional Council to better understand how WMNZ can better engage with Regional Council on operational activities, community and improvements at this site. A fine was issued and no further action has been taken.

(c) Tirohia Landfill and Energy Park

WMNZ acquired Tirohia Landfill and Energy Park, located at 5 Quarry Road, Tirohia 3673 ("**Tirohia Landfill**") in 2018. Accordingly, the compliance history provided below relates to WMNZ's operations on the site, from 2018 onwards.

In 2018, Waikato Regional Council issued an infringement notice for a discharge of contaminated stormwater (with leachate) onto land where it may enter water (ie a tributary of the Waihou River). WMNZ paid a fine of \$750 and fully remediated the issue.

In 2018, Waikato Regional Council issued an abatement notice for a technical breach of a resource condition. There was no environmental damage involved. The abatement notice has since been cancelled.

² Condition 108 of this resource consent requires the measured leachate level in monitoring well LM1 to not exceed RL 48.0 m and must always be at least 0.5 m below the groundwater level. Most of these leachate condition infringements were subsequently resolved.

On 21 February 2023, Waikato Regional Council issued an abatement notice for exceeding permitted leachate levels. All requirements set out in the abatement notice have been fully complied with and the abatement notice was cancelled in February 2025.