

ASSOCIATED NOTES

USE OF LAND FOR STORAGE OF A SPECIFIED HAZARDOUS SUBSTANCE IN AN ABOVE-GROUND STORAGE TANK

Name of applicant (Reference)

Surname:

OR

Company name:.....

Location:

In order to be a permitted activity and not require a resource consent, you will need to comply with all of the conditions of both the Environment Canterbury Bylaw No. 2: Underground Water 1990 (incorporating Change No. 2 of the Transitional Plan) AND Rule WQL43 in the proposed Natural Resources Regional Plan, Chapter 4, Water quality. If you do not, you will need a resource consent under one of a number of categories depending on which condition you do not comply with.

By working through this document, you should be able to determine whether you need a resource consent and what the status of your activity is. If you require a resource consent, you will need to complete this form and the form "APPLICATION FOR RESOURCE CONSENT" Use of land for storage of a specified substance in an above-ground storage tank" and submit both to Environment Canterbury.

The Resource Management Act 1991 requires under Section 9(3) that no person may use land in a manner that contravenes a rule in a regional plan or proposed regional plan, unless the activity is –

- (a) expressly allowed by a resource consent granted by the territorial authority responsible for the plan; or
- (b) an existing use allowed by section 20A.

Section 20A allows for existing usage that contravenes a rule in a proposed regional plan provided that IT WAS LEGALLY ESTABLISHED before the rule was notified. However, it is most likely you will require a resource consent when the plan becomes fully operative.

The Transitional Regional plan (TRP) is the current operative plan.
The Proposed Natural Resources Regional Plan (pNRRP) is the proposed plan.

Existing use provisions

Was the land use for the storage of substances EXISTING and LEGALLY established or authorised before 3 July 2004 and the aggregate volume or quantity of hazardous substances used or stored not increased since then?

- YES. Providing it does not contravene any of the requirements of the TRP (Bylaw No. 2), the land use will be a permitted activity until the pNRRP becomes operative. It may then require a resource consent.
- NO. The land use will only be a permitted activity providing it does not contravene any of the requirements of BOTH the TRP and the pNRRP.

Transitional Regional Plan (TRP)

Bylaw No. 2, Underground Water incorporating Change No. 2 of the TRP

The following are permitted activities for the storage, transfer or usage of the named substances.

1. SUBSTANCES

Please indicate which substance(s) to be used/stored/transferred are involved. Note that unless the substance is one of the following, it does not require a resource consent under the TRP.

Substance		Describe
Petroleum compounds	<input type="checkbox"/>	
Chlorinated hydrocarbons	<input type="checkbox"/>	
Brominated hydrocarbons	<input type="checkbox"/>	
Timber chemicals	<input type="checkbox"/>	

2. ACTIVITY

Please indicate which activity is involved:

- (a) The use of a container that was in place prior to 14 October 1995.
- (b) Repair or replacement of any pipes, taps, valves, hoses or other fittings that are attached to a container.
- (c) The use, erection or placement of any electrical transformer that replaces on the same site an existing electricity transformer of an oil holding capacity greater than 1000 litres.
- (d) The use, erection, reconstruction, placement, alteration or extension of any vehicle or portable tank that has remained stationary for a continuous period of not more than 90 days.
- (e) The use, erection, reconstruction, placement, alteration or extension on or over land of any container, or part of any container, of a volume less than 2500 litres for the purpose of storing, transferring, or using diesel.
- (f) The use, erection, reconstruction, placement, alteration or extension of any container, or part of any container, of a volume of 1000 litres or less.
- (g) The use, erection, reconstruction, placement, alteration or extension of an above ground tank or any part of an above ground tank for the purpose of storing, transferring or using petroleum compounds that does not comply with (e) or (f) above when ALL of the following (i) to (v) are met.
 - (i) the tank will either have:
 - A secondary containment system, OR
 - A bund with a capacity of at least 110% of the volume of the tank, or where there is more than one tank a bund that is least 110% of the volume of the largest tank, and
 - A stormwater management plan that ensures that not less than 100% of the volume of the largest tank can be held within the bund at all times;
 - (ii) The erection, reconstruction, placement, alteration, or extension will be certified at the design stage by a suitably qualified and competent person as complying with (g)(i) such certification to be forwarded to the Canterbury Regional Council not less than 7 working days prior to the works commencing;
 - (iii) At completion, the works, will be certified by a suitably qualified and competent person as having been carried out in accordance with the plans and specifications;
 - (iv) As built drawings of the tank and records of this certification and any site analysis will be kept by the site owner and made available to the Regional Council on request; and

(v) Any bund will only be put into service after the person certifying the installation is satisfied that it is leak-tight at the time of commissioning the installation.

(h) The demolition and/or removal of any container, used for the purpose of storing, transferring, or using petroleum compounds, chlorinated hydrocarbons, brominated hydrocarbons, or timber treatment chemicals on or over land.

Is the land use described entirely by one of the above activities?

Yes A resource consent may not be required.

No A resource consent will be required.

Proposed Natural Resources Regional Plan (pNRRP)

Chapter 4, Water Quality (including Variation 6) Rule WQL43

1. SUBSTANCES

The following substances are subject to the requirements of this plan where the substance is a hazardous substance AND is classified under the hazardous Substances and New Organisms Act 1996 WITH an ecotoxicity classification of 9.1A, or 9.1B, or 9.1C AND the quantity is less than five times the quantity specified in Schedule 4 of the hazardous substances (Emergency Management) Regulations 2001 (HAZNO).

Substance	Description	Quantity	Ecotoxicity classification	Schedule 4 Volume Limit
<input type="checkbox"/> Petroleum hydrocarbons, including those for cooling purposes but excluding liquefied petroleum gas				
<input type="checkbox"/> Chlorinated hydrocarbons				
<input type="checkbox"/> Agrichemicals				
<input type="checkbox"/> Timber preservatives				
<input type="checkbox"/> Any other substance containing arsenic, cadmium, chromium, cyanide, lead, mercury, nickel or selenium				

For example, the following substances are designated:

Substance	Haz. Category	Ecotoxicity	Schedule 4 of hazardous substances emergency regulations limit
Petroleum	3.1A	9.1B	1000 L
Diesel	3.1D	9.1B	1,000 L
Kerosene	3.1C	9.1B	1,000 L
Turpentine	3.1C	9.1B	1,000 L
Re-refined lube oil	3.1D	9.1C	10,000 L

2. ACTIVITY

DESCRIPTION OF THE AFFECTED ENVIRONMENT

Note: *Customer Services may be able to help you obtain this information.*

Whether you will require a resource consent or not will depend on the aggregate volume of hazardous substance involved and the location of the site.

A. Where the aggregate quantity is less than the amount specified in Schedule 4 of HAZNO

(a) Will the hazardous substance be stored on an impervious surface and under cover (Condition 1(a))?

Yes. No

(b) Is the storage or use of the hazardous substance to occur further than 10 metres from the edge of any river, lake, bore and wetland? (Condition 1(b))

Yes. No

(c) (i) Is the location of the site within the Christchurch Ground Water Protection Zone 1, or Sub-Zones 1A, 1B, 1C or 1D or Zone 2? (Condition 6)

Yes Zone No

(ii) If yes, will refuelling occur over an area constructed of impervious materials?

Yes No

If the answers to (a) and (b) were both yes, and to (c)(i) no, OR all of the answers were yes, the land use is permitted under Rule WQL43.

B. Where the aggregate quantity is more than the amount specified in Schedule 4 of HAZNO but less than five times this amount.

(a) Is the location of the site within the Christchurch Ground Water Protection Zone 1, or Sub-Zones 1A, 1B, 1C, 1D? (condition 3)

Yes Zone No

In Zone 1, and Sub-Zones 1C and 1D, you are a prohibited activity under Rule WQL63 for which no consent will be issued. (Note that there are certain exemptions for zones 1C and 1D)

In Sub-Zones 1A or 1B you are a prohibited activity under Rule WQL66 for which no consent will be issued unless the land use was legally established prior to 1 August 2007 in which case certain conditions apply.

(b) If the activity is in Zone 1 or Sub-Zone 1A, 1B, 1C, 1D, or Zone 2, will all refuelling occur over an area constructed of material that is impervious to the hazardous substance? Yes

(c) For other locations, you may be a permitted activity under Rule WQL43 providing you meet all of the relevant conditions of this rule. Please refer to the details of this rule in Chapter 4 of the pNRRP including amendment 6 and indicate whether you will comply with the following conditions.

(i) Will you maintain and make available an inventory of all hazardous substances? (Condition 2(a) (i)) Yes

(ii) Will you store the hazardous substances in a containment facility that complies with the Hazardous Substances (Emergency Management) Regulations 2001? (Condition 2(a)(ii)) Yes

(iii) Will the facility be designed to prevent the escape of hazardous substances or contaminated water? (Condition 2(a)(ii)(1)) Yes

(iv) Will the facility be designed to prevent stormwater runoff entering the facility? (2(a)(ii)(2)) Yes

(v) Will there be spill kits available to contain or absorb spilled hazardous substances? (Condition 2(a)(iii)(1)) Yes

(vi) Will there be signs to identify the location of spill kits? (Condition 2(a)(iii)(2)) Yes

- (vii) Will there be procedures for the removal and disposal of spilled hazardous substances?
(Condition 2(a)(iii)(3)) Yes
- (viii) Will the spill containment equipment be located close to the hazardous substances?
(Condition 2(a)(iii)(4)) Yes
- (ix) Will the storage area either be constructed of materials that are impervious to the hazardous substances or in the case of agrichemicals, that the materials are handled and stored in accordance with the “Agrichemical User’s Code of Practice” (NZS8409:1999)? (Condition 2(a)(iv)) Yes
- (x) Will a site drainage plan be prepared or in the case of agrichemicals, that the materials are handled and stored in accordance with the “Agrichemical User’s Code of Practice” (NZS8409:1999)?
(Condition 2(a)(v)) Yes
- (xi) Will the storage or use of the hazardous substance occur at a distance that is greater than 20 metres from the edge of any river, lake, bore or boundary of a wetland? (Condition 2(b)(i)) Yes
- (xii) Is the storage or use **NOT** on land that is: (Condition 2(b)(ii))
 - Likely to be flooded from a river or lake with a probability of 5% or more? Yes
 - Likely to pond with a probability of 5% or more? Yes
 - Within a Community Drinking Water Supply Protection Zone? Yes
 - Within 100 metres of an active fault (recurrence period less than 10,000 years) and over an unconfined or semi-confined aquifer or within 50 metres of a lake or river? Yes
- (xiii) For portable containers of aggregate quantity equal to or exceeding 1000 litres or 1000 kilograms, will the following occur? (Condition 5(a))
 - Will spill kits be with the container at all times? Yes
 - Will the containers be located further than 50 metres from the edge of any river, lake, bore to supply drinking water or wetland? Yes

If the answers to (a) was no and to all of the questions in (b) and (c) yes, then the activity is permitted under Rule WQL43.

C. Where the aggregate quantity of hazardous substances is more than five times the amount specified in schedule 4 of HAZNO.

All activities in this category will require a resource consent or in some situations be a prohibited activity for which no consent would be issued

Depending on the situation, the rules that apply are as follows:

Zone 1: WQL63 as a prohibited activity (no consent issued)

Sub-Zones 1A, 1B: Rule WQL66 as a prohibited activity (no consent issued)

Sub-Zones 1C, 1D: Rule WQL55 (discretionary) special conditions apply.

Other areas: Rule WQL44 as a controlled activity or Rule WQL59 as a discretionary activity or Rule WQL62 as a non complying activity.

CONCLUSION:

Do you require a resource consent under the TRP (discretionary activity)? Yes No

Do you require a resource consent under the pNRRP? Yes No

If yes, Rule no. _____

If you have determined that you require a resource consent, you should also complete the form:

APPLICATION FOR RESOURCE CONSENT Use of land for storage of a specified hazardous substance in an above-ground storage tank.