

30 November 2021

Waste Strategy and Legislation
Ministry for the Environment
PO Box 10362
Wellington 6143

Customer Services
P. 03 353 9007 or 0800 324 636
200 Tuam Street
PO Box 345
Christchurch 8140
www.ecan.govt.nz/contact

Tēnā Koutou,

Environment Canterbury submission: Te kawe i te haepapa para Taking responsibility for our waste consultation

Thank you for the opportunity to provide comment on the proposals contained in the *Te kawe i te haepapa para Taking responsibility for our waste* consultation document. Please find Environment Canterbury's submission attached.

Our submission includes general comments on the proposed strategy and options for new waste legislation. As a regional council Environment Canterbury is responsible for regulating disposal of waste to landfill to avoid or mitigate discharges to water or air, and our submission is reflective of this experience.

We welcome the opportunity to continue to work with the Ministry for the Environment to share our experiences and help develop practical solutions to support changes to our waste management system.

For all enquiries please contact:

Bridget Lange

Senior Strategy Advisor

Email: bridget.lange@ecan.govt.nz

Yours sincerely,



Jenny Hughey
Chair, Environment Canterbury

Encl: Submission to the Ministry for the Environment on *Te kawe i te haepapa para Taking responsibility for our waste* consultation document

Submission to the Ministry for Environment

Proposals for a New Waste Strategy

1. Environment Canterbury Regional Council is pleased to have the opportunity to comment on the discussion document *Te kawe i te haepapa para* Taking responsibility for our waste: Proposals for a new waste strategy; Issues and options for new waste legislation.
2. As a regional council Environment Canterbury is responsible for regulating disposal of waste to landfill to avoid or mitigate discharges to water or air. Regional planning responsibilities also provide an opportunity to build waste management into plans and policies for a strategic regional approach.

Vision

3. Environment Canterbury supports the vision of the strategy to responsibly care for natural resources, respect the connection between people and the environment, and to strive for a land where nothing is wasted.

Principles

4. The six principles that underpin the proposed new strategy are supported by Environment Canterbury:
 - The principle to design out waste and reduce the manufacture of unnecessary materials makes good sense. The proposed action about confronting entrenched behaviour will require careful planning about how that confrontation is proposed to unfold.
 - The principle of the highest value use for products also makes sense but the draft strategy does not provide any detail of how the Ministry intends to “entrench a new mindset”.
 - The principle to regenerate natural systems is supported.
 - The principle of taking responsibility for the condition of the natural environment is supported.
 - The principle of recognizing that systems are interconnected is supported.
 - The principle of delivering equitable and inclusive options is supported and a key principle for Environment Canterbury and local communities.

Proposed Course

5. Setting out a staged approach to 2050 is sensible and the recent initiatives to phase out hard-to-recycle plastics, investigate a container return scheme, and invest in optical sorting technologies is acknowledged. Consideration should be given to have aspects of these stages overlap rather than setting them out end-to-end.

Stage One Priorities

6. Environment Canterbury offers the following comments on the stage one priorities:

- Foundations – Environment Canterbury supports the early implementation of the strategic framework and enactment of the new waste legislation.
- Redesign for long-term change – starting early with designing out waste makes good sense.
- Information and education – the long lead times in public understanding are acknowledged.
- Resource recovery systems – while NZ lags international standards, consistent labelling will make it easier for people to know what to do.
- Reducing emissions from organic waste – there is an internal inconsistency between considering bans on disposal of organic material in landfills on the one hand, and on the other improving landfill gas capture. Waste to energy investments into infrastructure require very long-term assurances of feedstock which does not encourage waste avoidance or minimisation. In addition, large waste to energy plants require a wide geographic footprint for waste to be provided with attendant transportation issues. Smaller waste to energy plants (such as anaerobic digestion) have the advantage of utilising another waste stream from vegetation material and the by-product can then be used to augment land quality by spreading.
- The scale of past damage – in Canterbury farm dumps up to 50 cubic metres are permitted activities, and so the scale of the problem of understanding past damage is not underestimated. On-farm disposal of hazardous substances and waste pose problems for the community and environment, in part due to the lack of opportunity to “do the right thing”.

We also suggest the addition of an additional stage one priority, namely:

- Investing in research and development – the funding of research to identify waste streams that can re-enter the materials cycle as an input, is a tool for supporting the implementation of a circular economy. An example would be the finding that prawn shells can be used for extracting collagen, a high value output from what is currently a waste material.

Targets

7. Targets are supported to measure progress and it is acknowledged that the target for households and businesses is based on disposal data rather than generation. Focus needs to be applied to those waste streams creating the greatest volumes or hazard. The target for litter to be reduced by 60% by 2030 is fully supported.

Developing Comprehensive Legislation

Long-term strategic approach

8. The statement that territorial authorities usually limit their involvement in collection and disposal of waste to residential collections (p.49) does not demonstrate a

comprehensive understanding by the Ministry of the scope and reach of local government in this arena. Territorial authorities run transfer stations, fund education on waste programs, own council-controlled organisations involved in major landfills harvesting gas emissions, contribute to regional reuse and recycling facilities, and own and operate self-funding tip shops. The Mackenzie District Council for example offer a \$20 waste free parent pack with washable nappies to keep disposables out of landfills. Residential kerbside collections are but a fraction of territorial authorities' involvement in the collection and disposal of waste.

9. Regional councils can provide a regional leadership function and there could well be advantages to planning waste minimisation needs at a regional level. The Future of Local Government Review Panel could envisage this as a new role for regional councils. However, the principle of subsidiarity should prevail. New spatial planning provisions provide an opportunity to better link regional waste infrastructure. In this context the fact that the waste levy is currently not available for regional councils is limiting. Regional councils could use the levy funds to support regional approaches to waste minimisation projects.

Duties of Care

10. The proposal to introduce duty of care obligations as the new regulatory regime for waste is supported in principle, provided the enabling of tracing is confined to the proposed licensing or authorising system. While local government bylaws enable the operation of local licensing systems, they are tailored to local situations and conditions, and so the "proliferation of slightly different systems and processes around the country" (p.53) is not as much a problem as the discussion document implies. The statement that "in a country of our size it would be better to have a single nationwide licensing system than to continue with individual territorial authorities introducing their own systems" (p.54) does not take localism into account and the imperative of being closely in touch with communities.

Product Stewardship

11. Recent initiatives to develop regulated product stewardship schemes are fully supported, however the storage of material pending final destination is of concern. Waste material is currently stockpiled or stored as there is no endpoint process to manage them. Legacy waste storage will require specific attention.
12. Product stewardship for packaging should begin at the point of production overseas for imported products. Waste tariffs on imported goods that do not have a pathway for waste disposal could be considered.

Regulatory Tools

13. The discussion document argues for building a practice of systematically collecting good data (p.34), and that data reliability will improve over the next few years, given the new data regulations (p.38) possibly referencing the *Digital Identity Services Trust Framework Bill* currently referred to select committee. Data limitations mean that central government currently do not have the ability to track this for all parts of society (p.38) which also limits information to disposal data rather than generation data (p.39).
14. The concepts of responsibility and connection are at the heart of the proposed new strategy to, among other things, enable tracing (p.51) and a tracing system (p.54). Presumably, a tracing system is needed because "continuing to rely on voluntary

action is unlikely to see transformation to a circular economy” (p.61). Data collection powers are proposed in the new legislation (p.63) to ensure there is enhanced tools to start gathering data, and to provide “clearer and more comprehensive powers for the government to obtain information from all those involved” (p.63). Data gathering is needed to better understand waste generation rather than just disposal.

15. The Regional Council shares the concerns outlined in the discussion document and agrees with the statement “information powers always require detailed scrutiny as they are developed because of potential misuse, privacy concerns, and storage” (p.63). It is noted that if tracing systems are too onerous for small business, there could be unintended consequences, which may impede rather than assist the development of a circular economy.

Deposit Return Schemes

16. The current investigation of a regulated return scheme for beverage containers is noted. The proposed clear set of powers in the new legislation to improve recycling is supported.

Right to Repair

17. Environment Canterbury supports expanding the legal requirements for the right to repair. There is opportunity to link this with importation standards, the use of border controls and waste import tariffs.

Use of the Waste Levy

18. Environment Canterbury is of the view that the 50/50 split of the waste levy between central government and territorial authorities requires reconsideration. This arrangement locks regional councils out from accessing levy funds, but there could be good waste minimisation outcomes at a regional level that could benefit from access to the fund. This council supports broadening how levy funds can be used.

Compliance, Monitoring and Enforcement

19. The discussion document again points out that local government bylaws are inconsistent nationwide (p.76) which is not a problem per se. Local government bylaws are designed to be specific to the local area, so it is hardly surprising that they are inconsistent nationwide. Territorial authorities however are not as well placed to perform compliance, monitoring and enforcement (CME) tasks as regional councils who have a broader CME portfolio. Before the new legislation devolves enforcement responsibility onto local government, there should be clear signals for the funding source of CME. Environment Canterbury supports the statement (p.77) that investigation and detection powers need to be carefully drafted to ensure they are proportionate to the issue and consistent with human rights.

The Particular Problem of Litter

20. The particular problem of litter is well canvassed in the discussion document (p.78-79) and the proposal to repeal the *Litter Act 1979* and incorporate better detection, enforcement arrangements and penalties in new legislation is fully supported.
21. The international experience where a separate offence has been created of littering from a vehicle, with responsibility resting with the registered owner, should be explored for application in New Zealand. In addition, offence penalties that provide for third-party reporting of littering should be explored.

Soil Disposal and Clear Fill

22. Soil disposal and clear fill are not discussed in the consultation document. Environment Canterbury understands that 20% of class 1 landfill is “waste” soils. Some soils are geotechnically unsuitable for engineering or building purposes. Some are slightly contaminated for residential use, however there is soil that could be reused that currently ends up in disposal sites. Likewise, clear fill could be crushed and used for roading aggregate. The Regional Council supports the reuse of soils and clear fill where this is possible.

Household chemicals and waste

23. A lot of invisible waste is washed into our urban wastewater and stormwater systems. These include personal care products, cleaning products, excess medications, and other household chemicals. Some of these compounds have an adverse effect on the environment, some bioaccumulate and are becoming problematic emerging contaminants. They are not currently addressed in this, or other existing legislation. We need regulations and product stewardship pathways for this type of waste.