

Policy Framework to Reduce and Safely Manage Hazardous Wastes in New Zealand

June 2006 Update

Executive Summary

This policy framework for hazardous waste outlines the elements that are in place to reduce and improve the management of these wastes. This framework was first published in December 2005 but is updated as information changes. This update reflects recent developments in hazardous waste policy and changes suggested by the Ministry's [Hazardous Waste Advisory Group](#).

The policy framework outlines legislation, regulation, policy and voluntary tools which are in action to improve the management of hazardous waste. New Zealand has adopted a decentralised approach to hazardous waste management resulting in many agencies having a role in the management. It also outlines the roles and responsibilities of these agencies.

Introduction

Hazardous waste comes from many sources such as industry, households, small businesses and school laboratories. Hazardous wastes are often mixtures of different materials but they also include old agricultural chemicals, medical and pharmaceutical wastes (infectious material, old medicines and pharmaceuticals), waste oils, waste acids, waste treated timber and radioactive wastes. Contaminated soils are another form of hazardous waste.

General statements can be made about the nature and extent of hazardous wastes in New Zealand. These are that:

- the available data on hazardous waste generation indicate that the relatively low level of industrial development and small population of New Zealand means the 'historic waste' problem is less severe than in most developed countries and levels of hazardous wastes generation are lower. However, it should be noted that the collection and quality of data on hazardous waste generation in New Zealand needs more work.

- the predominantly rural basis of New Zealand's economy has contributed to a particular problem with 'historic' agricultural and forestry chemical wastes.
- a very high proportion (estimated to be 80 per cent) of the hazardous wastes in New Zealand are liquid wastes.
- a very high proportion of liquid hazardous wastes are processed through the wastewater system of sewers and wastewater treatments plants and are subject to territorial local authority trade wastes bylaws and regional council discharge consents.

Background

For several years, the Ministry for the Environment has been working towards a comprehensive hazardous wastes management policy. When the New Zealand Waste Strategy was produced in 2002, it included a target that *an integrated and comprehensive national hazardous wastes policy will be in place by December 2005. This would cover reduction, transport, treatment and disposal of hazardous wastes to effectively manage risks to people and the environment.*

In December 2004, the Ministry outlined the proposed policy framework and undertook a stock take of the policy elements already in place or under development. It also provided an indication of what work was still considered necessary before the target in the Waste Strategy could be met. This paper outlining the proposed policy framework was placed on the Ministry for the Environment's website. The paper indicated that the hazardous wastes policy framework was still under development and that the material on the website would be subject to change as the work progressed.

One outcome from the policy stock take was the formation of a Hazardous Wastes Advisory Group to advise the Ministry on the further development and implementation of policy. This group has members from industry, local government and central government agencies. This group has met on a number of occasions. The group has been and continues to be supportive of the policy approach adopted by the Ministry and has provided advice on the elements of policy still under development.

The work on hazardous wastes policy is part of a broader programme of work arising from the implementation of the 2002 New Zealand Waste Strategy. There are aspects of this broader work programme (including work on landfills and on product stewardship) that will make a contribution to the reduction and safe management of hazardous wastes. There has been work to improve the effectiveness of the

Hazardous Substances and New Organisms (HSNO) Act 1996. The Hazardous Substances and New Organisms (Approvals and Enforcement) Amendment Act 2005 will allow the establishment of group standards that are intended to be applied to categories of hazardous wastes. The Ministry is currently exploring how group standards will be produced and to what extent they can be used to manage hazardous waste.

Set out below is the policy framework for the management of hazardous wastes in New Zealand, as at June 2006. This policy framework includes existing legislation as well as regulations, guidelines and codes of practice, which are available to improve management. Significant work has already been done to ensure that the policy framework is comprehensive. Some elements such as an effective waste tracking scheme are well progressed, while others such as group standards are still in the early stages of development.

The policy framework includes:

- the policy objective and the principles guiding policy development
- the main elements of the policy framework
- work completed or under development on different elements of the policy framework
- a brief description of the statutes and agencies involved in the management of hazardous wastes
- a comment on the monitoring and review of policy.

Policy objective

The overarching goal is the reduction and safe management of hazardous wastes. To achieve this goal the following guiding objectives form the main elements of the policy framework:

- to provide incentives for the reduction, recovery and reuse of hazardous wastes
- to ensure that hazardous wastes are treated and disposed of safely
- to have sufficient knowledge about the generation of hazardous wastes to provide a sound basis for ensuring that these wastes are accounted for
- to ensure the legacy of contaminated sites and accumulated 'historic' wastes are safely managed

- to fulfil New Zealand's international obligations relating to the management of hazardous wastes
- to ensure that the roles and responsibilities of parties implementing aspects of hazardous waste policy are clearly defined and understood.

Underlying principles

Principle 1: Consistency with the goals, objectives and policies of the New Zealand Waste Strategy

The New Zealand Waste Strategy provides the strategic direction to reduce and better manage waste in New Zealand. It includes goals, objectives and general policies to turn the strategy into action. The strategy is also a source of reference for developing specific policies, including those for hazardous wastes.

Principle 2: Consistency with the management of hazardous substances under the Hazardous Substances and New Organisms (HSNO) Act 1996

The HSNO Act provides a system to manage hazardous substances, including waste hazardous substances. While the HSNO Act does not control all hazardous wastes it makes sense to treat wastes with similar characteristics in the same way. This ensures that at least hazardous wastes that are definable as hazardous substances are covered by the Act, and provides for opportunities to broaden the scope of application of the HSNO Act to exercise control over other hazardous wastes, where it is appropriate and efficient to do so.

For instance the group standards, the new approval mechanism in the Hazardous Substances and New Organisms (Approvals and Enforcement) Amendment Act 2005, will allow the Environmental Risk Management Authority (ERMA) to apply its expertise with hazardous substances to the control and management of hazardous wastes which meet the HSNO thresholds. A number of other provisions in the Amendment Act, such as those enabling regional councils to act as HSNO enforcement agencies, will improve integration with other legislation, in particular, the Resource Management Act (RMA).

Principle 3: Step-by-step implementation of policy elements and the progressive strengthening of policy in response to the level of risk

The policy framework consists of several elements. While work on these is an ongoing process, we will have to prioritise the implementation of some elements over others. Examples of current priorities are the implementation of waste tracking systems and the development of group standards.

The overall policy framework can be expected to evolve and strengthen beyond June 2006.

Principle 4: Adopting a risk management approach to policy

With our policy we aim to reduce the amount of wastes and manage current hazardous wastes cost-effectively at an acceptable level of risk, rather than removing all risk.

Main elements of the policy framework

The hazardous wastes policy framework covers seven main elements:

- The safe treatment and disposal of 'historic' hazardous wastes such as those associated with contaminated sites and unwanted agricultural chemicals.
- Incentives to reduce the generation of hazardous wastes and to recover and reuse materials that otherwise would be wasted.
- Information about the generation of hazardous wastes and their lifecycle, tracking them through to safe disposal, recovery or recycling.
- The safe storage and transport of hazardous wastes.
- The safe treatment and/or disposal of hazardous wastes.
- International obligations for the safe management of hazardous wastes.
- Clarification of the responsibilities of different parties for the reduction and safe management of hazardous wastes and for monitoring policy implementation.

The elements of the policy are described below in more detail.

Safe treatment and disposal of 'historic' hazardous wastes

The policy objective is to ensure the legacy of contaminated sites and accumulated 'historic' wastes (principally unused agricultural chemicals) is safely managed.

New Zealand has a number of contaminated sites as a result of chemical storage, mining, timber treatment and other activities, although the extent and severity of these is relatively low by comparison with more industrialised countries. For the majority of these sites, contamination pre-dates the establishment of the HSNO Act and RMA (which contain controls to avoid creating further contaminated sites).

Current policy is to identify contaminated sites and to assess and manage the risk they present. In some cases, sites will be remediated with contaminated soils being treated and safely disposed of. Regional councils and territorial authorities have identified the most contaminated sites and priority is being given to their clean up, for example, the former Fruitgrowers Chemical Company Site at Mapua and the Tui mine site.

There is also still a legacy of unwanted agricultural chemicals stored on farms and other properties, presenting an ongoing risk. The Ministry for the Environment is working with regional councils to collect and safely dispose of these wastes. The expectation is that in another three years, the old unwanted agrichemicals will be cleared totally.

A similar, if smaller, accumulation of historic wastes exists in domestic garages and sheds. Several councils provide a household collection service, but provision of this service is uneven.

Elements in place:

- Most existing pesticides are now under the HSNO regime which will provide assurance around the future control of the chemicals that have historically contributed to site contamination.
- [Contaminated Land Management Guidelines](#). This is a series of practical guidelines for local government, consultants, landowners, etc. on identifying, classifying, investigating and managing contaminated land. The following guidelines have been published:
 - *Contaminated Land Management Guideline 1- Reporting on contaminated sites in New Zealand*

- *Contaminated Land Management Guideline 2 - Hierarchy and Application in New Zealand of Environmental Guideline Values*
- *Contaminated Land Management Guideline 3 - Risk screening system*
- *Contaminated Land Management Guideline 4 - Classification and information management protocols (draft published for consultation)*
- *Contaminated Land Management Guideline 5 - Site Investigation and Analysis of Soils*
- Contaminated Sites Remediation Fund. This is funding from central government of approximately \$1 million per year. It is available to regional councils on a contestable basis to investigate and clean up high-priority contaminated sites. Central and local government funding is supporting the remediation of the contaminated site of the former New Zealand Fruitgrowers Chemical Company contaminated site at Mapua, Nelson. Government funding has been provided to investigate options for the clean-up and remediation of the Tui Mine site at Te Aroha.
- The Stockholm Convention was ratified by New Zealand in September 2004 and came into force with the enactment on 23 December 2004 of the Hazardous Substances and New Organisms (Stockholm Convention) Amendment Act 2003.
- An amendment in June 2005 to the Income Tax Act 1994 clarifying and expanding tax deductions for business environmental expenditure. This amendment broadens the scope of tax deductions for environmental expenditure and will, in particular, encourage the clean-up of contaminated sites.
- A clear definition of functions (roles and responsibilities) for local government in managing contaminated land issues through the 2005 amendment to the RMA.

Elements still under development:

- National Environmental Standards for contaminated sites. The Ministry is currently working closely with local government to ensure standards that are developed fit within an overarching policy framework for contaminated land.
- A National Implementation Plan that describes the reduction of emissions of dioxins and other persistent organic pollutants. A draft has been released for public consultation. The final plan is

to be submitted to the Stockholm Convention Secretariat by December 2006.

- Guidelines for identifying and managing contaminated sheep dip and horticultural sites. The Ministry has released a draft of these guidelines for public comment.

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Incentives for the reduction, recovery and reuse of hazardous wastes

The policy objective is to provide incentives for the reduction, recovery and reuse of hazardous wastes. The Ministry is working to removing barriers and establishing incentives for the efficient use of resources, and through mechanisms promoting more efficient resource use.

The incentives for the reduction, recovery and reuse of hazardous wastes are similar to those that apply to wastes generally. These include ensuring that the price of disposal reflects the full costs and high environmental standards are established through the lifecycle of the wastes.

Product Stewardship (Extended Producer Responsibility) schemes can be effective in encouraging more efficient use of materials and in providing mechanisms for the recovery and recycling of products at the end of their life. The development of product stewardship policy, with back-up legislation, will further encourage the development of specific schemes covering special wastes. These wastes often have hazardous characteristics.

Elements in place:

- *The Landfill Full Cost Accounting Guide for New Zealand*. This guide provides a sound basis for local authorities to account for the full costs of landfills, including the costs of environmental controls and post-closure management. There has been an economic incentive for the recovery and recycling of waste since the development of privately owned waste disposal facilities with full cost recovery. The growing move by councils to reflect the full cost of waste disposal in user charges is extending this price incentive to local authority-owned facilities. In theory, the increasing costs of disposing of hazardous waste provide an economic incentive to reduce the amount of waste being disposed of and can make recycling options economically viable.

- The Local Government Act which contains provisions that can be used by councils to encourage the reduction of hazardous wastes. Tools under the Act include licensing facilities, allocating costs of waste production and providing incentives to reduce, recover and reuse waste.
- Product Stewardship (or 'Extended Producer Responsibility') which is a policy principle in the New Zealand Waste Strategy. Voluntary schemes covering used oil, mobile phones and agriculture chemical containers already make a contribution to the reduction, recovery and reuse of potentially hazardous wastes. These schemes are extending their scope and are expected to increase their impact into the future. The Ministry is also continuing to work with other industry sectors to develop schemes.
- National Environmental Standards for air quality, which became regulation in October 2004 and prohibit the following activities which produce hazardous wastes:
 - the burning of tyres in the open
 - the burning of bitumen used in road maintenance
 - the burning of copper wire in the open
 - the burning of oil in the open
 - the deliberate use of landfill fires
 - the construction of new high temperature hazardous waste incinerators
 - a further national standard prohibiting school and healthcare incinerators, unless resource consents are obtained, comes into force on 1 October 2006.

Elements still under development:

The further development of Product Stewardship policy (outlined in the Ministry's July 2005 [discussion paper](#)) is likely to encourage the establishment of more voluntary industry-led product stewardship schemes and include legislation that could be used, if needed, to regulate schemes. More information on the development of the Ministry's [Product Stewardship policy is available from the website.](#)

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Information on hazardous wastes generation

The policy objective is to have sufficient knowledge about the generation of hazardous wastes (particularly priority hazardous wastes

identified by the Ministry) to provide a sound basis for ensuring that these are accounted for in systems that track wastes from generation, through to treatment and safe disposal.

The development of a national working definition for hazardous wastes and guidance on record keeping provides the basis for a nationally consistent approach to measuring and monitoring hazardous wastes. The elements identified in the policy are all measures which have increased the requirements for record keeping for hazardous waste. There is currently no one requirement or location for all hazardous waste data. The policy intention is to put in place a full tracking system for hazardous wastes and this will meet the policy objective.

Elements in place:

- *Module 1 of the Hazardous Wastes Guidelines: Identification and Record keeping*, including a definition of hazardous waste. The [web-based working definition](#), with its guide to establishing whether a waste is hazardous and its L codes, provides the opportunity for a nationally consistent approach to classifying hazardous wastes. The definition does not have legal status. However, it is intended to serve as a basis for definitions incorporated into legal instruments. The module also provides a standard approach to record keeping. This module is a guide only and use of the definition or record keeping forms is not mandatory.
- *The Liquid and Hazardous Waste Code of Practice*. The New Zealand Water and Wastes Association (NZWWA) developed this code of practice with the support of the Ministry for the Environment's Sustainable Management Fund, and in consultation with liquid waste operators. The code of practice uses the hazardous waste definition and the record keeping guidance of Module 1. Compliance with these record keeping requirements is required as a part of the Code Compliancy Audit.
- Hazardous Substances (Classification) Regulations 2001 which provides the classification system for hazardous substances.
- Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001 which sets thresholds for different hazardous properties.
- Hazardous Substances (Identification) Regulations 2001. These regulations identify duties of suppliers and parties in charge of hazardous substances and specify how hazardous substances are to be identified. Regulations are applicable through the life of the substance, including if it becomes unwanted.

- Import/Export records for [Basel Convention](#) and [Montreal Protocol](#) monitoring. Permits for the import and export of hazardous wastes are issued by the Ministry of Economic Development, which keeps records of the hazardous wastes that cross New Zealand's borders. For information on importing/exporting hazardous waste visit the [Ministry of Economic Development's website](#).

Elements still under development:

- The Environmental Risk Management Authority (ERMA) is gathering information on the location, quantities and types of hazardous substances in New Zealand to develop a risk-based compliance and enforcement programme. The data will be presented in a database that could be extended to hazardous wastes.
- A waste tracking system for tracking liquid and hazardous wastes. An electronic, web-accessed tracking system, based on the system used in Western Australia, has been successfully trialled and is being used by an increasing number of liquid waste contractors. This system, called WasteTRACK, is continuing to be developed, its use extended and mechanisms for requiring tracking of hazardous wastes through regulation e.g. group standards under HSNO, are currently being investigated.

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Safe storage and transport of hazardous wastes

The policy objective is to ensure hazardous wastes are safely stored and transported. This objective will be achieved if the policy framework provides rules, guidance and compliance provisions that adequately cover storage and transport of solid and liquid wastes. Hazardous wastes commonly move from a waste generator, via a waste transporter to a waste receiver at which point the waste is treated and/or disposed. The steps in this chain should be safe and verifiable.

Most hazardous wastes transported (other than wastes carried by sewers) in New Zealand are by land but some are also transported by air or sea. If classified as dangerous goods, there are controls on the transport of those hazardous wastes under the respective land, maritime and air rules for the transport of dangerous goods. Ships carrying any hazardous wastes to or from New Zealand would be subject to the Basel Convention as well as the maritime rule.

Elements in place:

- Building Code (issued under the Building Act) and requirements of the Health and Safety in Employment Act (HSE Act). Clause F3 of the Building Code requires construction of buildings to provide for the safe storage of hazardous substances and the protection of people. Measures have to be taken to prevent hazardous substances and other 'unacceptable material' from entering sewers or public drains. The HSE Act also influences the storage and movement of hazardous wastes by placing legal obligations on employers to identify and manage (eliminate, isolate, or minimise) hazards in the work place.
- Land Transport Rule (Dangerous Goods) 2005. The prime objective of the rule is to provide a workable regime enabling dangerous goods (including categories of hazardous wastes) to be transported safely on land and, thereby, minimise the risk to people, to property and to the environment. The rule aligns New Zealand requirements with United Nations recommendations and international codes of practice for sea and air transport.
- Maritime Rule Part 24A promulgated by Maritime New Zealand, which sets out the responsibilities of seafarers, ship owners, shippers and other parties, with respect to dangerous goods to be carried by sea.
- In the unlikely event that hazardous wastes were transported by air, they would be subject to Civil Aviation Rule 92 and any relevant codes of practice for the carriage of dangerous goods issued by the International Civil Aviation Organization.
- Hazardous Substances (Classes 1-5 Controls) Regulations 2001 and HSNO (Classes 6, 8 and 9 Controls) Regulations 2001, which provide detailed controls on different classes of hazardous substances. These are principally relevant to pre-waste stages but can apply to waste hazardous substances.
- Hazardous Substances (Emergency Management) Regulations 2001. These regulations cover the preparation of emergency response plans and other measures to deal with emergencies.
- *The Liquid and Hazardous Waste Code of Practice*. This code of practice has been developed by the NZWWA and provides detailed guidance to waste operators and relates to liquid hazardous wastes and hazardous wastes requiring transport by road from the generator to its treatment and/or disposal point. A system for audits under the code of practice is now in place with contractors being certified as 'code compliant'. As at June 2006 there were 27 code compliant contractors operating with a

number of audits still to be completed. To view a list of the currently code complaint operators visit the [NZWWA website](#).

- *The Land-Use Planning Guide for Hazardous Facilities*. This is a tool for assessing when a land-use consent is needed under the RMA.
- The HSNO (Approvals and Enforcement) Amendment Act 2005 (enacted in December 2005) provides a group standard mechanism that will enable HSNO controls to be applied to a range of hazardous wastes. These controls would include disposal controls, a requirement for waste tracking and other controls e.g. storage or transport controls, to improve the management of hazardous wastes.
- The RMA provides tools that enable local authorities to place controls on the use of land for the purposes of addressing adverse effects of the storage and transportation of hazardous wastes. These tools are only able to control the environmental effects that storage and transport of hazardous wastes may have.

Elements under development:

- An accreditation system for liquid waste operators that gives recognition to those that meet an accreditation standard is currently being investigated by the Ministry and industry. Once developed, the use of accredited contractors for waste transport may be required similar to the way code compliant contractors are currently being required through trade waste bylaws.
- Implementation of the waste tracking system described above will contain information on the transport and storage of liquid and hazardous wastes. This is a tool that will allow for waste carriers and storage sites to be identified and checked for compliance.
- Group Standards for hazardous waste. The HSNO (Approvals and Enforcement) Amendment Act 2005, discussed earlier, will provide a group standard mechanism that will enable HSNO controls to be applied to a range of hazardous wastes. Work has started on the application of the group standards mechanism to hazardous wastes. The conditions of a group standard are able to place controls on the storage and transport of hazardous wastes.

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Safe disposal of hazardous wastes

The policy objective is to ensure that hazardous wastes are treated and disposed of safely.

The RMA is the key statutory mechanism for controlling the disposal of hazardous wastes and ensuring that wastes are appropriately treated prior to disposal e.g. through consents issued for landfills and treatment plants which place controls on discharges to land, water and air.

The HSNO Act is another important statute. It focuses on hazardous substances rather than hazardous wastes, but the recent Approvals and Enforcement Amendment Act will extend the coverage of the HSNO Act to include many hazardous wastes and some manufactured articles such as batteries.

In addition, the mechanism of ERMA-approved guidelines and codes of practice, supplements the legal elements in the policy framework. Specific regimes and regulations are in place for controlling the disposal of some particular categories of hazardous wastes that are not covered by HSNO. These include radioactive waste, medical and infectious wastes, and funeral wastes.

Elements in place:

- Controls on discharges under the RMA. Resource consents under the RMA are a tool to place controls on contaminants being discharged to land, air and water. All landfills, wastewater treatment plants and major incinerators, for instance, are required to have resource consents. Resource consents are the means through which the landfill waste acceptance criteria and landfill classification in Module 2 of the Hazardous Wastes Guidelines as well as other appropriate controls, may be implemented.
- The RMA also enables local authorities to control the use of land for the purposes of addressing adverse effects of the disposal of hazardous substances.
- National Environmental Standards for air quality. These include bans on the following activities:
 - the burning of tyres in the open
 - the burning of bitumen used in road maintenance
 - the burning of copper wire in the open
 - the burning of oil in the open

- the deliberate use of landfill fires
 - the construction of new high temperature hazardous waste incinerators
 - the use of school and healthcare incinerators from 1 October 2006, unless resource consents are obtained.
- Hazardous Substances (Disposal) Regulations 2001. These regulations set disposal requirements for different classes of hazardous substances. While they do not apply to hazardous wastes they do apply to waste hazardous substances.
- *Module 2 of the Hazardous Waste Guidelines - Landfill Waste Acceptance Criteria and Landfill Classification*. Under these guidelines, Class A landfills can accept wastes subject to less stringent criteria than those applicable to Class B landfills. This results in hazardous wastes being accepted at landfills only after treatment or stabilising to standards appropriate to the class of landfill.
- *NZS9201: Part 23, Model Trade Waste Bylaw* which was published in November 2004 and has or is being adopted by 49 local authorities, with a further 17 having a bylaw based on an older model bylaw. The model bylaw is a tool that allows councils to control what wastes are discharged by industry to sewer. Wastes which are unsuitable for treatment at the wastewater treatment plant can be restricted and industry is charged to cover the costs of treating the waste they produce.

Elements still under development:

- Group Standards for hazardous waste. The HSNO (Approvals and Enforcement) Amendment Act 2005, discussed earlier, will provide a group standard mechanism that will enable HSNO controls to be applied to a range of hazardous wastes. Work has started on the application of the group standards mechanism to hazardous wastes. Group standards are a mechanism through which to apply controls to ensure safe disposal.
- Implementation of the waste tracking system described above will contain information on the disposal/treatment of liquid and hazardous wastes. This is a tool that will allow for waste treatment and disposal sites to be identified and checked for compliance. The tracking system will also provide verification that treatment/disposal has occurred.

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Meeting international obligations

The policy objective is to fulfil New Zealand's international obligations relating to the management of hazardous wastes.

New Zealand is party to a number of international agreements applying to the management of hazardous wastes. These include the [Basel](#), [Waigani](#) and [Stockholm](#) conventions.

Elements in place:

- The 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal aims both to reduce the amount of hazardous waste produced by signatories, and to regulate the international traffic in hazardous wastes (especially to developing countries). The Basel Convention requires prior approval of hazardous waste imports and exports, (in New Zealand, the Ministry of Economic Development is the approving agency) and requires exporting countries to ensure that hazardous waste will be managed 'in an environmentally sound manner'. New Zealand has ratified this convention and has the legislation in place to fulfil its obligations.
- The Waigani Convention is a regional agreement to ban the importation of hazardous and radioactive wastes and to control the movement of hazardous and radioactive wastes within the South Pacific region. It largely mirrors the obligations in the Basel Convention. New Zealand has ratified this convention and contributes towards building the capacity of Pacific Island states to fulfil the obligations of the convention.
- The Stockholm Convention on Persistent Organic Pollutants (POPs) aims to eliminate the manufacture and use of PCBs and nine chlorine-containing pesticides (including DDT, dieldrin, chlordane, aldrin, endrin, and hexachlorobenzene), and to minimise (and where feasible ultimately eliminate) releases of dioxins and furans. New Zealand has ratified the convention and this requires it to prepare a National Implementation Plan.

Elements still under development:

- A National Implementation Plan which will describe the reduction in emissions and contaminants of persistent organic pollutants and will be submitted to the Stockholm Convention secretariat by December 2006.

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Roles and responsibilities

The policy objective is to ensure that the roles and responsibilities of parties implementing aspects of hazardous waste policy are clearly defined and understood and the linkages and interfaces between parties are clear. The material below identifies the key statutes affecting the management of hazardous wastes and the agencies which have roles and responsibilities under these statutes.

The Ministry for the Environment and the Resource Management Act (RMA) 1991

The Ministry for the Environment is responsible for advising the Government on national environmental policies and in this role has the principal central government responsibility for the development of waste management policies, including those for hazardous wastes. This advice extends to legislation, regulations, codes of conduct, guidelines and other policy instruments.

The Ministry for the Environment has a strong interest in the effectiveness of policy implementation as well as its role in policy development. The Ministry encourages and supports the effective implementation of policy through the information on its website, through publications and through workshops such as those held under the auspices of the Waste Management Institute of New Zealand.

To assist the Ministry in its policy development and implementation roles, it established a Hazardous Wastes Advisory Group in 2004 with representatives from the private sector, local government and other central government agencies having an interest in hazardous wastes. This group has provided advice and feedback to the Ministry during the development of this policy framework.

The Ministry also exercises a monitoring and review role. This includes monitoring the implementation of the New Zealand Waste Strategy and associated policies, such as the hazardous wastes policy. A review of targets in the New Zealand Waste Strategy is to be undertaken by the end of 2006. Other reviews of the state of waste management in New Zealand have been conducted and these include:

- [Review of Targets in the New Zealand Waste Strategy \(2004\)](#)
- [New Zealand Waste Strategy 2002 – Reviewing Progress and Moving Forward \(2004\)](#)
- [Waste Management in New Zealand – A Decade of Progress \(2005\)](#)

The Ministry administers the Resource Management Act 1991 and through the Minister for the Environment undertakes a range of functions, including the development of national environmental standards and national policy statements. The functions of regional councils and local authorities are also specified in the Act.

Under the RMA, local authorities are required to promote the sustainable management of natural and physical resources, including air, land, water and the coast. This is achieved through plans and resource consents.

The discharge of wastes to land and water are controlled under the RMA. Conditions can be imposed on resource consents to minimise the risk of spillages and leaks into the environment. Local authorities can control the use of land for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal, treatment or transportation of hazardous substances. The RMA also includes a definition of contaminated land and gives clear descriptions of the roles of regional councils and territorial authorities on contaminated land.

Local authorities and the Local Government Acts (LGA) 1974 and 2002

Territorial authorities also have a statutory role in hazardous wastes management through the Local Government Act (LGA). The LGA 2002 defines the purpose, structure, function and duties of local government in New Zealand. It provides operational rather than regulatory framework for local government. The control of the transport of wastes and the discharge of liquid wastes to sewer comes under local authority bylaws established under the Act.

Part XXXI of the Local Government Act 1974 places a duty on territorial authorities for efficient waste management and provides for the preparation of waste management plans. While there is no requirement to include hazardous waste in the plan, plans should provide for hazardous waste management. This part of the 1974 Act remained unrepealed with the enactment of new legislation in 2002. Territorial authorities are able to prepare and implement waste management plans. Some regional councils have regional waste strategies and often have specific policies for the management of hazardous wastes. Waste management plans are often developed to address local issues and so vary. Local government websites are accessible from [Local Government New Zealand's website](#).

The Environmental Risk Management Authority and the Hazardous Substances and New Organisms (HSNO) Act 1996

The HSNO Act provides performance-based and lifecycle approaches, including disposal, to the management of hazardous substances. The term 'substance' is defined widely and includes mixtures of compounds. In the 2005 Amendment Act, for the purposes of group standards, the meaning of 'substance' is extended even further to include some manufactured articles. The Act only applies to substances that have hazardous properties exceeding minimum thresholds set out in the United Nations global harmonisation system for classification and labelling of chemicals. HSNO controls flow from an approval of an application, and in the case of a group standard, this application could be made by the Environmental Risk Management Authority (ERMA) itself.

The HSNO Act does not cover radioactive or infectious substances. These are covered by separate legislation.

ERMA, an autonomous Crown entity, was set up under the HSNO Act to prevent and manage the risks to people and the environment from new organisms (such as imported plants or genetically engineered organisms) and hazardous substances. ERMA takes a whole-of-life approach to the management of hazardous substances, including their safe disposal. For more information visit [ERMA's website](#).

Department of Labour Workplace Group and the Health and Safety in Employment (HSE) Act 1992

The HSE Act focuses on the prevention of harm to people at work. Employers are required to identify and control hazards, provide information, training and supervision and to maintain accident records. The Occupational Safety and Health Service of the Department of Labour administers the Act. For more information visit [the website of the Occupational Safety and Health Service](#).

Land Transport New Zealand and the Land Transport Act (LTA) 1998

The LTA establishes rules for the safe transport of dangerous goods on land. Hazardous wastes usually qualify as dangerous goods and are subject to the Act, which is administered by Land Transport New Zealand. For more information about Land Transport New Zealand and the land transport rules covering dangerous goods, visit the [Land Transport New Zealand website](#).

The Ministry of Health and the Health Act 1956 and Radiation Protection Act (RPA) 1965

The Health Act and Radiation Protection Act (RPA) are the responsibility of the Ministry of Health. The Health Act and the RPA establish the rules for the safe transport and disposal of infectious and radioactive wastes that are subject to the Acts. The Ministry of Health has been involved in the development a New Zealand Standard for healthcare wastes (Management of Healthcare Waste, NZS 4304:2002) which is available from the [Standards New Zealand website](#).

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Summary of policy framework

The elements identified in this policy framework are those in place or under development as at June 2006. The Ministry realises that hazardous waste management is dynamic in nature and, as a result, the policy framework will be updated as new elements are needed, identified or developed. These changes will be made with advice and feedback from the Ministry's Hazardous Wastes Advisory Group.

The elements and the roles and responsibility identified in this policy framework for those involved in hazardous waste management are complex. The policy framework aims to pull all of these elements together and present the picture of how hazardous wastes are managed. There are tools available which are improving the management of hazardous wastes, however given the dynamic nature of hazardous waste management these will change over time.

Key tools of the policy framework

The following table outlines the key tools for each of the 7 elements of the policy framework. It highlights which tools are compulsory (e.g. legislation/regulation) and which are voluntary (e.g. guidelines).

Key

	Legislation/Regulation in place
	Legislation/Regulation under development
	Voluntary elements in place

	Voluntary elements under development
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To see how the listed tools are improving hazardous waste management, click on that tool to be taken to the appropriate section.

Main element	Legislation/Regulation		Voluntary Tools	
	In place	Under development	In place	Under development
Safe treatment and disposal of 'historic' hazardous waste	<ul style="list-style-type: none"> ▪ Hazardous Substances and New Organisms (HSNO) Act ▪ Stockholm Convention 	<ul style="list-style-type: none"> ▪ National Environmental Standard for contaminated land ▪ National Implementation Plan for reduction of Persistent Organic Pollutants (POPS) under the Stockholm convention 	<ul style="list-style-type: none"> ▪ Contaminated Land Management Guidelines 	<ul style="list-style-type: none"> ▪ Additional guideline for the Contaminated Land Management Guidelines for managing contaminated sheep dip sites
Incentives for the reduction, recovery and reuse of hazardous wastes	<ul style="list-style-type: none"> ▪ Local Government Act (LGA) ▪ National Environmental Standards under the Resource Management Act (RMA) 		<ul style="list-style-type: none"> ▪ Landfill Full Cost Accounting Guide 	<ul style="list-style-type: none"> ▪ Product stewardship policy
Information on hazardous wastes generation	<ul style="list-style-type: none"> ▪ HSNO (Classification, Minimum Degrees of Hazard and Identification) Regulations ▪ Basel Convention ▪ Montreal Protocol 		<ul style="list-style-type: none"> ▪ Module 1 of the Hazardous Waste Guidelines: Identification and Record Keeping ▪ Liquid and Hazardous Waste Code of Practice 	<ul style="list-style-type: none"> ▪ WasteTRACK – the New Zealand waste tracking system

Safe storage and transport of hazardous wastes	<ul style="list-style-type: none"> ▪ Building Code (Building Act) ▪ Health & Safety in Employment Act ▪ Dangerous Goods Rule (Land Transport Act) ▪ HSNO (Classes 1 - 5, 6, 8 & 9, Emergency Management) Regulations ▪ The RMA 	<ul style="list-style-type: none"> ▪ Group Standards under HSNO for Hazardous Waste 	<ul style="list-style-type: none"> ▪ Liquid and Hazardous Waste Code of Practice 	<ul style="list-style-type: none"> ▪ WasteTRACK – the New Zealand waste tracking system
Safe disposal of hazardous wastes	<ul style="list-style-type: none"> ▪ The RMA ▪ National Environmental Standards under the RMA ▪ HSNO (Disposal) Regulations ▪ Model Trade Waste Bylaw applied under the LGA 	<ul style="list-style-type: none"> ▪ Group Standards under HSNO for Hazardous Waste 	<ul style="list-style-type: none"> ▪ Module 2 of the Hazardous Waste Guidelines: Landfill Waste Acceptance Criteria & Landfill Classification 	<ul style="list-style-type: none"> ▪ WasteTRACK – the New Zealand waste tracking system
Meeting international obligations	<ul style="list-style-type: none"> ▪ Basel Convention ▪ Waigani Convention ▪ Stockholm Convention 	<ul style="list-style-type: none"> ▪ National Implementation Plan for reduction of Persistent Organic Pollutants (POPS) under the Stockholm convention 		
Roles and responsibilities	<ul style="list-style-type: none"> ▪ Ministry for the Environment & the RMA ▪ Local Authorities & the LGA ▪ Environmental Risk Management Authority & HSNO 			

Hazardous waste management reference documents

The following documents (while not elements within the hazardous waste policy framework) are useful for the management of hazardous waste and may be of use to hazardous waste practitioners.

Management of Hazardous Waste – Towards Sustainable Waste Management in New Zealand

The Centre for Advanced Engineering (CAE) produced *Management of Hazardous Waste – Towards Sustainable Waste Management in New Zealand* in 2000. This document brings together information relating to current legislation and good practice, to provide assistance to all parties involved in the generation, lifecycle management, treatment and disposal of hazardous wastes. It was prepared with financial support from the Ministry for the Environment. To obtain a copy of the document go to the [Centre for Advanced Engineering website](#).

Guidelines for the Safe Disposal of Biosolids to Land in New Zealand

Biosolids are produced from wastewater treatment plants and may contain contaminants as a result of residual hazardous wastes that have entered the treatment schemes from trade wastes and other sources. While biosolids are not a hazardous waste, the guidelines ensure that the application of biosolids to land does not result in soil contamination or negative environmental impact. The guidelines were produced by the New Zealand Water Wastes Association in conjunction with the Ministry for the Environment in August 2003. The project was a joint initiative of the wastewater industry, central and local government and other key stakeholders. The Ministry is currently investigating a National Environmental Standard for the application of biosolids to land. To obtain a copy of the [guidelines go to the NZWWA website](#).