

# Use and Storage of Hazardous Substances

## Tasman Resource Management Plan Summary Guide No. 9

Current: July 2012

### 1. Introduction

**Hazardous substances pose a risk to the environment or to public health and safety because of their toxic, eco-toxic or dangerous properties such as being explosive, flammable or corrosive.**

Hazardous substances include fuels, pesticides, chemicals and radioactive substances.

Rules in the Tasman Resource Management Plan (TRMP) control the use and storage of hazardous substances at hazardous facilities. The Council's rules have been based on the Hazardous Facilities Screening Procedure (HFSP) developed by the Ministry for the Environment. The rules are based on the degree of risk posed by the type(s) and quantities of substances being stored, and the location of the hazardous facility.

Requirements for use and storage of specific substances have also been developed by regulations under the Hazardous Substances and New Organisms Act (HSNO Act). These regulations are enforced by the Occupational Safety and Health Service of the Department of Labour (OSH). Information about requirements under the HSNO Act can be obtained through the Environmental Risk Management Authority (ERMA) website ([www.ermanz.govt.nz](http://www.ermanz.govt.nz)) or from the local OSH office.



A hazardous facility is:

- a site where hazardous substances are stored, used, or disposed of; or
- a vehicle parked on a site that is laden with hazardous substances.

A hazardous facility can range from a large chemical factory, timber treatment facility, service station or agrichemical shed to some home occupations that use chemicals.

The hazardous facility rules do not include the storage and use of small or domestic quantities of hazardous substances such as household cleaners, pesticides for home and garden use, LPG for home appliances, vehicle fuel and fuel for small engines such as lawn mowers.

The resource consent requirements for hazardous facilities are calculated according to a "consent status index" for the facility.

The **Consent Status Index** is worked out by considering:

- the physical properties of the substances being used or stored;
- the quantities involved;
- how the substances are used or stored;
- the location of the facility in relation to boundaries, other facilities, water bodies and rivers or streams;
- the zone in which the facility is located.

The following is a summary of the TRMP provisions for the use and storage of hazardous substances at hazardous facilities. The rules apply to existing facilities as well as to proposed new facilities.

Any proposed new activity may also be subject to additional standards and rules for other aspects of the development. It may also need building consent, other land use consents or building permits from the Council. You should contact the Council for more information about other resource consent requirements that may apply.

Licences or certificates under the Hazardous Substances and New Organisms Act may also be required. Contact OSH for more information.

## 2. TRMP Rules

### A) Permitted Activities – Rule 16.7.2.1

A hazardous facility is permitted if it complies with the consent status index for the relevant zone as listed in the Consent Status Table (Figure 16.7A); and the performance standards below.

Also refer to Schedule 16.7a for details on how to calculate the consent status index.

#### For example:

- The bulk storage of petrol, oil, or diesel that is less than 5,000 litres is a permitted activity.
- The storage of 9,000 litres of diesel at least 20 metres from surface water in the Rural 2 Zone is a permitted activity.
- Pesticides used and stored in a shed on a small or medium sized orchard will generally be a permitted activity in the Rural 1 and 2 zones.

#### Performance Standards

A permitted activity must also comply with the following performance standards:

1. Diesel and petrol storage tanks must be designed, constructed and operated so that leaks and spills are prevented. (A code of practice has been developed for this. Contact Council for information about this code). There are also specific requirements for underground storage tanks depending on whether they are in an Aquifer Contamination Risk Area, which are areas

on alluvial gravels such as the Motueka and Waimea Plains, or if they were constructed prior to 25 May 1996. The Council considers any underground tanks that are older than 25 years to be unsafe and they are subject to leak-testing requirements.

2. The facility must be designed, constructed and operated in a way that prevents accidental release of hazardous substances. This includes making sure that any hazardous substances stored on the site cannot be washed into floodwater.
3. Stormwater grates must be clearly identified. No hazardous substances (except for up to 15 mg/l of hydrocarbons) are allowed to enter the stormwater system unless a separate discharge consent is held. This includes any washdown areas or areas where hazardous wastes are stored.
4. Surfaces and containers used to store hazardous substances must be impervious.
5. A contingency plan and register of chemicals held on site must be prepared. The site must have signs indicating the nature of the hazardous substances being stored. A contingency plan identifies what might go wrong (like power cuts, spills or accidents) and has processes, systems and plant or material in place to prevent damage or pollution.
6. Any spill must be able to be contained by a spill containment system that is constructed from impervious materials and:
  - a) for liquid hazardous substances, is able to contain the maximum volume of the largest tank present, plus an allowance for stormwater or water used in firefighting;
  - b) for drums or other smaller containers, is able to contain not less than 50% of the maximum volume of the substances stored, plus an allowance for stormwater or water used in firefighting.

NOTE: An allowance for stormwater is achieved by making the bund deep enough to cope with a 48-hour duration, 20-year storm event. For example, in an area with similar rainfall to Richmond, the bund would need to be an extra 19 centimetres deep.

## B) Controlled Activities – Rule 16.7.2.2

A hazardous facility that does not comply with the conditions for a permitted activity is a controlled activity. To be a controlled activity the hazardous facility must:

- a) meet the consent status index for controlled activities; or
- b) be an existing hazardous facility that was existing prior to 25 May 1996 (provided that the scale of the activity has not changed since it was established) or;
- c) be underground storage that is between:
  - i) 5,000 litres and 100,000 litres for petrol; or
  - ii) 5,000 litres and 50,000 litres for diesel or oil; or
- d) be the use, storage or disposal of hazardous substances used in any teaching or research laboratory.

The hazardous facility must also meet the performance requirements listed in 1 to 6 above except that, for existing facilities, only the site drainage systems condition 16.7.2.1(k) applies.

The Council may also impose additional conditions to limit any other adverse effects related to the site.

## C) Discretionary Activities – Rule 16.7.2.3

A hazardous facility is a discretionary activity if:

- a) it doesn't meet the standards and terms for a controlled activity; or
- b) it has the consent status index listed for a discretionary activity; or
- c) it is the use or storage of any radioactive material greater than 100 TeraBecquerels.

A resource consent is required. The Council may refuse consent or it may allow the activity subject to conditions.

Examples of activities that may require resource consent as a discretionary activity are:

- commercial activities such as dry cleaners in some zones;
- timber treatment; and
- the use of industrial gases

## D) Prohibited Activities – Rules 16.7.3.1 and 25.4.2.3

The Plan prohibits the generation of radioactive material, the generation of energy from radioactive material or irradiating apparatus, and the transport, storage or use of radioactive material, with an exception for radioactive material in measuring apparatus and disposal of radioactive material. It also prohibits the manufacture or processing of hazardous substances in the Coastal Marine Area. The storage of hazardous waste in the Coastal Marine Area is also prohibited under the Resource Management Act.

## 3. Compliance with Plan Provisions

It may be possible to avoid or reduce a resource consent requirement for a hazardous facility by having a less hazardous facility. Ways of achieving this include:

- substitution with less toxic or harmful hazardous substances;
- storage or use of lesser quantities of hazardous substances;
- choosing a less sensitive location;
- using less hazardous processes; or
- upgrading the facility to meet permitted activity performance standards, eg, by constructing bunding, spill containment, etc.

## 4. Applying for a Resource Consent

When applying for a resource consent, the Council will require enough information to be supplied to enable an assessment of the risks involved with the hazardous facility. The information supplied must be appropriate to the nature and scale of the activity and include a description of the activity and the likely risks and hazards associated with it.

An application for resource consent will need to include the following information:

1. **The written approval of affected parties/adjoining property owners and occupiers** if:
  - the activity applied for has not existed at this site previously; or
  - quantities of hazardous substances are increasing; or
  - the type of hazardous substances are changing.

2. **List of all types and maximum quantities of hazardous substances stored on site.**
  - Allow for future expansion. Include Material Safety Data Sheets (MSDS).
3. **Site plan with location of all chemical storage.**
  - Include distance from neighbours and sensitive environments (such as water bodies, schools). Also include location of stormwater outlets and interceptor traps (if any) and the location of buildings/dwellings.
4. **Design showing how chemicals are contained on site (e.g. bunding, sealed surfaces to protect groundwater).**
  - For sites storing petroleum products, details of how it complies with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites (MfE 1998).
5. **Emergency and spill contingency plan.**
  - Include a description of how accidents and spills will be avoided, course of action if something goes wrong, who to contact, and how it will be cleaned up. Please describe the type and location of the spill kit.
6. **Site drainage plan.**
  - Include designs that show storage areas sloping away from stormwater systems and areas that may be prone to flooding.
7. **Location and design of underground storage facilities for petroleum products.**
  - Provide details of how the facilities comply with the Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (OSH, 1992).
8. **Design of vehicle and plant washdown areas and where these drain.**
  - These should be either covered or connected to sewer drains, or ensure they comply with Council's stormwater discharge rules 36.4.2.1, 36.4.2.2 or 36.4.2.3.
9. **Storage and disposal methods of hazardous and other waste.**
10. **Any additional resource consents if applicable such as consent to discharge stormwater.**

*This guide is a summary of Plan provisions only. Do not rely on this guide to make decisions about your property. Please see the Plan for full details or seek advice from Council staff at one of the offices listed below.*

Enquire also about the availability of Codes of Practice/NZ standards.

For further information about any regulations that may apply to specific hazardous substances please contact:

Department of Labour  
 (Occupational Safety and Health Service)  
 9 Buxton Square  
 PO Box 5079  
 Nelson  
 Phone: 546 8180, Fax: 546 8136

Tasman District Council Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz) Website [www.tasman.govt.nz](http://www.tasman.govt.nz) 24 hour assistance

Richmond	189 Queen Street, Private Bag 4, Richmond, Nelson 7050, New Zealand	Phone 03 543 8400	Fax 03 543 9524
Murchison	92 Fairfax Street, Murchison 7007, New Zealand	Phone 03 523 1013	Fax 03 523 1012
Motueka	7 Hickmott Place, PO Box 123, Motueka 7143, New Zealand	Phone 03 528 2022	Fax 03 528 9751
Golden Bay	78 Commercial Street, PO Box 74, Takaka 7142, New Zealand	Phone 03 525 0020	Fax 03 525 9972