

S. //
..... 2019

██████████
CEO Salters Cartage Ltd
Auckland

Via ██████████ salters.co.nz

Private Bag 632
Wellington 6140, New Zealand

Level 10, Grant Thornton House
215 Lambton Quay
Wellington 6011, New Zealand

epa.govt.nz
+64 4 916 2426

Official Information Act Request

Dear ██████████

This refers to your email of Tuesday 8 October 2019 to the Ministry for the Environment (MfE). Your email contained questions about the clean-up of 77 Allis Bloy Place, Ruakaka.

MfE transferred questions 1 and 2 to the Environmental Protection Authority (EPA) for response. Our response, which is made under the Official Information Act 1982 (OIA), is provided below.

1. *What volumes have been removed?*

As at 4 October 2019, we understand that 270,000 litres of solvents have been removed from the site since September 2018. This operation is ongoing, and the agencies involved continue to assess their options.

2. *What enforcement has happened to date?*

We have interpreted your reference to 'enforcement' to be about the use of compliance orders, prosecutions, and associated orders. To the best of our knowledge, the following enforcement action has taken place:

- On 25 March 2010, the Department of Labour issued a Compliance Order to cease using Tanks DT1 and DT3 or obtain a Stationary Container Certificate for each.
- On 25 March 2010, the Department of Labour issued a Compliance Order that the total volume (this includes containers with 3.1 labelling) of hazardous substance class 3.1B is not to exceed the volume set out in the Test Location Certificate.
- On 26 March 2010, the Department of Labour issued a Compliance Order that all ignition sources from internal combustion engines and any other sources are to be removed from within the designated hazardous atmosphere zone/s.
- On 15 July 2011, the Department of Labour issued a Compliance Order to either obtain a valid test certificate OR reduce the level of substance used and /or stored to below the threshold requiring a certificate OR remove the substance from the site.
- On 28 April 2014, WorkSafe issued a compliance order requiring that a Location Test Certificate be obtained.
- On 8 January 2015, WorkSafe issued a compliance order to stop a shipment of substances coming onto the site.
- On 5 June 2015, the Northland Regional Council (NRC) laid charges for unlawful discharges of contaminants from the site against Mr Brian Smith, Sustainable Solvents Limited, and

Sustainable Solvents Group Limited (SSGL, the defendants), under the Resource Management Act 1991. The prosecution was delayed to allow for further investigation.

- On 23 March 2016, the defendants pleaded guilty to two charges (discharging contaminants to ground water and land without authority) and were convicted. An enforcement order, which was imposed during sentencing on 27 January 2017, required the defendants to:
 - upon sale of the site, pay the NRC up to \$214,146.11 to reimburse the NRC for the costs of the 'Environmental Site Assessment for the Works Programme' and to undertake as much of that programme as the balance of the payment allows; and
 - process the defendants' waste and/or dispose of the waste to a facility approved to receive such waste by 31 December 2017. Progress reporting was also required.
- By 31 December 2017, the defendants had failed to sell the site, and were in breach of the enforcement order, by failing to process and/or dispose of their waste. On 25 May 2017, the NRC issued an abatement notice requiring various mitigating actions to be undertaken by the defendants.
- On 7 September 2018, the Whangarei District Council (WDC) issued a Dangerous Building Notice to SSGL for the site.
- On 2 November 2018, NRC issued an abatement notice to the site occupiers/operators to cease discharging contaminated stormwater from the site.

If you would like further information about the actions undertaken by WorkSafe, NRC and WDC, please contact them directly.

You have the right to seek an investigation and review of this decision by the Ombudsman. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz.

If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz.

Yours sincerely



Gina de Graaff
Acting Director, Compliance, Monitoring and Enforcement
Environmental Protection Authority