**NATIONAL ENVIRONMENTAL STANDARD -**

**Assessing and Managing Contaminants in Soil to Protect Human Health**

Job No:       Zone:

Address:       Planner:

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| NES CONTAMINANTS IN SOIL (NESCS) | | | |
| *The NESCS applies where a person wants to carry out specified activities on HAIL land, unless a DSI has been carried out that demonstrates that any contaminants in or on the land are at or below background concentrations.* | | | |
| **ACTIVITIES COVERED BY THE NESCS** | | | |
| **Y** | **N** | **Regulations 5(2) to (6)** | **Comments** |
|  |  | Does the activity involve the any of the following:  Removing or replacing a fuel storage system  Sampling soil to determine contamination  Disturbing soil  Subdivision  Changing the use of land to one which is reasonably likely to harm human health (if HAIL land)  **If No:** the NESCS does not apply  **If Yes:** the NESCS may apply, and you need to answer the questions below. |  |
| **LAND COVERED BY THE NESCS** | | | |
| **Y** | **N** | **Regulations 5(7) to 5(9)** | **Comments** |
|  |  | Has an activity on the [HAIL](http://wwwlocal.ccc.govt.nz/unit/EPAandIE/Planning/P146.dot.lnk) been carried out on the piece of land subject to the land repair, or is it more likely than not to have been carried out, on the land?  *Use the* [*LLUR*](http://www.llur.ecan.govt.nz/) *or* [*HAIL checksheet (P-146)*](http://wwwlocal.ccc.govt.nz/unit/EPAandIE/Planning/P146.dot.lnk) *to confirm this. If site is large with a well defined HAIL located on it the NESCS only applies to the piece of land with the HAIL on it. This doesn’t apply to landfills or horticulture, and there can be leakage from fuel tanks.*  If No: the NESCS doesn’t apply  If Yes: has a DSI been carried out that demonstrates that any contaminants in or on the land are at or below background concentrations?  Yes – the NESCS doesn’t apply  No – the NESCS applies, and you need to answer the questions below. |  |

| **PERMITTED ACTIVITY REQUIREMENTS** | | | | |
| --- | --- | --- | --- | --- |
| **Compliance** | | | **Regulation** | **Comments** |
| **Y** | **N** | **N/A** |
|  |  |  | **Regulation 8(1) – Removal or replacement of fuel storage systems**  Removing or replacing a fuel storage system is permitted subject to the following:   * The activity is done in accordance with the *Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand.* * The results of the investigation required by the guidelines must be reported to the Council within 3 months of the activity ending. * The Council must be notified of where and when the activity will take place, and where removed soil will be disposed of, no sooner than 1 month and no later than 1 week before the activity begins. * Volume of soil disturbed must be no more than 30m3 for each tank in the system. * Soil must be disposed of at an authorised facility. * The duration must be no longer than 2 months. | Include the bullet points as advice notes (available in Standard Conditions) |
|  |  |  | **Regulation 8(2) – Soil sampling**  Sampling of soil is permitted subject to the following:   * Controls to minimise the exposure of humans to mobilised contaminants must be in place when the activity begins, be effective while the activity is done, and be effective until the soil is reinstated to an erosion-resistant state*.* * The soil must be reinstated to an erosion-resistant state within 1 month after the end of sampling. * Soil must not be taken away in the course of the activity except as samples for the purpose of laboratory analysis. * The integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised. | Include the bullet points as advice notes (available in Standard Conditions) |
|  |  |  | **Regulation 8(3) – Soil disturbance**  Soil disturbance is permitted if:  The volume of disturbance is no more than 25m3 per 500m2  A maximum of 5m3 per 500m2 of soil is removed from the site (per year)  and subject to the following:   * Soil removed from the site must be disposed of at a facility authorised to receive soil of that kind * The duration must be no longer than 2 months * The integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised * The soil must be reinstated to an erosion-resistant state within 1 month * Controls to minimise the exposure of humans to mobilised contaminants must be in place when the work begins, be effective while the work is done, and) be effective until the soil is reinstated to an erosion-resistant state. | Include the bullet points as advice notes (available in Standard Conditions) |
|  |  |  | **Regulation 8(4) – Subdividing or changing the use of a piece of land**  Subdividing or changing the use of land is permitted if:  A preliminary site investigation (PSI) of the land or piece of land must exist.  A report on the PSI, accompanied by a site plan, must be provided to the Council which states that is it highly unlikely that there will be a risk to human health if the activity is done. |  |
|  |  |  | **If the requirements of Regulation 8 are not met, the activity is:**  Controlled if a detailed site investigation (DSI) has been provided, which states that the soil contamination does not exceed the applicable standard in [Regulation 7](http://www.legislation.govt.nz/regulation/public/2011/0361/latest/link.aspx?search=ts_regulation_contaminants_resel&p=1&id=DLM4052215). (Regulation 9)  Restricted discretionary if a DSI has been provided which states that the contamination exceeds the applicable standard. (Regulation 10)  Discretionary if no DSI has been carried out (Regulation 11) |  |
| **STATUS UNDER THE NES:** | | | | |
| NESCS doesn’t apply - not HAIL, or levels at or below background concentrations  Permitted activity - complies with all requirements in Regulation 8  Controlled activity - DSI states contamination does not exceed applicable standard  Restricted discretionary - DSI states contamination exceeds applicable standard  Discretionary activity - no DSI | | | | |