

Bromley Liaison Group - Meeting with the Community

Notes & Action Items 6 April 2021

Time: 6:32pm - 8:47pm
Facilitator: Ian Whitehouse (Whit)
Presenters: Christchurch City Council (CCC) – Josh Wilson, Ross Trotter and Rowan Latham
Environment Canterbury (ECan) – Ruth Sarson and Marty Mortiaux
Living Earth - Daniel O'Carroll
Minutes: Kirsten Long (Hudson Recruitment)

Meeting Notes

- Whit introduced himself and welcomed everyone to the meeting. He explained his role is to facilitate, and not chair the meeting. He will help ensure everyone has a chance to be heard, given his understanding that there is a high level of frustration and emotion – he requested all people to share their views in a way that is respectful.
- The meeting will happen in four parts: Concerns and questions, an update from CCC on the upgrade to the organics plant, Living Earth's performance in relation to consent conditions, and finally, your thoughts and ideas on future meetings in terms of regularity and format – and any other ideas.
- Following introductions it was decided the meeting shall be recorded and following this agreement recordings began at this point. At the beginning of the recording Whit took the opportunity to explain that ECan had in fact approached a lot of industries in Bromley via email to provide an update on what they are doing in terms of managing dust and odour - they received no responses.

Part One: Discussion on Odour and Dust Issues – Concerns and Questions

- **Community Question:** When was fowl waste introduced to the system?
Answer from Living Earth: In May 2009 the facility opened and the following month commercial organic waste began to be accepted into the facility. This was stopped on 21 December 2020 as per the request from the Christchurch City Council. .
- **Community Question:** How was the odour perception monitored?
Answer from Living Earth: Odour perception is not monitored by Living Earth but a number of parameters are monitored daily onsite, such a Carbon: Nitrogen ratio, moisture content and others. These are often tested using third party labs. Living Earth also monitor wind conditions at all times using an onsite weather station. Noting there is nothing accepted from commercial operations that can't be accepted by residential collection. All volumes of meat waste and offal that arrives is recorded collectively, and is checked to see it meets the requirements of what is collected, but the customer identity breakdown is not recorded. Collectively, residential green bins have in the vicinity of 25% of food waste, though commercial collection percentages are much higher. Although it is accepted that the type of food waste can vary, the concentration of food waste that comes in also varies from day to day, depending on day to day collection. Bulking agent is added to the large commercial waste volumes received to dilute these concentrations to a level similar to that received residentially.
- **Community Question:** Dust build up on window sills, carpets, and even inside the house was talked about at the last meeting. Residue collected on a baby wipe was presented as evidence at that meeting, and that issue is still happening daily with dust needing to be wiped off. The Council has emailed to say they have measured dust levels and it is not coming from Living Earth, so where is it coming from?
Answer from Living Earth: Dust has been raised as a concern from the community. ChemSafety was engaged to undertake independent sampling – including air sampling and any fungi in the air and compared to a compost sample. The car that was swabbed was black – but the sample came back with a composition that was different to the matter taken from samples at the facility. The report was provided to the Canterbury District Health Board and ECan for their reference.
Answer from ECan: Ruth said dust issues were looked at specifically on one occasion in the reporting period and the report was substantiated to SIMS Pacific Metals, not Living Earth. In the previous year there were only six reports of dust concerns in Bromley. These complaints need to be reported via the pollution hotline for ECan to take further action.
- **Community Question:** This is not an acceptable solution for the hard of hearing - how do I complain!?
Answer from ECan: Ruth sincerely apologised for this oversight and undertook to personally find a solution for these community members, after this meeting.

Action: Ruth to personally make contact with community member who is hard of hearing to work out a satisfactory mechanism for laying a dust complaint.

- **Community Question:** Dust issues from compost (PM10) are the ones that are most concerning and we have no way of measuring this in NZ. These particles are not visible in a settled state on the ground, and contributes to fatalities in people, and this stuff is immediately absorbed through body moisture (eyes, nose, throats, lungs). What is being done about the dust when we are exposed to it daily?
Answer from CCC: CCC does not have a regulatory role to monitor dust from non-CCC facilities.
Answer from ECan: Marty advised that ECan monitors air quality in the city – including the monitoring of PM2.5 and PM10 – our dilemma is that we need the information from the community about the dust issue. Traditionally dust complaints in the grand scheme of things have been very low – we need you to report in and tell us so we know when and where there is a problem in order to improve the issue. We are aware of suspicious dust discharges, and we can move our mobile dust monitors to help better identify specific types of dust and location.
- **Community Question:** There has been an increase in the emergence of respiratory issues in the Eastern suburbs. We are not facing up to the fact we have a problem, we are running from it. Why has the problem not been acknowledged and fixed?
Answer from ECan: The good thing about dust is that it can be measured - it is tangible and can be seen. Odour issues are invisible and subject to varying levels of individual tolerance.
- **Community Question:** Are you going to approach the health board for stats and identify what health issues have been reported? And can you share that information with all of us? If this is such an issue that has been requested of the health board - where is the information?
Answer from ECan: We have approached the health board. Individuals will need to approach the health board independently for that specific information – even if we do have access to the info, we do not own it and cannot legally share it.
- **Community Question:** If the animal waste was removed in December, why are we still smelling it – it's not got any better!
Answer from Living Earth: Daniel stated the animal waste was removed from process but until that time it was dealt with no differently from any other waste in the facility and we would not expect any significant impact on odour. Typically all waste in the facility is approx. 8-12 weeks in active maturation. We are now in week 14 since 21 December 2020 - the date commercial food waste was no longer received into the facility. It is possible that compost from waste received prior to December is still on site waiting to be sold.
- **Community Question:** How many exceedances of the dust limit have you had in 2020 vs 2019? How many have you had in the last 3 months?
Answer from Living Earth: 2019 and 2020 data not available at hand as this meeting relates to the last three months, but that data has been previously supplied. There have been recordings of dust above the consented limit on three occasions in the previous three months. These were immediately next to the facility. There are similar levels of dust 600m downwind and upwind of Living Earth's boundary lines. When a dust complaint is received by Living Earth it is reported to ECan and CCC. Daniel stated he's not had a phone call in 3 or so years.
- **Community Question:** Why did CCC commit to a \$22m upgrade of the plant when it's not going to fix the problem?
Answer from CCC: Pauline Cotter (a CCC Councillor) proposed to answer the question with a question – what other solution is there? The Community responded they want the waste shifted. CCC maintains that this upgrade is the best solution for both cost and time effectiveness, and in the best interests of the community. There is no other solution that will provide an immediate improvement for less cost. CCC suggest that there are other factors in Bromley contributing to odour issues.
- **Community Question:** Last year when I emailed Josh and Yani and asked the question when the CCC will bring up the odour and dust problems and rates rebate and have been fobbed off.
Answer from CCC: Josh Wilson spoke to the policy around rates reduction and the necessary criteria that need to be met for staff to authorise it – this does not meet those criteria (such as Earthquake damaged houses), and the appropriate avenue for these is to go through Councillors.
Community Response: There are options that were previously tabled regarding compensation that seem to have disappeared - it's been a long ongoing issue with no resolution. Three people in the room were previously offered compensation by a previous (unnamed) Deputy Mayor and were to be paid out / bought out following further internal enquiry, but nothing more ever eventuated - and others in the community are aware of that offer.
- **Community Question:** If there are other business / industries causing odour in the Bromley area, why were these not tabled previously – they did not operate during lockdown and the smell remained?
Answer from ECan: During the reporting period an infringement notice was issued to Aroma. We are also aware that different people in the Bromley area (and surrounds) are experiencing different types of odour at different times.
- **Statement from a member of the community:** There is a problem, all parties accept there is a problem, but the community is convinced that the smell is animal waste, and despite implemented efforts to improve this, the smell is getting worse. The community member thanked Living Earth for the stoppage of animal waste being accepted, and agreed the dust issue needs to be dealt with separately, but pointed out that a problem still remains, people have been exposed to it over a long term, and are going to become unwell. It was their collective belief that it will continually re-occur until the waste is shifted.
- **Community Question:** The problem is the CCC owned facility being run by Living Earth who have in turn not run the facility to

the required standards of expected operation. Why is the Workplace Act 2015 continually being breached under section 42f 43.2d and 47?

Answer from ECan: This needs to be raised with Worksafe, CCC, ECan or Living Earth are not responsible for responding to these queries.

- **Community Question:** It's concerning when issues on work safety is dodged by CCC, Ecan and Living Earth. How does the facility continue to operate when Living Earth has breached the conditions of operation? And why does the Council continue to allow them to operate a business in their facility?

Answer from Living Earth: Daniel stated he has had two worksafe inspectors on site in his time there and is only aware of one letter received from Worksafe to Living Earth in 2015. This noted a complaint had been made to Worksafe regarding a visitor on site who was observed without a dust mask, but that at the time no further action was required by Living Earth.

Part Two: Update from CCC on the Upgrade of the Organics Plant

- December last year funding was approved to upgrade the facility and the procurement of this has been started with an EOI (Expression of Interest) released with shortlisted suppliers moving to a RFP (Request for Proposal) where they will be required to provide cost, design and timeline. A contract is expected to be awarded in July. This will be followed by the construction phase that will be comparable to other plants around the world who are well established and meeting their odour issue obligations.
- There will be no external maturation of waste, it will be done internally in an enclosed area, with one point of discharge, and will include the removal of the large piles of compost.
- The international report was produced by an engineer with experience on 20+ similar projects. The EOI respondents all have key experience and proven track record of the work.
- A community member asked how the footprint of the process can be reduced so substantially, isn't this a mathematical impossibility. Josh from CCC responded, there was previously a 2 week duration in tunnel and 10-12 week duration of waste in the windrows, but this will become 4 weeks in the tunnel with improved aeration and optimal conditions for composting to occur and 4 weeks of maturation. Further, we will likely not need to use oversized material from the end of the process as bulking agent in the tunnels, increasing capacity further.
- We are asking the suppliers to get to the lowest possible odour level by the tabled January 2022 date. Although the entire upgrade may not be complete by this time we want to ensure everything possible is done to reduce odour,
- A community member asked what would happen with the green waste. Josh from CCC responded that green waste has been processed outside on this site since 1994, which continues now. No decision on how this will be managed going forward has been made yet – traditionally green waste odour complaints have been very low. The consent for the green waste composting has been wrapped up within the consent for the whole site. Green waste will continue to be processed outside and can potentially be moved into the enclosed facility later if required.

Part Three: Discussion on the reports from ECan and Living Earth

- **Community Question:** Can Living Earth stop food waste being accepted in the green bins?
Answer from Living Earth: With the residential bin collection method, we are always going to get an element of food waste coming in to the facility. We have a high level of confidence that the proposed solution (based on other waste plants overseas) that we will have dramatically reduced occurrences of odour, as well as dust.
- **Community Question:** Why were two compliance monitoring reports issued that had different information?
Answer from ECan: There were some misunderstandings/misinterpretations of data within the first report that were subsequently corrected as more information became available. It is important to note the significant non-compliance in relation to odour remains.
- **Community Question:** What monitoring and infringement costs for breaches are paid by ratepayers?
Answer from ECan: An infringement notice for discharge to air is a fine of \$1000 and we have issued five of these to Living Earth for a total of \$5000. We want to work collaboratively, going out every day and issuing a fine is less effective than working with ECan to solve the problem.
Answer from CCC: ECan issue monitoring invoices to CCC for time spent monitoring the consent. This cost is largely passed on to the operator Living Earth.
- **Community Question:** Why have you not taken the option to shut the plant down?
Community Question: Why can't the green waste and food waste be separated and taken out to Kate Valley while we work towards the issue?
Answer from ECan: We don't have the lawful authority to shut down Living Earth, but we can and have exercised our right to issue infringements.
- **Community Question:** Despite the ongoing efforts and 3 month project – the problem has got worse. Why have steps not been taken to prevent things getting worse?
Answer from ECan: We all want the plant to be upgraded and the odour to disappear. We have issued an abatement notice to have the problem stopped, or improved, by Jan 2022.
- **Community Question:** Why can't Living Earth as a repeat offender not be penalised?
Answer from ECan: Little will be achieved by two Council's going to court at this stage - all at the cost of the rate payer - when the upgrade would solve the problem. We will continue to issue infringement notices in the interim.
- **Community Question:** Let's hypothetically jump ahead to 2 Feb 2022 when the new facility is completed – what happens then if there is still objectionable odour / material from the plant?
Answer from ECan: It's too early to say, this will need to be assessed on a case by case basis on the day in question. Should contracts be failed to be fulfilled, we will be in a position to hold someone to account and could potentially move to prosecution.
Answer from CCC: There will be clear performance requirements in the contract for the upgrade work. We do NOT want the project to fail, and we are doing this as fast as we can with the highest level of rigor, in the best interest of all parties, to the best of our abilities.
- **Community Question:** We have great biodiversity specialists at our universities – have you had independent specialist effectively audit the processes and samples?
Answer from Living Earth: This has been done previously, but not in the last 12 months due to various restrictions with Covid and resulting demands on international resources. When it was last undertaken, recommendations were provided and correlate directly with changes we have made in recent years.
- **Community Question:** Should this be happening to a private entity this would have been shut down immediately, but with a CCC owned facility and a private operator, you effectively have a referee who is also a player. Living Earth have effectively breached their resource consent and could be solved by the Council regulating what goes in the waste bins – if you remove food from the green bin, and send this to Kate Valley – even temporarily while the upgrade gets done. How much food waste is in the green bins?
Answer from CCC: About 25% of the material in the green bin is food waste.
Response from the community: We would like ECan to require people to stop putting food waste in their green bins. This provides a temporary solution while the upgrade gets done, helps solve the problem and allows ECan to retain their credibility.
- **Community Question:** \$40m has already been spent, with \$22m more proposed – what happens if it doesn't work – throw more rate payers money at it?
Answer from CCC: We are highly confident it will work. CCC says that despite the elimination of odour from the plant, there are still other sources of odour present in the Bromley Area.

Part Four: Feedback on the meeting format and conclusion

- **Community Question:** Is it possible please to have the papers available before the start of the meeting, rather than being made available at the meeting on arrival.
Answer from CCC: The papers today were issued via email before both of the last two meetings and available online - both

meetings were cancelled due to Covid - the papers available at the meeting today are no different.

- **Community Question:** Could the papers be written to be more specific in terms of content relevant to the agenda.
Answer from CCC: It was agreed that for future meetings, further clarity around the relevance of papers to agenda items would be given.
- **Question from CCC:** The next meeting is scheduled for May – the tender will still be out and little significant progress will be made between now and then. We are looking to award the contract in July and would have more significant / tangibly relevant information available for the planned August meeting. We accept the consent requires quarterly meeting, but given the recent Covid delays of the scheduled February meeting now taking place in April, we want to know if you see value in having a meeting in May - or cancelling the May meeting and resuming again in August?
Answer from the Community: The consent requires quarterly meetings in Feb, May, Aug and Nov. It is our right to have a meeting in May. *(Note, this was a vocalised preference from one community member, but no consensus from the community members present was clearly reached.)*
- **Question from the Community:** Can the RFP and EOI documents be shared?
Answer from CCC: The RFP documents are still commercially sensitive, but once the contractor has been appointed we would be better placed and willing to share this information. EOI documents are public record and can be circulated.

Action: CCC undertakes to share the EOI documents with the community once the contractor has been appointed / ahead of the next meeting.

- **Statement from ECan:** We should consider the dust holistically, rather than part of the odour issue we are meeting to discuss. The dust may be caused by Living Earth, but it may also be caused by other contributing factors. However, we are happy to include this problem as a sub-set item in these meetings going forward.
- **Community Statement:** Bromley has such a stigma attached to it, it devalues our homes, and affects the way we as people are perceived – to the point where if we wanted to sell and move, we actually can't. We'd like to have some assurance that if the upgrade solution fails that the plant will be shut down.