

12 June 2023

File Ref: OIARP-1274023063-2569

Kris Roestenburg

By email: [fyi-request-22809-9a443ac0@requests.fyi.org.nz](mailto:fyi-request-22809-9a443ac0@requests.fyi.org.nz)

Tēnā koe Kris

## **Request for information 2023-124**

I refer to your request for information which was received by Greater Wellington Regional Council (Greater Wellington) on 15 May 2023.

Your full email is attached as Appendix A. You requested the following information:

- 1. Why did the GWRC fail their duty under the RMA to ensure compliance with International Waste Ltd's Discharge To Air Consent today? Typically you would advise us that the environmental team are too busy or have multiple discharge to air breaches to inspect however the ticket numbers show that I was the only one who called that day up until the second call so what gives and what excuse do you have for not attending this breach of the Discharge To Air Consent?*
- 2. Kelly Sutton - one of the owners of Interwaste and also the owner SOS Success Ltd Divorce Coaching and Mediation Services has listed in a affidavit to the courts that the GWRC has only caught them breaching their Discharge To Air Consent in regards to emissions twice in all the years they've been operating. Is this true? As I have at-least 22 serious breaches recorded down for this year alone and as for what I would consider to be minor breaches these occur on a daily basis as emissions fill my warehouse on a almost a daily basis.*
- 3. If the GWRC are not attending and have not been attend for years on end than how is a breach supposed to be recorded? It is almost as if the GWRC do not wish to take any enforcement action against interwaste as they currently have a monopoly on the hazardous and infectious waste or alternatively there is corruption occurring within the GWRC that is blocking this from being looked into too much.*
- 4. Will the GWRC be paying for the future cancer treatments of those who have been affected due to their negligence and failure to ensure consent compliance?*

5. *Chris Wright an agent of the GWRC tried to alter the general public's perception about what has been occurring here and mentioned in a public forum that I have no idea what I am talking about, that my research papers have nothing to do with this matter even though it's based on autoclaves and that according to him those within the GWRC believe that I am standing on "soap box" - which is why the GWRC have done little to nothing to end this from happening. Could you please advise if this the GWRC's official position on these constant breaches as it would seem to be the case based off the GWRC's actions on this matter.*

6. *I made an official complaint directly to the Nigel Corry half a year ago and it was ignored by him until the ombudsman got involved and then he replied half a year later. Why?*

7. *I responded to Nigel Corry's email to me and had some questions for him, which instead of responding to he lodged as an LGOIMA through who I assume to be his personal assistance when I never requested an LGOIMA, this delaying tactic seems to be common place when dealing with the GWRC, Why?*

**Greater Wellington's response is as follows:**

1. *Why did the GWRC fail their duty under the RMA to ensure compliance with International Waste Ltd's Discharge To Air Consent today? Typically you would advise us that the environmental team are too busy or have multiple discharge to air breaches to inspect however the ticket numbers show that I was the only one who called that day up until the second call so what gives and what excuse do you have for not attending this breach of the Discharge To Air Consent?*

Greater Wellington received a complaint at 8:49am on the morning of 15 May 2023 of an odour from Interwaste smelling "like burnt flesh and burnt hair." The duty officer got in touch with Interwaste in the first instance and was informed, "this morning between 0800hrs to 0945hrs our team member was cooking outside on our BBQ for team brunch which consisted of meat products and fresh produce for human consumption." The duty officer thus did not attend site at this time, nor following a second odour complaint received about the site at 2:09pm on the same day.

The following day, 16 May 2023, we received two complaints about Interwaste, at 11:08am and 13:06pm. The duty officer did not have capacity to attend the first incident but attended the second. The officer arrived on site at 13:54pm and did not detect any odour from Interwaste.

- 2. Kelly Sutton - one of the owners of Interwaste and also the owner SOS Success Ltd Divorce Coaching and Mediation Services has listed in a affidavit to the courts that the GWRC has only caught them breaching their Discharge To Air Consent in regards to emissions twice in all the years they've been operating. Is this true? As I have at-least 22 serious breaches recorded down for this year alone and as for what I would consider to be minor breaches these occur on a daily basis as emissions fill my warehouse on a almost a daily basis.*

Greater Wellington has evidence of the door being open for longer than ten minutes at a time on a small number of occasions (breach of condition 16) and one objectionable odour (breach of condition 6). On other occasions odour has been detected but has not met the offensive / objectionable threshold and has thus not breached condition 6.

In relation to fugitive emissions passing through the open door; Greater Wellington encouraged Interwaste to install a door alarm, which they did. Following this, the information we received suggested that the door was being closed promptly. Greater Wellington considered it was not necessary to use enforcement tools in this instance.

In relation to odour – the test is for odour to be offensive / objectionable in the opinion of an enforcement officer, so this assessment is needed before any alleged breach can be confirmed.

- 3. If the GWRC are not attending and have not been attend for years on end than how is a breach supposed to be recorded? It is almost as if the GWRC do not wish to take any enforcement action against interwaste as they currently have a monopoly on the hazardous and infectious waste or alternatively there is corruption occurring within the GWRC that is blocking this from being looked into too much.*

Greater Wellington has attended incidents at Interwaste many times and on all bar one occasion we have not detected any odour, or only odour which does not meet the threshold of being offensive or objectionable. When we did detect objectionable odour, in January 2023, we took enforcement action and Interwaste paid the subsequent \$1,000 infringement fee.

- 4. Will the GWRC be paying for the future cancer treatments of those who have been affected due to their negligence and failure to ensure consent compliance?*

Under the Resource Management Act 1991, Greater Wellington has a regulatory role un ensuring consent compliance. Our role in this in education and enforcement (when and where required) but does not extend to us being liable for the consent holder's non-compliance.

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As per our previous responses to your requests, we take allegations regarding our employees very seriously. Allegations of this nature are considered in line with our Code of Conduct. For privacy reasons and our obligations as an employer, we are not able to comment any further.

We have elected to withhold information in regards to this matter under section 7(2)(a) of the Local Government Official Information and Meetings Act 1987 to protect the privacy of natural persons.

We have considered whether the public interest in the requested information outweighs Greater Wellington's need to withhold the requested information. We do not consider in these circumstances that the public interest outweighs Greater Wellington's reason for withholding the information under the ground identified above.

6. *I made an official complaint directly to the Nigel Corry half a year ago and it was ignored by him until the ombudsman got involved and then he replied half a year later. Why?*

We apologise that this complaint was simply missed as you have sent us a large volume of correspondence about Interwaste.

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In your email of Wednesday, 10 May 2023, I identified aspects of your correspondence that constituted a request for information under the Local Government Official Information and Meetings Act 1987 (the Act). Consistent with best practice as determined by the Office of the Ombudsman, we lodged this email to be responded to as part of our usual official information request processes. Your email was logged as 2023-120 and the questions you asked have been responded to.

The Act states that local government agencies must respond to official information requests as soon as reasonably practicable and no later than 20 working days (section 13 of the Act). We responded to your request 2023-120 on 7 June 2023. We believe this was reasonable and as soon as practicable given our competing work demands.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Nāku iti noa, nā

A handwritten signature in blue ink, consisting of a stylized initial 'N' followed by a long horizontal stroke.

Nigel Corry  
Tumu Whakarae – Chief Executive  
Greater Wellington Regional Council

## **Appendix A: Your Email in Full**

*Today (15/05/23) International Waste Ltd otherwise known as Interwaste was knowingly breaching their Discharge To Air Consent for the entire day and allowing volatilized hazardous waste spew out beyond their legal boundary and on to the streets. This in turn filled my warehouse with volatilized hazardous waste that smelt like strange indescribable chemicals and feces \ damp ass type of smell.*

*I called the GWRC in the morning at approx 8.20am and informed them about this breach of Discharge To Air Consent and was provided with the transaction number (TX 245-36).*

*The GWRC did not attend. However the emissions coming from International Waste Ltd continued to spew out beyond their legal boundary and fill my warehouse.*

*At around 2PM the emissions unbearable and my lungs were sore and I had experienced multiple headaches at random times so I once again called the GWRC and informed them and was provided with a transaction number (TX 245-37). The GWRC once again did not attend.*

*By this stage of the day both me and my staff members had been breathing in volatized hazardous waste for the entire day.*

*Based off the ticket numbers the GWRC had only received a smell complaint once during the day and that was from me(TX-245-36 to TX-245-37).*

*My questions are this;*

- 1. Why did the GWRC fail their duty under the RMA to ensure compliance with International Waste Ltd's Discharge To Air Consent today? Typically you would advise us that the environmental team are too busy or have multiple discharge to air breaches to inspect however the ticket numbers show that I was the only one who called that day up until the second call so what gives and what excuse do you have for not attending this breach of the Discharge To Air Consent?*
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