

8.3 INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

Information Only - No Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	4 May 2023
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Report Number:	RRC23-05-5

1 Summary

Change Author to Shawn Waters in agenda

- 1.1 This report provides an overview of the activities undertaken by the compliance department regarding wastewater discharges from both municipal wastewater treatment plants and on-site domestic wastewater systems.
- 1.2 The team operates a bespoke monitoring programme as part of its statutory obligations under the Resource Management Act 1991 (RMA) as well as supporting Council's commitment to the principles of Te Mana o te Wai. The programme is also important in supporting Council to meet its requirements under the National Policy Statement for Freshwater Management 2020 (as amended in 2023).
- 1.3 Council owns and operates eight municipal wastewater treatment plants (WWTPs) that cater to about 60% of the regional population leaving the remaining 40% to look after their own wastewater. Of that 40%, Council monitors around 1000 consents to discharge wastewater in areas where wastewater may present a significant risk to both human and environmental health.
- 1.4 The Tasman Resource Management Plan (TRMP) provides for small volume domestic wastewater systems to discharge to land as a permitted activity, apart from small areas considered environmentally sensitive that require stricter governance (Special Domestic Wastewater Disposal Areas and the Wastewater Management Area).
- 1.5 Non-compliance with consent conditions has been a persistent trend for a number of years despite Council's interactions. Anecdotally, the main reason for non-compliance is householders lack of knowledge around how to properly manage an on-site wastewater system. It is also in part a lack of understanding around the purpose and obligations carried with a resource consent.
- 1.6 While much of the non-compliance is technical and therefore considered minor, Council is still required to respond accordingly to avoid any potential adverse environmental effect occurring from poor management. Council promotes compliance with these consent holders through a range of tools, from education through to formal actions.

2023

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

- 1.7 All eight of the Council's municipal wastewater treatment plants operate under a suite of resource consents allowing the discharge of treated human wastewater, either to land, water, or the coastal marine area (CMA). The dedicated monitoring programme for these consents (as well as associated biosolids and air discharge) sits within the wider programme. The team responds to all incidents and notifications of overflows occurring from the wider reticulated wastewater network that are not controlled by existing discharge consents.
- 1.8 Storm events pose a risk of uncontrolled discharges when systems are overrun and lose capacity. Dry weather overflows also occur due to mechanical failures. The RMA provides a local authority or a network utility operator with the ability to take action to remove a cause or mitigate any or likely adverse effect as a result of an emergency. The RMA provides an immunity from prosecution for that activity provided it meets the requirements affording that protection. Beyond that the person may be liable for some form of enforcement action depending on the circumstances.
- 1.9 As the regulatory authority, the Council, through its compliance team, is duty bound to investigate these instances of unauthorised discharges and assess the circumstances against the defences within the RMA and respond in accordance with its policies.
- 1.10 The Council, through its state of the environment monitoring, has identified at least five waterways in the district with poor water quality where faecal contamination is a significant contributor in that degradation. In some of these catchments the source is identified as being linked to human wastewater as it likely to be sourced from failing septic tanks or incorrectly installed systems. Investigations of wastewater systems in these catchments will be required to identify and resolve the source of the problem.

2 Draft Resolution

- 2.1 **That the Environment and Regulatory Committee receives the Introduction to the compliance monitoring programme for onsite and municipal wastewater in Tasman District Report.**

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT**3 Purpose of the Report**

- 3.1 The purpose of this report is to provide an overview of the district's wastewater management from the perspective of the monitoring and enforcement team tasked with implementing a monitoring programme for onsite domestic and Councils municipal wastewater treatment plants.
- 3.2 While a summary of compliance performance in this sector is usually presented in the Environmental Compliance and Enforcement Summary Report published annually, this report is intended more as a discussion around the wastewater landscape and factors that determine the programme and our actions.
- 3.3 The report also traverses some of the longer-term issues encountered by compliance in driving for better compliance outcomes.
- 3.4 As this is an introductory report, the intention is to present an annual report at the conclusion of this reporting year. That will incorporate among other things, a comprehensive set of current performance data as well as compliance performance tracking over time and a summary of programme outputs.

4 Introduction**Wastewater discharge activity in Tasman District**

- 4.1 In Tasman, eight municipal wastewater treatment plants (WWTPs) serve the larger population centres of the district. These plants collect and treat wastewater for approximately 60% of the population in the region (\pm 33500) using approximately 366 km of reticulation pipework to convey waste to the plants. These WWTPs use a series of treatment processes to treat waste to a required level prior to discharge out into the environment, either to land or water.
- 4.2 This leaves approximately 40% of our community managing their own wastewater (\pm 21,500) using a variety of on-site wastewater systems, which approximately equates to around 9400 systems. From our understanding of the industry, the average cost of a wastewater system is in the region of \$15,000 to \$60,000, depending on the complexity of the system and its ability to treat wastewater. Nearly all of these systems will discharge to land using a disposal field as a final treatment stage. The exceptions are the various composting and alternative treatment systems, of which there are a few around the district.
- 4.3 The discharge of human wastewater to freshwater is repugnant to tikanga Māori and is not something the community condones. The disposal of untreated wastewater to water is prohibited by our rules and while the discharge to land or water of treated wastewater may be allowed with strict controls, poorly treated wastewater to surface or ground water can adversely affect the value and uses of water and present a significant health hazard. The implementation of the National Policy Statement on Freshwater Management in 2020,

2023

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

(amended in 2023), means the principles of Te Mana o te Wai have been reinforced as an integral principle for freshwater management in New Zealand.

- 4.4 The community has a reasonable expectation that the arm of Council with regulatory responsibility will develop and maintain an effective monitoring and enforcement regime to meet its desire for freshwater. To this end, the compliance team has in place a dedicated monitoring programme for both our onsite domestic wastewater discharges as well as the large Council-owned municipal wastewater treatment plants.
- 4.5 Having this dedicated programme allows Council to understand and respond to poor behaviour, actual or potential adverse effects on the environment, as well as promote compliance through helping system owners understand why there is a need to sustainably manage their systems and why Council regulates. It also provides opportunity for the community to raise its concerns and have them responded to.
- 4.6 Unfortunately, over the last few years, Council's environmental monitoring has identified that some waterways in the district have poor water quality where faecal contamination from human effluent is a contributor in that degradation. This means that not all wastewater systems are optimally managed or meeting regulatory requirements.

5 Discussion

The rules controlling the discharge of domestic wastewater in Tasman.

- 5.1 The TRMP prohibits any discharge of untreated wastewater to water.
- 5.2 The TRMP does provide for small volume domestic wastewater systems to discharge to land as a permitted activity, provided they are through a wastewater treatment disposal field, and subject to performance standards set out in the rules contained in Chapter 36 of the TRMP.
- 5.3 There is also a separate set of rules for greywater discharges and the use of long-drop toilets. These rules exclude onsite disposal of human wastewater within urban reticulated wastewater areas. They must instead connect to the Council's reticulated wastewater network. They also restrict wastewater disposal within the Special Domestic Wastewater Disposal Area (SDWDA) and Wastewater Management Areas where there are higher standards.
- 5.4 For those that cannot meet the rules or are within those special areas, a resource consent will likely be required.

Special Domestic Wastewater Disposal areas

- 5.5 The SDWDAs are special areas where the combination of site-specific limitations (soil, geology, topography), increasing density of on-site systems and evidence of adverse effects from existing systems (odour, water contamination) present a risk of contamination.
- 5.6 The genesis of this was extensive monitoring of groundwater bores across the region that identified the cumulative effects of failed or failing wastewater systems in some areas were the contributing factor for the degradation of the water quality.

2023

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

5.7 The eight Special Domestic Wastewater Disposal areas identified in the Councils planning maps are shown below in Figure 1.

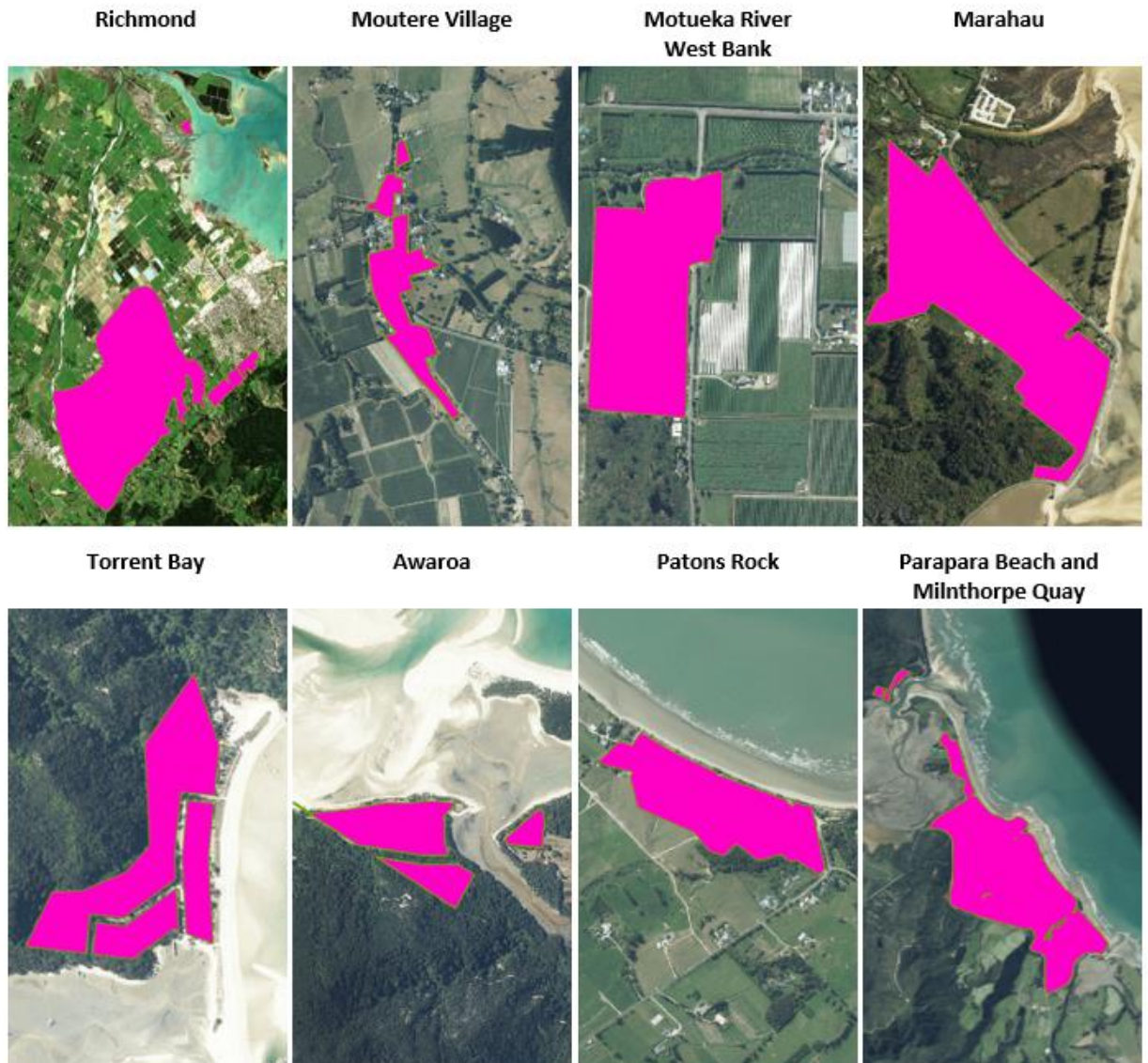


Figure 1. Planning Map locations of the eight Special Domestic Wastewater Disposal areas designated in the Tasman Resource Management Plan

5.8 Wastewater discharges within the SDWDA require resource consent if they cannot meet a specific set of rules in the plan related to this area. These rules restrict the discharge to <2,000 litres per day but more importantly set a stricter effluent quality standard that requires systems capable of higher levels of treatment.

Wastewater Management Area

5.9 The wastewater management area (WMA) was introduced in 2003 to ensure that the adverse effects, particularly the cumulative adverse effects, of on-site disposal of domestic

2023

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

wastewater on water quality was managed appropriately in relation to the soil composition within the identified area.

- 5.10 The discharge of wastewater from on-site wastewater management systems (OWMS) in the WMA is a controlled activity and requires a consent. We have around 1000 properties holding resource consents.



Figure 2. Planning Map of the Wastewater Management Area (WMA) designated in the Tasman Resource Management Plan

Compliance monitoring programme for on-site wastewater

- 5.11 Landowners discharging their wastewater under the permitted activity rules do not form part of the dedicated monitoring programme. These activities only come into focus if it becomes apparent that issues are occurring with the system, or they may not be meeting requirements. Council usually becomes aware of this through environmental monitoring picking up signatures in the waterways or someone bringing their concerns to Council.
- 5.12 As Council does not routinely monitor these wastewater systems, we cannot discount that some of these systems may not be performing to the required standards resulting in possible contamination of ground and surface water.

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

5.13 All resource consented OWMS are subject to active monitoring and are managed under the current monitoring programme. These consents typically have standard conditions imposed on them with the main conditions of interest being:

- The need to have and maintain a service agreement with a suitably qualified wastewater person or company to service and maintain their system
- A requirement to service their system six-monthly or yearly with their servicing reports sent to Council
- A set of sampling requirements
- As-builds and commissioning certificates needed for records
- Management plans for those systems that require them.

5.14 There are around 1000 consents within the programme, and the programme consists of the following attributes:

- Administrative function of maintaining and uploading documentation (services and sampling data supplied by servicing agents)
- Sending reminders and follow ups where information is missing or overdue (the need to have their systems serviced and sampled as per their consent)
- Review of laboratory results and schedule retesting if required with both consent holders and servicing agents
- Site visits to those systems that are failing and/or having troubles in complying with conditions and or follow-up and investigations of service requests
- Responding to non-compliance using a range of statutory and non-statutory tools
- Reporting on performance in the sector.

Non-compliance with resource consent conditions

5.15 Non-compliance with consent conditions has been a persistent trend in this area for a number of years.

5.16 Figure 3 below displays the 2021 - 2022 On-site Domestic Wastewater consent compliance summary as published in the 2021 – 2022 Environmental Compliance and Enforcement Summary Report. While not compared against previous years data in this report, its value here is showing that over half of consents monitored fail to meet one or more conditions which is consistent with previous years. In general, the non-compliance is graded as minor and is illustrative of the perennial problem of consent holders failing to provide information stipulated by their consent conditions in a timely manner, most often servicing and/or sampling results.

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

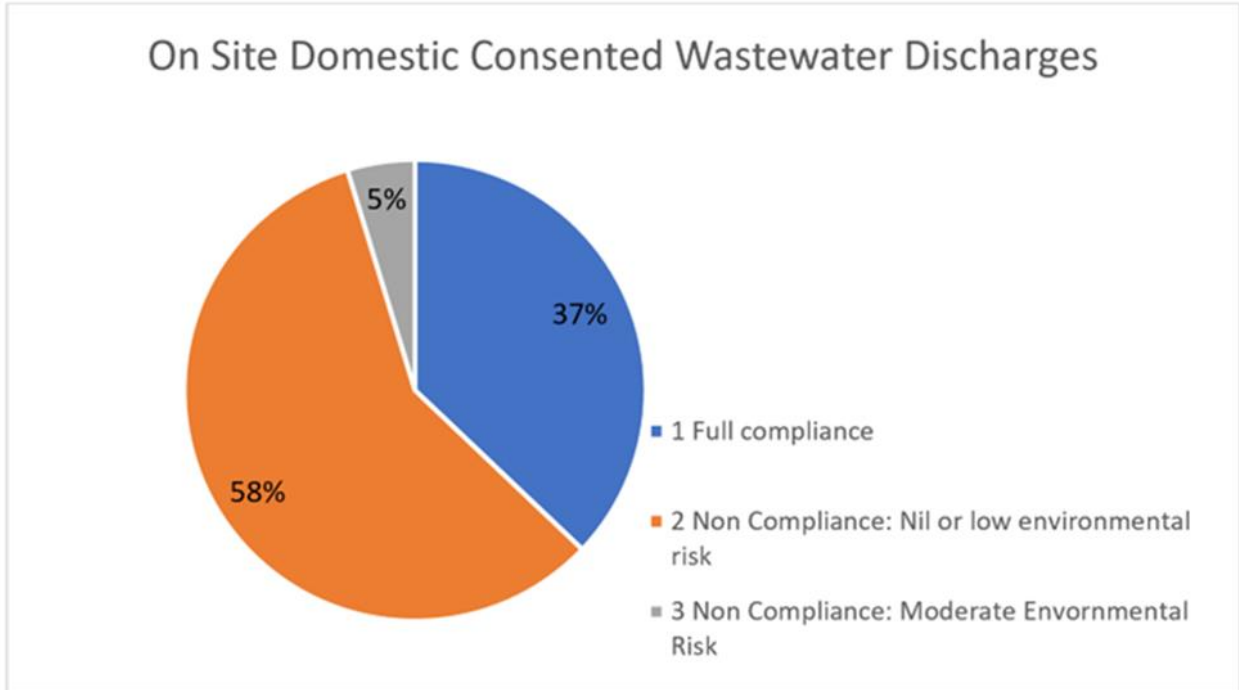


Figure 3: On site Domestic Wastewater consent compliance summary from the Tasman District Council 2021-2022 Environmental Compliance & Enforcement Summary Report

- 5.17 Unfortunately, a considerable amount of Council staff time is taken up by the need to contact and remind consent holders to supply this outstanding information and highlight the non-compliance with consent conditions. Invariably after this contact, most arrange for the outstanding service or sample to be completed and sent to Council.
- 5.18 Figure 4 below is useful in displaying the number of consents monitored compared to the level of interactions had with consent holders to try and achieve greater compliance.

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

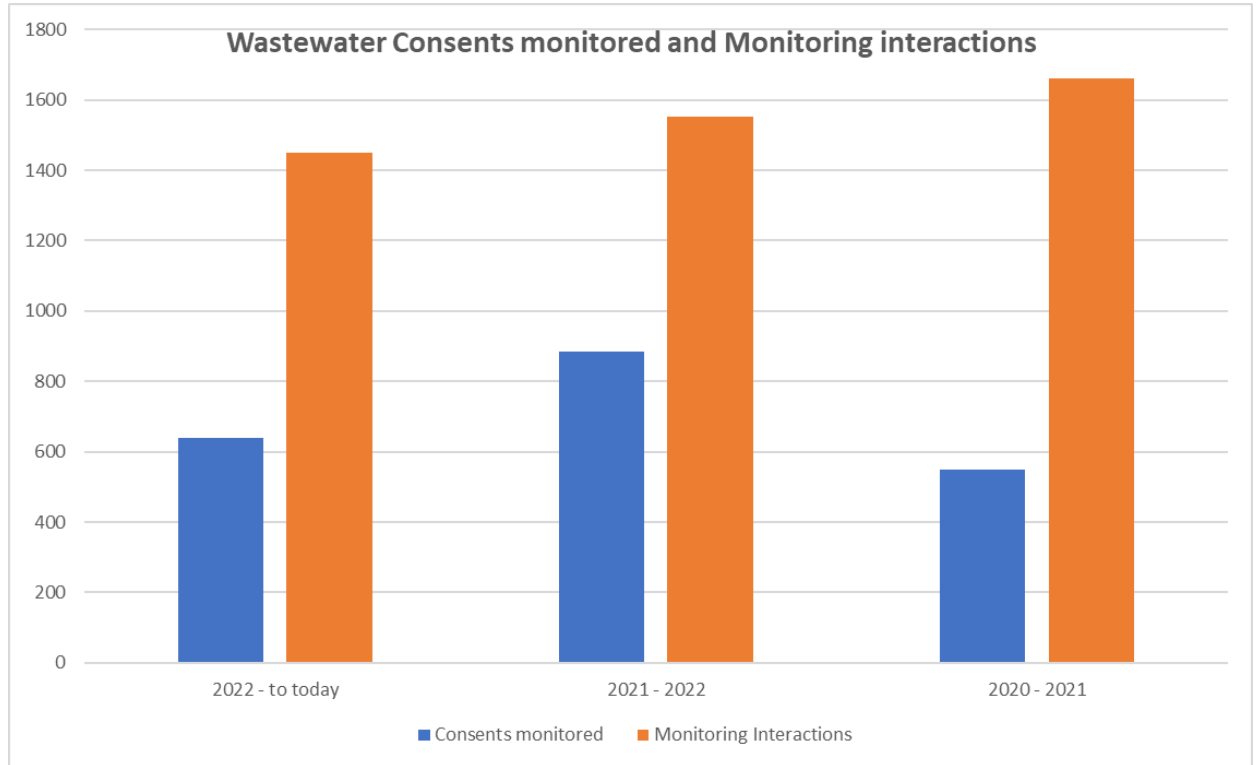


Figure 4: Wastewater Consents monitored and Monitoring Interactions

5.19 The other contributor of reported non-compliance in this area is the failing of wastewater samples meeting consented effluent quality parameters in the conditions. From our investigations, it is found to be due to the property owner not being aware of how to manage and maintain their system with the use of products that are harmful to the biology of the wastewater system. Anecdotally, it appears to be underpinned by homeowners’ general reliance on servicing agents to manage their systems and servicing schedules. Given the problem of workload by service providers, accreditation and staffing along with contractual conditions with servicing post system installation, this is an area fraught with problems. Interestingly, this is also an issue seen nationally and not just in this district.

Issues that affect system performance and compliance outcomes

- 5.20 Fundamentally, the system, to be fit for purpose and operate effectively, must be designed, installed, and operated correctly.
- 5.21 Poor design and installation have been found to be an issue, particularly with some of the early wastewater systems and those systems installed prior to the RMA and TRMP requirements for consent. The issue has been the robustness of the system and its ability to treat effluent that has resulted in the failure of the land application areas.
- 5.22 Newer aerated wastewater systems require regular servicing but there has been a marked improvement in the design with greater emphasis placed on soil conditions and land application areas being correctly sized for the volume of discharge.

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

5.23 Over the last ten years, the Council has worked hard to ensure through both the Resource Consent and Building Consent processes, that systems have been designed effectively and are fit for purpose. This also gives permitted wastewater systems the best chance at meeting the discharge rules. Nevertheless, a lack of regular servicing and maintenance such as pumping out the tank when required, inadequate servicing of pumps, aerators, and filters will always degrade any wastewater discharge quality.

Challenges around data management and systems

5.24 There are no standardised reporting documents used within the industry and Council finds that every servicing agent has a unique way of capturing and reporting to Council. This can make things difficult in assessing whether the serviced system has been checked to an adequate level by some servicing agents. The Council is now taking a lead on this and is looking to bring in a standardised system that can promote a more consistent approach to information provision.

Tasman District Councils Wastewater Treatment Plants (WWTP)

5.25 All eight of the wastewater treatment plants in the Tasman district hold a suite of resource consents for the discharge of treated wastewater and associated activities.

5.26 In Tasman District not all the plants discharge treated wastewater to water, rather a greater percentage discharge to land. The largest, Bells Island, is a coastal discharge along with the Motueka WWTP. Figure 5 summarises our treatment plants’ discharge environments.

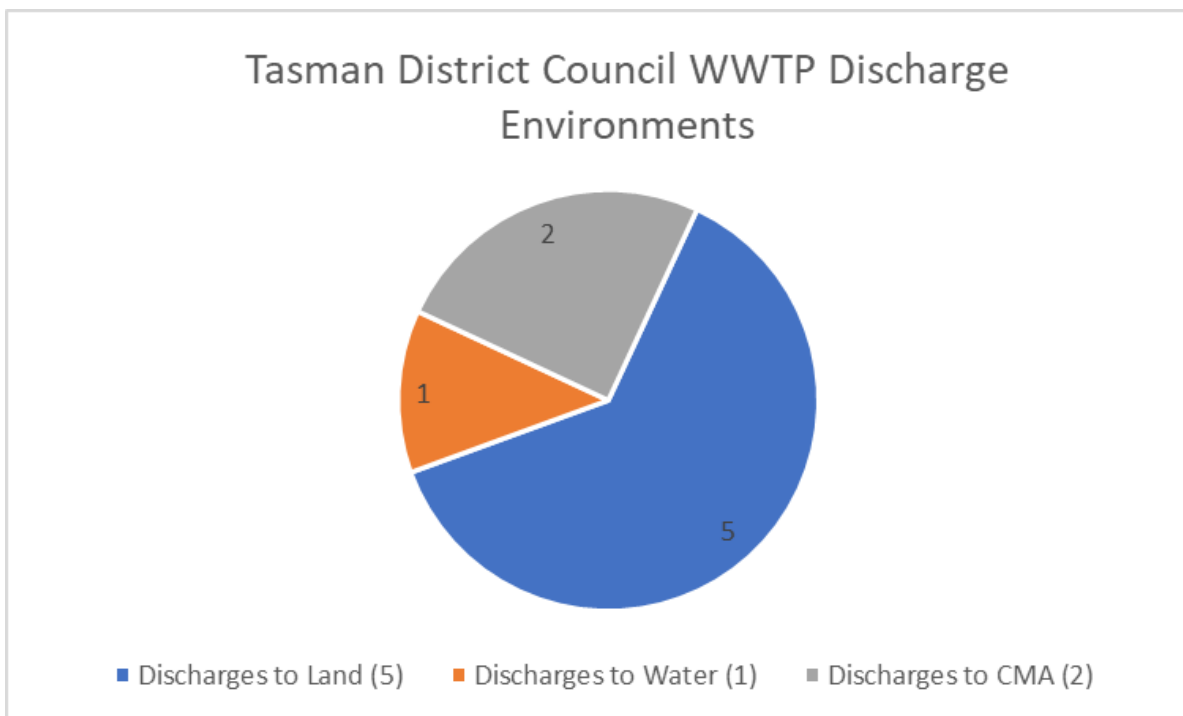


Figure 5: Tasman district WWTP discharge environments.

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT**Bells Island WWTP**

- 5.27 The largest wastewater treatment plant operating in Tasman district is a joint venture between Nelson City Council and Tasman District Council, operating under the Nelson Regional Sewage Business Unit (NRSBU). The Business Unit controls the piping assets that take domestic and industrial effluents from parts of Nelson City, Richmond, townships around the Waimea plains including Brightwater, Wakefield, and Mapua/Ruby Bay in the Moutere area to the Bells Island Treatment Plant.
- 5.28 The Nelson Regional Sewage Business Unit has a resource consent to discharge up to 25,000 m³ of treated effluent per day via oxidation ponds, into the Waimea Estuary. Along with discharges to land via irrigation on Bell Island and the discharge of Bio solids to Rabbit Island. Conditions of the resource consents require sampling of effluent quality on a monthly basis. The Council receives copies of all sampling results. A suite of quarterly and annual reporting is required.

Collingwood WWTP

- 5.29 The Collingwood township WWTP discharges treated effluent into the Burton Ale Stream via a two-stage oxidation pond, marsh cell system and then UV treatment. The resource consent allows for a maximum of 1070 m³ per day of effluent at a rate of 12 litres per second, to be discharged into Burton Ale Creek.
- 5.30 The Collingwood WWTP resource consent requires a range of monitoring, including plant performance and surface water monitoring. An annual report is required each year covering the monitoring and performance activities. A suite of quarterly and annual reporting is required.

Takaka WWTP

- 5.31 Takaka WWTP currently serves Takaka, as well as a number of smaller settlements. The system comprises two aerated oxidation ponds feeding eight marsh cells. Discharge is to groundwater via eight rapid infiltration basins. The resource consent allows for a maximum of 1680 m³ of effluent per day to be discharged into the ground.
- 5.32 Resource consent conditions require a range of monitoring, including plant performance and ground and surface water monitoring and an annual report.

Upper Takaka WWTP

- 5.33 Upper Takaka Wastewater Treatment Plant is a small system that services approximately 26 households and discharges treated effluent into land via a single pond and marsh cell system.
- 5.34 Resource consent conditions require a range of monitoring including plant performance and surface water monitoring. An annual report is required.

Motueka WWTP

- 5.35 Motueka WWTP services the township of Motueka and surrounding areas and is the newest WWTP in the district. The resource consent allows for a maximum of 10,000 m³ of effluent

2023

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

per day to be discharged via an outfall to the Motueka river, after being processed through a membrane system to remove impurities and UV treatment.

- 5.36 Resource consent conditions require a range of monitoring including plant performance and ground water monitoring. An annual report is required.

Tapawera WWTP

- 5.37 Tapawera WWTP is a small system servicing the township of Tapawera. This system was upgraded under a new consent in 2008. The system comprises a single pond feeding into rapid infiltration basins. The consent allows a maximum discharge of up to 500 m³ per day.

Murchison WWTP

- 5.38 Murchison WWTP lies near the Matakita River beside State Highway 6. This system was upgraded under new resource consent granted in 2006. The system comprises three aerated oxidation ponds. Discharge is to land via infiltration trenches. The resource consent allows for a maximum of 500 m³ of effluent per day to be discharged into the ground. Five bores actively monitor for groundwater effects.
- 5.39 Resource consent conditions require a range of monitoring including plant performance and ground water monitoring. An annual report is required.
- 5.40 Resource consent conditions require quarterly sampling reports and a full biennial report incorporating plant performance and ground water monitoring. Biennial benthic surveys of the Motueka River are also required. An annual report is required.

St Arnaud WWTP

- 5.41 St Arnaud WWTP services the township of St Arnaud. The Council's Asset Engineering Department has resource consent to discharge up to 18.7 m³ per day of effluent at a rate of 5.2 litres per second. The system comprises a single aerated oxidation pond feeding a two-stage marsh cell. Discharge is into the ground via infiltration lines.
- 5.42 Resource consent conditions require a range of monitoring including plant performance and ground water monitoring. An annual report is required on November 30.

The compliance monitoring programme for WWTPs

- 5.43 The compliance department runs a dedicated monitoring programme for the WWTPs. The monitoring structure is driven by the large suite of consents that are attached to these activities. Consent holders are required to undertake an extensive range of real-time and staged monitoring and report this in quarterly and annual summary reports. These reports are submitted to Compliance for audit.
- 5.44 The compliance monitoring strategy is set around:
- assessment of reports
 - follow-up of any outstanding data and issues
 - database updating
 - programmed and ad-hoc site monitoring
 - formal meetings with consent holder
 - receipt and follow up of incident notifications under section 330 of the RMA.

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT**Dry and Wet weather Overflows in Councils wastewater networks**

- 5.45 Council owns and maintains approximately 366km of wastewater reticulation and 878 pump stations along with the eight treatment plants.
- 5.46 Overflows of untreated wastewater can and do occur from the system and these overflows can occur in wet weather or dry weather. Typically, in storm events once capacity is lost from stormwater inundation, breakouts occur in the lowest areas of the network, from places such as manhole lids. In order to respond to this uncontrolled discharge, Council staff will direct an overflow to a designated location through pumping or other diversions.
- 5.47 Dry weather overflows are rarer and usually a result of a blockage or breaks within the wastewater network and the discharge is often localised.
- 5.48 As mentioned in an earlier part of the report, under the current rule framework, the Council cannot issue resource consent to authorise in any manner, the discharge of untreated wastewater to water as it is strictly a prohibited activity.

Regulatory Compliance Response to overflows in Council's wastewater networks

- 5.49 While these are obviously not part of a consent monitoring strategy, these discharges are subject to regulatory oversight and are all reported and investigated by the compliance team at the time as part of our regulatory function.
- 5.50 The agreed compliance approach to these overflows is on the basis that unless otherwise protected by provisions within the RMA, they will be considered unauthorised discharges.
- 5.51 Given there is a defence to any action enshrined under section 330 of the RMA, the compliance team must assess each and every one on a case-by-case basis and make a determination from the facts.

Is the action covered by provisions of Section 330 of the Resource Management Act allowing emergency works and power to take preventive or remedial action?

- 5.52 The ordinary provisions of section 15 of the RMA restrict discharges to land or water unless allowed as a permitted activity or by resource consent. However, under section 330, where a local authority, network utility operator or lifeline utility or any authorised person acting on their behalf, is of the opinion that action is required to remove the cause or mitigate any actual or likely adverse effect of the emergency they may act, and the provisions of section 15 do not apply.
- 5.53 If a state of emergency, as defined under the Civil Defence Emergency Management Act 2002, is declared, section 330B of the RMA extends the same provisions to any person exercising emergency powers during that emergency:
- the work is not carried out by authorised persons (as described in s330)
 - the circumstances are not deemed to be an emergency
 - the works are inappropriate in type or scale for addressing the emergency only.
- 5.54 It is also important to note that the Regulatory Department at no point has input into deciding as to whether the Council as the network operator can utilise the emergency works

2023

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

provisions at the time of the event, they themselves must form this opinion and be able to defend, if necessary.

- 5.55 The compliance team has a process where it will receive notification by the network operator that a discharge is occurring and the circumstances. This is a standard notification process with a set of defined reporting parameters. This report is also sent to other departments and agencies.
- 5.56 Post the event notification, the compliance team conducts an investigation into the circumstances and actions taken. At the completion of an investigation, if the circumstances and actions surrounding the discharge are found to be within the scope of section 330, then no further action is taken.
- 5.57 If non-compliance is found the team has a statutory obligation to respond using the tools available to it under the RMA. This response may utilise a range of non-statutory (education) and statutory (formal enforcement) enforcement tools depending on the nature of the offending and in accordance with enforcement principles and guidelines.
- 5.58 To date, no action taken by the utility operator exercising this power has been found to be not accordance and therefore not protected by the provisions of the RMA.

6 Future Programmes of work

- 6.1 The Council, through its state of the environment monitoring, has identified at least five waterways in the district with poor water quality where faecal contamination is considered a significant contributor in that degradation.
- 6.2 Community expectation is that when these types of contaminants are detected, corrective action will be taken to eliminate the pollution source.
- 6.3 Lessons from past investigations where domestic wastewater has been identified, have shown typical sources are old on-site wastewater systems with inappropriate disposal methods such as pipes from tanks directly discharging to water, or poorly maintained systems that now have failed disposal fields and runoff.
- 6.4 While integrated catchment action plans will need to be developed to improve these degraded environments, the information already known means a strategic compliance investigation and response should be developed and implemented as soon as possible. The compliance team is looking at this now, however, the cost of a comprehensive catchment assessment is not accounted for in current budgets and money will need to be found.
- 6.5 The compliance team has a defined strategy in respect to monitoring and enforcement that is set out in its monitoring and enforcement policies. Tailored monitoring and incident procedures are developed for a number of activities, particularly those with complex processes.
- 6.6 The compliance team has been revising and redefining the program for both on-site and municipal wastewater treatment plant monitoring. Once completed these mapped

2023

INTRODUCTION TO THE COMPLIANCE MONITORING PROGRAMME FOR ONSITE AND MUNICIPAL WASTEWATER IN TASMAN DISTRICT

procedures should provide a clear and transparent understanding of our regulatory functions. This is particularly relevant for the transition of the community wastewater management from Council to national water entities under the Affordable Waters reform.

- 6.7 We will continue to build on this process to ensure our monitoring and enforcement strategy is consistent with our neighboring councils.

7 Conclusion

- 7.1 The compliance team runs a dedicated wastewater monitoring program for consented activities which are discharging into our environment. We need to do this as effective wastewater monitoring and enforcement is a crucial role if we wish to meet our obligations under Te Mana o te Wai and to the community for safe and clean freshwater. The National Policy Statement for Freshwater Management 2020 amended 2023 further drives that Council must monitor and respond to degradation compliance monitoring and enforcement is a part of meeting this objective.
- 7.2 Monitoring this area is, however, complex given the scale and nature of the discharge activities and behaviors and attitudes of system owners. Non-compliance is often high in this area although the level of non-compliance is usually determined to be minor and often technical with no actual adverse environmental effect. That said, we strive to promote full compliance and respond with enforcement where persistent poor behaviour remains. For that reason, we are constantly reviewing and revising the strategy to ensure that our systems and processes are appropriate and effective, and we are responding to issues in a legally robust and proper way.
- 7.3 Issues can and do arise that affect wastewater disposal on a small and large scale. Significant storm events are often an area of concern for our reticulated systems and treatment plants where inundation risks uncontrolled discharges of untreated effluent occurring. Where this occurs, we must ensure that the actions taken by the network owners responding to the event are in accordance with the legislation provided and, if not, respond to the breach in accordance with Council's enforcement policy.

8 Attachments

Nil