



STAFF REPORT

TO: Environment & Planning Committee

FROM: Carl Cheeseman – Co-ordinator - Compliance-Monitoring

REFERENCE: C653

SUBJECT: **COMPLIANCE MONITORING QUARTERLY REPORT:
1 JANUARY – 31 MARCH 2008 – REPORT EP08/04/07 - Report
Prepared for 24 May 2008 meeting**

1. INTRODUCTION

This report outlines the complaints, incidents and general monitoring undertaken as part of the Compliance Monitoring departments programme of work over the period 1 January – 31 March 2008.

2. COMPLAINTS

Over the reporting period a total of 265 complaints were received by the department. While complaints related to a broad range of activities, the predominant complaint was associated with discharges, with a significant proportion (32) relating to smoke from outdoor burning. As always illegal rubbish dumping around the district accounted for a number of complaints and man hours involved with clearing and investigating for potential offenders. Noise from machinery was also well represented. Note noise complaints associated with noisy parties and covered under contract by A/H contractors are not included in this period's total number of complaints.

3. ENFORCEMENT

3.1 Abatement notices

A total of 17 Abatement notices were issued over the period. Most recipients complied with the requirements of the notice as required however four received an infringement notice for failing to comply and two have become the subject of stay and appeal to the Environment Court. These final two matters are due to be heard in the coming months.

3.2 Infringement fines

During the period a total of thirteen infringement fines were issued. Of these nine were for offences against the Resource Management Act with the remainder for offences of rubbish dumping or abandoned vehicles.

3.3 Enforcement Orders

No enforcement orders were sought over the reporting period.

3.4 Prosecution

One prosecution was recently initiated for a dairy farmer in the Murchison area and two informations have subsequently been laid in the District Court for the alleged offences of discharge of contaminants to both land and water. A Court date has yet to be set.

4. CONSENT MONITORING PROGRAMME

The current consent monitoring programme is tabled below. This is due for review at the end of this financial year.

| Land Use | Coastal | Beds Rivers/Lakes | Water | Discharges |
|--------------------------------|-----------------------------|--------------------------|--------------------------------|-----------------------|
| Gravel Extraction (land based) | Aquaculture: Spat Farming | Flood Erosion Protection | Groundwater: Metered Zones | Animal Effluent's |
| Land Disturbance | Aquaculture: Mussel Farming | Structures | Groundwater: Non-Metered Zones | Human Effluent's |
| Hazardous Facilities | Flood Erosion Protection | Dams | Surface Water: Low Flows | Chemical Discharges |
| Signage | Structures | Gravel Extraction | Surface Water: Non-Low Flows | Industrial Discharges |
| Quarries and Mining | Moorings | | | Stormwater Discharges |
| Minor Land Use | Extraction and Reclamations | | | Air Discharges |
| Bores | | | | |
| Forestry | | | | |

5. CONSENT MONITORING

During the period a total of 118 consents were monitored as part of the strategic programme of monitoring. The following is a summary of that monitoring.

- Dairy effluent discharges

Five dairy effluent discharge consents were monitored during this period as part of the 2007/2008 Farm Dairy Effluent monitoring programme now recently concluded. Details of consent performance in this sector are due to be reported in the annual dairy monitoring compliance report in July.

- Domestic wastewater

35 consents were reported against over this period. A significant number of these were non compliant with conditions of consent. A range of actions are being taken with consent holders in order to achieve compliance and some significant work being required at some sites.

- Metered ground and surface water takes

All metered water takes were subject to monitoring over this period as part of the water meter programme. Compliance in general was good however around 44 consent holders were the subject of compliance action as a result of overtakes or inconsistent returns. Of those 44 one subsequently received an infringement fine. Rationing stages were also implemented over this period of reporting. A detailed report of monitoring and performance over the 2007/2008 Water Metering season is due before Council in July.

- Marine Farming

All the marine farms operating within the district were monitored in February. The only non compliance reported was in relation to lights on the Ringroad farm in Tasman Bay which was repaired promptly.

- District and Regional Land use

45 district and regional land use consents were monitored over this period. Of the minor land use activities some level of non compliance was detected which resulted in formal letters of direction or abatement notices. A small number of land disturbance/earthworks and other related consents were also monitored during the period however most time spent on land disturbance tended to be in response to complaints particularly several activities in the Golden Bay and Motueka Valley areas.

Under the Hazardous Facilities programme most of the sites are performing well. Some non compliance was detected around fuel storage and several sites were the subject of abatement notices. Most have now completed required works and have obtained consents.

- Gravel

A number of river and land based gravel extractions were monitored over the last three months. In general this sector performed reasonably well with little non compliance although persistent non compliance in one site has resulted in a consent holder receiving his final warning. Also over this dry period some dust discharges were reported from the site at Challies Island.

- Coastal Activities

A small number of coastal consents were monitored over this period. Compliance was in general very good. Very little progress has been possible on the unauthorised structures that have been identified in the district.

- Rivers

No monitoring of consented river works or structures occurred over this period other than Councils global river consent NN010179

6. GENERAL MATTERS

Hazardous facilities (HF) database.

The hazardous facilities database has now been completed and populated with the data gathered over the last 6 years as part of the HF compliance monitoring programme. This database now provides vastly better management and reporting of the districts hazardous facilities sites. Additional information gathering is also being undertaken to extend the abilities of this programme and should also assist current industry initiatives in improved environmental performance. An example of this is insurers such as IAG's environmental compliance certification of all its members of trade. In recent months several oil companies have raised concerns over anomalies between Councils TRMP requirements and those of HASNO in respect to underground tank testing. These matters are being raised with the Policy Section.

Richmond air shed monitoring of

Compliance section is now undertaking the implementation of an effective education monitoring and compliance/enforcement programme under the new rules relating to discharge to air into the Richmond Airshed. This is the first winter under these new rules controlling emissions from solid fuel burners and the expectation is to see significant reductions in PM₁₀ if we can get an effective programme running.

On site-wastewater

Increasing levels of complaints still tend to dictate the level of proactive monitoring occurring as part of the regions on-site wastewater programme. At present some increased monitoring has occurred particularly in larger commercial systems however the greater numbers of consents remain outstanding. Most complaints tend to occur around domestic systems operating as permitted activities and many of these are relatively new systems. One effect has been procedural changes in building consent processes in Council. A great deal of work is also being done by compliance staff with the installers in the district in order to improve performance. At present little of our work in wastewater monitoring is cost recoverable.

Of note in the field has been the failure of several of the Department of Conservation systems in the Abel Tasman and Nelson Lakes National Parks. A lot of work between compliance staff and DOC managers has gone into resolving this issue however a number of site related and policy issues remain. Likewise a significant failure in the Tasman District Council's own system in Torrent Bay has resulted in Community Services implementing a response strategy in order to avoid any further adverse environmental effects.

It is proposed that a comprehensive report back to Council on the status and issues of compliance monitoring of wastewater in the district will be presented later in the year.

Remote Signage

Complaints regarding remote signage continue to increase in numbers particularly those around real estate companies advertising in rural areas. At present Transit NZ through Opus is pursuing illegal signs on State Highways and seeks. Many other forms of signage continue to appear around the district and compliance staff attend as and when they can however many signs remain in place and unconsented due to the inability of compliance staff to develop a proactive strategy. As an interim measure it is planned to advertise the issue and rules relating to signage through Newsline as an educational drive and contact Real Estate companies individually requesting compliance. It is envisaged that a targeted programme of compliance will follow some time after that initiative.

A recent programme undertaken on sandwich boards in the Richmond commercial area had good success with a reduction in the number illegal boards and the area is now monitored carefully for any sign of creeping non compliance.

Rubbish dumping

Rubbish dumping and abandoned vehicles continues to occur in the Waimea and Motueka River areas particularly in the area around the Appleby Bridge where easy access is gained. On average around eight incidents a week are reported to Council with Sicon costs incurred for clearance and disposal. Opportunity to recover any costs is limited as most offenders are never identified or located despite investigations where possible potential suspects are identified.

7. WORK PROGRAMME FORECAST

- Summary reports of the seasons farm dairy compliance monitoring and Clean Streams performance will be sent to those farms that were subject to inspection and possibly all farm dairies district wide.
- The Richmond Air Shed solid fuel burner programme will be implemented over the next month.
- Individual and overall Water Metering Usage reports will be sent to all users currently on the database and subject to returns.

8. RECOMMENDATION

That this report be received.

Carl Cheeseman
Co-Ordinator Compliance