



NOTICE OF MEETING

**Notice is hereby given of the Extraordinary Meeting
of the Invercargill City Council
to be held in the Council Chamber, First Floor,
Civic Theatre, 88 Tay Street, Invercargill on
Tuesday 15 April 2025 at 1.00 PM**

Mayor W S Clark
Cr A J Arnold
Cr R I D Bond
Cr P M Boyle
Cr S J Broad
Cr T Campbell
Cr A H Crackett
Cr G M Dermody
Cr P W Kett
Cr D J Ludlow
Cr I R Pottinger
Cr L F Soper
Cr B R Stewart

MICHAEL DAY
CHIEF EXECUTIVE

Extraordinary Council - Public

15 April 2025 01:00 PM

Agenda Topic		Page
1.	Apologies	
2.	Declaration of Interest	
3.	Wastewater Environmental Performance Standards Report (A5864006)	3
3.1	Attachment - Draft ICC Submission on WEP Standards (A5865167)	7

SUBMISSION TO TAUMATA AROWAI – WASTEWATER ENVIRONMENTAL PERFORMANCE STANDARDS

To: Council

Meeting Date: Tuesday 15 April 2025

From: Alistair Snow – Contractor – Senior Project Manager

Approved: Erin Moogan - Group Manager - Infrastructure Services

Approved Date: Monday 14 April 2025

Open Agenda: Yes

Public Excluded Agenda: No

Purpose and Summary

This paper provides a summary of ICC's submission on Taumata Arowai's proposed National Wastewater Environmental Performance Standards.

Recommendations

That Council:

1. Receives the report "Submission to Taumata Arowai - Wastewater Environmental Performance Standards".
2. Approve the attached submission to enable lodgement to Taumata Arowai by 24 April 2025

Background

Taumata Arowai are consulting on a set of proposed national wastewater environmental performance standards under section 138 of the Water Services Act 2021, that enables the Authority to make wastewater standards. These Standards only apply to Council and Crown – owned infrastructure.

The proposed national wastewater environmental performance standards are to streamline the process for future consents, making it more efficient and cost-effective. It's estimated that national standards could save local councils, and the communities they serve, up to 40% of consenting costs – potentially hundreds of thousands of dollars – while protecting the health of the public and the environment.

This initial package of proposed standards covers areas where resource consents are commonly sought for wastewater treatment plants and networks, specifically:

1. Discharges to Water
2. Discharges to Land
3. Beneficial reuse of Biosolids
4. Wastewater network overflow and bypass arrangements.

ICC have consents expiring for two key discharges and treatment plants, Bluff (December 2025) and Clifton (June 2029). The introduction of the Wastewater Environmental Performance Standards will have an immediate impact to how the plants meet the requirements of the performance standards and consenting process.

ICC seeks changes to the proposed WEP Standards that will make it more efficient to consent, develop and operate municipal wastewater infrastructure and provide certainty around the major investment decisions that it faces.

The Infrastructure Services team have prepared the attached submission paper as a submission to Taumata Arowai's proposed performance standards consultation.

Issues and Options

Analysis

The key issues identified in Council's submission are summarised as follows:

- (a) The WEP Standards should specify a permitted activity status for compliant wastewater network consents.
- (b) Compliance with the WEP Standards' limits on contaminants in wastewater network discharges should be the sole water quality-related consenting requirement for such discharges.
- (c) The WEP Standards framework needs to provide a consenting pathway for wastewater network consents that do not comply with the WEP Standards to be considered and granted consent where appropriate.
- (d) The WEP Standards need to be transitioned in with consideration for wastewater treatment systems that have expired or expiring consents that will need to be upgraded before they can comply.
- (e) The fixed 35 year term for compliant wastewater network consents is strongly supported, as it provides communities with the certainty necessary to invest in its infrastructure.
- (f) For discharges to water:
 - (i) the WEP Standards' categorisation of receiving environments should be more quantitatively defined;
 - (ii) the WEP Standards should provide greater differentiation between coastal environments; and

- (iii) the proposed contaminant limits for discharges to low energy coastal environments are overly conservative.
- (g) For discharges to land, the lack of a proposed framework for categorising risk makes it impossible to evaluate the practical implications at this stage, and if the introduction of WEP Standards for discharges to land lags behind the WEP Standards for discharges to water it may incentivise the latter.

Significance

The proposed decision does not meet significance in terms of the Significance and Engagement Policy.

Options

As this is a submission document only. There are no investment decisions to be made at this stage.

Community Views

Taumata Arowai's consultation is open to the community and independent submission can be made.

Implications and Risks

Strategic Consistency

The submission is consistent with Council's Long-Term Plan, Three Waters Asset Management Plan and 30 Year Infrastructure Strategy.

Financial Implications

The Performance Standards are in a "consultation phase" and until they are active there are no financial implications to council. It is important to note that the standards in their current form are likely to require further capital investment for the Bluff WasteWater Treatment Plant than what is currently available in the Long-Term Plan.

Legal Implications

External Legal advice has been used in the preparation of this submission.

Climate Change

The Wastewater Environmental Performance Standards do not consider the effects of Climate Change.

Risk

Risk assessment and mitigations to be considered when the standards are formalised.

Next Steps

- Council Officers continue to finalise the submission for lodgement by 24 April 2025.
- The Local Government Water Services Bill the select committee reports back on the 17 June and it is anticipated to become an Act in August/September 2025.
- Wastewater Environmental Performance Standards are anticipated to be set in August/September 2025.

Attachments

1. ICC submission on WEP Standards (A5865167)



Tuesday 15 April 2025

The Water Services Authority – Taumata Arowai
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kōrero@taumataarowai.govt.nz

To whom it may concern,

INVERCARGILL CITY COUNCIL SUBMISSION ON PROPOSED WASTEWATER ENVIRONMENTAL PERFORMANCE STANDARDS.

This is a submission of Invercargill City Council (**ICC** or **Council**) on the Water-Services Authority – Taumata Arowai consultation on proposed wastewater environmental performance standards discussion document (**Discussion Document**).

1 Introduction

- 1.1 ICC operates two wastewater treatment plants, one servicing the Invercargill area and one servicing Bluff. The plant servicing Invercargill discharges treated wastewater to the New River estuary, while the Bluff plant discharges to coastal waters west of the Bluff peninsula. The sludges from both plants are converted into biosolids and applied to land.
- 1.2 ICC's resource consents to discharge treated wastewater from the plants servicing Bluff and the Invercargill area expire in 2025 and 2029 respectively. Any upgrades to these plants will require major investment, at significant cost to the community, spread across decades. The Council is having to make these investment decisions in the face of uncertainty about the legislative and regulatory framework that will apply.
- 1.3 ICC seeks changes to the WEP Standards that will make it more efficient to consent, develop and operate municipal wastewater infrastructure and provide certainty around the major investment decisions that it faces. No doubt many other councils throughout the country are in a similar position.
- 1.4 The Council has made submissions on the Local Government (Water Services) Bill (**LGWS Bill**), seeking improvements to the legislative framework that will apply to Wastewater Environmental Performance Standards (**WEP Standards**). This submission should be read in tandem with those submissions, as there is capacity for some of ICC's concerns to be addressed by changes to either the Resource Management Act 1991 (**RMA**) or the WEP Standards.

A5865167

1.5 In summary, ICC submissions on the WEP Standards are:

- (a) The WEP Standards should specify a permitted activity status for compliant wastewater network consents.
- (b) Compliance with the WEP Standards' limits on contaminants in wastewater network discharges should be the sole water quality-related consenting requirement for such discharges.
- (c) The WEP Standards framework needs to provide a consenting pathway for wastewater network consents that do not comply with the WEP Standards to be considered and granted consent where appropriate.
- (d) The WEP Standards need to be transitioned in with consideration for wastewater treatment systems that have expired or expiring consents that will need to be upgraded before they can comply.
- (e) The fixed 35 year term for compliant wastewater network consents is strongly supported, as it provides communities with the certainty necessary to invest in its infrastructure.
- (f) For discharges to water:
 - (i) the WEP Standards' categorisation of receiving environments should be more quantitatively defined;
 - (ii) the WEP Standards should provide greater differentiation between coastal environments; and
 - (iii) the proposed contaminant limits for discharges to low energy coastal environments are overly conservative.
- (g) For discharges to land, the lack of a proposed framework for categorising risk makes it impossible to evaluate the practical implications at this stage, and if the introduction of WEP Standards for discharges to land lags behind the WEP Standards for discharges to water it may incentivise the latter.

1.6 Each of the above submissions is expanded on below.

2 WEP Standards should specify a favourable activity status for compliant wastewater network consents

2.1 The Discussion Document does not specify an activity status for wastewater network consents that comply with the WEP Standards and this is instead left for control by existing regional plan provisions, drafted without reference to the WEP Standards. It was expected that compliance with the WEP Standards would provide a predictable and consistent pathway to consent for councils. Instead, the WEP Standards, as currently drafted, have very limited potential to assist.

- 2.2 Compliance with the WEP Standards should be treated as sufficient basis for consent to be granted. This is necessary to make the consent process consistent, predictable and efficient. It was also what was intended when the WEP Standards were being drafted.¹
- 2.3 A permitted activity for discharge consents that comply with the Standards would provide for these efficiencies, and would send a clear signal that discharges that comply with the WEP Standards should be enabled.
- 2.4 The LGWS proposes amendments to s 104(2D) RMA to state that a condition of consent can be no more or less restrictive than the WEP Standards. This negates the need for conditions of consent for discharge consents that are compliant with the WEP Standards – as conditions could only re-state what is already provided for in the Standards. Compliance with the WEP Standards, as a pre-requisite for obtaining consent, therefore lends itself to a permitted activity standard rather than a condition of consent. Proposed amendments to s 36 RMA would also enable a local authority to fix charges for the monitoring of compliance with permitted activity standards.²
- 2.5 If there are effects other than those that relate to water quality that need to be controlled, (for example odour), or additional monitoring requirements, ICC considers this could be achieved by specifying that consents that comply with the WEP Standards are a controlled activity, with control being limited to these other, specified non-water quality effects.
- 2.6 If an activity status is not specified by the WEP Standards (as is currently proposed), then consents are likely to be assessed as a discretionary activity, or in some places non-complying under the various regional plans that apply throughout New Zealand. This would undermine one of the key efficiencies the WEP Standards are designed to gain.

3 Compliance with the WEP Standard's limits on contaminants in wastewater network discharges should be the sole consenting requirement for such discharges

- 3.1 The Technical Advice on Discharge to Water Standards recommended limits on five particular contaminants, on the basis that regulation of those five contaminants would effectively control other potential contaminants:³

Therefore, regulation of the five specified parameters / contaminants will result in co-regulation as discussed above, of other contaminants in the treated wastewater. Hence, controls over contaminants not specifically regulated through the Standards would not be required for consents granted under the Standard.

¹ Technical Advice on Discharge to Water Standards, Advice on Proposed Standards, dated 25 February 2025 (**Technical Advice**), at pages 54 and 58

² Clause 10, Resource Management (Consenting and Other System Changes) Amendment Bill

³ Technical Advice on Discharge to Water Standards, at page 80.

This assumes that through regulating the specified parameters, other contaminants in the treated wastewater and their potential effects in the environment are also appropriately regulated. Co-regulation of contaminants is a common assumption which is typically implicit in most standards.

- 3.2 The Discussion Document acknowledges the practical regulation of other contaminants from control of the specified parameters,⁴ but then inconsistently allows regional councils to set limits on these other contaminants and require additional resource consents:⁵

Contaminants and parameters not covered by the proposed discharge to water standard

Where contaminants are not covered by the standard (for example, heavy metals), the usual resource consenting process would apply. This would mean regional councils may set an appropriate limit on these contaminants if this is considered necessary.

- 3.3 This departure from the Technical Advice greatly diminishes the efficiency and predictability of the WEP Standards route. It means the WEP Standards only standardise the parameters for the specified contaminants. For other contaminants, councils may still have to seek consents, with all the associated costs, and have no guarantee of obtaining consent despite compliance with the WEP Standards.
- 3.4 The WEP Standards for contaminants in wastewater discharges should clearly state that if an applicant complies with the specified contaminant limits for wastewater discharges, then no other limits on the quality⁶ of a wastewater discharge can apply. Making the WEP Standards a “one stop shop” in relation to wastewater quality compliance is necessary in order to deliver the WEP Standards’ anticipated gains in efficiency, consistency and certainty. It will also reduce the potential complexity that could result if a compliant plant must be granted consent under the WEP Standard on certain terms, but is not granted consent (or is granted consent for a different term, or on different conditions) in relation to regional plan requirements for non-WEP Standard contaminants.

⁴ Discussion Document, at page 21: “Some of the parameters covered by the standard will regulate the levels of other contaminants not covered by the standards. For example, limits proposed for Total Nitrogen will also regulate levels of heavy metals in a treated discharge.”

⁵ Discussion Document, at page 21.

⁶ Noting that the Technical Advice on Discharge to Water Standards recommended that volume of wastewater discharges should be able to be regulated by regional plans, at page 4.

4 WEP Standard framework needs to provide a consenting pathway for wastewater network consents that do not comply with the WEP Standards to be considered and granted consent where appropriate.

- 4.1 As the RMA currently stands, and under the LGWS Bill, section 104(2D) applies to all resource consent applications that relate to a wastewater network, whether or not they comply with WEP Standards.
- 4.2 Further, s 104(2D) states that when considering any such application, a consent authority :
 - (a) “must not grant the consent contrary to [WEP Standards]”; and
 - (b) Under the RMA as it stands, must include conditions on the consent that are “no less restrictive” than is necessary to give effect to WEP Standards; or under the LGWS Bill, conditions that are “no more or less restrictive” than is necessary.
- 4.3 Surprisingly, there appear to be only two possible outcomes for a wastewater treatment plant that does not meet WEP Standards:
 - (a) consent is declined (because it cannot be granted “contrary to” the standards); or
 - (b) consent is granted requiring compliance with the standards, which the plant is known not to meet.
- 4.4 The language of s 104(2D) effectively makes wastewater networks that do not comply with WEP Standards a prohibited activity, but without using that language. If this is the intended result, it is hugely problematic for local authorities tasked with managing their communities' wastewater. There is no room to factor in the cost-benefit ratio of the upgrades required to meet the standards, the ability of communities to pay for those upgrades, or how long it will take to implement those upgrades. Councils will not even be left with a pathway to obtain consent for non-compliant discharges in the interim while upgrades are implemented. Far from helping councils and their constituent communities, this new regime will impose unrealistic and in some cases impossible demands on them.
- 4.5 ICC hopes that this is not the intended result. The Council had anticipated that compliance with WEP Standards would provide an optional, alternative pathway to existing consenting pathways under the RMA (not a mandatory pathway).
- 4.6 The root of the problem is that s 104(2D) applies to all wastewater networks. ICC has submitted on the LGWS Bill requesting that it be amended so that it only applies to applications that comply with WEP Standards, leaving non-compliant applications to be determined in accordance with the RMA's usual requirements.

4.7 In this regard, the Council notes that the LGWS Bill proposes to amend the RMA's twelfth schedule by adding a new clause 50.⁷ This new clause appears to be intended to provide applicants seeking to renew existing consents for wastewater or stormwater infrastructure with the ability to choose whether or not to advance an application that complies with the standards. If the applicant so chooses, then the standards do not apply. However, section 104(2D) does not interface with clause 50 in any way, leaving its prohibition on granting a consent "contrary to" a WEP Standard intact.

4.8 ICC submits that s 104(2D)⁸ should be amended so that it only applies if an applicant chooses to rely on a WEP Standard to obtain consent. This would better provide for the optionality in clause 50 (and render that clause unnecessary):

(2D) When considering a resource consent application that relates to a wastewater network, as defined in section 5 of the Water Services Act 2021, **and that expressly relies on compliance with a wastewater environmental performance standard made under section 138 of that Act**, a consent authority—

(a) must not grant the consent contrary to—

(i) a wastewater environmental performance standard ~~made under section 138 of that Act~~; or

(ii) an infrastructure design solution; and

(b) must include, as a condition of granting the consent, requirements that are no more or less restrictive than is necessary to give effect to—

(i) the wastewater environmental performance standard (unless an exception applies); or

(ii) the infrastructure design solution (unless an exception applies).

4.9 Alternatively, if the optionality in clause 50 is intended to apply only to consent renewals for existing infrastructure, a new subsection 104(2DA) could usefully provide:⁹

(2DA) Subsection (2D) does not apply to an application for a resource consent to renew an authorisation for existing wastewater infrastructure unless the applicant expressly relies on compliance with a wastewater environmental performance standard made under section 138 of the Water Services Act 2021 or an infrastructure design solution.

4.10 However, the problem could also be addressed by changing the WEP Standards. If the WEP Standards made it clear that non-compliant applications are to be

⁷ LGWS Bill, Sched 9.

⁸ Parallel amendments could be made to clause (2E) in respect of stormwater networks and stormwater environmental performance standards.

⁹ Parallel amendments could be made to clause (2E) in respect of stormwater networks and stormwater environmental performance standards.

considered under the usual RMA requirements, then arguably such applications could be granted consent without being “contrary to” a WEP Standard. The Discussion Document already sets out a range of situations in which the WEP Standards will not apply, described as “exceptions”.¹⁰ The WEP Standard needs to specify that non-compliant applications are also excepted.

- 4.11 The WEP Standard should offer a beneficial pathway for compliant applications, but leave the usual RMA pathway available for applications that do not comply. This will still incentivise councils to build and operate compliant plants, but will leave scope for appropriate exceptions to progress through the usual RMA consenting pathway.

5 Transitioning into WEP Standards.

- 5.1 The LGWS Bill includes changes to the RMA which, if enacted, would allow WEP Standards and Stormwater Environmental Performance Standards to specify a limit on the period for which the activities they regulate can enjoy s 124 rights under the RMA.¹¹ This presumably responds to instances where councils have relied on s 124 rights to continue operating under expired consents for unreasonable lengths of time. The Discussion Document recommends that s 124 rights be limited to a maximum of 2 years, but also recommends that this arrangement should not commence for 5 years, giving local authorities the time to plan and fund necessary upgrades.
- 5.2 ICC foresees issues with this approach: for a council to rely on s 124 rights to operate a plant on an expired consent, it has to be applying for “a new consent for the same activity”.¹² If the Council is making significant changes to or replacing its wastewater treatment system in order to meet a WEP Standard, then the application for the new wastewater treatment system may not be considered to be “for the same activity”. Further, s 104(2D)(a)'s injunction against granting consents “contrary to” a WEP Standard means that a consent for a new or improved system cannot provide for any non-compliant phasing-in period, for example while the new infrastructure is being built and transition to it occurs.
- 5.3 ICC submits that the WEP Standards should expressly provide latitude for non-compliant discharges to be authorised for up to 5 years during transition to a compliant wastewater system. Ideally this would be complemented with amendments to s 104(2D), for example by including a new subsection 104(2D)(c):
- (c) may include, as a condition of granting the consent, provision for a discharge that does not comply with a wastewater environmental performance standard for a period of up to 5 years before a compliant discharge is required**

¹⁰ Discussion Document, at page 22.

¹¹ LGWS Bill, cl 278.

¹² RMA, s 124(1)(b) and (2)(b).

- 5.4 Schedule 9 of the LGWS Bill proposes the insertion of a new transitional clause 51 into the Schedule 12 of the RMA, providing that an application lodged before the commencement of the Local Government Water Services Act 2024¹³ and subject to a notification decision before a WEP Standard comes into force is not subject to that standard.¹⁴ ICC submits that both clause 51 and the WEP Standard itself should provide that it does not apply to applications lodged before the **current Bill** (rather than the Act) comes into force. Councils and their constituent communities should not be put in the position of having the WEP Standards retrospectively apply to applications they have already prepared and lodged. For example, a Council could waste significant investment lodging a resource consent application for new wastewater infrastructure, and then be unable to progress that application because of a WEP Standard subsequently coming into force with which its proposal cannot comply.
- 5.5 Alternatively, if the amendments to s 104(2D) suggested in paragraph 4.8 above were made, then the transitional arrangements in clause 51 would be unnecessary and the risk of the WEP Standards being retrospectively and unhelpfully applied to applications that have already been made would be averted.

6 The fixed 35 year term for compliant wastewater network consents is strongly supported

- 6.1 Council supports the proposal to include a minimum consent term of 35 years when a resource consent is required for discharge consents that implement the WEP Standards. A longer consent term provides the certainty required for Council to invest in renewals and/or upgrades to its wastewater treatment plants.

7 The receiving WEP Standards categorisation of receiving environments should be more quantitatively defined

- 7.1 The proposed WEP Standards include seven categories of receiving environment for discharges to water. The receiving environment dictates the treatment requirements, i.e. the limits that the discharge must comply with.
- 7.2 The categories of receiving environment are based on two components: the receiving environment and the level of dilution. For discharges to a water body with a higher level of dilution, for example the open ocean or a large river, less stringent treatment requirements are required. Further, treatment requirements differ depending on whether the discharge is to a saline / marine environment or to a freshwater environment.
- 7.3 The Discussion Document categorises the receiving environments and provides a narrative definition for each of them.¹⁵ These categories align with the

¹³ LGWS Bill, Schedule 9, cl 48.

¹⁴ Proposed RMA Sched 12, cl 51.

¹⁵ Definitions are included in the Table on page 20 of the Discussion Document

recommendations of the Technical Advice.¹⁶ However, the Technical Advice's criteria for determining the relevant receiving environment have not been included in the Discussion Document.¹⁷ Those criteria set out the physical parameters of each receiving environment using relatively clear and objective criteria.

- 7.4 As the receiving environment dictates the treatment standards that the discharge is subject to, it is important that these are clearly defined. Including the narrative definitions alone, without the corresponding criteria from the Technical Advice, does not achieve this. In the absence of those criteria, the definitions are highly subjective and are likely to be subject to challenge. For example, the narrative description of "estuary" includes features such as gulfs, coves, harbours, bays, fjords and sounds that would more naturally fit in the "low energy coastal" category.¹⁸ Adopting this definition, the entire Hauraki Gulf as well as other dynamic, high energy waterbodies such as Bream Bay in Northland, would be classified as an estuary receiving environment. This cannot be the outcome intended. We also note that the Discussion Document's categorisation of receiving environments using both narrative descriptions and dilution ratios creates ambiguity about which parameter prevails when defining the receiving environment.
- 7.5 To address this uncertainty, Council seeks that the criteria in Table 10 of the Technical Advice are used as a model for clearer more objective definitions in the WEP Standards.

8 Greater differentiation between coastal receiving environments is required

- 8.1 For coastal environments, the WEP Standards propose three categories of receiving environment: estuaries, low energy coastal and open ocean. For each receiving environment, the contaminant limits differ.
- 8.2 Estuaries are typically low-energy depositional environment, that are particularly sensitive to contaminants.¹⁹ This is reflected in the stringent contaminant limits for discharges into that receiving environment. In contrast, the open ocean is typically a higher energy location with deeper water and faster dispersal of contaminants.²⁰
- 8.3 The low energy coastal receiving environment covers the in-shore areas that are not within the spatial extent of an estuary, and do not meet the criteria for open ocean (ie are not located further than 500m from mean high water springs, or covered by a minimum of 10m water depth through the entire tidal cycle). This is a large and diverse area. It is also not correct to refer to the whole area as being low energy.

¹⁶ See Table 6, Technical Advice, page 12.

¹⁷ See Table 10, Technical Advice, page 21

¹⁸ Discussion Document, at page 20.

¹⁹ Technical Advice, page 11.

²⁰ Technical Advice, page 11.

- 8.4 Some of the area included in the low energy coastal environment would have similar sensitivities as estuary environments. This would include areas adjacent to estuaries, or within near-shore embayments. These areas are correctly described as low energy, as they have a lower dilution ratio and therefore slower dispersal of contaminants. Much like estuary environments, these areas are at risk of contaminant build-up.
- 8.5 However, much of the low energy coastal environment, as currently defined, is not actually a low energy environment and therefore does not have these sensitivities. This includes the areas further from shore, that are more dynamic with a faster dispersal of contaminants. One example obvious to ICC is the location of its Bluff wastewater treatment plant discharge point, located on Foveaux Strait, a notoriously rough stretch of coastal water but classified under the WEP Standards as low energy coastal.
- 8.6 The WEP Standards should differentiate between these areas.
- 8.7 Given the spectrum of discharges that would come within the low energy coastal receiving environment, Council suggests that further refinement of this category is required. This could be done in two ways:
- (a) A fourth category of coastal receiving environment could be included for inshore coastal areas, being areas that are currently within the low energy coastal receiving environment but which have a higher rate of dispersal. Given this higher rate of dispersal, increased contaminant limits would be justified. With the estuary and low energy coastal environment limits remaining the same.
 - (b) The parameters of the existing estuary and low energy coastal receiving environments could be amended to more accurately reflect the types of marine environments that are covered by these categories. Given the sensitivities that exist for both low energy and estuary receiving environments, these could be consolidated into one category, with the contaminant limits remaining the same. The low energy coastal receiving environment could then be renamed (as it no longer included low energy areas) as inshore coastal. As this area has a higher dilution ratio / dispersal of contaminants, the limits for contaminants being discharged into this area could therefore be increased.
- 8.8 In either case, the intention is to make the contaminant limits less stringent for areas of the (as currently defined) low energy coastal environment that have a higher dispersal rate, while retaining appropriate limits for those environments that are correctly classified as low energy.

9 The proposed contaminants for low energy coastal environments are too conservative

- 9.1 Further to the above, Council also considers that the contaminant limits for the low energy coastal environment are too stringent.

- 9.2 The contaminant limits for low energy coastal environments are similar to those of estuaries, notwithstanding the difference in assumed dilution ratios. The assumed dilution ratio are used to define the dilution for receiving environments. They are a proxy for the assimilative capacity and dispersion of a waterbody, and are intended to be achieved in the receiving environment after full or reasonable mixing.
- 9.3 The lower the assumed dilution ratio, the lower the dilution and dispersal of contaminants. For estuaries, the assumed dilution ratio is > 50. The low energy coastal environment has an assumed dilution of double this (being >100).²¹ This ratio increase suggests that the contaminant limits in the low energy coastal receiving environment should be at least double those in the estuary receiving environment. Further, as the low energy coastal environment does not have the same environmental constraints as estuaries, the risk of entrapment of contaminants is significantly reduced.
- 9.4 This is not reflected in the contaminant limits proposed in the WEP Standards. For total nitrogen and total phosphorous, the contaminant limits are the same in the low energy coastal and estuary receiving environments (being 10mgN/L).²² For ammonia, the contaminant limit in the low energy coastal receiving environment is higher than the estuary receiving environment – but not by double.²³ This does not reflect the different dilution ratios, and therefore dispersal of contaminants, for these areas. Nor does it reflect the lower risk of entrapment in these environments. The low energy coastal environment does not need the same stringency as estuary environments.
- 9.5 For the above reasons, Council would expect the contaminant limits in the low energy coastal receiving environment to be at least double that of the estuary receiving environment. Based on environmental monitoring done at ICC's Bluff and Clifton Wastewater Treatment Plants, the Council suggests that contaminant limits for some parameters in the low energy coastal environment could be up to four times that provided for in the estuary receiving environment.
- 9.6 Accordingly, the Council considers that the stringent contaminant limits for the estuary receiving environment are not appropriate in the more open and dynamic coastal areas. The specific limits recommended for the low energy coastal receiving environment are set out in the Appendix to this submission.

10 For discharges to land, the lack of a proposed framework for categorising risk makes it impossible to evaluate the practical implications

- 10.1 For discharges to land, the WEP Standards propose that a risk-based framework will determine the risk class for land. This risk class will then be used to dictate the treatment requirements and application limits that apply to the discharge.²⁴

²¹ Technical Advice, Table 9, page 19.

²² Discussion Document, parameters set out on page 23

²³ The ammonia limit for the low energy coastal receiving environment is 20mgN/L and is 15mgN/L for estuary receiving environments.

²⁴ Discussion Document, page 27

10.2 However, this risk-based framework has not yet been developed. The Council submits that there may be unintended and negative consequences if development of a WEP Standard for discharges to land lags behind the WEP Standard for discharges to water.

11 To ensure that the consenting framework does not create unintended consequences, the Council suggests that the WEP Standards for discharges to both land and water should be timed to come into force simultaneously. There is an absence of information about what monitoring requirements will be required by the WEP Standards.

11.1 It is proposed that the WEP Standards impose monitoring and reporting requirements for both discharges to land and discharges to water.

11.2 For discharges to water, a risk based approach is adopted with the size and complexity of the wastewater treatment plant dictating the frequency of monitoring required.

11.3 For wastewater treatment plants serving populations greater than 10,000 – such as the Clifton Wastewater Treatment Plant – continuous monitoring is required. Monitoring is required for all parameters, or treatment limits, covered by the WEP Standards. Many, if not all, of these treatment limits are not amendable to continuous monitoring.

11.4 For wastewater treatment plans serving between 1,000 and 10,000 people – such as the Bluff Wastewater Treatment Plant – fortnightly monitoring is required. This is a significant increase in the frequency of monitoring for some parameters, including total nitrogen, total phosphorous and ammonia, which are currently only monitored on a three monthly basis under the existing consent. This increase in monitoring will result in significant increased costs to the Council.

11.5 The discharge to water standards also only require end of pipe monitoring. Receiving environment monitoring is not required. This creates a disjunct between the discharge to water standards and the discharge to land standards – which do require receiving environment monitoring (in the form of groundwater and soil monitoring). It is also a step back in terms of current monitoring requirements, as most discharge permits include monitoring of the receiving waters as conditions of consent.

11.6 Except for the frequency of monitoring required, very little information about the proposed monitoring and reporting requirements for discharges to land or water is provided. Without this information, it is hard to assess exactly what is proposed.

11.7 Based on the information provided, Council seeks that the frequency of end of pipe monitoring be reduced. It also seeks inclusion of monitoring requirements for receiving environments in the discharge to water standards.

12 Conclusion

As an overarching remark, Council notes that this submission has been made on the Discussion Document. What is being consulted on is not the WEP Standards, as there is limited drafting to consider. Given the importance of the WEP Standards, Council expects further consultation will be required on the proposed WEP Standards, once drafted.

Yours faithfully

Nobby Clark
Mayor

SPECIFIC AMENDMENTS PROPOSED IN INVERCARGILL CITY COUNCIL'S SUBMISSION ON PROPOSED WASTEWATER ENVIRONMENTAL PERFORMANCE STANDARDS

- 1 ICC seeks that the WEP Standards be amended to specify that wastewater discharges that comply with the WEP Standards are a permitted activity, and that no other consents to control water quality are required, as set out below:

Notwithstanding any other rules that may regulate water quality for wastewater discharges, wastewater discharges that comply with these standards are to be assessed as a permitted activity

- 2 ICC seeks that s 104(2D)²⁵ RMA be amended to provide a consenting pathway for wastewater consents that do not comply with the WEP Standards, as set out below:

(2D) When considering a resource consent application that relates to a wastewater network, as defined in section 5 of the Water Services Act 2021, **and that expressly relies on compliance with a wastewater environmental performance standard made under section 138 of that Act**, a consent authority—

(a) must not grant the consent contrary to—

(i) a wastewater environmental performance standard ~~made under section 138 of that Act~~; or

(ii) an infrastructure design solution; and

(b) must include, as a condition of granting the consent, requirements that are no more or less restrictive than is necessary to give effect to—

(i) the wastewater environmental performance standard (unless an exception applies); or

(ii) the infrastructure design solution (unless an exception applies).

- 2.1 If the above amendments are made, Clauses 50 and 51 of the LGWS Bill are unnecessary and can be deleted.

- 2.2 Alternatively, if the optionality in clause 50 is intended to apply only to consent renewals for existing infrastructure, a new subsection 104(2DA) could usefully provide:²⁶

(2DA) Subsection (2D) does not apply to an application for a resource consent to renew an authorisation for existing wastewater infrastructure unless the

²⁵ Parallel amendments could be made to clause (2E) in respect of stormwater networks and stormwater environmental performance standards.

²⁶ Parallel amendments could be made to clause (2E) in respect of stormwater networks and stormwater environmental performance standards.

applicant expressly relies on compliance with a wastewater environmental performance standard made under section 138 of the Water Services Act 2021.

- 3 ICC seeks an additional subclause be included in s 104(2D) to address the transitional period for a non-compliant wastewater system to become compliant, as set out below:

(c) may include, as a condition of granting the consent, provision for a discharge that does not comply with a wastewater environmental performance standard for a period of up to 5 years before a compliant discharge is required.

- 4 ICC seeks that the nutrient limits for the low energy coastal receiving environment be amended as set out below:

Parameter	Estuaries	Low Energy Coastal
Carbonaceous Biochemical Oxygen Demand	20 mg/L	50mg/L
Total Suspended Solids	25 mg/L	50 mg/L
Total Nitrogen	10 mg/L	10 mg/L <u>40 mg/L</u>
Total Phosphorous	10 mg/L	10 mg/L <u>15 mg/L</u>
Ammoniacal-nitrogen	15 mg/L	20 mg/L <u>60 mg/L</u>
E-coli	N/A	N/A
Enterococci	2,000cfu/100mL	4,000cfu/100mL