

Catherine Ongko

From: Ryan Hodgson
Sent: Wednesday, 3 May 2023 9:41 am
To: 'Jan Steenkamp'
Cc: paul.reid@southlanddc.govt.nz
Subject: Request for further information on resource consent application - APP-20232970

Tēnā koe Jan

Thank you for applying for resource consent to discharge treated wastewater from a community sewerage scheme into the Maitai River. The application has been formally received. However I will need further information from you before your application can progress.

This email outlines the information I am requesting, the reasons for the request, your options and how they affect you. **Please read the points below carefully or have someone explain them to you.**

The following information is requested under Section 92(1) of the Resource Management Act 1991. I will need the information requested below to understand your proposal before I can make a recommendation on notification.

1. Please provide either:
 - I. a complete and thorough explanation along with supporting evidence that confirms existing water quality of the Maitai River upstream of the discharge meets water quality standards in accordance with Policy 15A of the pSWLP and Rule 1 of the RWP. Or;
 - II. please confirm that water quality standards are not met and provide an assessment against rule 2 (RWP) and/or Policy 15B (pSWLP).

I am requesting this information to confirm whether rule 1 or 2 applies in the RWP and whether Policy 15A or 15B applies in the pSWLP. It is also worth noting that the application suggests upstream water quality standards are not always met as E. Coli data results sometimes exceeds 1,000 MPN/100mL. This suggests that at the very least, policy 15B (pSWLP) applies and not policy 15A (pSWLP).

2. Please provide an updated rule assessment against rules 1 or 2 of the Regional Water Plan (RWP) or provide a replacement application document with the correct rule references. I am requesting this information because rule 2(b) only applies to the discharge from Alliance Lorneville plant to the Makarewa River.
3. Please provide justification with supporting legal evidence/case law for why the activity should be classified as a discretionary activity under the RWP and not a Non-Complying activity under the pSWLP.

I am requesting this information because prioritizing the discretionary status under the operative plan over the Non-Complying status under rule 33A in the pSWLP conflicts with section 87A(5) of the RMA.

4. Please either:
 - I. justify how 425m can be considered as the reasonable mixing zone given the definition for the 'reasonable mixing zone' in the pSWLP limits it to a maximum of 200m (note that (d) in the definition enables a distance to be determined through a resource consent process having regard to (a) to (c) of the definition). Or;
 - II. adjust the proposal to incorporate the parameters of the mixing zone in accordance with the definition of the 'reasonable mixing zone' in the pSWLP.

I am requesting this information because that application did not indicate how the proposed mixing zone has been determined according to the definition of the reasonable mixing zone in the pSWLP. If, in response to this question, the mixing zone is reduced, please update the AEE accordingly.

5. Explain along with supporting evidence that demonstrates how the proposed discharge will meet the National Objectives Framework of the National Policy Statement for Freshwater Management 2020 (NPS-FM), and how it will maintain or improve water quality in accordance with subpart 3.24 of the NPS-FM, policies 3, 5 and 13 of the NPS-FM 2020, and Policy 15A/15B of the pSWLP.

I am requesting this information because the application did not adequately address how these policies are being met now and in the future and how water quality will be maintained or improved given the proposed increasing discharge rates and contaminant loads.

6. Please either:
- I. provide a complete and thorough explanation along with supporting evidence that confirms contaminant loads in the Mataura River will not increase despite the proposed 70% increase in the proposed discharge from the current consented discharge volume (450m³/day compared to 264m³/day average daily flow). Or;
 - II. confirm that contaminant loads will increase downstream and justify why this is acceptable according to the relevant policies and direction of the pSWLP and NPS-FM to reduce contaminant loads in degraded water bodies, with particular regard given to E. Coli loads.

I am requesting this information because paragraph 2 of section 5.2.1 in the application states that contaminant concentrations and contaminant loadings show not obvious change. However, evidence with regard to contaminant 'loadings' were not present in the application. Furthermore, the condition of the Toetoes estuary downstream of the discharge may further deteriorate as a result in any increase in contaminant loadings.

7. Please justify why the discharge volume should be measured prior to entry into the wastewater treatment system rather than just prior to discharging into the Mataura River, or as it leaves the wastewater treatment system.

I am requesting this information because I believe there is potential for there to be a discrepancy in the actual volume discharged into the river and the volume that goes into the wastewater treatment system through possible system leaks, infiltrations, or any other reason.

8. Please explain how E.Coli and DRP will remain within the proposed consented limits given previous exceedances and/or provide any mitigations that could be used to reduce these instances and provide an indication of expected frequency of any exceedances.

I am requesting this information in order to understand whether the activity will be able to meet the proposed consent conditions and whether the proposed consent conditions are sufficient to ensure adverse effects on the receiving environment are avoided, remedied or mitigated.

9. Please explain the potential and actual effects of the activity on instream ecology and aquatic organisms from the proposed discharge, having particular regard to the proposed significant increase in the discharge compared to the current consented volume and the subsequent increase in contaminant loads on the downstream aquatic environment. Additionally, please reference periphyton and macroinvertebrate monitoring data (including the most recent data which was not presented in Appendix B of the application) to support the assessment of adverse effects on instream ecology and aquatic organisms.

Section 5.2.4 within the application discusses potential effects on instream ecology and aquatic organisms. It also identifies relevant water quality issues in the receiving environment. However, it does not link the potential effects on instream ecology and aquatic organisms from the proposed discharge.

10. Section 3.1.3 provides discharge quality data in a graphic form. Please also provide this data in a numerical form.

I am requesting this information because the proposed consent conditions are based on a mean of four samples, and it would be helpful to present a rolling mean in addition to the actual values.

You must, by 24 May 2023 either:

- Provide the information, or
- Agree to provide the information, or
- Refuse to provide the information.

Please consider what to do carefully. Your decision is important because:

- If you provide the information we will proceed with processing your application.
- If you agree to provide the information we will set a reasonable timeframe for you to provide the information by.
- If you refuse, or do not provide the information before the agreed timeframe we must publicly notify the application. Public notification means the public may make submissions on the application and there may be a hearing to determine it. Additional payments are required for notified applications.
- We can decline the application if we have insufficient information to grant it.

The time taken between this email and our receipt of the information will not be included in our total processing timeframes for the application.

Please contact me if you have any questions. I can be contacted by phone at Environment Southland Monday-Friday 8.00–4.30 on 0800 76 88 45 or this email address. Otherwise, if you need more information:

- go to [es.govt.nz/environment/consents](https://environment.govt.nz/environment/consents) or
- go to <https://environment.govt.nz/publications/applying-for-a-resource-consent/>

Ngā mihi

