

Ben Tait's response to further questions from the Hearing Panel:

We have read Mr Tait's Supplementary Report. We would like clarification from Mr Tait on some of his recommended conditions.

He states (our emphasis):

I consider that a new condition (Condition 10) should be included in the recommended resource consent that would require the Far North District Council to, within one year of the date of the commencement of the consent (if granted):

(a) Provide a report to Northland Regional Council on the findings of an analysis of options for disposing treated wastewater to land;

(b) Make a decision on whether to obtain land for disposing wastewater onto or into, and the reasons for the decision.

So, that means the a report must be provided and a decision made regarding land disposal. However, Mr Tait then states (our emphasis):

Condition 11 would require Far North District Council to upgrade the East Coast Bays Wastewater Treatment Plant if the district council does not provide the land disposal options analysis report and decide whether to obtain land within one year of the commencement of the resource consent.

We are unsure what he means by the underlined. Condition 11 does not reflect the above statement. It states:

11. If the Consent Holder does not decide under Condition 10 to obtain land for the disposal of treated wastewater within one year of the date of commencement of this consent, then Conditions 12 to 17 must be complied with.

BT: Condition 11 should state "If the Consent Holder decides not to obtain land for the disposal of treated wastewater, then Conditions 12 – 16 must be complied with."

The way we read Conditions 10, 11, and 12, the FNDC must provide the report and must make a decision on land disposal within one year of the date of commencement of the consent. If it decides to dispose to land then it will have three years from making that decision (i.e. four years from the date of commencement of the consent) to commission the land disposal system. If it decides not to discharge to land then it must comply with conditions 12-17, which includes a requirement to upgrade the WWTP (per condition 15).

BT: That is correct. Although Condition 11 should reference conditions 12-16, not 12 to 17.

If our interpretation above is correct then it would mean that, if land disposal is chosen, there is no requirement for an upgrade to the WWTP, meaning the treated wastewater can continue to be discharged to water for up to four years without any reduction in total ammoniacal nitrogen. Is that correct?

BT: Yes that is correct. That is because it may be that an upgrade is not required or a different upgrade option needed for the purposes of land disposal.

One further matter relates to the timeframes should an upgrade to the WWTP be needed (i.e. if land disposal is not chosen). The timeframe is set out in condition 12 and Mr Tait states (our emphasis):

I consider that Condition 12 (Condition 8 in the 26 June 2019 version of the recommended resource consent) should require the Far North District Council to, within one year (not six months) of the commencement date of the consent, complete an analysis of options to reduce the ammoniacal nitrogen concentration in the treated wastewater from the wastewater treatment system

We question whether this on year timeframe is correct. Condition 12 only gets triggered after the FNDC finishes its land disposal feasibility assessment, for which a on year timeframe is provided under Condition 10. Should the timeframe specified in Condition 12 not be based on the point in time when FNDC has decided that a continued discharge to water is its preferred option, rather than the date of commencement of the consent?

BT: Yes, Condition 12 should be based the decision required by Condition 10. That said, I would expect FNDC to do a detailed assessment of upgrade options for the purposes of reducing ammoniacal nitrogen in the discharge at the same time as the detailed assessment of land disposal options and any associated upgrade requirements. That is, it is very unlikely that FNDC would delay doing the assessment of upgrade options for reducing ammoniacal nitrogen levels until after making a decision that continued discharge to water is the preferred option. I propose that Condition 12 should state: "The Consent Holder must, within three months of a decision to not obtain land for the purposes of disposal of treated wastewater..." I consider that up to three months is sufficient for an options analysis given the work done to date.

Condition 15 should state: "The Consent Holder must, within two years of a decision to not obtain land for the disposal of treated wastewater..."