

NORTHLAND REGIONAL COUNCIL

HEARING OF RESOURCE CONSENT APPLICATION BY THE FAR NORTH DISTRICT COUNCIL

MINUTE #3 OF THE HEARING COMMISSIONERS

Introduction

1. A hearing for the application (AP.004007.01.03) lodged by the Far North District Council (**the Applicant**) relating to discharges from the East Coast Bays Wastewater Treatment Plant¹ (**the WWTP**) was held between 24 and 26 June 2019.
2. On 27 June 2019 we issued Minute #2 which included, *inter alia*, a timetable for the Applicant to provide its Right of Reply. Further, Minute #2 included a specific reminder that the Applicant's Right of Reply needed to include, *inter alia*, all the items on its 'shopping list' which we went through in quite some detail on the final day of the hearing. We did this so that there was no misunderstanding regarding the further information that was needing to be provided with the Right of Reply.
3. We received the Right of Reply on 15 July 2019. However, having read it we note that a number of the matters on the 'shopping list' have not been provided, namely:
 - i) An update of Table 1 of Dr Macdonald's² evidence which is to include the full analysis of all the available data (i.e. February 2012 to present³) and also an additional column showing the number of 'exceedences' as was included in the AECOM table which formed the basis of Dr Macdonald's Table 1 - Table 1 of Dr Macdonald's evidence presented statistics based on data between February 2012 to May 2015 and she stated she had reviewed the data obtained since May 2015 but had not presented it in her evidence but gave a commitment that she would do so and include it in the Right of Reply; and
 - ii) An update of Table 3 of Dr Macdonald's evidence showing expected median and 95%ile statistics for the determinands listed in that table as well the expected median and 95%ile statistics for total ammoniacal nitrogen and total faecal coliform concentrations following an upgrade of the WWTP by way of an SBR.
4. In Minute #2 we also directed that any changes (and/or additional conditions) to Mr Tait's revised recommended conditions were to be provided with any changes or new conditions being clearly identified and an explanation of those changes included in the Right of Reply.
5. A set of suggested changes to Mr Tait's conditions has been provided with the Right of Reply. Some of suggested changes have associated comments (in the form of boxes in the margin of the Track Changes version of the conditions document), however not all of the suggested changes include comments/reasons for the suggested changes (including some that are substantive changes to conditions). We request that the Applicant provides a complete commentary on the rationale/reasons for all the suggested changes.

¹ We note the changes to Mr Tait's recommended conditions have the WWTP name as 'East Coast Wastewater Treatment Plant' however the Applicant's Right of Reply refers to it as the (our emphasis) 'East Coast Bays Wastewater Treatment Plant' as does the Application document.

² We note that Dr Macdonald's Evidence in Chief prepared for the hearing has her surname spelled 'Macdonald' but in her Reply Statement her surname is spelled 'MacDonald'. It would be helpful if the Applicant could confirm the correct spelling for us to use in our decision.

³ We note that Dr Macdonald includes a table at paragraph 4 of her Reply Statement, however that only appears to present statistics for the period between January 2017 to June 2019, however that is not what was discussed or requested at the hearing.

6. More importantly, we note that the suggested changes to conditions do not include a number of the critical commitments/recommendations made by the Applicant (and its experts) at the hearing, in particular:
- i) Dr Macdonald recommended that a six month timeframe (from the date the consent being granted) be imposed for the Applicant to identify its preferred WWTP upgrade option to reduce total ammoniacal nitrogen (TAN) concentrations to an annual 95%ile of 15 grams per cubic metre. She then recommended that a three year period be specified to require the Applicant to have implemented the WWTP upgrades and to have proven that the specified discharge standards have been met – this being based on at least 12 months of monitoring of the discharge from the WWTP - this commitment and these timeframes are not reflected in the conditions;
 - ii) Dr Macdonald stated that, following the upgrade of the WWTP to meet the above discharge standard, the treated wastewater would be of a quality such that it could continue to be discharged to water but it would also be of a standard that could be discharged to land. She confirmed the WWTP would be upgraded to reduce TAN concentrations in the timeframe specified above irrespective of whether land disposal was shown to be a practicable option - that commitment is not reflected in the conditions;
 - iii) Dr Macdonald stated that including a condition which would ensure the Applicant protects the base of the ponds during desludging so as to minimise leakage/seepage from the ponds would be a good idea - no condition to this effect has been included;
 - iv) Mr Hegarty recommended conditions which would require the Applicant to install groundwater monitoring bores around the wetland to determine whether the seepage is adversely affecting downgradient groundwater quality. He also agreed that monitoring groundwater quality around the treatment ponds (not just around the wetland as he initially proposed) should be required. In answers to questions Mr Hegarty agreed that the conditions should also include the ability for the conditions of consent to be reviewed should the monitoring show that seepage is causing adverse effects on downgradient groundwater quality – these conditions have not been included; and
 - v) Mr Hegarty recommended that an Odour Management Plan be required and he included a recommended wording for such a condition - no such condition has been included.
7. We request that the Applicant provides: 1) the information outlined in paragraph 3 (above); 2) an explanation to all the suggested changes to Mr Tait's conditions (including reasons) as discussed in paragraph 5 (above); and 3) a revised set of conditions which reflect the commitments made during the hearing as outlined in paragraph 6 (above). This information is to be provided to us, via Ms Sluys, no later than **5 pm, Monday 22 July 2019**. The Applicant's further information will then be circulated to the submitters by way of Ms Sluys.

DATED 17 July 2019



Dr Rob Lieffering
Chair