

Sewage Overflows in Māpua – Proposal to Elected members.

After concerns were raised around sewage overflows in 2022, The Māpua District Community Association (MDCA) wrote letters to the Regulator and to the Wastewater Network Team of Tasman District Council (TDC) to clarify how overflows were managed and regulated.

On 4 May 2023, I undertook a presentation and delivered a report to the Environment and Regulatory Committee of TDC. This was endorsed by the MDCA. In summary the report and presentation expressed:

1. The community concern related to frequent wastewater overflows. Not just the overflow that occurred during the very large storm in August 2022 but also many other overflows during much smaller events.
2. How the Regulatory team failed to enforce their interpretation of the Tasman Resource Management Plan (TRMP) that states that wastewater overflows are prohibited but continue to be allowed under an 'emergency' interpretation.
3. That the interpretation of the TRMP was incorrect (in the opinion of Jan Heijs) because the rule referred to was clearly not drafted with wastewater overflows in mind. And therefore, wastewater overflows should be consented with clear criteria to monitor against.
4. Although the Wastewater Network Team was putting in substantial effort to minimize overflows, best practice was not used, and that under the interpretation of the regulatory team the Network Team is responsible for illegal overflows.

In June some representatives of TDC attended an MDCA meeting in which it was further explained on how the current management of overflows was undertaken, regulated and (not) enforced.

Following this meeting the MDCA and I received an email from Kim Drummond, group manager of Environmental Assurance (Regulatory) which was very defensive and is using technical and legal jargon to explain how overflows are currently managed (and clearly not resulting in zero overflow outcomes as required by the plan). I feel strongly that this email can be legally challenged but I do not have the qualifications or resources to do so. Two simple observations are that:

(1) the email did not consider my comment that the rule quoted was not intended to regulate overflows and

(2) that the use of 'emergency' is typically used in the context of 'emergency works' as referred to in the email, but that this issue is not about 'works' that are needed under an emergency but rather about the need to manage/reduce very predictable overflows. There is clearly no intent to resolve the matter in a satisfactory way. Thus, from a regulatory point of view this leaves us in a gridlock.

In August I had a constructive meeting with the Wastewater Network team. My interpretation of the meeting was that they see the TRMP requirements as impractical, unworkable and will never be able to meet the zero-overflow target that is required by the plan. Their current practices were further explained to me. Although I acknowledge that they put a great effort and funds into minimizing overflows, I have stated that I am not convinced that best practice is used. The fact that the Māpua network still overflows during relatively minor storms confirmed that.

(1) their approach is still not resulting to curb overflows frequencies to an acceptable level and

(2) the additional network capacity that was intended to service future growth in Māpua, after the completions of upgrade works over the last few years, is clearly not available.

This outcome from my root cause analysis of these discharge events is very unsatisfactory and any improvements in how wastewater overflows are managed and operated is unlikely to eventuate. Further challenges to the teams at TDC will not provide an improvement from the current situation.

Proposal

This leaves us calling on our councilors to exert governance over TDC wastewater management by:

1. Requiring the wastewater network operations and planning teams to develop and implement a plan that:
 - a. Sets clear overflow targets for all TDC wastewater networks based on an analysis considering the current performance and the cost to achieve an improved target. This would require a cost-benefit analysis to support such a target and community consultation to agree on this target, which should also be included as a Level of Service.
 - b. Develop and implement an improvement plan to meet this target.
 - c. Develop and implement a monitoring plan to demonstrate the improvements achieved over time.
 - d. Commit funds in the LTP to support this process.
2. Require Regulatory to
 - I. undertake an urgent plan change to have specific rules for wastewater networks
or
 - II. organize a legal interpretation of the current TRMP by which it is decided that wastewater overflows are not intended to be covered under rule 36.2.4.1 and that therefore a consent should be sought. Given the current overflow situation I don't think it is appropriate to wait until a new plan is operative, which is at least 5-10 years away.

and

- III. Prioritize and commit funding to undertake either option (2)i or (2)ii.

Using Option (2)ii is my preference because this can be done much faster and doesn't require council to go through a full and expensive RMA plan change process. This will require some leniency from the regulatory team and the involvement of an RMA-lawyer and/or an independent hearings commissioner.

I move that the MDCA accepts this report and that the proposal to the elected members as shown in the last part of this report is made.

Jan Heijs

On behalf of the MDCA