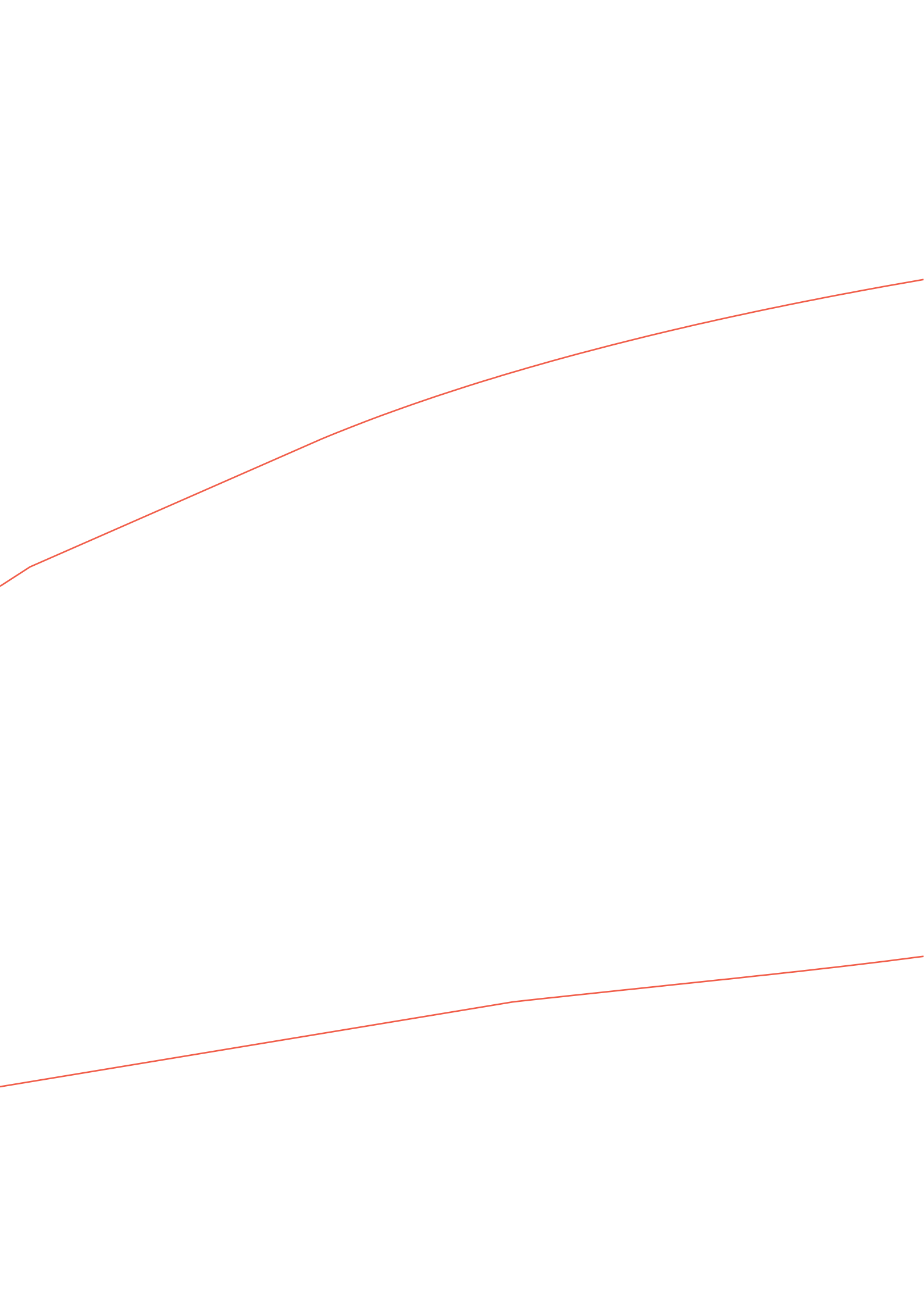


# Annual Compliance, Monitoring, and Enforcement Report

## 2020-21

November 2021

Hawke's Bay Regional Council Publication No. 5569



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Prepared By:

J. Blunden, R. Hogan, S. Moffitt,  
M. Signal, and S. Sykes

Reviewed By:

Katrina Brunton – Group Manager Policy and Regulation

Signed



Approved:



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## Executive summary

This annual report provides a summary of the Hawke’s Bay Regional Council’s compliance monitoring and enforcement (CME) functions undertaken under the Resource Management Act (RMA) 1991 from 1 July 2020 to 30 June 2021.

This is the third year of reporting using information from the Integrated Regional Information System (IRIS) and the Ministry for the Environment (MfE) national compliance grading framework. The results are compared to the previous year’s reporting, which provided a partial benchmark of compliance grading. However, this is the second year we have used the IRIS system for the entire reporting period allowing us to make direct comparisons of year-on-year changes. Using the IRIS system for a complete monitoring year has allowed staff to analyse the compliance monitoring numbers to a level of detail and accuracy that has not previously been possible.

### Compliance monitoring

Throughout 2020-21, the Regional Council monitored 3092 resource consents. This included 2029 water takes which are monitored remotely through telemetry. Overall, 83.2% (2574) of consent holders were fully compliant, and 1% (27) were in significant non-compliance. Monitoring involved a site inspection and/or assessing performance monitoring returns from consent holders.

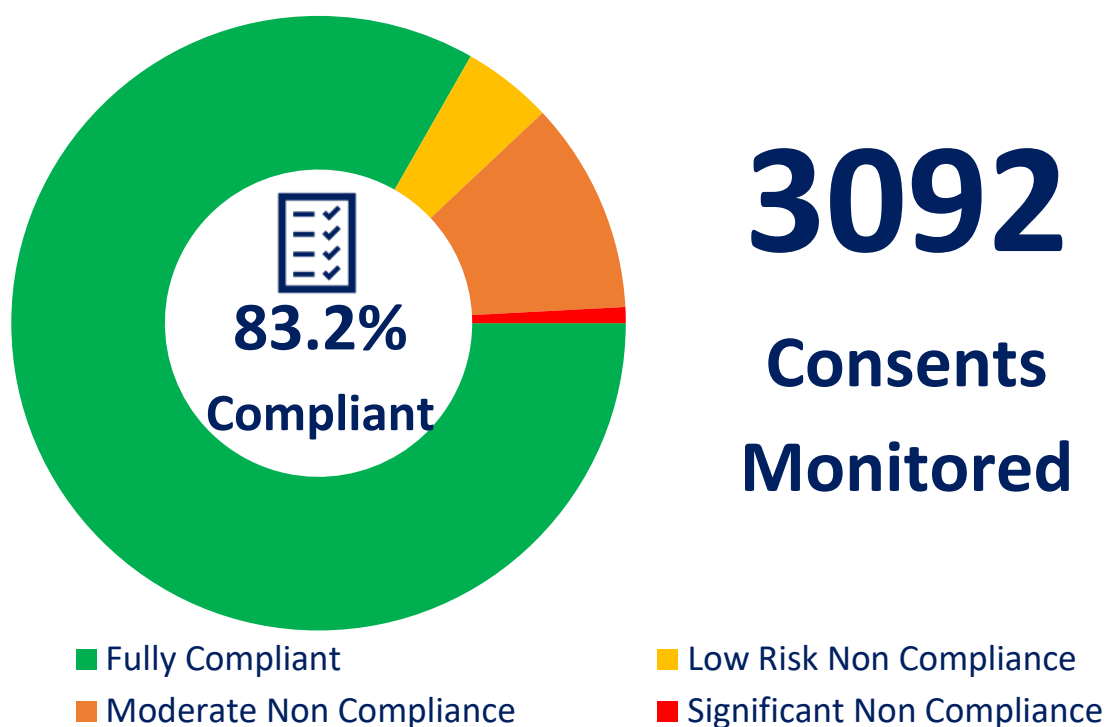


Figure i. Overall compliance grading for monitored consents during 2020-21.

COVID-19 restrictions did not directly affect our monitoring operations as in the previous period; however, we saw an increase in Covid-19 related delays and shortages affecting compliance activities for consent holders.

The team undertook a total of 480 inspections against 936 consents that required a site inspection during this period.

Council received notifications under the National Environmental Standards for Plantation Forestry (NES-PF) for 141 forestry activities such as earthworks, harvesting, afforestation and river crossings. Activities were dominated by harvesting and associated earthworks. Of those, 40 were resource consent applications and 101 were for permitted activities (PA). The level of compliance was generally high with almost 84% of the monitored activities achieving full compliance, an improvement on 74% the previous year.

Regular monitoring of consented water takes and low flows were undertaken due to the dry conditions throughout the summer. The river flows and low flow limits required daily monitoring and there was the usual increase in enquiries from concerned consent holders as to their ability to irrigate. Water exceedances and irrigation during the ban period was continually monitored and follow up enquiries made for any non-compliance. Despite the dry conditions, the majority of irrigation consent holders were compliant with their conditions for the 2020-21 period.

Eighty two percent of the region’s 74 dairy farms achieved full compliance with their resource consents. All operating farms were monitored in the 2020-21 year, with 87% (109) of all dairying consents fully compliant. Only 5% (6) were low-risk non-compliant, 3% (4) were moderately non-compliant and only 5% (7) were significantly non-compliant. Representing an increase in compliance year on year.

### Pollution response

This year we saw a further reduction in environmental complaints and incidents. with a total of 823 were reported for the 2020-21 year, continuing the trend of reducing environmental incidents. However, a with the previous year, there was an increase in the seriousness of environmental incidents with a sustained high level of prosecutions. Complaints and incidents continue to be dominated by air quality 509 (62%), followed by discharges to land 143 (18%) and surface water 130 (16%).

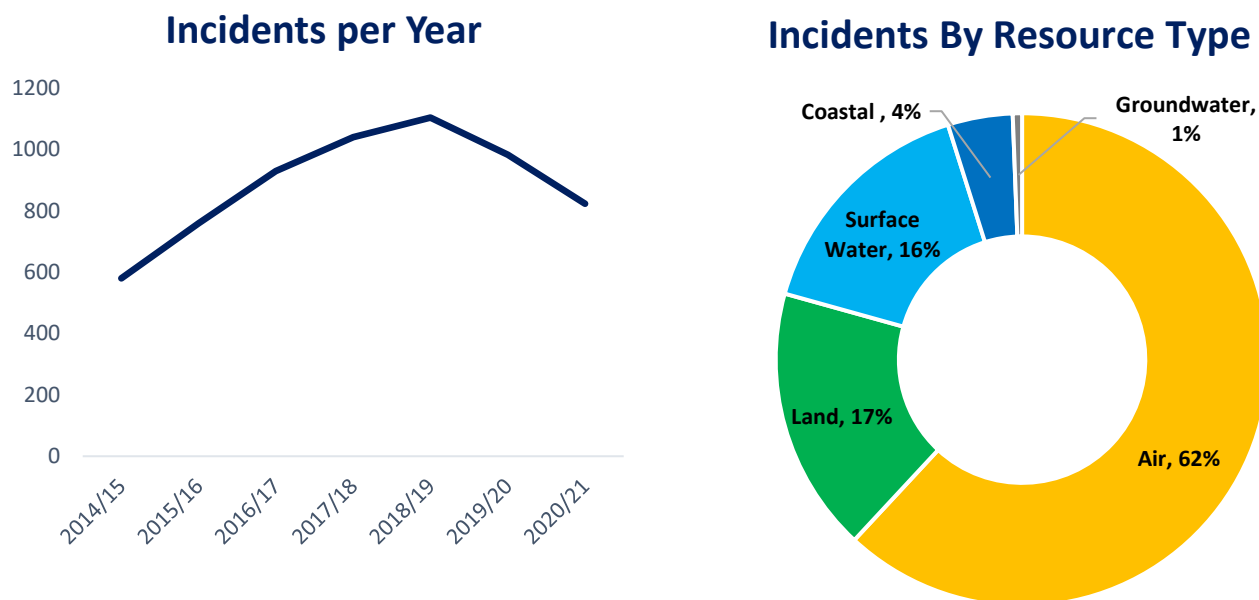


Figure ii. Incidents per year (left) and incidents by resource type for 2020-21 (right).

### Enforcement

Enforcement action undertaken for both breach of the Resource Management Act (1991), HBRC regional rules and resource consents for the 2020-21 year has remained high. During the period, there were 12 prosecutions concluded and six commenced, with 12 individual charges. The increased volume in



prosecutions has put significant pressure on our environmental regulation team, as these cases require more resource to investigate, process and take through the courts.

The Council issued a similar number of infringement notices to last year (86), totalling \$43,800 in fines. The number of infringement notices issued for winter burning continues to decrease, with only 31 issued this period.

The enforcement team continues to undertake education and information campaigns which are contributing to improving winter air quality within our regions airsheds. There has been a significant increase in the number of abatement notices issued this period (66) compared to 2019-20 (21) and 2018-19 (40). This reflects an increase in more serious offending as well as a tougher stance on controlling activities with a high likelihood of environmental effects.

### Enforcement Action per Year

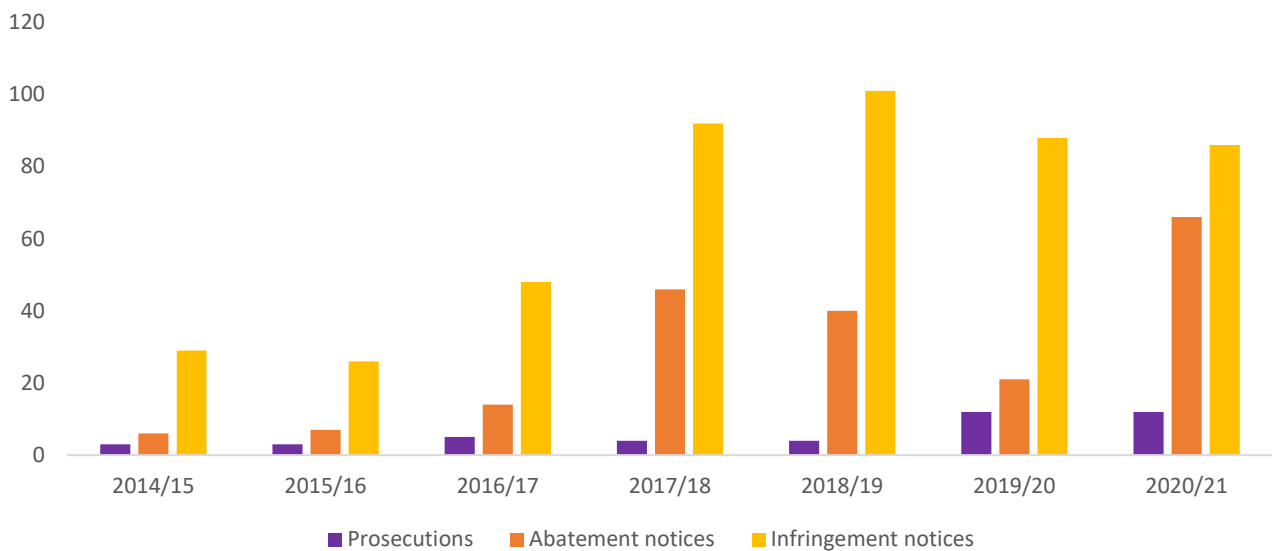


Figure iii. Number of enforcement actions by year.

## Introduction

Hawke's Bay Regional Council supports the sustainable development of the region by managing the effects of people's use of natural and physical resources. We also have a broader responsibility for the economic, social and cultural well-being of the community.

The Regional Council uses a range of regulatory and non-regulatory tools to manage the environmental impacts of activities throughout the region, including rules and resource consents made under the Resource Management Act 1991 (RMA). Compliance with the requirements of these rules and resource consents is an important measure of how we, as a regulatory authority, engage with the community to manage environmental impacts.

The Compliance team is responsible for monitoring the following areas of HBRC business:

- Resource consent and permitted activity monitoring
- Pollution response and enforcement
- Oil spill response.
- Contaminated land and hazardous waste

This is the third year that the Council has presented a comprehensive compliance report for all our Compliance, Monitoring, and Enforcement (CME) activities and reported using information from the IRIS (Integrated Regional Information System) and the Ministry for the Environment (MfE) national compliance grading framework<sup>1</sup> (refer Table 1).

This annual report provides an overview of all our compliance monitoring activity undertaken under the RMA from 1 July 2020 to 30 June 2021 and is presented in three main sections:

- Audit and Inspection activities
- Incident response and enforcement
- Contaminated land and hazardous waste.

The **Audit and Inspection Activities** section reports on compliance across the following activity areas:

- Water takes
- Agricultural discharges
- Horticulture and viticulture
- Forestry
- Domestic and Commercial Effluent
- Industrial Discharges
- Three Waters Compliance
- HBRC – How did we do?

The performance of resource consents held by local authorities is reported by Council with a particular focus on discharge consents associated with three waters activities. Year on year changes in compliance with these consents is also reported. As with the previous annual report, significant non-compliance has been reported, as well as more detailed discussion of some more prominent and significant activities.

The performance of resource consents held by major industry sectors and regionally significant industries is presented as a chart detailing the overall compliance grading. Comments detailing other important information such as: the completeness and quality of the results provided, evidence of contingency planning, prompt notification of events, completion of full and thorough investigations, maintenance of good communications with the Council and proactively addressing or highlighting potential issues, and evidence of environmental effects.

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<sup>1</sup> Taken from MfE's *Best Practice Guidelines for Compliance Monitoring and Enforcement under the RMA 1991* published in 2018.

The **Incident Response and Enforcement** section is presented as complaints received, significant activities, and enforcement action undertaken. The complaints received are shown by resource type such as land, air or water. The enforcement reporting is shown as infringement notices, abatement notices and prosecutions completed or undertaken during the 2020-21 reporting period. Both complaint and enforcement data are compared to previous years to indicate trends.

The **Contaminated Land and Hazardous Waste** section details the contaminated land information currently recorded on our Selected Land Use Register. A summary of our subsidised agricultural chemical collection is included.

### **Impacts of COVID-19 and dry summer**

During the 2020-21 monitoring season there were no direct consequences of COVID-19 restrictions on compliance monitoring, however there were reduced opportunities for technical training and staff recruitment. COVID-19 restrictions impacted industrial and municipal operators through supply chain issues restricting access to materials and regional lock downs affecting contractor availability.

There was a significant increase in the workload for the monitoring of consented water takes and low flows again this year due to the dry conditions over summer. The monitoring of water take consents during this period was prioritised over lower-risk discharge and land use consents. In what was difficult conditions, it was pleasing to see the high level of compliance by consent holders continue this year. The river flows and low flow limits required daily monitoring and there was the usual increase in enquiries from concerned consent holders as to their ability to irrigate. Water exceedances or irrigating during a ban period were continually monitored and follow up enquiries were made for any non-compliance.



## Compliance Monitoring and Enforcement Teams

The regulatory team is divided into three technical teams that use a strategic risk-based compliance approach allowing us to support the increasing demand for engagement externally and across our organisation. This strategic compliance approach to regulation is in line with reform across the regional sector (regional councils and unitary authorities) and central Government and adopts international best practice on how regulators focus their valuable and limited resources on high-risk activities.

The three regulatory compliance teams have the following responsibilities and focuses:

1. **Rural Team** – dairy, feedlots, forestry, horticulture and viticulture, municipal and commercial water takes, bore security (farms) and low flow monitoring, quarries, earthworks, structures, dams, low level enforcement.
2. **Urban and Industrial Team** – industrial discharges to air, land and water; Ports and Coastal activities; commercial and municipal stormwater; solid waste, commercial, domestic and municipal wastewater, low level enforcement.
3. **Pollution Response and Enforcement Team** – Incident response, oil spill response, environmental complaints, high level enforcement and investigations.

## How We Monitor Compliance

Compliance monitoring involves carrying out inspections to assess some or all active conditions within resource consents.

The frequency of site inspections for each activity is set in our 2021-31 Long Term Plan (LTP). A review of our compliance monitoring charges was successfully completed as part of the LTP process. New charges covering the costs of abatement notices, late data and administration processes have been put in place and will address the revised recoverable targets for compliance monitoring. Additionally, a review of our existing compliance monitoring priorities assigned to each consent identified the need to further prioritise regional or significant resource consents. Each resource consent is now ranked one to five, with one being high risk, a history of non-compliance or regionally significant. A new level of service measure in the 2021-31 LTP sets a target of 100% of priority one consents to be monitored and 95% of all other consents programmed to be monitored. It is anticipated that this revised prioritisation framework will increase the level of monitoring and reporting completed against the activities that present the greatest risk to our region's environment.

In addition to physical site inspections, the team also utilise geospatial monitoring to assess land uses like forestry, earthworks, and intensive winter grazing which is reported quarterly to central government. Desktop performance monitoring is also undertaken for lower risk sites, which includes the audit of incoming data returns, sampling results, reports, records and other monitoring data. The compliance grades used for assessing resource consents are explained in Table 1 and should be used to interpret the charts throughout this report.



**Table 1. Explanation of compliance grades**

<b>Compliance Grade</b>	<b>Explanation</b>
<b>Full Compliance</b>	<b>Compliance with all assessed consent conditions.</b>
<b>Low-risk Non-Compliance</b>	<b>Compliance with most consent conditions. Any non-compliance is of a low risk to the environment.</b>
<b>Moderate Non-Compliance</b>	<b>Non-compliant with some consent conditions, where the environmental consequence of non-compliance is deemed to be minor to moderate risk, and/or has the potential to result in more serious environmental effects.</b>
<b>Significant Non-Compliance</b>	<b>Failure to comply with more than one consent conditions and/or the environmental consequences of non-compliance was deemed to be significant.</b>

## **Engagement with Tangata Whenua**

In our 2018-19 report, we set out how we could seek to collaborate and improve the way we do business in the regulatory compliance space and strengthen relationships between the Regulatory Compliance team and tangata whenua.

At that time, we began our journey of improving engagement and our work now includes:

- Working closely with iwi and iwi trusts to seek victim impact statements for prosecution offences, facilitated by our Māori Partnerships team.
- Keeping tangata whenua and iwi representatives informed in relation to high level enforcement action or major environmental incidents.
- Ensuring consent conditions that require consultation and engagement with iwi are met by the consent holder.
- Encouraging and supporting our compliance team to attend te reo lessons at council.

We are now seeing more of our resource consents reach a higher level of sophistication with the inclusion of more complex conditions addressing kaitiaki monitoring, culture impact assessment and use of Pou, or Mauri compass to assess impacts. Once consents are granted, these require development of cultural monitoring plans to be prepared in consultation with iwi/marae/hapū and treaty settlement groups. This will inevitably require tangata whenua monitoring cultural or mātauranga Māori conditions which will require even closer collaboration and understanding of how we can monitor and translate these into practice and develop our systems to record and compliance.

This year we have worked hard to ensure we provide early notification of incidents, particularly discharges to water, to relevant tangata whenua and kaitiaki. Our tangata whenua partners inform relevant cultural assessments which contribute to evidence when taking enforcement action whether that is a formal prosecution, fine or abatement notice.

The Regulatory Compliance team is meeting regularly with various mana whenua, HBRC Māori Committee and Regional Planning Committee as well as being involved in less formal meetings and workshops across the region to further strengthen communication and relationships building trust and increasing accountability.

Doing the above will ultimately enable us to have an improved understanding and appreciation of mātauranga Māori. Better implementation will drive consistency across the team and improve relationships and collaboration with tangata whenua.

## Audit and Inspection Activities

For the 2020-21 reporting period, the Regional Council had approximately 8523 resource consents. Of these, 3297 required monitoring, 2,029 were water take consents and 1266 consents predominantly for land use or discharges to land, air, and water.

During the 2020-21 period we **monitored 93.8% of the resource consents that required monitoring (3092 of 3297)**. Monitoring includes physical site inspections of the resource consents, assessments of performance, and data returns received by the compliance and water information services team.

Compliance grading for all resource consents monitored by HBRC during the 2020-21 reporting period are shown in figure 1. Of the 3092 resource consents that were monitored the following grades were achieved:

- 83.2% (2574) Full compliance
- 4.8% (147) Low-risk non-compliance
- 11.7% (347) Moderate non-compliance
- 0.8% (24) Significant non-compliance

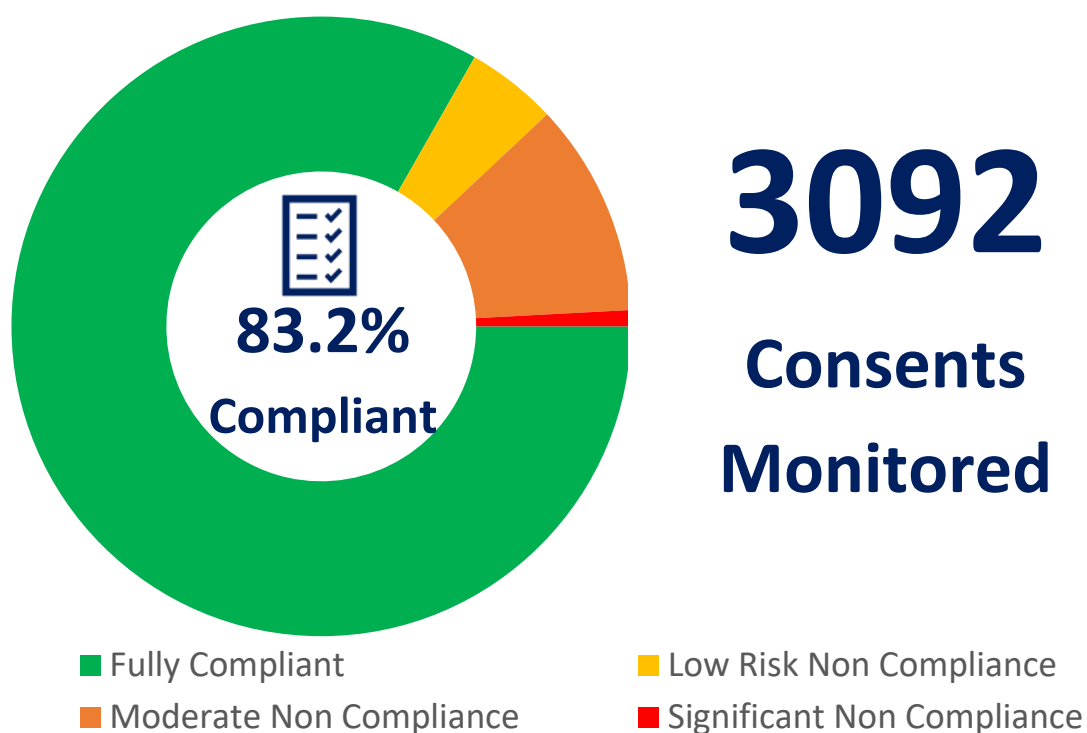


Figure 1. Overall grading for monitored consents during 2020-21.

This is also the first year that we can report on catchment compliance gradings for discharge consents. The number of discharge resource consents (excluding water takes) monitored in each catchment as well as the compliance gradings for the 2020-21 period are shown in Figure 2 and a detailed summary of compliance gradings for discharge consents is included in table 2.

## Discharge Consent Compliance by Catchment

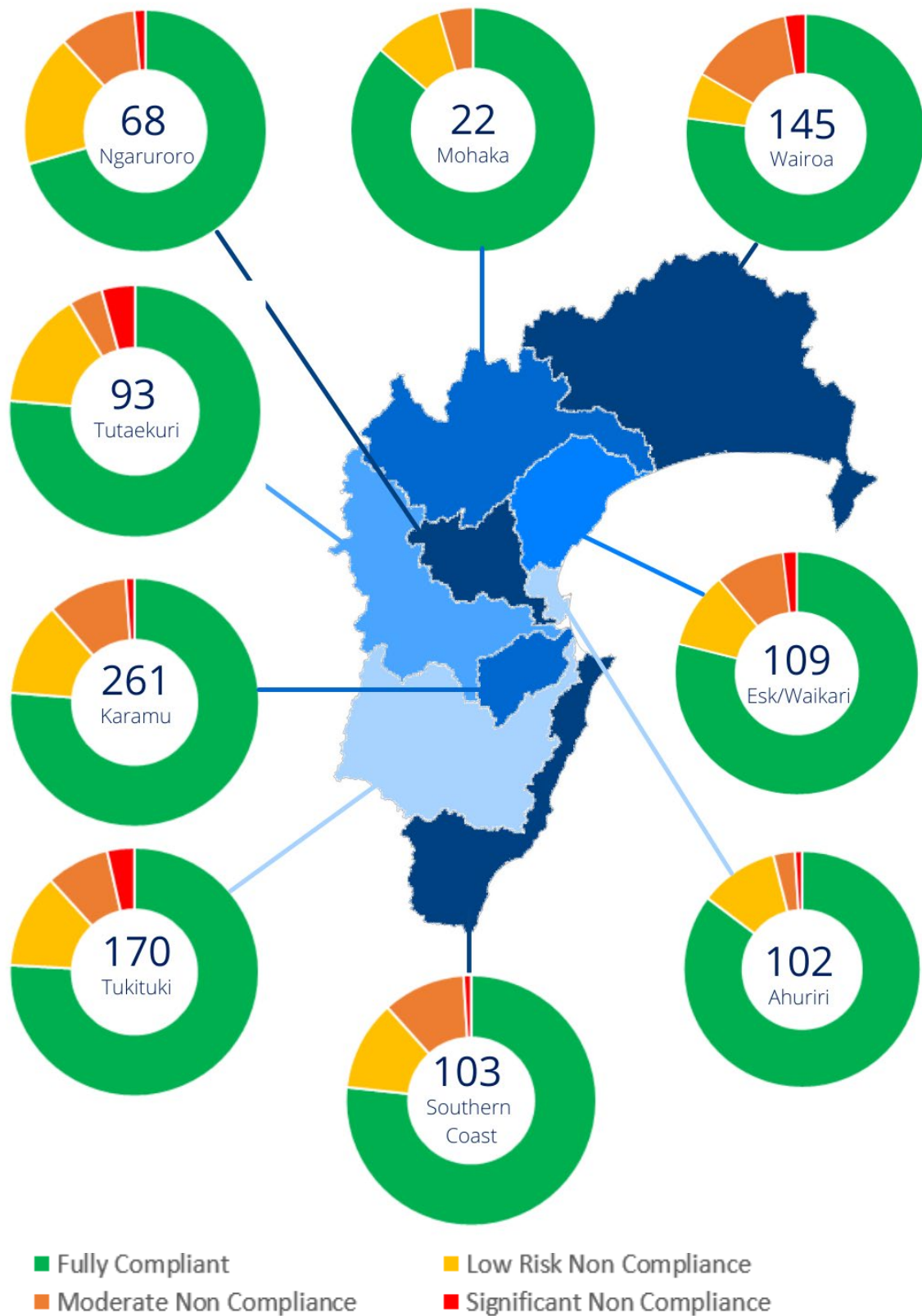


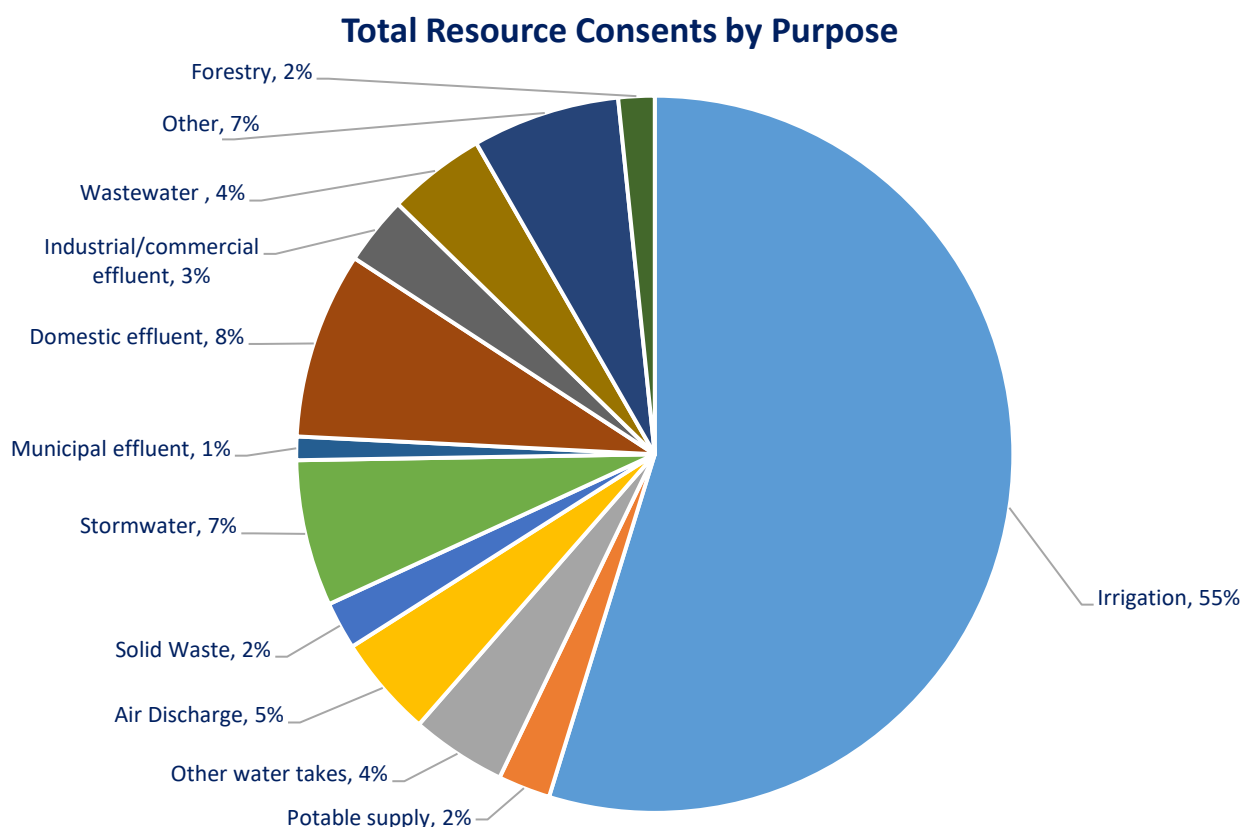
Figure 2. Discharge consents monitored and compliance grading by catchment area during 2020-21.



**Table 2. Catchment compliance figures for discharge consents during 2020-21.**

Catchment	Total Consent Count	Full Compliance	Low Risk Non-Compliance	Moderate Non-Compliance	Significant Non-Compliance
Wairoa	144	111	9	20	4
Mohaka	22	19	2	1	0
Esk/Waikari	109	86	11	10	2
Tutaekuri	93	70	14	4	4
Ahuriri	102	87	11	3	1
Ngaruroro	68	49	12	7	1
Karamu	261	199	32	27	4
TukiTuki	170	129	21	14	5
Porangahau/Southern Coast	103	79	12	11	1

The resource consents monitored were primarily for irrigation, frost protection and other water supply uses, which made up 55% of consents monitored for 2020-21 (Figure 3). Resource consents for discharges of effluent were the next largest portion, with domestic, municipal, and commercial effluent making up 12% of all monitored resource consents. Stormwater and wastewater consents are 7% and 4% respectively of all consents. Air discharges make up about 5% - these are consents to discharge odour, dust, particulate matter, and other contaminants.



**Figure 3. Total resource consents monitored by industry purpose in the 2020-21 financial year.**

The number of consents monitored by Industry in 2020-21 (Figure 4) show that primary production activities such as cropping, orchards, viticulture, dairy and pastoral, make up the majority of the consents monitored. The other major portion are consents issued for domestic activities. These are predominantly domestic effluent consents.

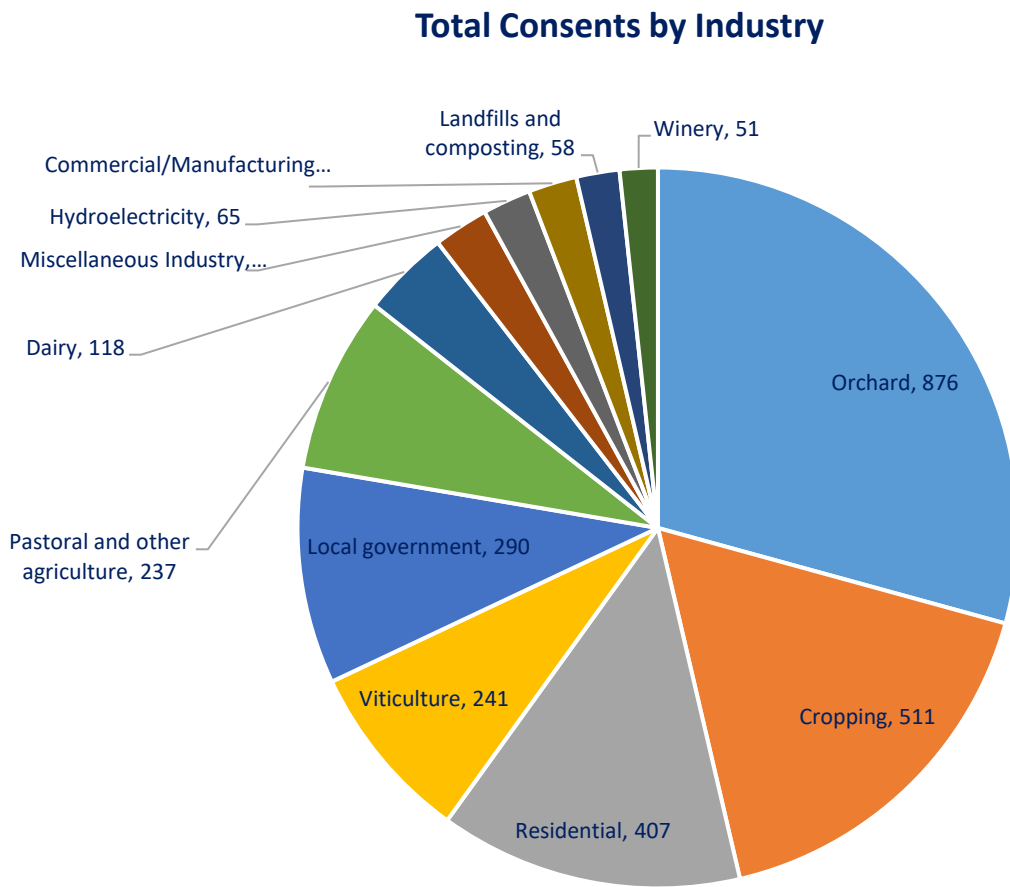


Figure 4. Total resource consents monitored by Industry in the 2020-21 financial year.

## Compliance monitoring of Activity Types

The following sections detail the total number of resource consents for each sector, activity or regionally significant industry, the number of assessments made against these resource consents during the period, and the compliance grading achieved by the industry as a collective.

### Water take Consents

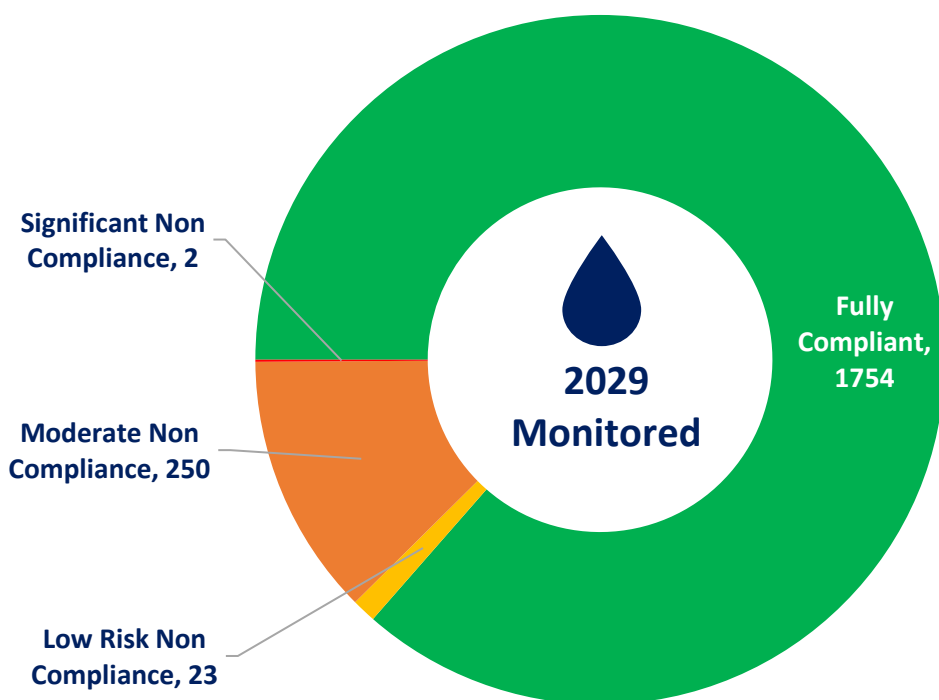


Figure 5. Overall grading of monitored water take consents during 2020-21.

Water takes made up 61% of the 3297 resource consents that required monitoring during the 2020-21 period. Most water take data is automatically telemetered to Council and any non-compliances are identified by the water information services team (WIS). This information is passed to the compliance team for follow up. Water takes that are not telemetered have low take rates or no metering requirements and are inspected prior to expiry. This year, dedicated staff have inspected water takes that were due for expiry/replacement to ensure that they meet consent conditions. During the 2020-21 monitoring period, 86% (1754) of all monitored consents achieved a grading of full compliance. Of the non-compliant consents, 1% (24) were graded low-risk non-compliance, 12% (250) were graded moderately non-compliant and 0.1% (2) were graded significantly non-compliant.

The low-risk non-compliance were predominantly for maintenance works that had not been undertaken, or late submission of data.

The noticeable increase in moderately non-compliant water take consents is a result of our increased inspection visits of 193 pre-expiry water take consents, which identified a significant number of bores requiring additional improvement works for bore security. These consent holders are required to complete bore security works by January 2022 using an HBRC accredited provider. The Council accredited providers do not currently have sufficient resource to undertake the large volume of works generated by this inspection regime, so we anticipate a lag in compliance being achieved

The two significantly non-compliant water takes related to an orchard water take that had been taking water without a meter installed, during the period when this was required by the resource consent. The other significant non-compliance was a cooling water take that failed to have a verified meter, report take volumes, and have adequate bore security in place. Following compliance action by our staff, these water takes now comply with all requirements of their consent.

## Irrigation

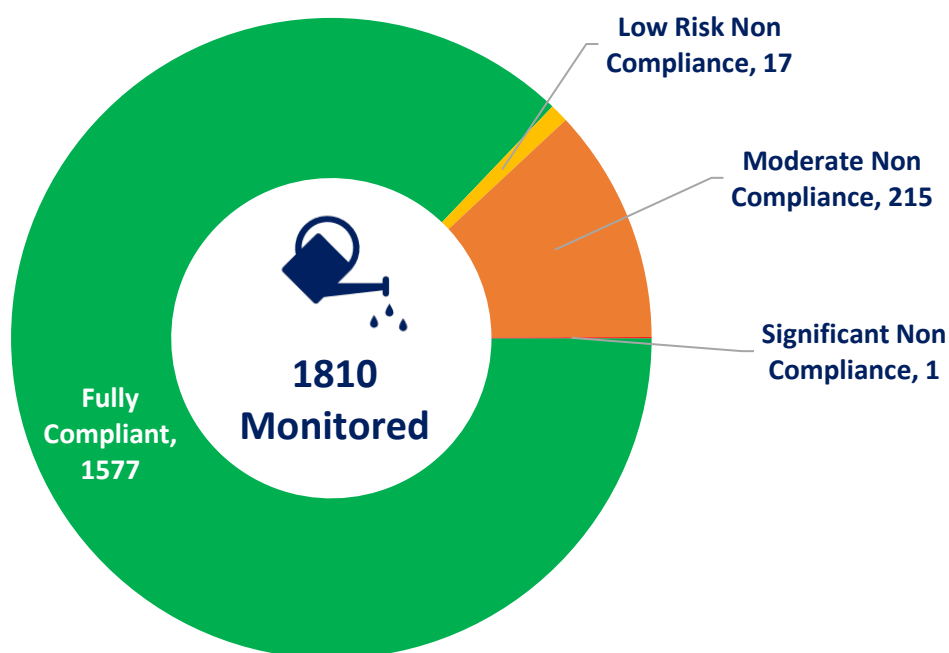


Figure 6. Overall grading of monitored irrigation consents during 2020-21.

The majority of consented water takes are for irrigation. For the 2020-21 period most consent holders were compliant with their conditions. The compliance team works closely with the Water Information Services (WIS) team with regards to water exceedances, ensuring meter verifications are up to date and missing meter readings are submitted. The irrigation compliance grading information includes water takes for cropping, horticulture, and frost protection. The compliance team undertook 120 overall assessments mostly on consents approaching expiry and replacement consent holders were required to confirm bore security (see below)

The compliance grading presented in Figure 6 shows that 87% (1577) of all monitored consents achieved a grade of full compliance. One per cent (17) were graded low-risk non-compliant, 12% (215) were graded moderately non-compliant and <1% (1) were graded significantly non-compliant. These are discussed in the water take section above.

## Bore Security

The Regional Councils' bore security program requires all 1821 ground water take consents to comply with a set of conditions and submit a report confirming the security status. Assessing bore security is a specialist role that assesses the bore infrastructure in relation to regional council consent conditions to ensure contaminants do not enter the bore. It is not related to assessment of whether the bore water is of potable quality or compliant with New Zealand Drinking Water Standards 2005 (Revised 2018). The regional council

rely on third party operators including well drillers and Blue Tick accredited irrigation companies to provide this service to consent holders.



We have prioritised at risk bores starting with municipal and community water supplies, working closely with the four TLAs who have been proactive in upgrading their public water supply bores. Water take consents that are due to expire are also identified for a monitoring visit.

Since the bore security work commenced in May 2018, 43 public water supply bore security reports have been submitted to Council. This includes all active bores used to supply Napier City and Hastings District Councils. Central Hawke’s Bay District Council has undertaken required bore security works for all bores, but Council has not yet received reports from the Blue Tick providers. Wairoa District Council take from surface water for public supply in most instances. The outstanding bore security works for WDC relate to the Opoutama Beach development and Mahanga bores.

**Table 3. Bore security inspections completed for municipal drinking water supply.**

Territorial Authority	Total Consented Bores	Active Bores	Decommissioned Bores	Bore security completed for all bores excluding decommissioned bores	Percentage completed
NCC	11	7	2	9	100%
HDC	37	24	4	27	82%
CHBDC	11	9	-	7	64%
WDC	2	2	-	0	0%
<b>Totals</b>	<b>61</b>	<b>42</b>	<b>6</b>	<b>43</b>	<b>78%</b>

Private water supplies servicing multiple households are now being assessed. In addition, all new consents, renewals, and consents that require a change of consent conditions must have a bore security check. There were 125 bore security reports received in the 2020-21 period (Figure 7). Due to the dry summer, fewer inspections were completed as industry operators were busy with irrigation work requirements.

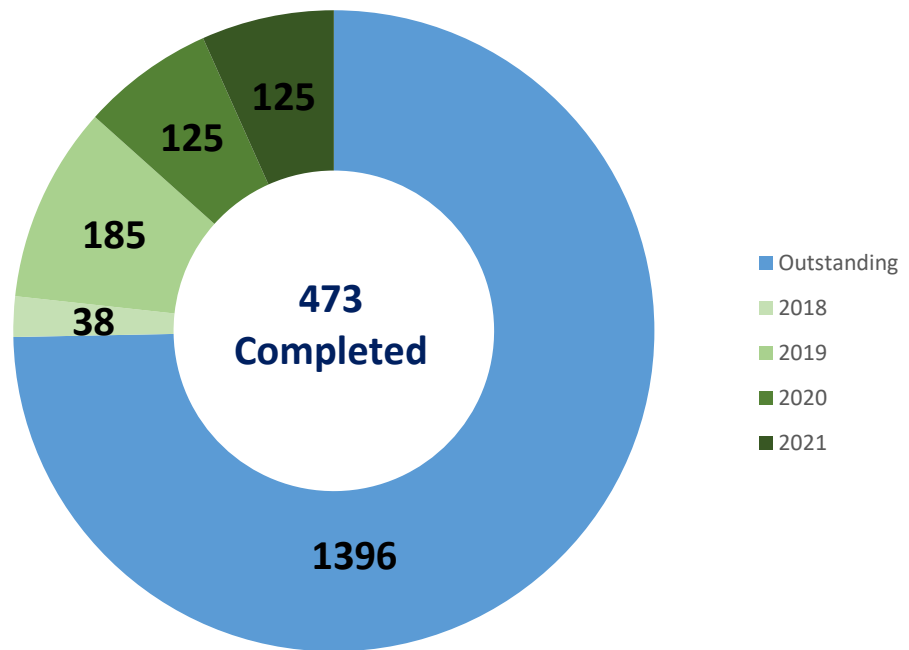


Figure 7. Bore Security inspections completed on the regions 1821 registered water take consents.

### Low Flow Monitoring

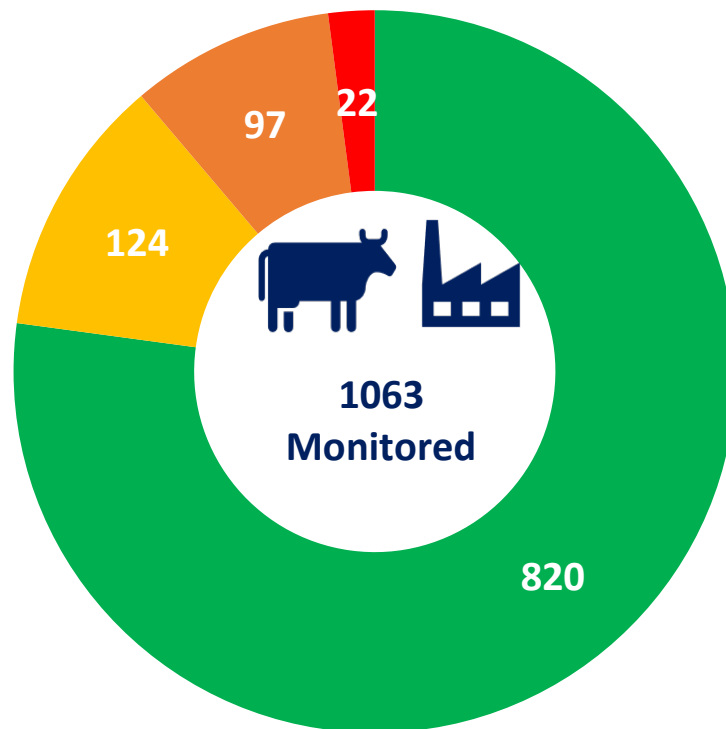
Throughout the year the compliance team along with the hydrology team, monitor the automatic river and stream level recording stations throughout the region. There are several water take resource consents for irrigation that have cut off points for water extraction. These bans predominantly occur during the summer months and are strictly enforced.

The river flows and low flow limits required daily monitoring right through to May and there was a significant increase in enquiries from concerned consent holders as to their ability to irrigate.

This year the hydrology team and compliance teams spent 330 hours monitoring and gauging the low flow sites which was approximately 30% of the time spent during the 2019-20 drought.

The compliance, environmental data and ICT teams are currently working on a project to improve the current low flow notification system. This will be beneficial to the council and the affected consent holders both in time spent monitoring the low flows and the messaging that is sent out.

## Discharge and Land Use Consents



**Figure 8. Overall grading of monitored discharge/land use consents during 2020-21.**

For 2020-21 there were 1266 resource consents for discharges to air, land, and water, as well as land use consents that required monitoring. The Regional Council received, logged, and reviewed 2738 performance monitoring returns against 1063 individual resource consents. 480 resource consents had a physical site visit undertaken and an additional overall assessment was made against 453 resource consents.

Discharge and land use consents monitored demonstrated an increased level on compliance year on year with 77% (820) of all monitored consents achieving full compliance compared to 71% last period. Of the non-compliant consents, 12% (124) were graded low-risk non-compliance, 9% (97) were graded moderately non-compliant and 2% (22) were graded significantly non-compliant.

The low-risk non-compliances were predominantly for late submission of sampling results, reports, or technical non-compliance. The introduction of a late data fee should reduce the level of low-risk non-compliance for the next period. The moderate and significant non-compliances are for potential or actual environmental effect because of non-compliance, and these are discussed in more detail in the specific industry and activity sections.

## Agricultural Discharges

### Dairy resource consents

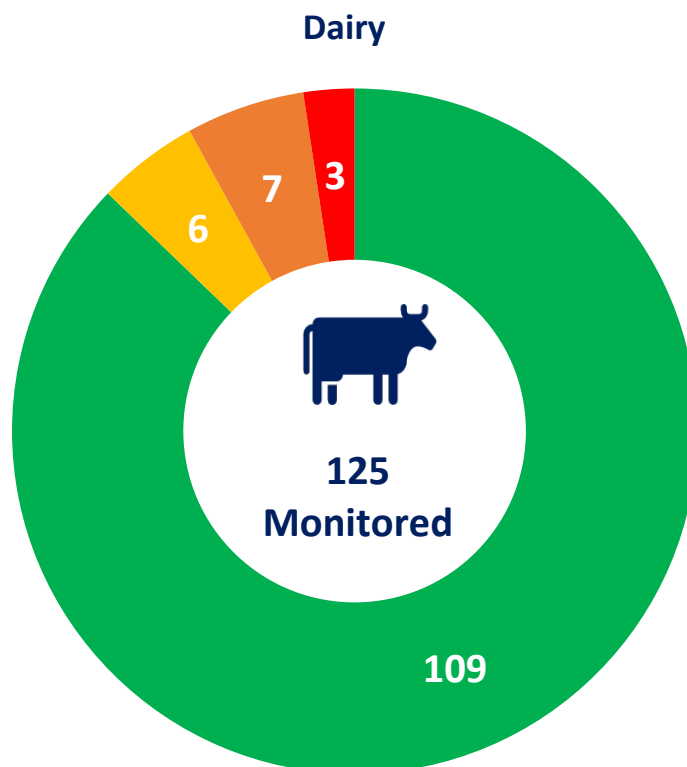


Figure 9. Overall grading of monitored dairy consents during 2020-21.

The discharge of dairy effluent to land in Hawke's Bay is a controlled activity requiring resource consent. Dairy Farms also hold a consent for discharge to air, primarily for odour management. All dairy farms receive an annual compliance visit.

The Hawke's Bay region has 75 consented dairy farms, with 74 currently operational. All operating farms were monitored in the 2020-21 year, with 87% (108) of all dairying consents fully compliant. Only 5% (6) were low-risk non-compliant, 6% (7) were moderately non-compliant and only 4% (3) were significantly non-compliant. Representing an increase in compliance year on year.

The main causes of non-compliance are effluent pond issues, failing to meet sampling requirements, irrigation ponding or runoff and not observing the nitrogen loading limit of 150kgN/ha/year limit. In some cases, this was due to a lack of tracking by the consent holder of accumulative N loading during the year.

The significantly non-compliant consents were K. Blair dairy farm in Tutira, Maxwell Farms (Patoka) Limited - Unit 2, and Ruataniwha Holdings. The non-compliances related to a repeated discharge sampling failure, pond liner failure, and a discharge that escaped to water. Enforcement action was taken for all three significant non-compliances including prosecution for the more serious event at Maxwells Farms, abatement notice for Ruataniwha, and an infringement notice for the Tutira operation.

The Regional Council facilitates a **Dairy Industry Liaison Group** consisting of Council staff, dairy farmers, Fonterra and DairyNZ representatives. Annual meetings provide for a current discussion between the regulatory authority and the production industry. This group has adopted a goal of achieving 100% full compliance across all dairy farms in Hawke's Bay. Recognising those achieving this over a long period is one way to promote reaching this goal.



To qualify farms must achieve full compliance at all inspections; consents held by the farm for water takes, effluent discharges and odour are included in the assessment. The count of compliant years is reset to zero when there is a change in farm ownership or non-compliance.

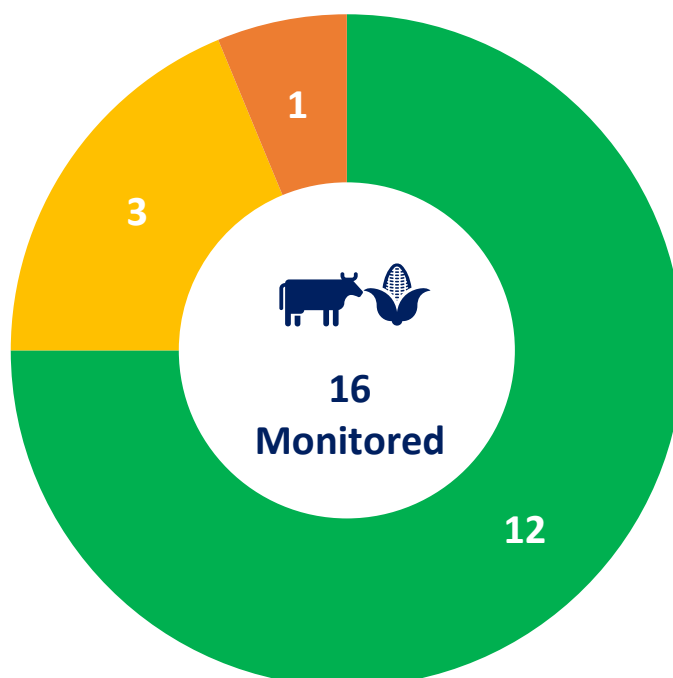
Bronze certificates are awarded for three consecutive years of full compliance, Silver certificates are awarded for four consecutive years of full compliance, and Gold certificates are awarded for five consecutive years of full compliance. The 40 farms that have maintained full compliance for at least five consecutive years to achieve or maintain a gold award status were invited to attend an awards function hosted by HBRC staff and supported by industry groups. There are no farms with four consecutive years' compliance at the Silver tier, and another three farms with three consecutive years' compliance at the Bronze tier. The Compliance Awards are supported by Fonterra Farmlands and Ravensdown.

**Table 4. HB Dairy Award holders from 2012 to 2021.**

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
<b>Gold</b>	<b>12</b>	<b>19</b>	<b>21</b>	<b>28</b>	<b>31</b>	<b>34</b>	<b>37</b>	<b>38</b>	<b>40</b>
<b>Silver</b>	<b>8</b>	<b>3</b>	<b>7</b>	<b>4</b>	<b>6</b>	<b>13</b>	<b>5</b>	<b>3</b>	<b>0</b>
<b>Bronze</b>	<b>3</b>	<b>8</b>	<b>4</b>	<b>7</b>	<b>13</b>	<b>7</b>	<b>5</b>	<b>0</b>	<b>3</b>
<b>Total</b>	<b>23</b>	<b>30</b>	<b>32</b>	<b>39</b>	<b>50</b>	<b>54</b>	<b>47</b>	<b>41</b>	<b>43</b>

Across the dairy industry, the number of Gold award recipients has increased. This suggests the higher performing operators are maintaining and improving standards while others may require further oversight from monitoring officers.

### Feedlots



**Figure 10. Overall grading of monitored feedlot consents during 2020-21.**

Sixteen feedlot consents were monitored during 2020-21 out of 17 consents, one consent was not exercised in the reporting period. All but two are operated seasonally for wintering cattle to prevent pasture damage

when soils are most susceptible. Seventy-five per cent (12) of consents monitored were fully compliant, 19% (3) low risk non-compliance and 6% (1) was moderately non-compliant. There were no significantly non-compliant consents. Low-risk non-compliances were for missing soil samples. The moderate non-compliance was for a drainage channel at one site conveying contaminated water off the feedlot

Most feedlot operators have reduced the number of cattle on their feedlots, but it is not yet clear whether this is due to a change in the beef market, or the Tukituki Plan Change rules which took effect on 1 June 2020. Whether consented or not, winter grazing operations and feedlots are monitored by the Compliance team as a priority during the winter season.

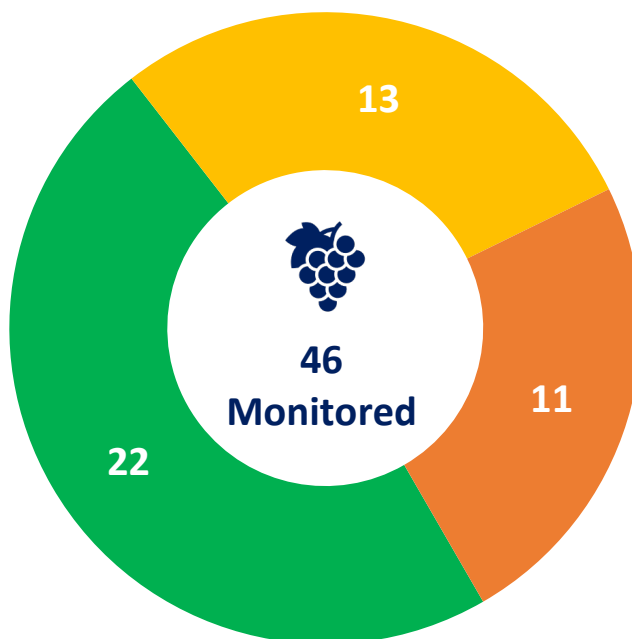
Central government has recently released new regulation on Intensive Winter Grazing, which took effect 1 May 2021. This is also expected to impact on the stock wintering practices in the region. Regional Council holds slope information that will assist landowners who wish to seek assistance to ensure their winter grazing locations are suitable and council has a project updating LiDAR data for the whole region which will greatly improve slope accuracy.

### Other Agricultural

The region has three consented piggeries, one in Esk Valley, one in Te Pohue and the other in Takapau. In the 2020-21 year the Takapau piggery was graded low risk non-compliance as the management plan had not been updated. The Te Pohue piggery was moderately non-compliant because a leachate runoff from the pens which is currently piped downhill and not collected as required by this consent. The resource consents for all these operations expired on 31 May 2020 and replacement consent applications have been issued or are still being processed.

The milking goat operation was not monitored in this period due to previous compliance and the comparatively small scale of the discharge. A consent discharge from a sheep milking operation has also been issued and will be monitored in the 2021-22 year.

## Wineries



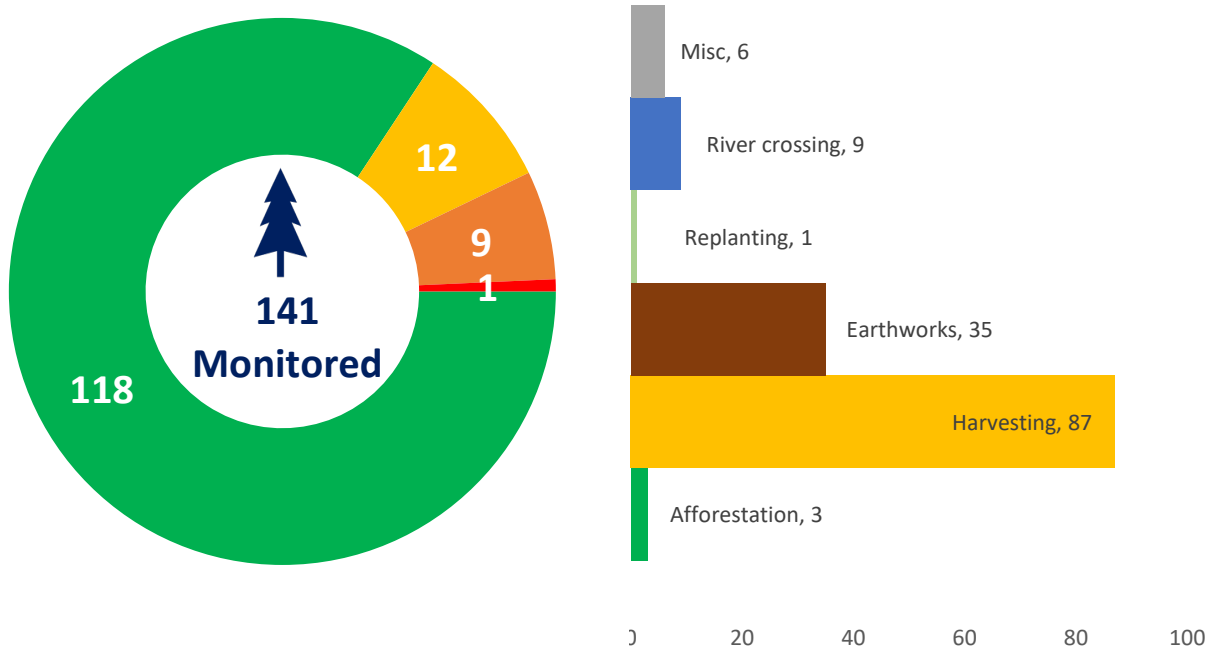
**Figure 11. Overall grading of monitored winery discharge consents during 2020-21.**

The compliance grading presented in Figure 11 shows that the monitored domestic effluent and wastewater consents held by wineries achieved were 48% fully compliant. Of the non-complying consents, 28% (13) were low-risk non-compliant, 24% (11) were moderately non-compliant and there was no significant non-compliance.

Most of the low-risk non-compliance is technical in nature from insufficient reporting of data. Moderate non-compliances are for failure to meet tighter treatment requirements for discharged wastewater.

As winery discharge consents have come up for renewal, particularly those located on the source protection zone (SPZ) for Hastings, the consented discharge parameters have been tightened to improve the quality of those discharges. Covid restrictions on wineries have made the business environment challenging but the necessary infrastructure investment is being undertaken to improve waste-water systems with an expected improvement in compliance.

## Forestry



**Figure 12. Overall grading of monitored forestry consents and permitted activities (left) and breakdown of forestry activities (right) during 2020-21.**

During the 2020-21 period, Council received notifications for 141 forestry activities such as earthworks, harvesting, afforestation and river crossings. Activities were dominated by harvesting and associated earthworks (Figure 12). All notifications were assessed for the potential environmental risk against several the NES-PF national tools and other parameters and awarded a monitoring priority which determined the frequency of required site visits. Priorities are awarded from (1) for very high-risk consents to (5) for low-risk PA's. The number of site visits undertaken is also determined by the PA's that are chargeable under the regulations, namely earthworks, river crossings, quarrying and harvesting only. Site visits were undertaken for all high-risk sites and most medium-risk sites.

The compliance grading presented in Figure 12 shows that 84% of all monitored consents and permitted activities achieved full compliance, 9% (12) were graded low-risk non-compliant, 6% (9) were graded moderately non-compliant and <1% (1) held by FMNZ was graded significantly non-compliant in the 2020-21 period for a sediment discharge resulting in abatement and infringement notices.

It is worth noting that nearly all non-compliance relates to earthworks and sediment issues and very little non-compliance relates to poor slash management. The non-compliance relates predominantly to either inadequate installation or maintenance of erosion and sediment control measures. Moderately non-compliant levels have been elevated by a few under-performing earthwork contractors not adhering to best practice (who were previously under enforcement action).

Education of the smaller forestry companies is on-going to achieve consistent standards of work. The appointment of specialist environmental managers within the larger companies is benefiting Council to help relay expected environmental outcomes.

The HB Forestry Group NES sub-committee (made up of key industry and compliance representatives) are currently focusing on regulations within the NES-PF that have proven problematic assessing in the field.

The Compliance and Consents team have been proactive in liaising with the forestry industry, particularly larger forestry companies who have made it clear to Council that they want and expect to see Council staff on the ground. Site visit timetables have been established with each company and these are reviewed when risk profiles for individual forests change.

## Non-Municipal Effluent Discharges

### Domestic effluent accreditation programme

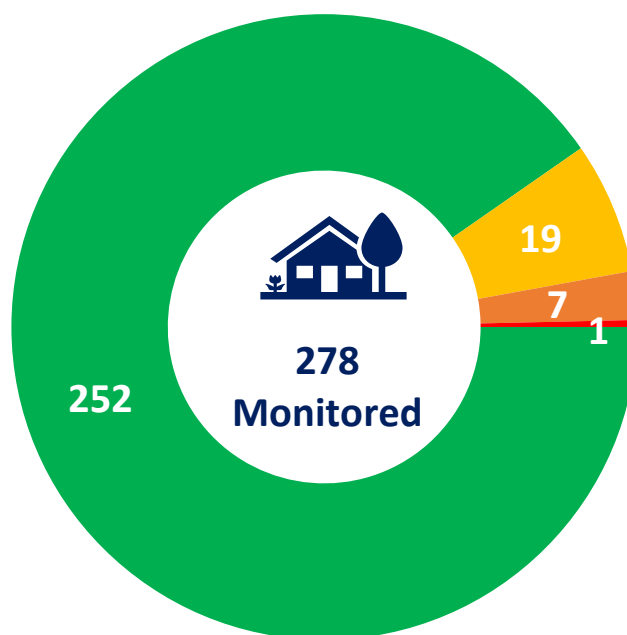


Figure 13. Overall grading of monitored domestic effluent system consents during 2020-21.

The compliance grading presented in the above chart shows that the domestic effluent consents monitored in the 2020-21 period were generally compliant with 91% (252) of all monitored consents achieving a grading of full compliance. Of the non-complying consents, 7% (19) were graded low-risk non-compliant, 3% (7) were graded moderately non-compliant and one was graded significantly non-compliant. The low-risk non-compliances related to data submission dates not being met. The moderate non-compliances were for poorly maintained or damaged systems not meeting the required standards of treatment and for not maintaining the system at the required servicing frequency. The significant non-compliance was for a domestic system failing to be serviced or meet discharge standards for several years. A search warrant has been used to gather evidence and further enforcement action is underway for this site. Non-compliant systems were identified during pre-expiry inspections undertaken by monitoring staff. Non-compliant systems are required to apply to a new resource consent (and associated monitoring charges) instead of being allowed to continue as a permitted activity.

The Regulation team operates a Wastewater Accreditation Programme for on-site domestic wastewater treatment systems and industry professionals. Consent holders with an on-site domestic wastewater treatment system type that is on the Councils accredited manufacturer list and is installed and maintained

by an HBRC accredited installer and service provider will not be subject to routine compliance inspection. Instead, a desktop audit is carried out to ensure the system is being regularly serviced. We incentivise compliance through the Domestic Onsite Wastewater Accreditation Program through reduced compliance monitoring fees for newer or more advanced treatment systems.

Typically, consents are issued for a period of ten years, upon expiry most household systems can become a permitted activity. Council has monitored systems prior to expiry to confirm compliance. HBRC continues to have a dedicated role to monitor compliance of onsite domestic wastewater systems. Our maintenance and servicing accreditation program is being reviewed this period with a focus on improving the quality of reporting and monitoring completed by service providers. This will involve better oversight of services undertaken through audits and improved reporting functions through Councils Nintex software.

### Commercial and industrial effluent consents

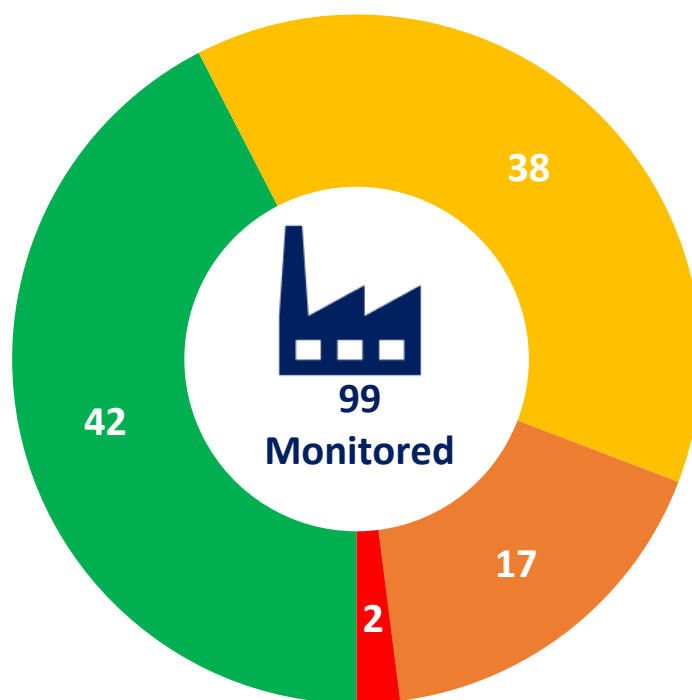


Figure 14. Overall grading of monitored commercial and industrial effluent consents during 2020-21.

Commercial and industrial effluent is discharged from businesses and sites that are not connected to the municipal sewage network. In the Hawke's Bay region, major contributors are Pan Pac Forest Products Limited (Pan Pac), Silver Fern Farms, Heretaunga plain companies and other commercial operations.

The compliance gradings presented in figure 14 shows that 43% (42) of all monitored consents achieved full compliance. Although still low, this is an improvement on the level on non-compliance observed in the last period. Of the non-compliant consents, 38% (38) were graded low-risk non-compliant, 17% (17) were graded moderately non-compliant and 2% (2) were graded significantly non-compliant.

The low-risk non-compliance gradings are applied to consents where the required data or report submission date has been missed. The moderate non-compliance relates to campgrounds, RSE accommodation, wineries (effluent only) and timber processors. The non-compliance is predominantly for effluent standards being

breached on at least one occasion during the period or those that are significantly out of the service schedule. Consents that have continued to exceed on more than one occasion have had increased monitoring frequency and most have been addressed during the compliance period.

The significant non-compliance relates to a campground discharge at Te Awanga Motorcamp and an RSE accommodation discharge. Both resource consents are under compliance action to address the non-compliance. And the RSE facility is back in full compliance for the current period. Officers are preparing further enforcement action for the motorcamp.

## Industrial Discharges

### Commercial and industrial wastewater consents

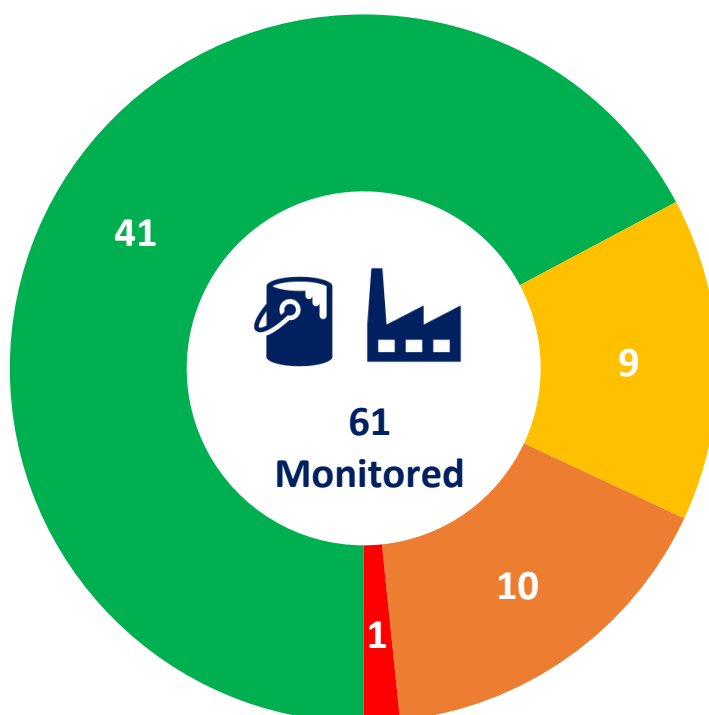


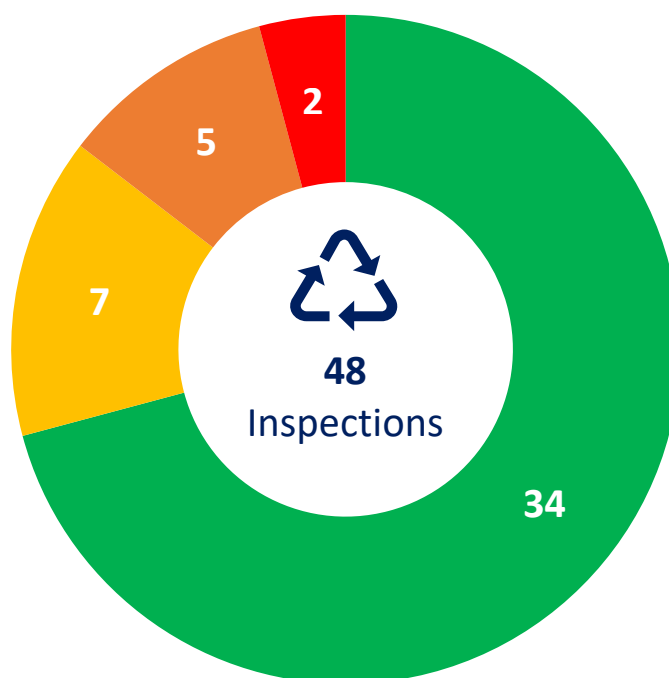
Figure 15. Overall grading of monitored commercial and industrial wastewater consents during 2020-21.

Wastewater includes discharges to land, surface water and the coastal environment from manufacturing, cooling water, production and pack houses/cool stores where they are not connected to the municipal trade waste. This includes meat processing, timber treatment and other industrial and commercial activities.

The compliance gradings presented in figure 15 shows that the consents monitored were generally compliant with 67% (41) of all monitored consents achieved full compliance. Approximately 15% (9) were graded low-risk non-compliant, 16% (10) were graded moderately non-compliant and only one was graded significantly non-compliant.

The moderate non-compliances are predominantly for discharges related to winery wastewater that is detailed in the winery section. The significant non-compliance relates to AFFCO (Wairoa) for an unauthorised discharge of wastewater into the Wairoa River. Enforcement action is being undertaken in the current period.

## Solid Waste Discharges



**Figure 16. Overall grading of monitored solid waste consents during 2020-21.**

The compliance gradings presented in figure 16 show that the majority of monitored solid waste consents were compliant with only 71% (34) of all monitored consents achieving a grading of full compliance. Of the non-complying consents, 15% (7) were graded low-risk non-compliant, 10% (5) were graded moderately non-compliant and 4% (2) consents were graded significantly non-compliant. The significant non-compliances are for discharge to land consents held by BioRich and Top Auto-Parts.

### Private Landfills and transfer stations

A construction and demolition waste landfill at 1199 Middle Road is operated by Phoenix Contracting. This landfill accepts construction and demolition waste and other inert fill material. This facility provides a location for materials that are unlikely to cause toxic leachates that would otherwise take up valuable landfill space at our class 1 landfills in the region. This landfill was graded low-risk non-compliant during the period for accidental asbestos disposal which was remediated. Cleanfill sites are operated within the region to take cleanfill material such as topsoil and concrete and aggregate waste that can't be reused. There was some low-risk non-compliance with cleanfill consents during the period. One transfer station that operated as a car wrecker was graded significantly non-compliant due to poor onsite management leading to land contamination. An abatement notice is in place to remediate this site following investigations by our compliance staff.

### Composting

Bio-Rich continues to be the only large-scale composting operations within the Hawke's Bay region. For the 2020-21 period, Bio-Rich was graded fully compliant at one of its locations but had enforcement action undertaken for a discharge of contaminants to surface water at the Waitangi location (significant non-compliance).



### Contaminated Sites Waste

Four of the five moderately non-complying consents relate to contaminated sites associated with timber treatment and storage and is managed under a resource consent. These are for the Napier Pine timber treatment plant in Omahu Road, the Central Timber site in Waipawa, and TUMU timbers in Maraekakaho.

### Municipal Solid Waste

The Hawke's Bay region has a single class 1 landfill at Omarunui jointly operated by NCC and HDC, and two class 2 landfills, Fraser Street operated by WDC and Farm Road operated by CHBDC. For the 2020-21 period, Omarunui landfill was fully compliant with all resource consents, except for discharge to air where an infringement notice was issued following odour generated by increased pellets. Fraser Street landfill was previously graded significantly non-compliant but has undertaken significant improvement works as part of a remediation plan to address the non-compliance onsite. As a result, they have achieved a low-risk non-compliance for the 2020-21 period. Farm Road landfill was graded low risk non-compliant for the period but still requires additional reporting of data and improvements to stormwater management onsite.

Additionally, each Council monitors several historical municipal landfills that ceased receiving waste in the 70's, 80's and 90's. Our region currently has 23 consented closed municipal landfills, the majority of which are in rural areas except for Napier City Council who have 5 urban landfill locations.

### Meat and by-product processing

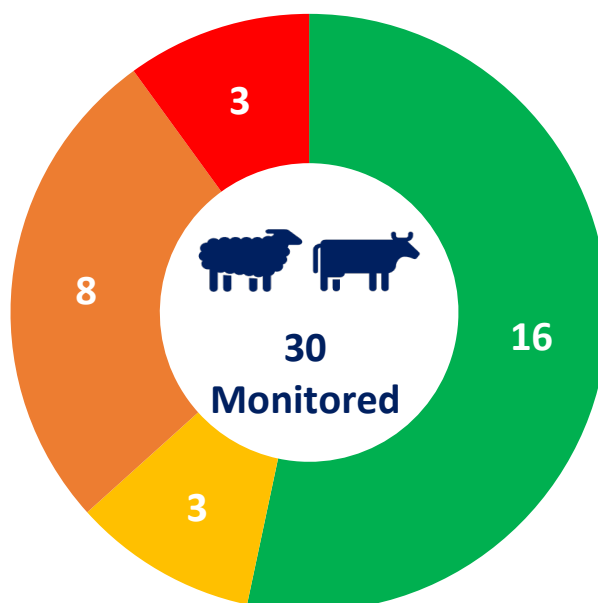


Figure 17. Overall grading of animal and by-product processing consents during 2020-21.

The compliance gradings presented in figure 17 show that approximately half of consents held by meat and by-product processors monitored during the year were compliant with 53% (16) of all monitored consents achieving a grading of full compliance. 10% (3) were graded low-risk non-compliant, 27% (8) were graded moderately non-compliant and 10% (3) were graded significantly non-compliant.

The significant non-compliance for 2020-21 was for two animal and by-product processors, AFFCO (Wairoa) and Hawkes Bay Protein. AFFCO (Wairoa) was graded significantly non-compliant for both the discharge of stormwater and wastewater from the site into the Wairoa River. Hawkes Bay Protein was significantly non-

compliant for emissions of offensive and objectionable odour beyond the boundary of the site. These are recurring issues from the previous period and Council is taking a strong enforcement approach to continued non-compliance at these operations.

The moderate non-compliances are for:

- Non-compliance with odour conditions at a dag processor and tannery
- Wastewater discharges to land by Silver Fern Farms and in Takapau because of breaks in the effluent infrastructure.
- Exceedance of H<sub>2</sub>S beyond the boundary at a tannery.
- Several water take exceedances by commercial facilities.

### **Tanneries**

Hawke's Bay has four operating tanneries located in Pandora, Whakatu and Tomoana. Moderate non-compliance for Tomoana Pelt Processors was recorded following a discharge of hydrogen sulphide in exceedance of the consented limit. All other operations achieved full compliance with the air and stormwater discharge consents for the 2020-21 period.

### **KraftHEINZ (Watties)**

All seven resource consents held by KraftHEINZ were monitored during the 2020-21 period. There have been confirmed odours relating to the treatment plant at the Watties King Street site triggering a requirement for a resource consent that should be in place for the 2020-21 period. This has not yet been lodged. The discharge of stormwater from the Tomoana site is moderately non-compliant due to missed sampling events and a diversion of the Ruahapia stream to trade waste which has since been remedied.

### **Port of Napier**

During the 2020-21 compliance period, the Port of Napier was compliant with all its resource consents. The Port of Napier holds consents to discharge stormwater from the port and wharves to land and the coastal environment. It also holds a consent for discharges to air from the burning of dunnage for biosecurity reasons.

All discharges to land or water within the port management area are recorded and reported to the Regional Council as required and no major incidents have occurred this reporting period.

- Maintenance dredging has been undertaken within the port inner harbour as well as capital dredging projects associated with 6Wharf.
- No abrasive blasting was undertaken during 2020-21

### **Wharf 6 Extension Works**

The Port of Napier continues the capital improvement projects for 6Wharf during the 2020-21 period including capital dredging, occupy the seabed, dredge disposal and erect a structure for the purposes of the 6Wharf extension. Active engagement by the construction contractors and Port of Napier has improved the level of communication for this critical infrastructure project. Full compliance with all 6Wharf consents has been achieved and regular engagement with the community around noise and dredging has been ongoing and positive to see.

### **Te Mata Mushroom Company Ltd**

The Te Mata Mushroom Company at Brookvale Road has a new air discharge consent setting a timetable for required odour mitigations. The company was assessed to have moderate non-compliance. The company

failed to finalise a revision of the odour management plan and failed to achieve the minimum standard of dissolved oxygen in the recycle water

The Council received 28 odour complaints in the 2020-21 reporting period, this is down from the 175 odour complaints from the previous year.

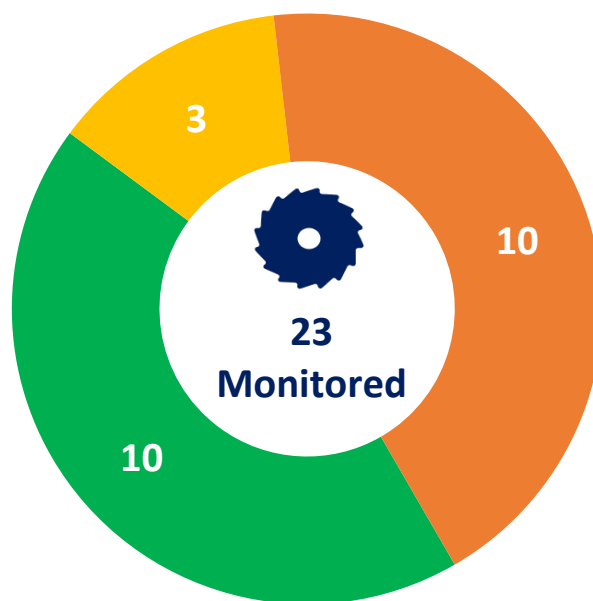
### Fertiliser manufacturing

Ravensdown are graded significant non-compliance for their discharge to air discharge due to several exceedances of the National Environmental Standard for Air Quality limits on sulphur dioxide discharges. They are under abatement notices to investigate and remedy the source of the exceedances.

### Hydroelectricity

Hydroelectricity consents to dam, divert and discharge water for power generation have also seen an improvement in compliance with the Eastland Dam graded low-risk non-compliant due to late submission of data and Genesis Energy consents all achieving full compliance for the 2020-21 period.

### Timber operations



**Figure 18. Overall grading of monitored timber processing consents during 2020-21.**

Timber treatment operators remain the most non-compliant industrial activity with only 43% (10) fully compliant. Thirteen per cent (3) were graded low-risk non-compliant, 43% (10) were graded moderately non-compliant.

A positive improvement on the previous year was the reduction of significantly non-compliant consents from three to zero following more monitoring and enforcement action. In the 2020-21 period Napier Pine and Tumu Timbers continue to be non-compliant for stormwater and contaminated fill consents. Pan Pac has also had three moderately non-compliant consents for their wastewater, domestic effluent, and air discharges.

### Pan Pac Forest Products Limited

Pan Pac operate a lumber and pulp mill in Whirinaki and hold resource consents to discharge stormwater and domestic effluent to land, discharge to air, and a discharge of wastewater to the coastal environment. It also holds a consent to discharge green waste and organic material from the mill into a landfill on the property.

For the 2020-21 period Pan Pac was fully compliant with the discharge of stormwater, water take, and private landfill consents. The domestic effluent discharge onsite has been graded moderate non-compliance for failing to meet the requirements of the consent. The studies required by the discharge to sea consent were not completed within the relevant timeframes and the discharge to air has resulted in multiple complaints of pulp fibre affecting private property along Whirinaki. Enforcement action and investigation is underway following continued pulp fibre discharges beyond the boundary.

### Three Waters Discharges

Our region has four local councils that operate three waters assets, Wairoa District, Hastings District, Central Hawke’s Bay District and Napier City. These local councils (known as Territorial Authorities or TLAs) undertake a wide range of activities that have an impact on the environment, and all hold resource consents for activities including drinking water, stormwater, and wastewater, collectively known as three waters. Each of these is discussed in more detail below and presented as a regional assessment.

The stormwater and wastewater infrastructure across our region is ageing and under significant stress especially during periods of heavy rainfall. This often results in contaminant discharges that present both an environmental and health risk. All councils are aware of this and recognise that ensuring fit for purpose infrastructure is a major priority. It is still not clear exactly how the Governments proposed three waters reform program will impact our regional three waters assets, but local Councils continue to invest in upgrading and investing in new infrastructure. This includes significant works in the Central Hawkes Bay and Wairoa districts to address some of our worst performing wastewater treatment plants and significantly improved stormwater management in both Napier and Hastings.

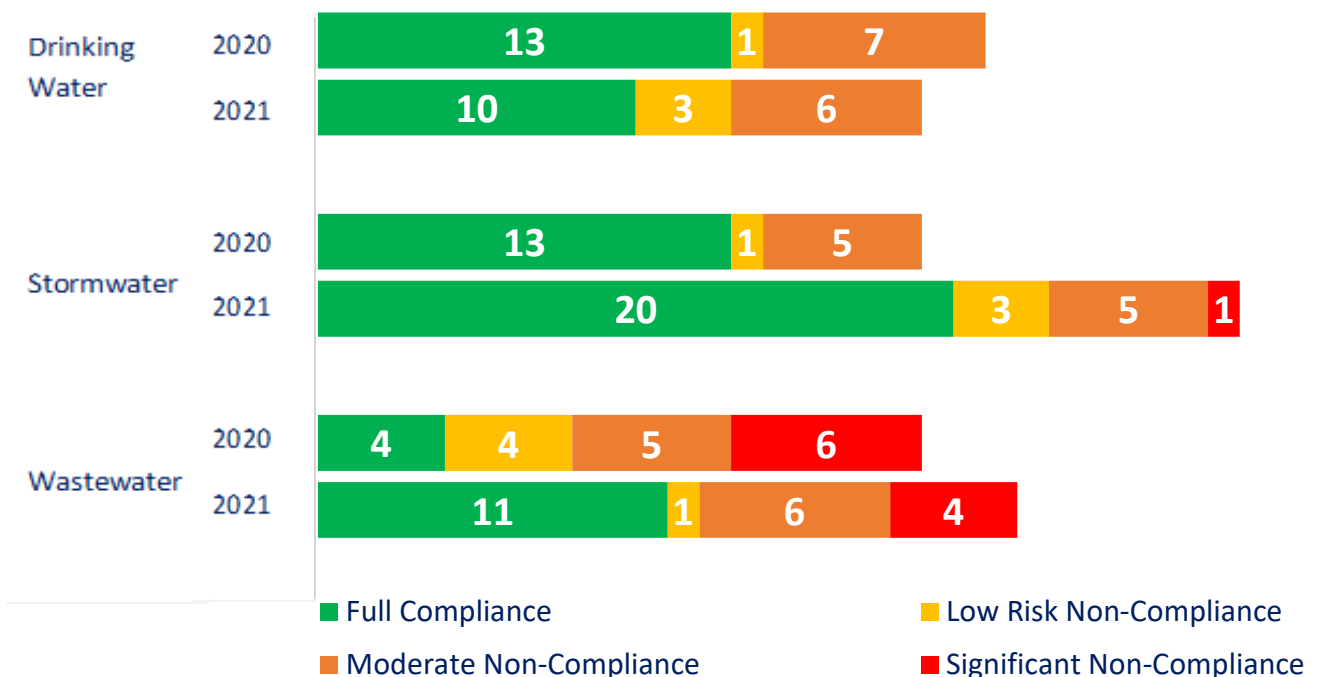


Figure 19. Compliance gradings for three water discharges in 2020 and 2021.

Council has increased the level of monitoring and compliance actions undertaken against non-complying three waters consents since 2018 to improve levels of compliance. A re-prioritisation of these consents and dedicated staff to undertake monitoring has seen a larger number of stormwater and wastewater consents monitored this year compared to last, all drinking water consents were monitored in 2019-20 and 2020-21 and saw a slight drop in the proportion of fully compliant consents compared to last year. There has been no change in the percentage of compliant consents for stormwater discharges compared to 2019-20.

There has been a notable increase in the number of fully compliant resource consents for wastewater year on year, as shown in figure 19. This is as a result of increased compliance monitoring and enforcement as well as additional works undertaken by consent holders to improve management of these sites. It is anticipated that the number of significant and moderately non-compliant consents will continue to decrease over the next period as WWTP upgrades are completed. These include Wairoa, Opoutama, Napier and Otane.

### Municipal Drinking Water

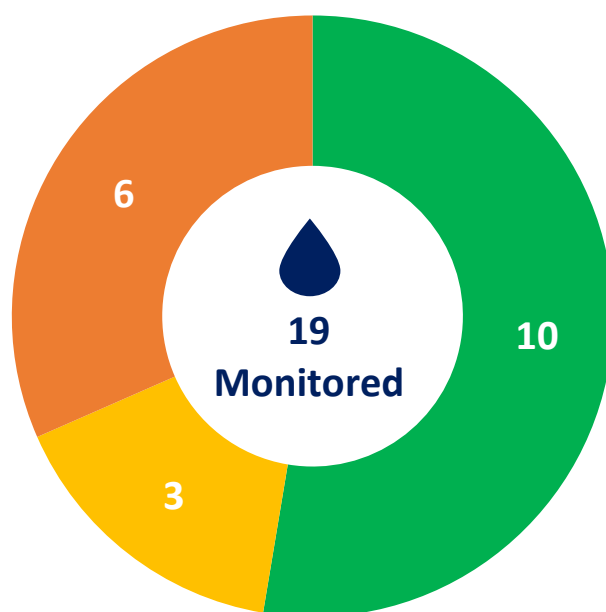


Figure 20. Overall grading of monitored municipal drinking water consents during 2020-21.

The compliance grading presented in the above chart shows that approximately half of consents monitored were compliant with 63% (10) of all monitored consents achieving a grading of full compliance, 16% (3) were graded low-risk non-compliant, 32% (6) were graded moderately non-compliant and none were graded significantly non-compliant.

**Central Hawkes Bay District Council** has completed upgrades to existing bores to comply with its consent conditions and bore security. New bores are being established at its Waipukurau site. CHBDC has non-compliance at Porangahou, SH2 Waipukurau, and Tikokino Rd requiring a meter verification, and bore security reports are required at its Waipukurau site.

**Hastings District Council** has upgraded all its existing bores in the last few years and is currently replacing some existing bores and establishing new bores in some areas such as Frimley. The moderate non-compliance at Eskdale is for not completing a meter verification using a flow rig, this is expected to be completed by the end of 2021. The Portsmouth Wilson Eastbourne Lyndhurst take was also non-compliant for meter verifications as headworks changes are required and these are being incorporated in planned upgrades.



**Napier City Council** has one consent to take from 11 bores and has obtained a change of consent conditions to remedy rate of take non-compliance. Some bores require headworks alterations to allow for flow rig meter verifications and have been graded non-compliant. NCC is planning to develop two new bore fields in the next two years. Bores that will be decommissioned are not required to be upgraded but will be graded moderate non-compliance.

**Wairoa District Council** public water supply is drawn from the Wairoa River upstream from Frasertown. The water is filtered and then piped into town. The filtered sediment is then discharged back into a stream that discharges into the river downstream from the treatment plant.



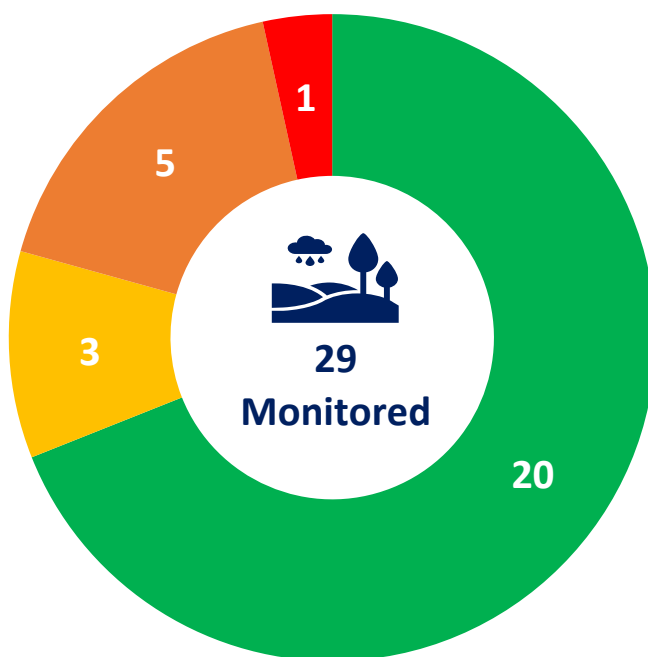


Figure 21. Overall grading of monitored municipal stormwater consents during 2020-21.

The compliance grading presented in Figure 21 demonstrates an increase in the total number of consents monitored compared to 2019-20. Of the consents monitored, 69% (20) achieved a grading of full compliance, 10% (3) were graded low-risk non-compliant, 17% (5) were graded moderately non-compliant and 3% (1) were graded significantly non-compliant.

**Central Hawke’s Bay District Council** hold one network consent for municipal stormwater that covers discharges from catchments within Waipawa and Waipukurau. For the 2020-21 period, the network consent was graded moderately non-compliant as a result of missed sampling and late reporting. CHBDC continue to work with the Regional Council to develop appropriate and effective monitoring and catchment management plans.

**Hastings District Council** hold a global consent for the main Hastings City area and several smaller industrial zoned stormwater consents around; Omaha Road, Lowes Pit, and Whakatu. The global consent was the only stormwater consent graded significantly non-compliant in the 2020-21 period. This was the result of a series of discharges into the Ruahapia Stream from the Ruahapia industrial area that resulted in elevated e-coli concentrations in the receiving environment. Enforcement action was undertaken against HDC and several industrial sites to address the ongoing discharges, further network monitoring within the HDC network is being undertaken to better manage the risks from these sites. The Barnes Place, Lowes Pit, James Rochfort and Omaha road stormwater consents were graded moderately non-compliant for a failure to complete required assessments of high risks sites which are required every two years under the consent.

**Napier City Council** hold industrial zoned consents for discharges of stormwater from the CBD, Thames Tyne, Cross Country Drain, Westshore and Ahuriri. The bulk of Onekawa and the residential areas are managed by the Westshore tidal gates which is a jointly held discharge consent held by the Regional Council and NCC, with NCC undertaking the operative responsibilities under the consent. All resource consents held by NCC have achieved full compliance for the 2020-21 period. Over summer there were several major incidents within the Pandora Estuary stormwater catchment including a significant discharge of acid, sediment, and several instances of untreated wastewater.

- The discharges of sediment from a debarking facility into the Thames/Tyne catchment was contained and removed prior to discharge into the estuary.
- Wastewater from a sewer overflow were able to be contained within the open network and wastewater removed by NCC before discharge into the estuary.
- An ongoing leak from the Kennedy Road wastewater pipeline was discovered discharging through the stormwater network into the open drain operated by NCC. Extensive sampling was completed both within the network, and in the receiving environment. Sampling indicates that the discharge did not have any effect on the estuary after reasonable mixing. However, NCC continue to take a precautionary approach such as public notification and recommendations to avoid contact recreation in the estuary during similar events.
- Emergency discharges of untreated wastewater were undertaken deliberately by NCC under section 330 of the Resource Management Act (1991) during the November flooding events. Discharges undertaken in accordance with section 330 do not require a resource consent.
- The discharge of acid was not able to be stopped before reaching the estuary and resulted in a significant fish kill event due to extremely low pH levels. This discharge was caused by a local industrial site and does not result in a non-compliance by NCC as they had in place management plans, spill response procedures and site inspection regime for the site which the operators neglected to follow. Enforcement action is being undertaken against this operator.

**Wairoa District Council** is the only council to not hold stormwater consents for urban discharge areas. They are currently preparing an application for discharges to the Wairoa River from catchments within the Wairoa Township. Sampling has been completed and they are beginning engagement with stakeholders prior to lodging early in 2022.

The Regional Council meets on a regular basis with local councils as part of stakeholder engagement meetings or steering groups to discuss compliance, monitoring and reporting requirements and issues. This is undertaken regularly with HDC, NCC and CHBDC as part of their consent requirements and is intended to form part of a future WDC consent to enable better communication and ‘no surprises’ approach between councils. Discussions at recent meetings have identified a project combining resources in producing community education programs around stormwater, which is a requirement of each consent – this is already underway between NCC and the Regional Council.



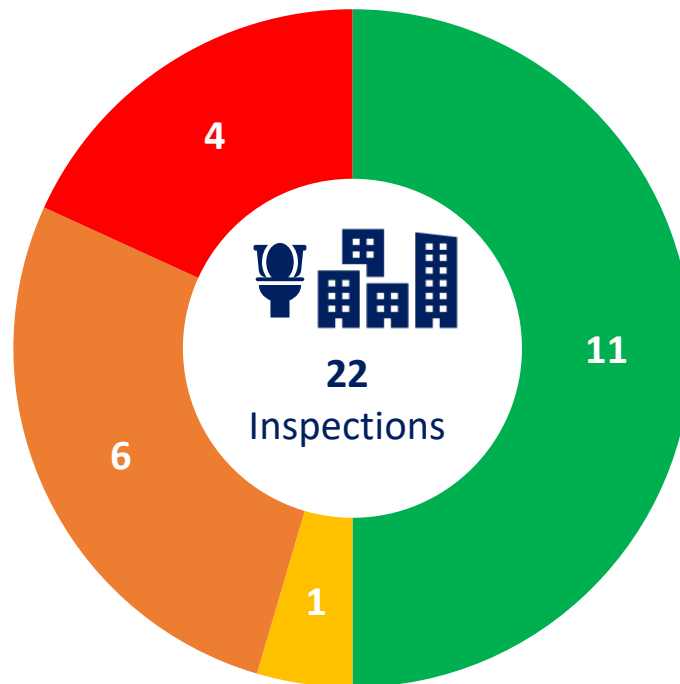


Figure 22. Overall grading of monitored municipal wastewater consents during 2020-21.

The compliance grading presented in the above chart shows that municipal wastewater operators have increased the level of compliance year on year. For 2020-21, all municipal wastewater consents were monitored with 50% (11) of consents achieving full compliance. Five percent (1) were graded low-risk non-compliant, 27% (6) were graded moderately non-compliant and 18% (4) were graded significantly non-compliant.

**Central Hawke’s Bay District Council** operate six municipal wastewater treatment plants in Otane, Waipawa, Waipukurau, Takapau, Porangahau Town and Te Paerahi at Porangahau Beach. All plants use oxidation ponds as the primary form of wastewater treatment and Waipawa and Waipukurau use chemical dosing to strip phosphorus and UV treatment for pathogens. The Te Paerahi treatment pond discharges to a wetland, all other discharges are to adjacent rivers. Waipukurau and Waipawa plants have been graded significantly non-compliant for the period due to ongoing failure to achieve treatment standards.

Takapau, Otane, and Te Paerahi plants were graded moderate non-compliance this period but are undergoing additional remedial works to bring them up to consented standard.

The previously reported significant non-compliance issues at Waipawa and Waipukurau continued in this reporting period (ammonia and dissolved reactive phosphorus). CHBDC continued to progress with wastewater upgrades under the #ProjectWOW including pipeline installation to transfer wastewater from Otane to Waipawa for treatment and discharge to rapid infiltration beds. Resource consent applications to allow the receipt and alternate discharge of this waste are being progressed and expect to be lodged in the next period. In the interim, CHBDC has undertaken additional monitoring and invested in additional treatment (DAF) at Waipawa and Waipukurau to reduce the immediate impacts.

**Hastings District Council** operates a municipal and trade waste wastewater treatment plant at 284 Richmond Road in Clive as well as number of small community discharges. Consents are held for the discharge to air of odour and the discharge to the coastal environment from a short outfall (emergency) and a near shore

(emergency) beach overflow at Clive. During the 2020-21 period, all consents achieved full compliance except for Waipatiki treatment plant which is graded moderately non-compliant for failure to meet the required nitrogen limit for which upgrades are currently being progressed.

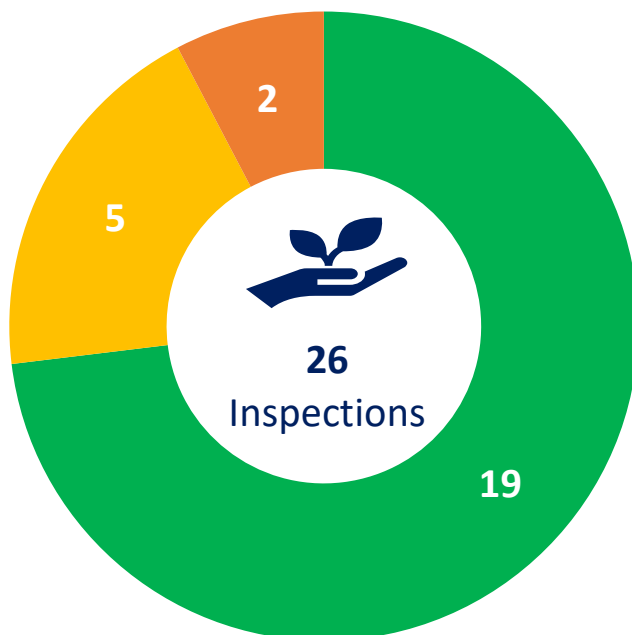
**Napier City Council** operates a combined trade and municipal wastewater treatment at Awatoto that is consented for discharge to air and of odour and discharge to sea for treated wastewater. For the 2020-21 period the discharge to air was graded full compliance. The discharge to sea was graded moderately non-compliant following exceedances in wastewater quality and the discharge of wastewater through three leaks in the outfall structure. Repairs of the leaks were completed in February 2021 and the discharge has been largely compliant since, except for an occasional spike in contaminant loading believed to be originating from industrial sites. Work is progressing to reinstate the Pandora industrial line and expand wet weather emergency storage capacity during this current period.

**Wairoa District Council** operate four community wastewater treatment systems in Mahia, Opoutama, Tuai and Wairoa. Tuai wastewater treatment plant is graded moderate non-compliance due to ongoing exceedances of the pH limit. The Mahia treatment plant was graded moderately non-compliant for application rate exceedance and for riparian planting not being completed within the required timeframe. The treatment plant at Opoutama (Blue Bay) is graded significantly non-compliant as the current treatment plant is unable to meet the nitrogen and phosphorus limits for the discharge to land. Under an abatement notice WDC have been completing a full plant upgrade which is due to be completed this period. The upgrades made to date have already significantly reduced the ammonia loading in the discharged wastewater.

The Wairoa treatment plant continued to be significantly non-compliant through use of the emergency overflow pipe and discharging outside of the tide and time limits during 2020-21. Enforcement action was undertaken to limit the environmental impacts in the short term. This enforcement action has now been replaced with a resource consent. A new resource consent was granted for the discharge in October 2021 which requires significant upgrades to the treatment, discharge regime, outfall structure, and a move towards land application.

The Regional Council continues to engage with operators and will undertake enforcement action where necessary to ensure that environmental impacts in sensitive areas are minimised or reduced through compliance with consent conditions.

## Hawke's Bay Regional Council – How did we do?



**Figure 23. Overall grading of monitored HBRC consents during 2020-21.**

The compliance grading presented in the above chart shows that the majority of monitored consents held by Hawke's Bay Regional Council were compliant with 73% (19) of all monitored consents achieving a grading of full compliance. Nineteen per cent (6) of consents were graded low-risk non-compliant, 17% (2) were graded moderately non-compliant and none were significantly non-compliant.

The low-risk non-compliances are predominantly for flood protection scheme consents and are technical in nature.

The moderate non-compliances relate to a Regional Council operated wastewater system for the Waipatiki campground not meeting the required discharge standards and for not supplying notification or as built plans following completion of works in accordance with a water diversion consent.

## Pollution Response and Enforcement

The Regional Council operates a 24 hour, 7 days a week Pollution Hotline for the purpose of receiving calls from members of the public reporting pollution events and other incidents of an environmental nature. During office hours, calls are directed to Environmental Officers who attend 100% of calls received. Outside of office hours, a duty roster operates where calls are directed to the duty Environmental Officer via a call centre.



A wide range of incidents are reported that will generally be responded to within 12 hours of receipt and dealt with appropriately. The bulk of the Council's enforcement work arises as a result of incidents or complaints reported via the pollution hotline. Often Council will receive notice of incidents occurring even before those involved know themselves.

### What happened in 2020-21?

This year we saw a further reduction in environmental complaints and incidents with 823 reported for the 2020-21 year which continues the trend in reducing environmental incidents. As we saw in the previous year, there has been an increase in the seriousness of environmental incidents with a sustained high level of prosecutions. Calls remain dominated by air quality 509 (62%), followed by discharges to land 143 (18%) and surface water 130 (16%).

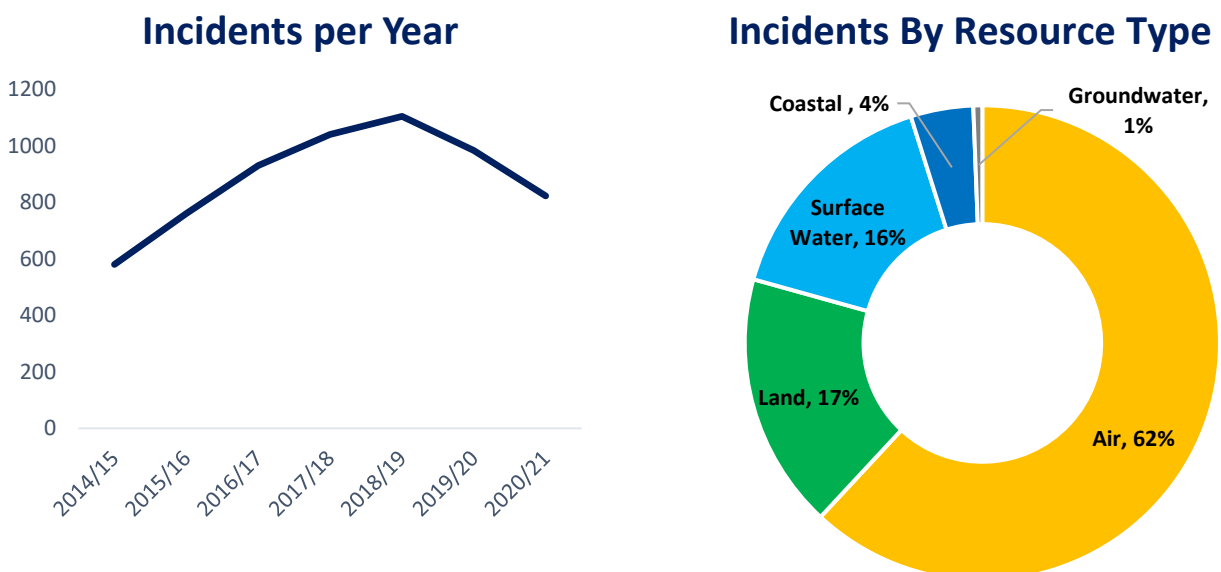
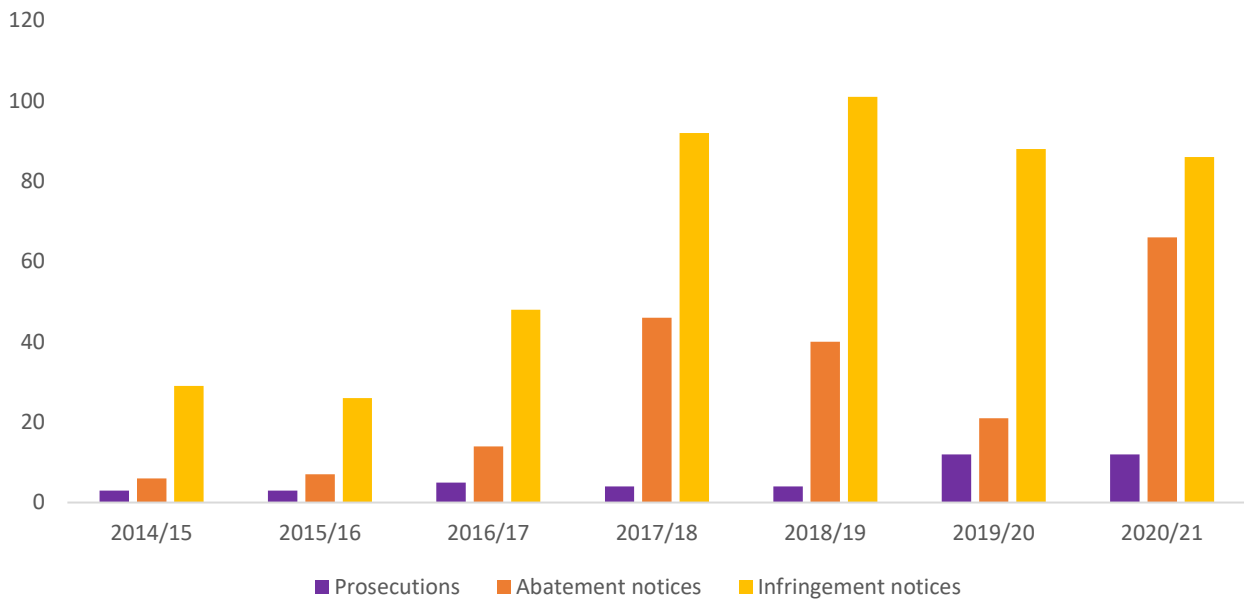


Figure 24. Incidents per year (left) and incidents by resource type for 2020-21 (right).

Enforcement action for the 2021-21 year (figure 25) has continued along the same number as the previous year's substantial increase in prosecutions. This is in line with the continued serious nature of offending. There was a small decrease in infringement notices but another noticeable drop in infringement notices issued for airshed burning. We believe this is due to the ongoing joint approach of education and enforcement being undertaken. The large increase in the use of abatement notices reflects a new direction in enforcement around engagement with the community and prevention of environmental harm before punitive action is taken. The increased volume of incidents resulting in prosecutions continues to put significant pressure on our environmental regulation team, as these cases require more resource to investigate, process and take through the courts.



**Figure 25. Number of enforcement actions by year.**

## Burning Complaints



This year it has been pleasing to see the continued reduction in complaints and infringement notices issued in relation to burning in the Napier and Hastings Airshed within restricted seasons (figure 26). This is likely due to the ongoing combination of education and enforcement. This has contributed to only one breach of the Air Quality standards over the winter months. Hastings recorded no breaches for the first time since recording of this has begun and Napier one.

### Burning Complaints and Infringement Notices Issued

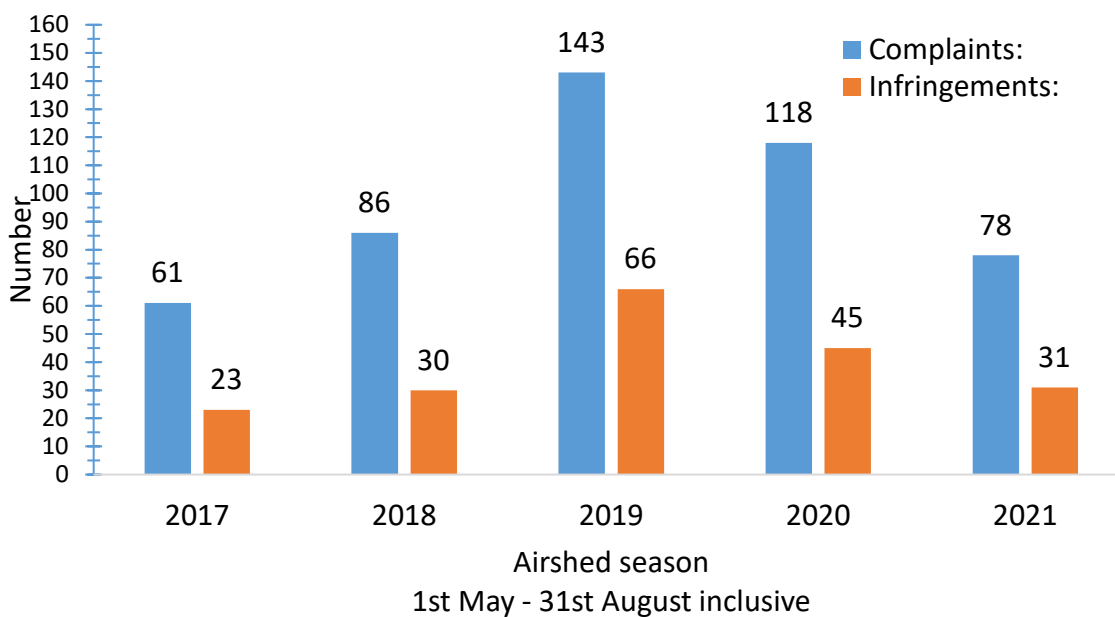


Figure 26. Number of complaints and infringement notices each year relating to burning within the Napier and Hastings Airsheds



**Infringement notices** are issued for serious non-compliance offences that don't warrant prosecuting. The Regional Council issued 86 infringement notices issued during the 2020-21 period, totalling \$43,800 in fines. Many of the infringement notices issued were still for outdoor burning (31), though less than last year.

**Abatement notices** are formal instructions, they are a direction to either cease doing something, take action to address an environmental effect, or to comply with consent conditions. The number of abatement notices issued in 2020-21 period was 66. This was a significant increase from the previous year and are being used more widely to reduce the likelihood of significant environmental incidents occurring.

**Prosecutions** are generally reserved for the most serious of offending. This can be for offences where significant environmental effects have resulted, or where repeated, serious offending has occurred. There were 12 prosecutions concluded during the period with 14 individual charges laid. This is in line with the significant increase the previous year.

There were six prosecutions commenced for the year as shown in table 5. There are also a small number of ongoing prosecutions from the previous recording period (2019-20) that are not yet resolved. Total prosecutions completed for the year was 12 with fines issued totalling \$196,390.

**Table 5. Prosecutions initiated in 2020-21 period by discharge type.**

Prosecution Type	No. of prosecutions	No. charges for breaches of RMA
Discharge to Air (burning)	2	5
Discharge to Air (odour)	1	2
Discharge to Air (agricultural)	0	0
Discharge to Land/Water (Acid)	1	1
Discharge to Land/Water (stock effluent)	1	3
Discharge to Land/Water (Compost Leachate)	1	1

## Oil Spill Response

Maritime New Zealand is responsible for managing the New Zealand Oil Spill Response Strategy. Regional Councils are an integral part of the implementation of that strategy. There are three "Tiers" within the response system relating to the severity of a spill:

1. Tier 1 – Industry responsibility
2. Tier 2 – Regional Councils and Unitary Authorities involvement
3. Tier 3 – Maritime New Zealand and International Partners involvement.

Each tier is required to prepare contingency plans and a response capability appropriate to their respective levels of responsibility. This means that at Tier 1 level, the industries involved must have response plans prepared and these are audited and approved on a 3-year basis by the Regional Council for suitability. Should a spill occur, that industry will have the capability to initially deal with the spill and report the matter to the Regional Council who will assist or take control of the clean-up if necessary. The Regional Council may also take enforcement action.

Tier 2 are larger events where the Regional Council will always be involved. Examples may include a discharge of oil from a fishing boat, or a discharge at sea that risks washing up along the coast. Presently the role of Regional On-Scene Commander for Tier 2 spills sits with one members of the Regional Council. They are also responsible for the day to day running of the project including the maintenance and readiness of a large stock of oil spill containment and recovery gear stored at Napier Port. Other members of the response team are from various sections of the Regional Council including the Works Group.

On-Scene Commanders and other high-level planning staff undergo national training with Maritime New Zealand and can be utilised in national emergencies. A number of local training exercises, both desktop and actual are carried out throughout the year.

Training of the oil spill response team occurs twice a year, primarily to maintain familiarity with the equipment, maintain currency, and for the management team to retain the necessary skills in spill assessment, planning and plan execution.

The number of trained staff in the Oil Spill response team has declined with a combination of retirements and resignations from within the team over the past 12 months to June 2021. This has been compounded by Covid 19 on both training and funding for Maritime New Zealand. Currently, the team has a shortage of trained staff from ROSC level down. This will need addressing as Covid restrictions ends and has already been indicated to Maritime New Zealand.



## Contaminated Land and Hazardous Waste

### Contaminated Land

The Hawke's Bay Regional Council has responsibilities regarding contaminated land management under the following sections of the Resource Management Act 1991:

- Section 30 (1)(ca), to identify and monitor contaminated land
- Section 35, to gather, monitor and keep records to effectively carry out functions.

As part of this, the Regional Council maintains a Selected Land Use Register (SLUR) of all sites within the region where contamination has, or may have, occurred based on the current and historical activities taking place on a parcel of land. There are 50 individual activities defined by the Ministry for the Environment as having the potential to cause contamination of land. Land can also be contaminated through migration of contaminants from adjacent sites or from pollution events such as discharges to land.

The information held by the Regional Council on the database includes site investigations, resource consents, incidents and any remediation that may have occurred onsite. These records are publicly available and are commonly requested by property valuers, property owners or purchasers and land developers. This information is also shared between local authorities for the purposes of implementing and enforcing the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS).

The database maintained by the Regional Council currently has over **816 selected land use records** where contamination may or has occurred. This is a significant reduction on previously reported figures following completion of an extensive review of all registered sites in our database. Each record has a land use category such as agricultural, residential or industrial that informs the level of contamination that would be considered acceptable on the site. The land use of registered sites are predominantly commercial and industrial use sites (figure 27).

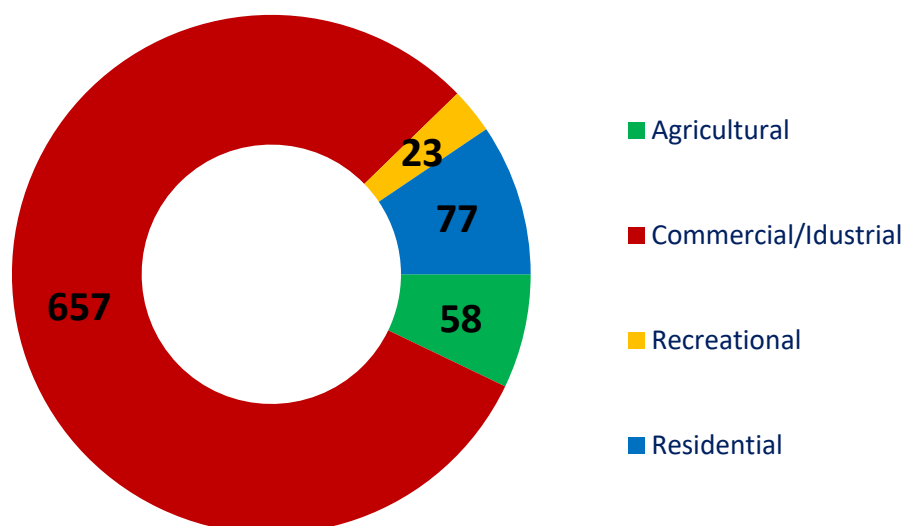


Figure 27. Land use of Selected Land Use Records during the 2020-21 period.

Each selected land use record is then assigned a classification based on what is known about the condition of the site and the current land use. Council has adopted the agreed nationally consistent classifications used by most other Councils:

- Verified Non HAIL: HAIL Did Not Occur
- Unverified HAIL:
- Verified HAIL: Risk Not Quantified
- Verified HAIL: At or Below Background (Natural State)
- Verified HAIL: At or Below Background (Remediated)
- Verified HAIL: Managed for Land Use
- Verified HAIL: Suitable for Land Use (Natural State)
- Verified HAIL: Suitable for Land Use (Remediated)
- Verified HAIL: Contaminated for Land Use (Environment)
- Verified HAIL: Contaminated for Land Use (Human Health)

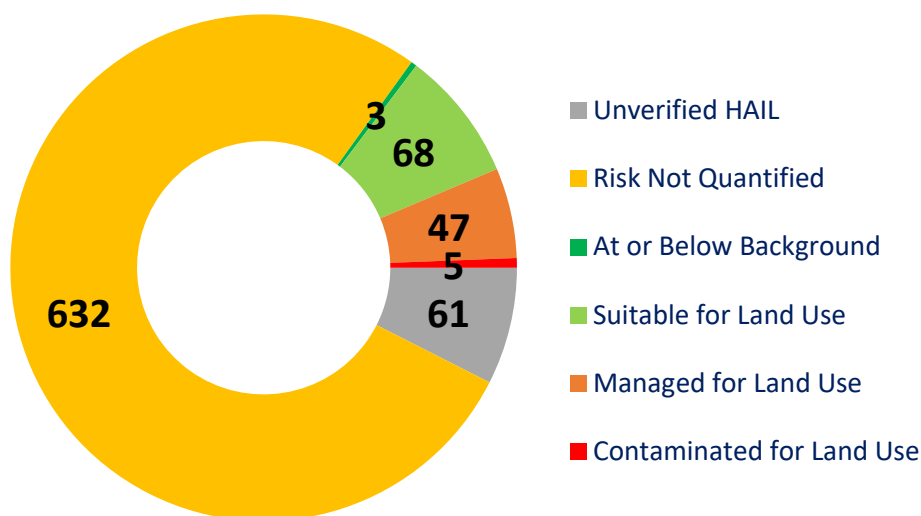


Figure 28. Classifications for Selected Land Use Records during the 2020-21 period.

In 2020-21 the Regional Council received 61 requests for contaminated land information covering **120 properties** held on our register. The requests were predominantly from developers, real-estate agents, and contaminated land specialists making requests as part of their due diligence under the NES:CS.

During the 2020-21 reporting period, **38 new sites were added to the Selected Land Use Register** in response to additional contaminated land information being supplied through developments, and as part of our program to proactively identify all listed land use sites within the region.

The Regional Council has agreed to national targets for contaminated land which have been set by the Ministry for the Environment, set out in the document: *A generation from now: our long-term goals, 2015*.

- 2020: All potentially contaminated HAIL sites are known, and the creation of new HAIL sites is controlled. We have not yet identified all sites within the region but expect this to be completed during the current period.
- 2028: All HAIL sites to be listed under the new contaminated land categories for national consistency. This has been completed well ahead of the agreed completion date
- 2030: All known high risk HAIL sites existing in 2020 have been remediated or have a management plan in place. Our register identifies five sites considered contaminated for their landuse; our team

will be looking to establish remedial plans to bring these parcels of land back to productive use by 2030.

- Currently undated: All HAIL parcels and databases to be GIS compatible. The HBRC selected land use register (SLUR) is spatially mapped and able to be easily shared with stakeholders. We are currently finalising a portal where the public will be able to access contaminated land information held by Council. It is hoped that this will allow our team to spend their time proactively managing sites.

In addition to managing the database, the contaminated land team manages investigations into contaminated land. During the 2020-21 reporting period:

- The **landfill vulnerability project** continues to assess the vulnerability of regional landfill sites to a range of factors including climate change and erosion. All closed and operational landfill sites are now spatially mapped. Work will be undertaken in the 2021-22 reporting period to identify those sites at risk to climate change, river erosion and coastal inundation as part of a national initiative
- The **selected land use register (SLUR)** has been transferred into the Regional Council IRIS database to allow better information sharing of information with internal and external stakeholders.

## Hazardous Waste

The Hawke's Bay Regional Council, in partnership with AgRecovery, provide a subsidised collection for unused agrichemicals and household hazardous waste. This service is run by the 3R Group in Hastings on behalf of the Regional Council.

During the 2020-21 reporting period, the Regional Council fully or partially subsidised **\$33,000 worth of hazardous waste** and agrichemicals that may have otherwise been disposed of inappropriately. The 3R Group reported that approximately **876L of hazardous liquids and 129kg of hazardous substances were collected** on behalf of the Regional Council during the reporting period.

