

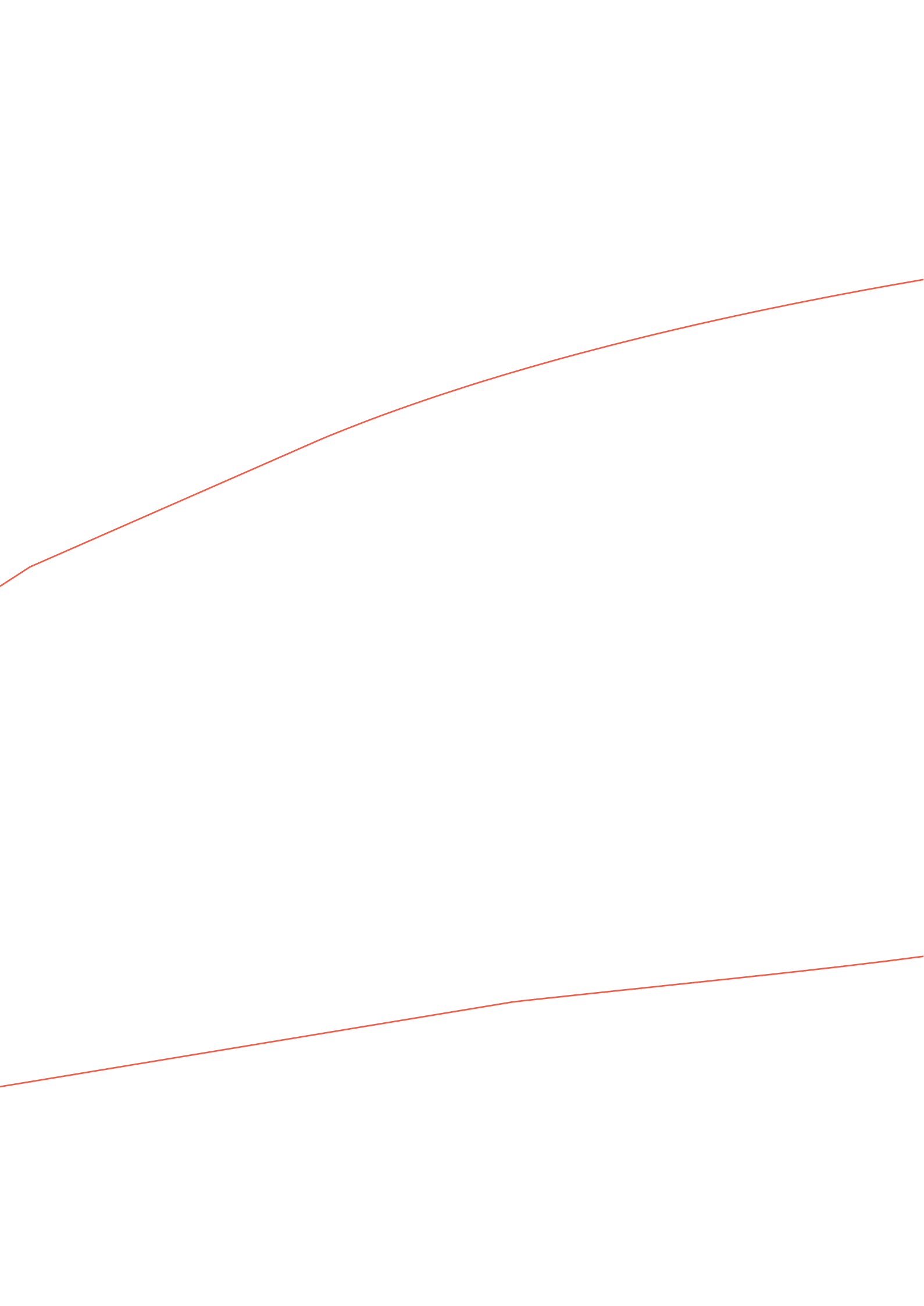
Annual Compliance Report 2019-20

November 2020

Hawke's Bay Regional Council Publication No. 5535



TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI



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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 2019 to 30 June 2020.

This is the second year that we have reported using information from the Integrated Regional Information System (IRIS) and based on 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 first year we have used the IRIS system for the entire reporting period and while results are not strictly comparable, they nevertheless provide for a comparison. 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 it has never previously been possible to report.

Compliance monitoring

Throughout 2019-20, the Regional Council monitored 3044 resource consents. This included 2115 water takes which are monitored remotely through telemetry. Overall, 89.7% (3044) of consent holders were fully compliant, and 1% (29) were in significant non-compliance. Monitoring involved a site inspection and/or assessing performance monitoring returns from consent holders.

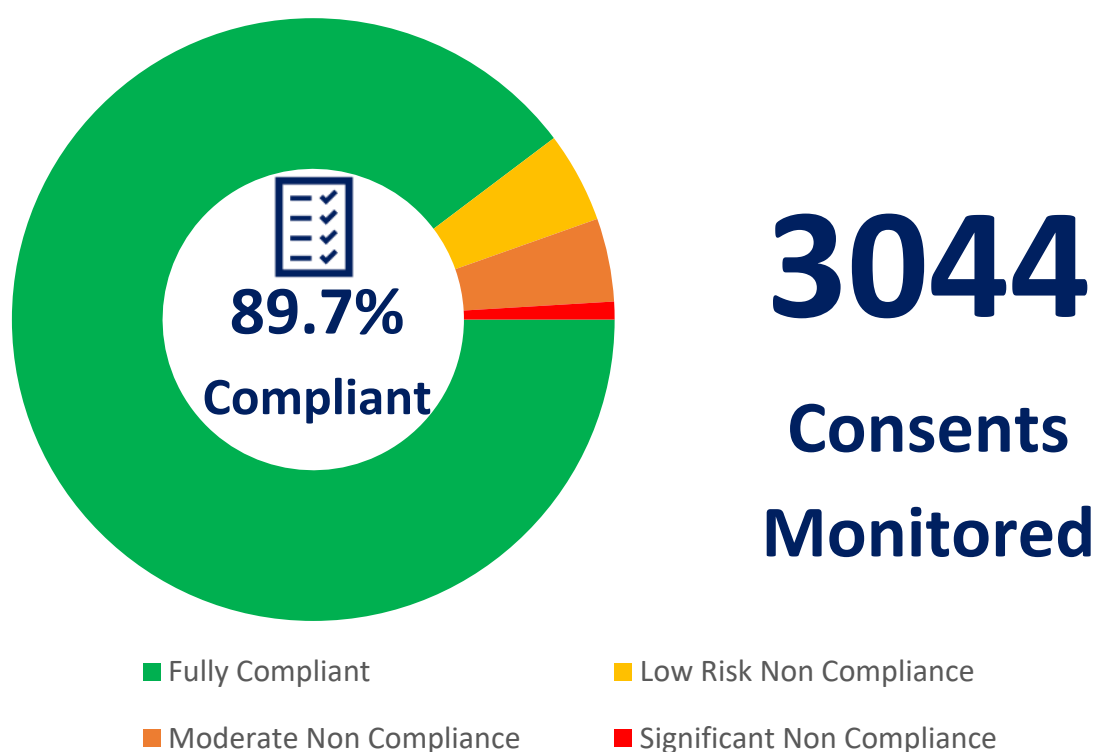


Figure i. Overall compliance grading for monitored consents during 2019-20.

COVID-19 restrictions impacted on the number of site inspections compliance staff could do. The team undertook a total of 467 inspections against 1175 consents that required a site inspection during this period. During Level 4 COVID-19 restrictions, the team was restricted to desk-based performance monitoring only. During Level 3 restrictions, compliance staff undertook site inspections of high-risk facilities only, to reduce contact with consent holders. This meant that for approximately three months, staff were completing predominantly desk-based performance monitoring assessments and data management instead of

undertaking site inspections. It is estimated that staff would have normally completed an additional 100 site inspections had COVID-19 restrictions not been in place.

A total of 192 notifications were received under the National Environmental Standards for Plantation Forestry (NES-PF). Of these, 27 were resource consent applications and 165 were for permitted activities. The permitted activity notifications covered 241 separate activities under the NES. Site visits were undertaken for all high-risk sites and most medium-risk sites (low-risk sites do not receive a site visit). The level of compliance was generally high with only six activities/consents non-compliant with NES-PF or resource consent conditions.

There was a significant increase in the workload associated with monitoring consented water takes and low flows due to the dry conditions which led to a drought being declared. The river flows and low flow limits required daily monitoring and there was a significant increase in enquiries from concerned consent holders as to their ability to irrigate. The compliance team made several visits to meet with affected farmers in the Central Hawke’s Bay area who were under immense stress. Water exceedances and irrigating during the ban period were continually monitored and follow up enquiries made for any non-compliance. Despite the drought conditions, the majority of irrigation consent holders were compliant with their conditions for the 2019-20 period.

Eighty-seven percent of the region’s 79 dairy farms achieved full compliance with their resource consents. Operators were recognised at the annual Dairy Compliance Awards. The 39 farms that have maintained full compliance for at least five consecutive years to achieve or maintain a gold award status were invited to attend. Five farms with four consecutive years’ compliance were at the Silver tier, and another five farms with three consecutive years’ compliance at the Bronze tier. The Compliance Awards are supported by Fonterra and Ravensdown.

Pollution response

COVID-19 restrictions also impacted on the number of calls to our pollution hotline. Calls were slightly down on previous years with 983 incidents logged for 2019-20 (11% reduction). During the two months of level 4 and 3 restrictions, we received half the number of incident complaints we would normally expect, largely explaining the decrease. However, the numbers requiring follow up enforcement action has increased. Calls remain linked to air quality 628 (63%), followed by discharges to land 184 (18%) and surface water 133 (13%).

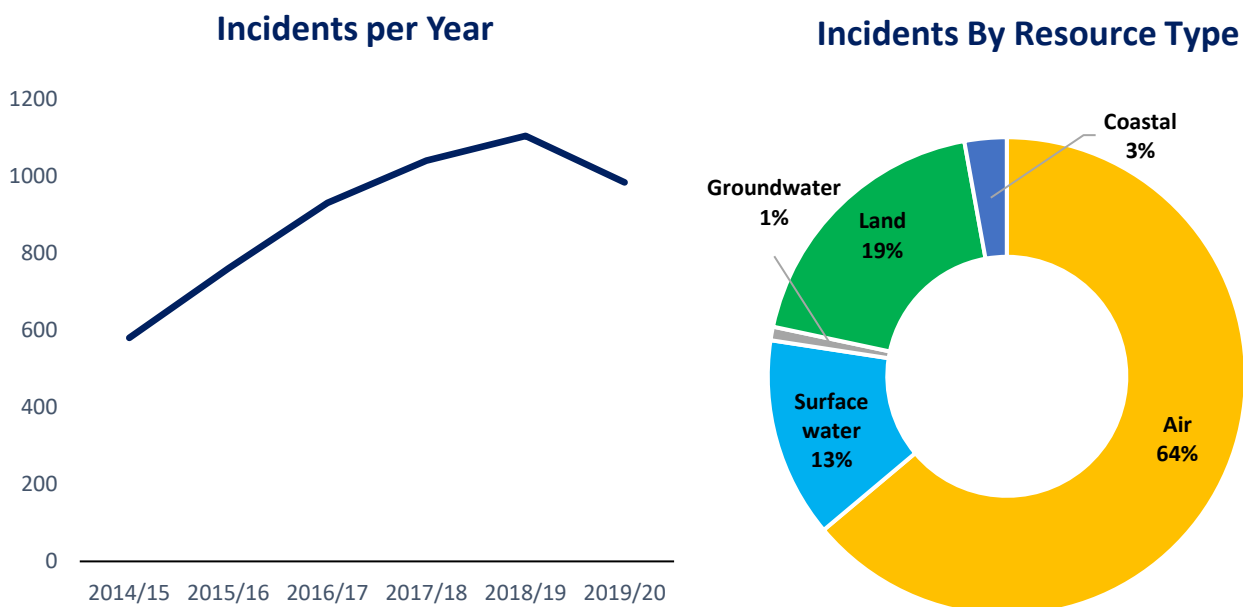


Figure ii. Incidents per year (left) and incidents by resource type for 2019-20 (right).

Enforcement

Follow up enforcement action for the 2019-20 year has resulted in a significant increase in prosecutions on last year while there has been a decline in infringements and abatement notices issued.

There were 12 prosecutions initiated during the period with 18 individual charges laid. This is a significant increase on the four prosecutions undertaken last year. 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 88 infringement notices, totalling \$42,200 in fines. The vast majority of infringement notices issued were for outdoor burning (58). The Council issued 21 abatement notices. The decrease in abatement and infringement notices from the previous year is likely due to reduce incidents over the level 3 and 4 COVID-19 restrictions.

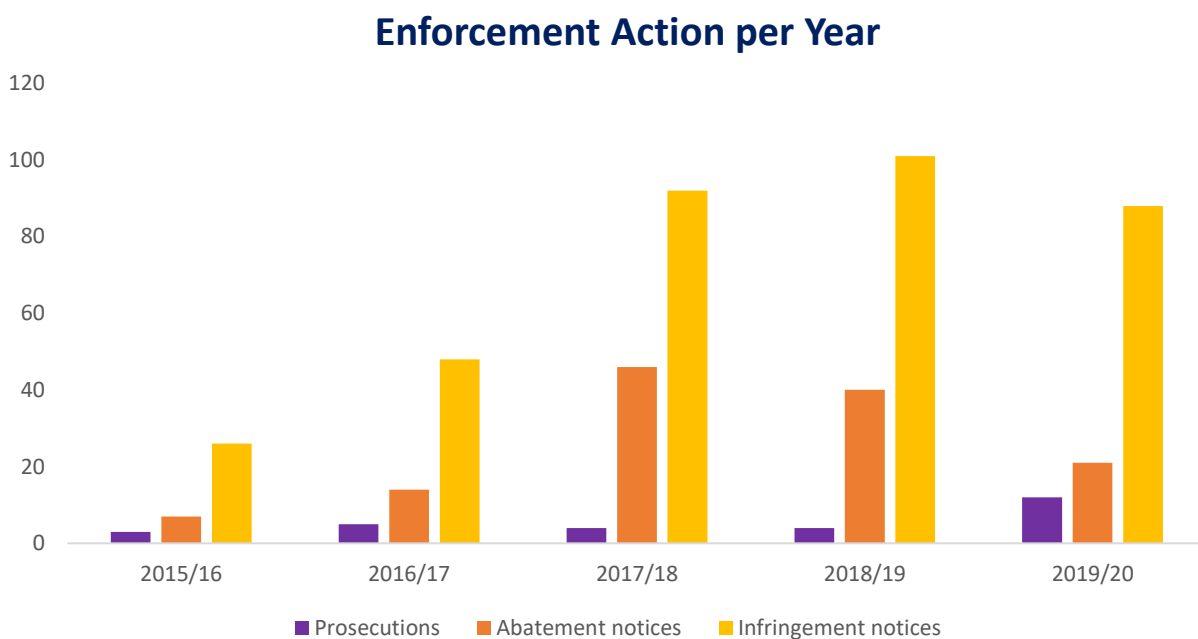


Figure iii. Number of enforcement actions by year.

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
- Contaminated land and hazardous waste
- Oil spill response.

This is the second year that the Council has presented a comprehensive compliance report for all our CME activities and reported using information from the IRIS (Integrated Regional Information System) and based on the Ministry for the Environment (MfE) national compliance grading framework¹ (refer Table 1). The results are compared to the previous year's reporting, which provided a benchmark of compliance grading, however, this is the first year we have used our IRIS system for the entire reporting period and while results are not strictly comparable.

This annual report provides an overview of all our compliance monitoring activity undertaken under the RMA from 1 July 2019 to 30 June 2020 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. Regionally significant consents have also been identified and are included in the report. 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

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

communications with the Council and proactive in addressing or highlighting potential issues and evidence of environmental effects.

The **Incident Response and Enforcement** section is presented as complaints 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 2019-20 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 and outlines other projects that have been undertaken within the 2019-20 reporting period. Upcoming projects and expected pressures are also highlighted. A summary is included for our subsidised agricultural chemical collection.

Impacts of COVID-19 and drought

COVID-19 impacted the number of site inspections that we were able to undertake during the 2019-20 monitoring season. Staff worked from home during level 3 and 4 restrictions. Most operations that normally require monitoring were shut down during level 4 except for essential services such as stormwater, municipal and domestic wastewater, and drinking water supplies. Staff monitored these operations remotely, working with consent holders to maintain high environmental standards during challenging times. During level 3, compliance officers responded to major incidents and high-risk operations only but continued to undertake desk-based monitoring and reporting. Full inspection and reporting activities were able to be undertaken during level 1 and 2 restrictions, following strict social distancing, hygiene, and contact tracing protocols.

There was a significant increase in the workload for the monitoring of consented water takes and low flows due to the dry conditions which led to a drought being declared. The monitoring of water take consents during the drought was prioritised over lower-risk discharge and land use consents. The high level of compliance by consent holders in these trying conditions was pleasing to see and appreciated. The river flows and low flow limits required daily monitoring and there was a significant increase in enquiries from concerned consent holders as to their ability to irrigate. The Compliance team made several visits to meet with affected farmers in the Central Hawke's Bay area who were desperate to irrigate and were under immense stress. Water exceedances or irrigating during a ban period were continually monitored and follow up enquiries were made for any non-compliance.

Realignment of the Compliance Monitoring and Enforcement Teams

As the demands placed on the Regulatory Compliance function, and the expectations of the organisation and stakeholders, have continued to grow, a need emerged to revise the way we work, in order to ensure that we can continue to provide a high level of service to our customers.

In response, a new structure has been developed and implemented, with the intent to build a more agile Regulatory Compliance team that uses a more strategic risk-based compliance approach, but also supports the increasing demand for engagement externally and across our organisation. This focus on a 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 and 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; Port of Napier; 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, 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 2018-28 Long Term Plan. A review will be carried out for the new Long Term Plan as part of the annual RMA section 36 charges review, which outlines the costs associated with maintaining resource consent. The inspection frequency considers the type of activity and its environmental risk profile. Other factors are also considered, such as the consent holder's compliance history.

In addition to inspections, the team also undertakes desktop performance monitoring, which is the audit of incoming compliance returns from consent holders, such as test results, reports, records and monitoring data. These compliance grades are explained in Table 1 and should be used to interpret the charts throughout this report.

Table 1. Explanation of compliance grades

Compliance Grade	Explanation
Complying	Complying with all assessed consent conditions.
Low-risk Non-Compliance	Compliance with most consent conditions. Any non-compliance is of a low-risk to the environment.
Moderate Non-Compliance	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.
Significant Non-Compliance	Failure to comply with a number of consent conditions and/or the environmental consequences of non-compliance was deemed to be significant.

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.

We have begun our journey of improving engagement but still recognise we have a long way to go. Our work now includes:

- Working closely with iwi and iwi trusts to seek victim impact statements for prosecution offences, facilitated by our Maori Partnerships team
- Keeping tangata whenua and iwi representatives informed in relation to high level enforcement action
- 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. Once consents are granted, these require development of cultural monitoring plans to be prepared in consultation with iwi/ marae/ hapū and treaty 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.

We still need guidance and assistance working with our Māori Partnerships Team to ensure:

- Early notification of incidents, particularly discharges to water, are reported to tangata whenua and kaitiaki to provide an opportunity to inform their own decision-making. Their observations and involvement can then further inform relevant cultural assessments which feed into consent applications
- Regular meetings and workshops with various tangata whenua across the region take place to further strengthen communication and relationships, build trust and increase 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 2019-20 reporting period, the Regional Council had approximately 8500 resource consents. Of these, 3290 required monitoring, 2,115 water take consents and 1175 consents predominantly for land use or discharges to land, air and water.

During the 2019-20 period we **monitored 92.5% of the resource consents that required monitoring (3044 of 3290)**. 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 2019-20 reporting period are shown in figure 1. Of the 3044 resource consents that were monitored the following grades were achieved:

- 89.7% (2731) Full Compliance
- 4.9% (148) Low-risk non-compliance
- 4.5% (136) Moderate non-compliance
- 1.0% (29) Significant non-compliance

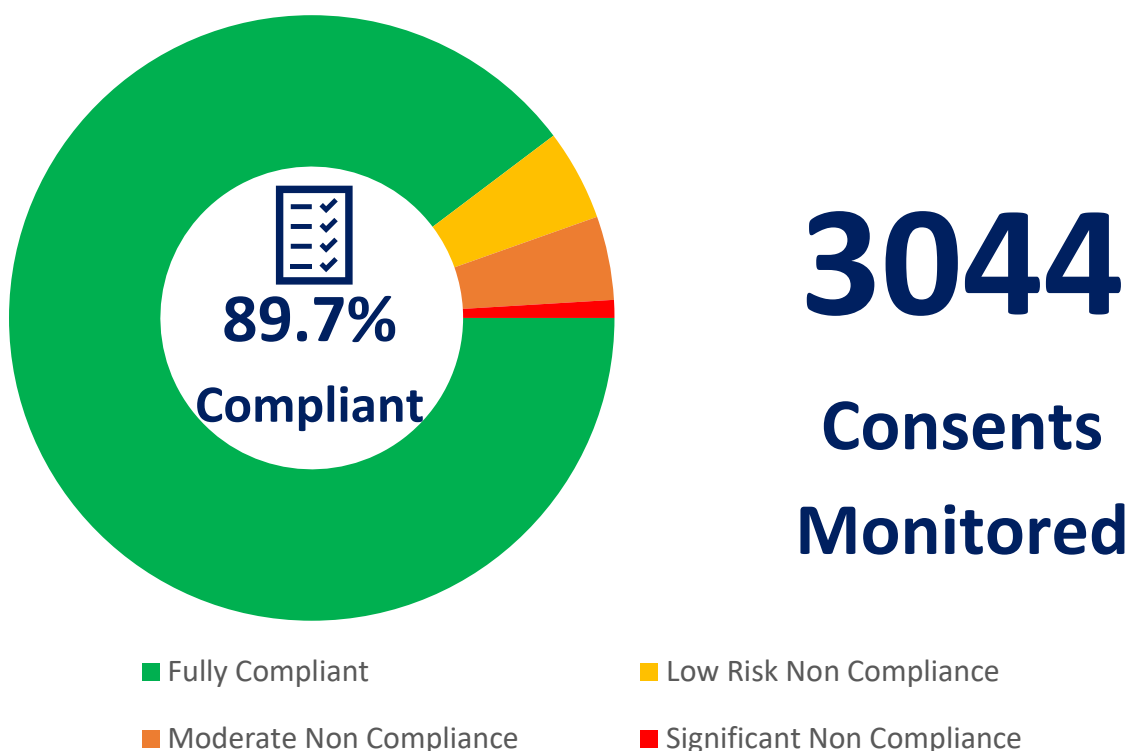


Figure 1. Overall grading for monitored consents during 2019-20.

The resource consents we monitored were primarily for irrigation, frost protection and other water supply uses, which made up 64% of consents monitored for 2019-20. Resource consents for discharges of effluent were the next largest portion, with domestic, municipal and commercial effluent making up 13% of all monitored resource consents. Stormwater and wastewater consents are 7% and 5% respectively of all consents. Air discharges make up about 6% - these are consents to discharge odour, dust, particulate matter and other contaminants.

Total Resource Consents by Purpose

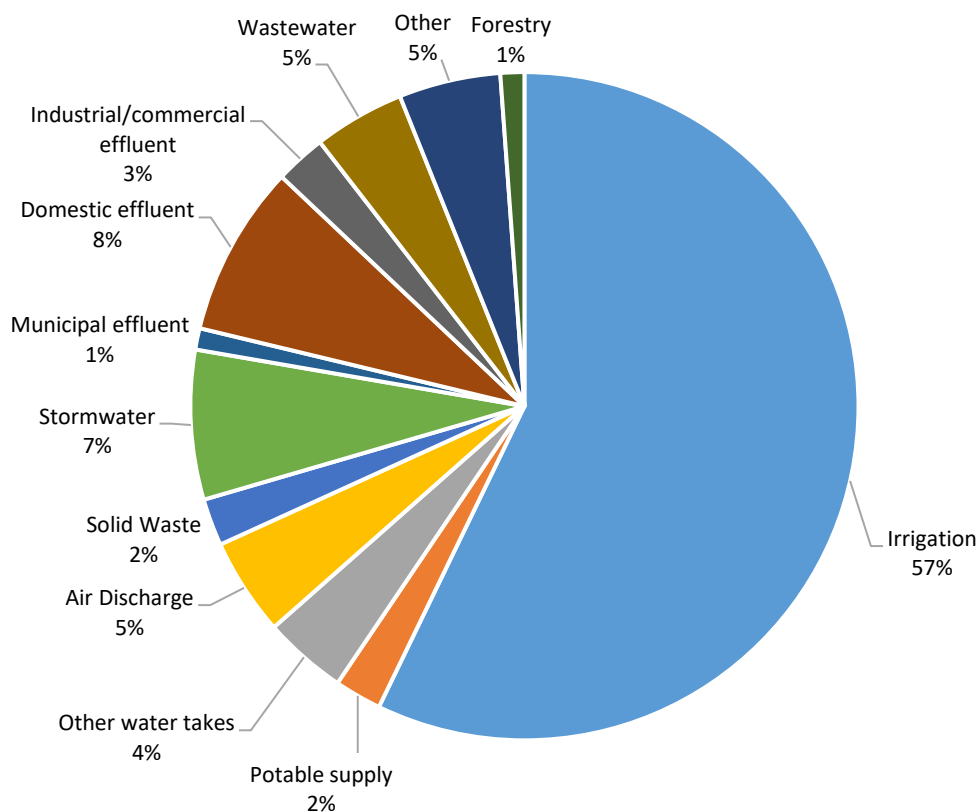


Figure 2. Total resource consents monitored by industry purpose in the 2019-20 financial year.

The number of consents monitored by activity in 2019-20 (Figure 2) 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.

Total Resource Consents by Industry

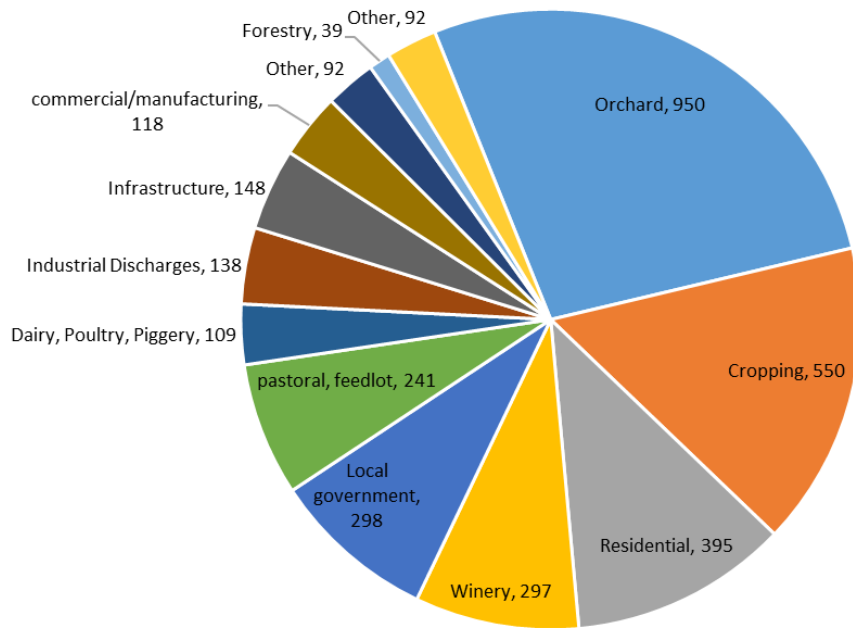


Figure 3. Total resource consents monitored by Industry in the 2019-20 financial year.

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

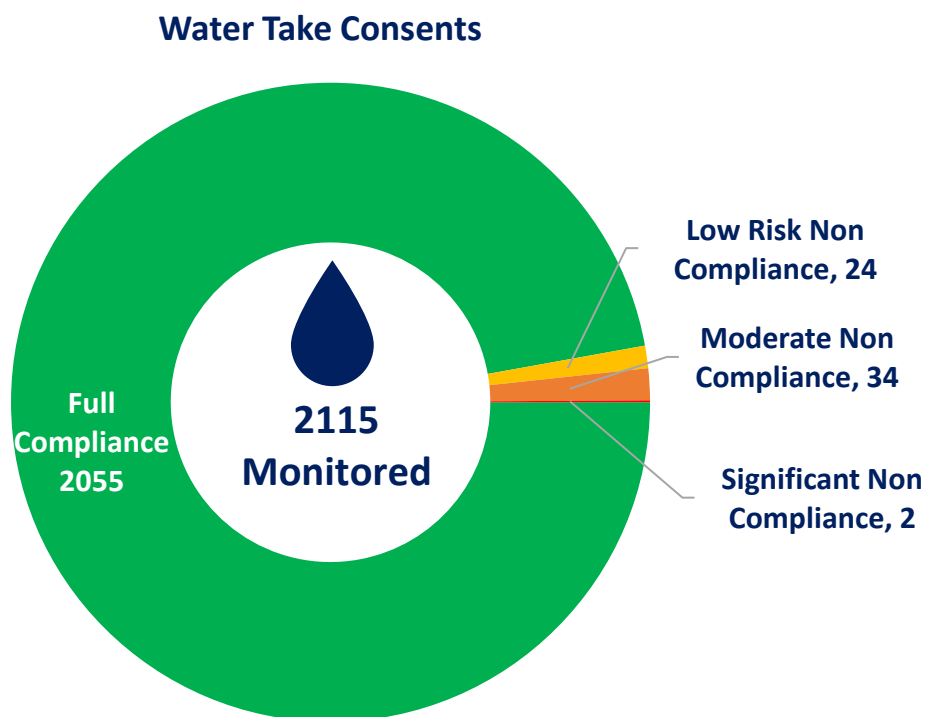


Figure 4. Overall grading of monitored water take consents during 2019-20.

Water takes made up 64% of the 3290 resource consents that required monitoring during the 2019-20 period. Most water take data is automatically telemetered to Council and any non-compliances are identified by the water information services team (WIS) and passed to the compliance team for follow up. During the 2019-20 monitoring period, 97% (2055) of all monitored consents achieved a grading of full compliance. Of the non-compliant consents, 1% (24) were graded low-risk non-compliance, 1.5% (34) were graded moderately non-compliant and 0.1% (2) were graded significantly non-compliant.

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

The two significantly non-compliant water takes related to Hawke's Bay Regional Council's bore used for augmentation of the Awatoto Wetland and the Williams Family Trust (which is discussed below in the irrigation section). The Regional Council's non-compliance relates to bore security head works, which were submerged in some cases under heavy rainfall events, and lack of meter readings. The bore security has been addressed and replacement of the meter and telemetry is scheduled.

Irrigation

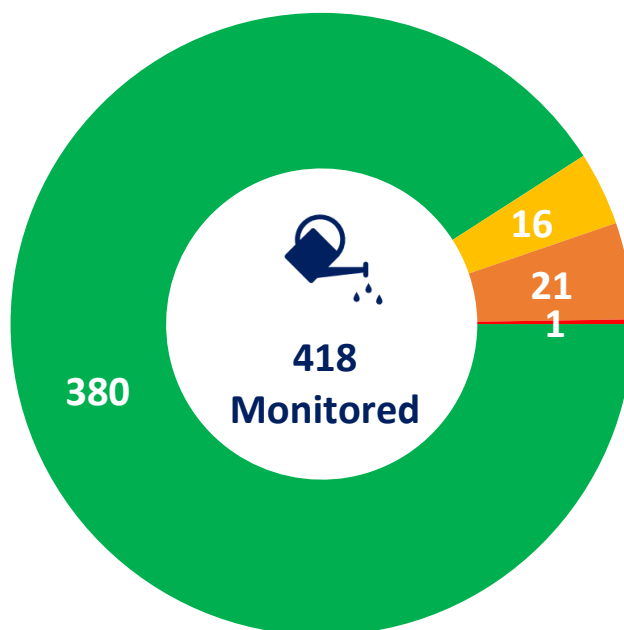


Figure 5. Overall grading of monitored irrigation consents during 2019-20.

The majority of irrigation consent holders were compliant with their conditions for the 2019-20 period.

The compliance team works closely with the 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 grading presented in Figure 8 shows that 91% (380) of all monitored consents achieved a grade of full compliance. Only 4% (16) were graded low-risk non-compliant, 5% (21) were graded moderately non-compliant and <1% (1) were graded significantly non-compliant.

The significant non-compliance relates to a consent held by the Williams Family Trust that received a significant non-compliance grading in the 2018/19 period as well. The non-compliance relates to inadequate bore security to ensure protection of the underlying aquifer. The works have now been completed.

Bore Security

Following the Havelock North drinking water contamination crisis, the Regional Council developed a bore security program that requires all 1800 consented water take bores to comply with a set of mandatory conditions and submit a report confirming the security status. Assessing bore security is a specialist role and relates to assessing 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). Regional Council rely on third party operators including well drillers to provide this service to consent holders.

Due to the large number of consented bores, we have prioritised at risk bores starting with public water supplies, working closely with the four TLAs who have been proactive in upgrading their public water supply bores.

To date of the 56 public water supplies in our region, 42 are in use for municipal supply. Since the bore security work commenced in May 2018, 34 bore security reports have been submitted to council. This includes all active bore supplied for 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 relate to the Opoutama Beach development bores.

Table 2. Bore security inspections completed for municipal drinking water supply.

Territorial Authority	Total Bores	Bores in use	Bore security completed	Percentage completed
NCC	11	9	11	100%
HDC	34	22	22	100%
CHBDC	11	11	1	9%
WDC	1	1	0	0%
Totals	57	43	34	79%

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 2019-20 period. Due to the dry summer fewer inspections were completed as industry operators were busy with irrigation work requirements.

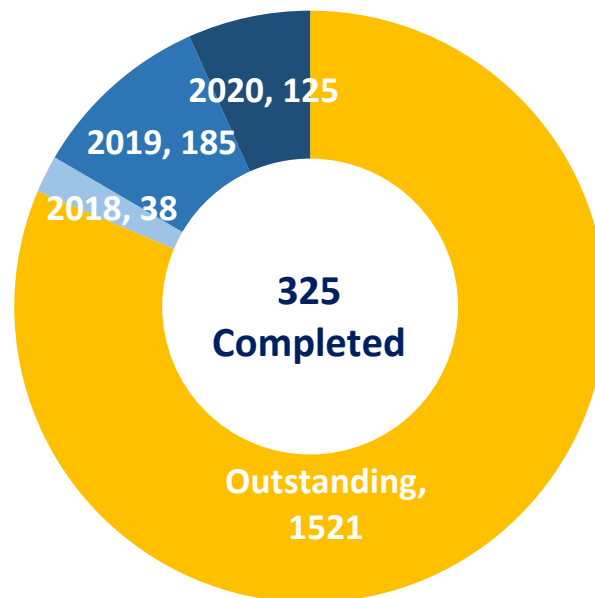


Figure 6. Bore Security inspections completed on the regions 1869 registered bores.



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 a number of resource consents for irrigation water takes that have cut off points for water extraction. These bans predominantly occur during the summer months and are strictly enforced.

There was a significant increase in the workload for the monitoring of consented water takes and low flows due to the dry conditions which led to a drought being declared. The river flows and low flow limits required daily monitoring and there was a significant increase in enquiries from concerned consent holders as to their ability to irrigate



The Hydrology team spent 870 hours monitoring and gauging the low flow sites coinciding with 365 hours spent by compliance staff.

Photo taken 6 May 2020 during a CHB farm visit. (Unable to irrigate due to low flow bans)

Discharge and Land Use Consents

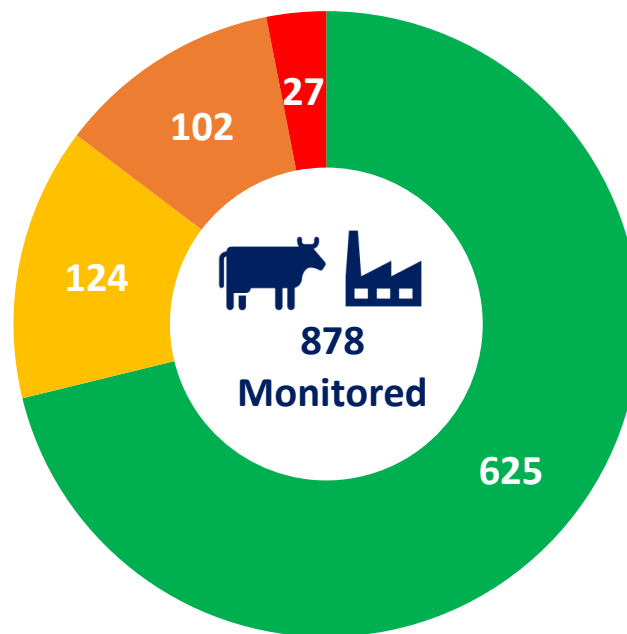


Figure 7. Overall grading of monitored discharge/land use consents during 2019-20.

For 2019-20 there were 1175 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 2717 performance monitoring returns against 878 individual resource consents. 467 resource consents had a physical site visit undertaken and an additional overall assessment was made against 375 resource consents.

Discharge and land use consents monitored were predominantly compliant with 71% (625) of all monitored consents achieving full compliance. Of the non-compliant consents, 14% (124) were graded low-risk non-compliance, 12% (102) were graded moderately non-compliant and 3% (27) were graded significantly non-compliant. The low-risk, moderate and significant non-compliances are discussed further in the report.

The low risk non-compliances were predominantly for late submission of sampling results, reports or technical non-compliance. The moderate and significant non-compliances are for potential or actual environmental effect as a result of non-compliance and these are discussed in more detail in the specific industry and activity sections.

Agricultural Discharges

Dairy resource consents

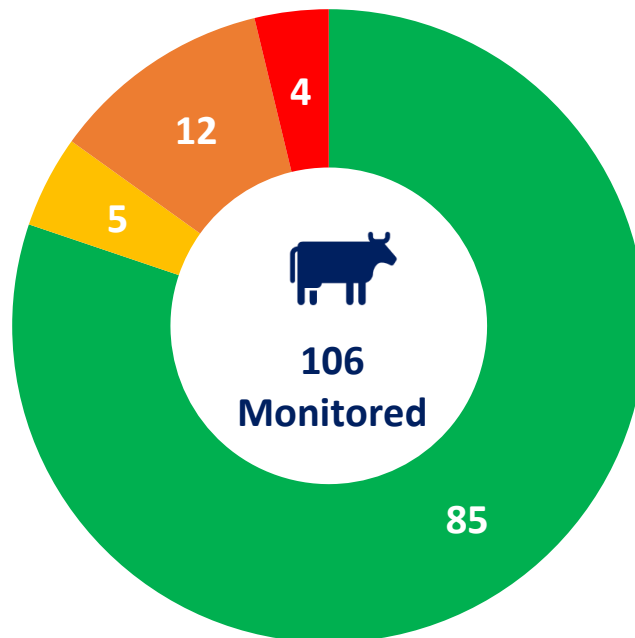


Figure 8. Overall grading of monitored dairy consents during 2019-20.

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 79 consented dairy farms, with 78 currently operational. All farms were monitored in the 2019-20 year, with 80% (85) of all dairying consents fully compliant. Only 5% (5) were low-risk non-compliant, 11% (12) were moderately non-compliant and only 4% (4) were significantly non-compliant.

The significantly non-compliant consents were held by J and R Moore Farms Ltd of Patoka, Perthshire Farms Land Company Ltd, Waipukurau and Maxwell Farms in Patoka.



The Moore farm failed pond seepage testing, irrigation calibration and maintenance issues. Perthshire Farms received an infringement notice for a discharge to land that may enter water (discharge of effluent across a property boundary and into an empty stormwater drain). Maxwell farms, was prosecuted for an effluent irrigation runoff event that resulted in a significant discharge of farm dairy effluent to the Mangatutu Stream, a tributary of the Tutaekuri River that resulted in the District Health Board issuing a no-swim warning for several days over the Christmas period. Maxwell Farms entered an early guilty plea and awaits the sentencing decision.

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.

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.

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. Thirty-seven farms achieved Gold certificates in 2019-20 year.

The count of compliant years is reset to zero at a change in farm ownership or non-compliance.

Table 3. HB Dairy Award holders from 2012 to 2020.

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

Across the dairy industry, full compliance rates have dropped slightly, although the number of both 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. 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 a result of a lack of tracking by the consent holder of accumulative N loading during the year.

Feedlots

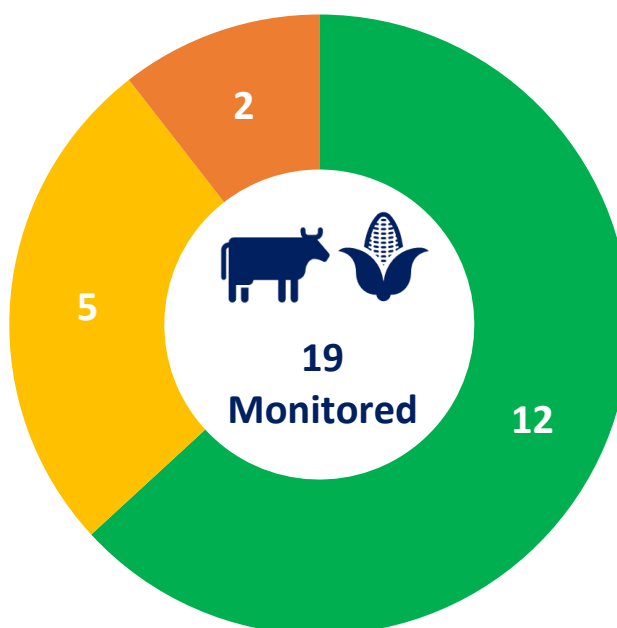


Figure 9. Overall grading of monitored feedlot consents during 2019-20.

All 19 feedlot consents were monitored during 2019-20. All but two are operated used seasonally for wintering cattle to prevent pasture damage when soils are most susceptible. 63% (12) of consents monitored were fully compliant, 26% (5) low risk non-compliance and 11% (2) were moderate non-compliance. There were no significantly non-compliant consents. Low-risk non-compliances were for late submissions of feedlot maps and in one case a missing analysis in the required sample. The moderate non-compliances were for the lack of a cut off drain at one site and non-implementation of groundwater monitoring plan at the other.

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. In the 2019-20 reporting year the winter rainfall was lower than normal and significantly fewer issues were discovered.

Central government has recently released new regulation on Intensive Winter Grazing (which takes 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.

Piggery

The region has three consented piggeries, one in Esk Valley, one in Te Pohue and the other in Takapau. In the 2019-2020 year the Esk Valley and Takapau piggeries were fully compliant, and Te Pohue piggery was moderately non-compliant. The non-compliance at Te Pohue relates to the 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 are being processed.

Horticulture and Viticulture Discharges

Wineries

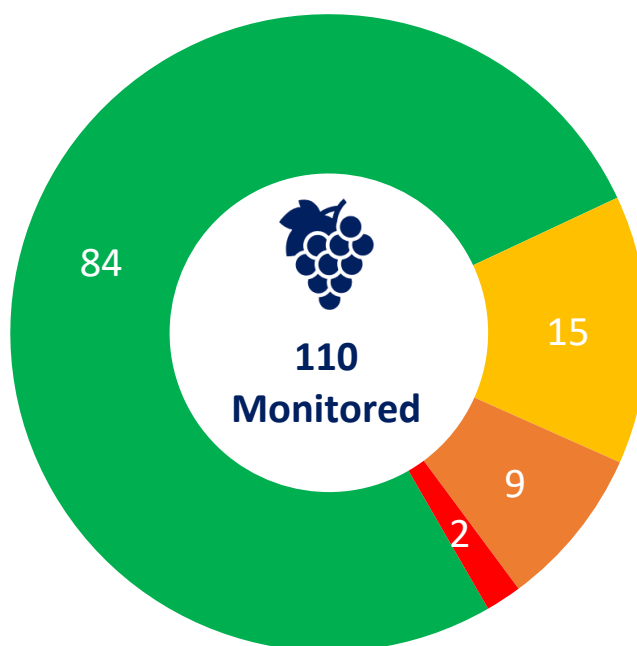


Figure 10. Overall grading of monitored winery and viticulture consents during 2019-20.

The compliance grading presented in Figure 10 shows that the consents monitored were predominantly compliant with 76% (84) of all monitored consents fully compliant. Of the non-complying consents, 14% (15) were low-risk non-compliant, 8% (9) were moderately non-compliant and only 2% (2) were significantly non-compliant.

Most of the low risk non-compliance is technical in nature from insufficient reporting of data. The wineries that were moderately non-compliant for the 2019 season were fully compliant in 2020 after upgrade of their systems. Importantly, the Regional Council engaged and encouraged these wineries to improve their quality of wastewater discharge as they were situated at sensitive sites, either on the unconfined aquifer or near rivers supplying the aquifer.

The significant non-compliance was for Trinity Hill Winery which discharges winery wastewater over the unconfined aquifer. The current treatment system was unable to meet the required discharge standards under the consent and are currently under an abatement notice to bring the discharge up to the level required by the consent.

Discharge data from this winery, and one other situated near the Source Protection Zone for the Hastings District Council Portsmouth Road bore, was used to commission a technical memorandum to assess the effects of these discharges on the groundwater. Indicatively, the effects of discharges from these and other similar wineries appear to be minimal at their current levels. However, further improvement in the overall quality of winery wastewater will be required to meet best practice standards for wineries, particularly those over-sensitive receiving environments.

COVID-19 restrictions were in effect during the vintage season when we undertake most of our site visits. As a result, the compliance gradings are based predominantly on desktop assessments for the period.

Horticulture

Te Mata Mushrooms Co. Ltd

As with previous years Te Mata Mushroom at Brookvale Road still has significant non-compliances with its current resource consent. An Environment Court enforcement order was issued requiring the company to obtain a new air discharge consent.

This went through a hearing process and the independent hearing panel released their decision in December 2019 for the granting of a new discharge consent. There was an appeal lodged and this is due to be heard in the Environment Court in December 2020 if mediation fails to resolve the issue beforehand.

The Council received 168 odour complaints in the 2019-2020 reporting period, this is slightly down from the 175 odour complaints from the previous year. There was one infringement notice issued in relation to a confirmed odour complaint.

Forestry

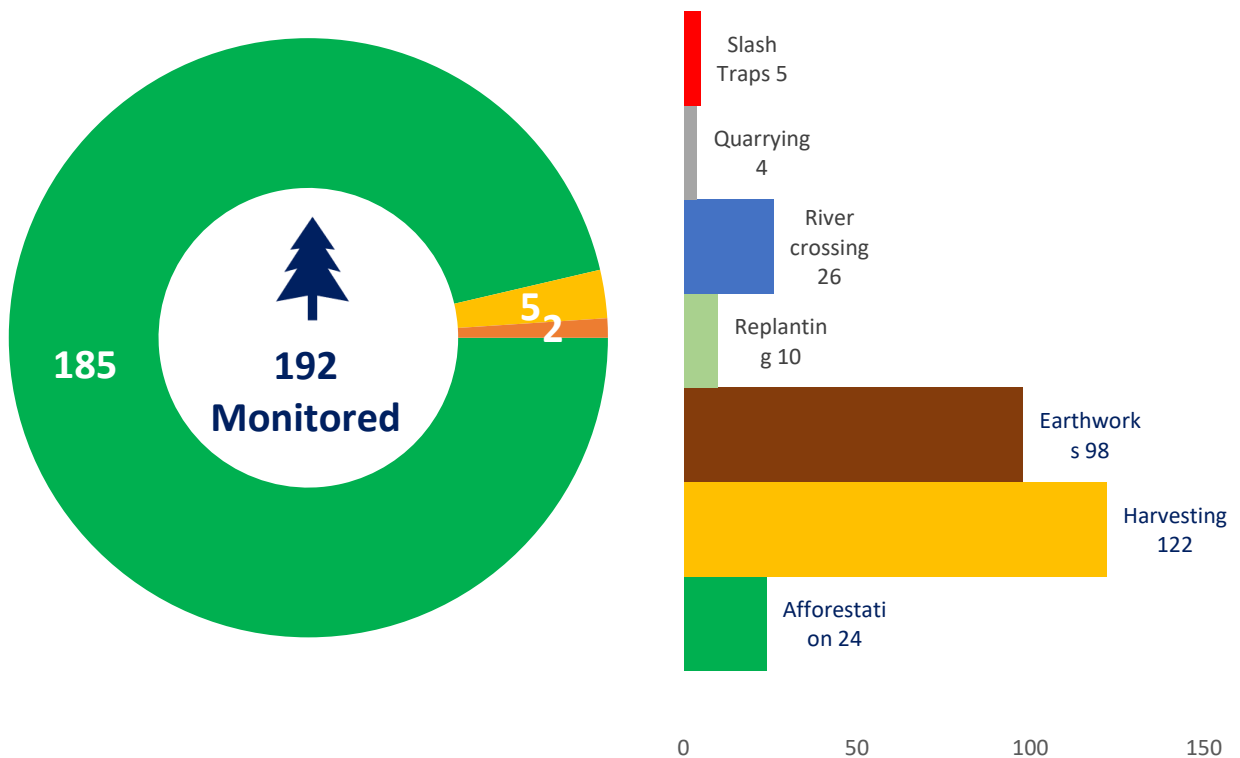


Figure 11. Overall grading of monitored forestry consents and permitted activities (left) and breakdown of forestry activities (right) during 2019-20.

During the 2019-20 period, Council received 192 notifications for 281 forestry activities such as earthworks, harvesting, afforestation and river crossings. Activities were dominated by harvesting and associated earthworks (Figure 11). The compliance grading presented in Figure 10 shows that 96% (185) of all monitored consents and permitted activities achieved full compliance. Of all permitted activities and consents, 3% (five) were graded low-risk non-compliant, 1% (two) were graded moderately non-compliant and no consents were graded significantly non-compliant in the 2019-20 period.

The low risk non-compliance relates predominantly to earthworks not constructed to best practice at the time of the visit. The moderate non-compliances were for both harvesting activities with none or inadequate erosion and sediment control measures in place.

Re-education of the smaller forestry companies and the appointment of specialist environmental managers within the larger companies has significantly reduced non-compliance in the 2019-20 period. No enforcement action has been undertaken during the period for forestry activities as the non-compliance was addressed where required.

As part of managing the large volume of forestry permitted activities and resource consents the forestry compliance officers have established the online portal and system for managing applications, notifications, monitoring and enforcement with almost all notifications being submitted using the portal. This has ensured an efficient transfer of information into our system as well as providing a consistent and transparent process for applicants. This has also allowed information to be shared more readily with other Council teams such as biodiversity.

The Compliance and Consents team have been proactive in liaising with the forestry industry and neighbouring Regional Councils to get consistency throughout the mid and lower North Island, including:

- Ongoing attendance and contribution to lower North Island Regional Council NES PF workshops.
- Ongoing work with the **Hawke's Bay Forestry NES sub-group**. This small group was established to provide a forum for some of the key industry consents and compliance representatives to meet with Council staff to discuss and clarify areas of NES implementation.
- **Development of supporting information and resources** for applicants, including online application forms. Also developed is an information brochure for land owners which draws their attention to their liabilities, and encourages them to select high quality forestry contractors who integrate environmental best practice into their operations.

The larger forestry companies have made it clear to Council that they want and expect to see Council staff on the ground. This reflects the positive relationship that has been developed with the between industry and Council.

Non-Municipal Effluent Discharges

Domestic effluent accreditation programme

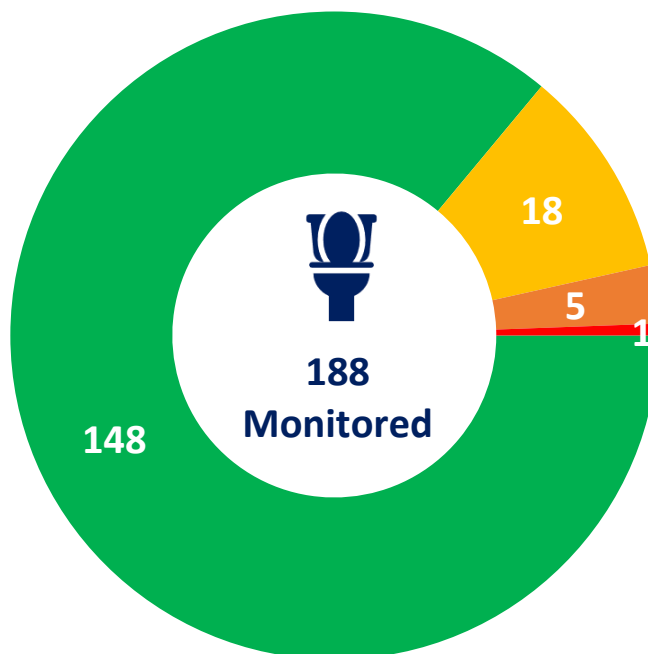


Figure 12. Overall grading of monitored domestic effluent system consents during 2019-20.

The compliance grading presented in the above chart shows that the domestic effluent consents monitored in the 2019-20 period were generally compliant with 86% (148) of all monitored consents achieving a grading of full compliance. Of the noncomplying consents, 10% (18) were graded low-risk non-compliant, 3% (5) were graded moderately non-compliant and only 1% (1) consents were 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. Most of these have been serviced and repaired during the 2019-20 period and are on track to improve their compliance grading. The significant non-compliance relates to a domestic property and has been surrendered within this compliance period.

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 desk top 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 has employed a full-time compliance officer in the 2019-20 period to monitor compliance of onsite domestic wastewater systems. Having a dedicated officer will increase the oversight and enforcement of non-compliant consents and allow an increased volume of consents to be monitored.

Commercial and industrial effluent consents

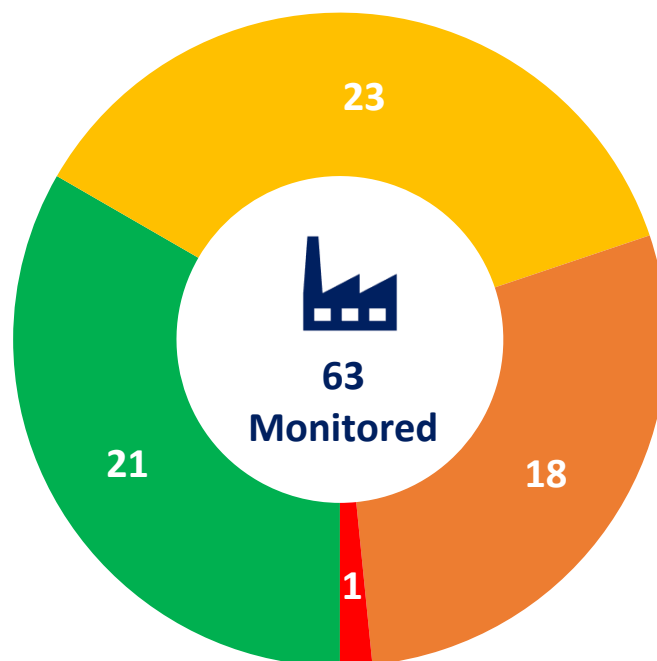


Figure 13. Overall grading of monitored commercial and industrial effluent consents during 2019-20.

The compliance grading presented in the above chart shows that the only 33% (21) of all monitored consents achieved full compliance. Of the non-compliant consents, 37% (23) were graded low-risk non-compliant, 29% (18) were graded moderately non-compliant and 2% (1) 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 is for an effluent disposal system for Ormlie Lodge which was not constructed or maintained as required, this is an ongoing compliance issue.

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.

Industrial Discharges

Commercial and industrial wastewater consents

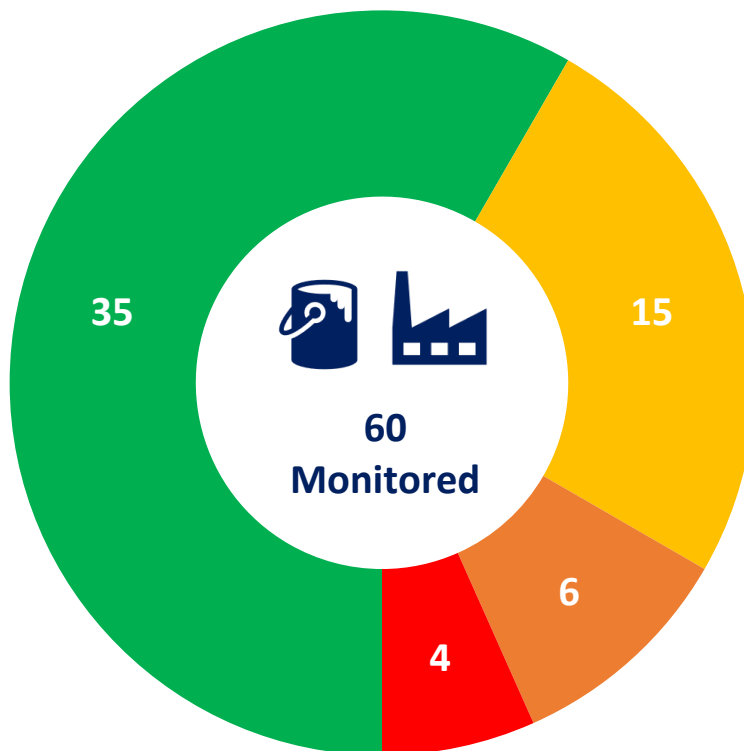


Figure 14. Overall grading of monitored commercial and industrial wastewater consents during 2019-20.

The compliance grading presented in the above chart shows that the consents monitored were generally compliant with 58% (35) of all monitored consents achieved full compliance. Approximately 25% (15) were graded low-risk non-compliant, 10% (6) were graded moderately non-compliant and 7% (4) were graded significantly non-compliant.

The moderate non-compliances are for discharges from AFFCO New Zealand Ltd (AFFCO), Silver Fern Farms and Bridgeman concrete. The significant non-compliances relate to AFFCO (Wairoa) and KraftHEINZ. The non-compliant consents are discussed in more detail in the relevant section below. Enforcement action has been undertaken or is in progress for the significantly non-compliant consents.

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.

Solid Waste Discharges

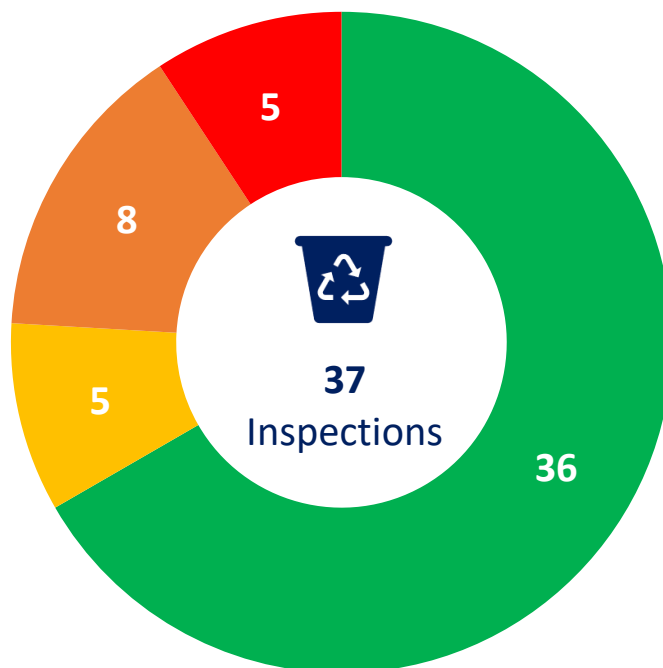


Figure 15. Overall grading of monitored solid waste consents during 2019-20.

The compliance grading presented in the above chart shows that the majority of monitored solid waste consents were non-compliant with only 67% (36) of all monitored consents achieving a grading of full compliance. Of the non-complying consents, 9% (5) were graded low-risk non-compliant, 15% (8) were graded moderately non-compliant and 9% (5) consents were graded significantly non-compliant.

Private Landfills

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.

Cleanfill sites are operated within the region to take cleanfill material such as topsoil and concrete and aggregate waste that can't be reused. One cleanfill site was graded significantly non-compliant due to encroachment of the operations on a nearby waterway. Remediation was undertaken by the consent holder 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 2019-20 period, significant pressure was placed on Bio-Rich by the drought conditions, causing hot dry weather as well as significantly increasing the raw product from the animal processing industries. Bio-Rich was graded fully compliant at one of its locations but had enforcement action undertaken for odour during January and February 2020 at their Waitangi location.

Contaminated Sites Waste

Three of the five significantly non-complying consents relate to contaminated sites where onsite management of contamination is done under a resource consent. These are for the Napier Pine timber

treatment plant in Omahu Road and the Central Timber site in Waipawa. During the 2019-20 period, a major spill of contaminants occurred at the Napier Pine site and was subsequently remediated. Central Timber has changed owners since the significant non-compliance was identified and has significantly improved compliance under the new owners.

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 2019-20 period, Omarunui landfill was fully compliant with all resource consents. 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 2019-20 period. Farm Road landfill was graded moderately non-compliant for the period because of a lack of waste stream inspections, missed sampling events and analytes, stormwater cut off drains not being adequately maintained and delayed reporting.

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. CHBDC monitors ten closed landfills which were all graded moderately non-compliant for the 2019-20 period due to missed sampling events and receiving environment studies. All HDC and NCC closed landfills were fully compliant for the period. WDC monitor 5 landfills which have not been assessed in the 2019-20 period.

Crematoriums

Both crematoriums operating within the Hawke's Bay region achieved full compliance for the 2019-20 period continuing the good record from last year.

Fertiliser manufacturing

Ravensdown are graded low risk non-compliance for their stormwater discharge due to minor pH exceedances and moderate non-compliance for the discharge to air following two exceedances in SO₂ concentrations as a result of plant failure. Repairs and changes to operations and training appear to have addressed the cause and there have been no other exceedances in air quality standards for the 2019-20 period.

Hydroelectricity

Hydroelectricity consents to dam, divert and discharge water for power generation have also seen an improvement in compliance with the Eastland Dam grading low-risk non-compliant due to late submission of data and Genesis Energy consents all achieving full compliance for the 2019-20 period.

Meat and by-product processing

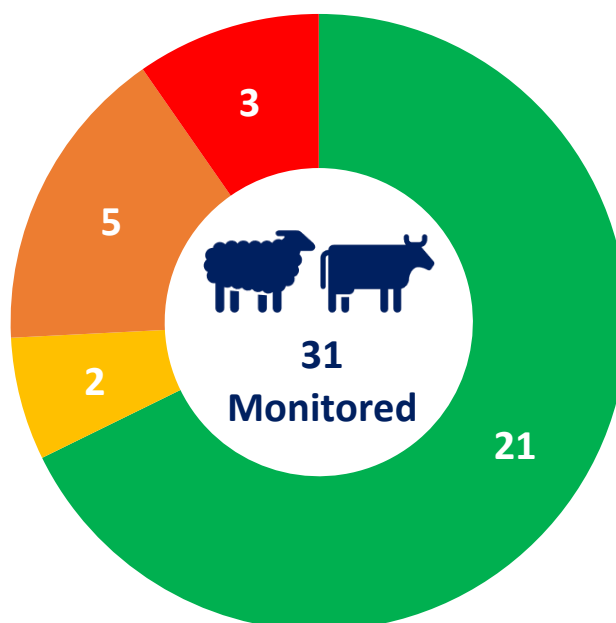


Figure 16. Overall grading of animal and by-product processing consents during 2019-20.

The compliance grading presented in the above chart shows that approximately half of consents monitored were compliant with 68% (21) of all monitored consents achieving a grading of full compliance. 6% (2) were graded low-risk non-compliant, 16% (5) were graded moderately non-compliant and 10% (3) were graded significantly non-compliant.

The significant non-compliance for 2019-20 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.

The moderate non-compliances are for:

- Water take at a tannery without appropriate bore security
- Wastewater discharges to land by Silver Fern Farms and in Takapau as a result of breaks in the effluent infrastructure.
- AFFCO (Wairoa) discharge to air for exceedances in failure to supply records and for the landfill (closed) that has not been maintained to an adequate standard.
- AFFCO (Pandora) operate a Tannery in Napier which was also graded moderately non-compliant for the 2019-20 period for an exceedance of the H2S limit onsite during annual monitoring.

Enforcement action has been, or is currently being, undertaken against the significant and moderately non-compliant resource consents.

Tanneries

Hawke's Bay has five operating tanneries located in Pandora, Whakatu and Tomoana. All tanneries except for AFFCO (Pandora) achieved full compliance with the air and stormwater discharge consents for the 2019-20 period.

KraftHEINZ (Watties)

All seven resource consents held by KraftHEINZ were monitored during the 2019-20 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. The cooling water/stormwater discharge was graded significantly non-compliant for the King Street site due a discharge of untreated beetroot wastewater into the Ruahapia stream as a result of failed infrastructure. Both KraftHEINZ and HDC are investigating this discharge and enforcement action has been taken against KraftHEINZ. The discharge of stormwater from the Tomoana site is moderately non-compliant due to missed sampling events.

An extensive upgrade of water take bores on the King Street site is underway with most bores now meeting the required bore security standard and the remaining bores to be completed this 2020-21 period.

Port of Napier

During the 2019-20 compliance period, the Port of Napier was compliant with all of 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.

During the 2019-20 reporting period there have been several unconsented discharges to water including a moderate spill of tallow into the port waters. The tallow spill is considered an unauthorised discharge that is separate to the consent. All discharges are recorded and reported to the Regional Council as required and no other 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 2019-20
- Burning of dunnage was fully compliant with the consent conditions

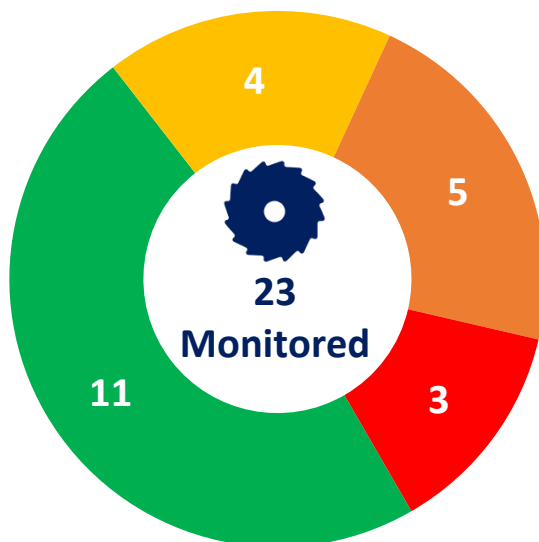
Wharf 6 Extension Works

The Port of Napier exercised several consents for 6Wharf during the 2019-20 period to undertake capital dredging, occupy the seabed 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.

Timber operations

Timber treatment

Timber Treatment



Timber treatment operators remain the most non-compliant industrial activity with only 48% (11) fully compliant. 17% (4) were graded low-risk non-compliant, 22% (5) were graded moderately non-compliant and 13% (3) consents were graded significantly non-compliant.

The significant non-compliance relates to the operations at Central Timbers Waipawa and Napier Pine in Omaha. TUMU timbers in Hastings was graded moderately non-compliant for an onsite effluent treatment system and the stormwater discharge consent along with other consents held by Napier Pine. An increased frequency of monitoring on timber treatment sites has been undertaken to address the non-compliances which has resulted in positive change that will be reflected in the 2020-21 compliance gradings. In the 2019-20 period Napier Pine and Carters Wairoa have chosen to cease timber treatment on their sites to completely remove the risk and it is anticipated that this will help them to achieve compliance.

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 2019-20 period Pan Pac was fully compliant with the discharge to air consent, and for the private landfill consents. The stormwater discharge consent was graded low risk non-compliance as a result of an exceedance of the TPH in the discharge following an unreported spill into an interceptor. The domestic effluent discharge onsite has been graded low risk non-compliant due to missed data submissions timeframes. The coastal discharge was graded moderately non-complying as a result of the mussel and benthic studies not being submitted to the Regional Council as required.

Three Waters Discharges

Our region has four local councils, Wairoa District, Hastings District, Central Hawke’s Bay District and Napier City. These local councils (known as Territorial Authorities or TAs) undertake a wide range of activities that

have an impact on the environment, and all hold resource consents for activities including stormwater, wastewater and drinking water, 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 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 infrastructure is fit for purpose is a major priority. The Havelock North water contamination event in 2016 has raised drinking water security and infrastructure to the top of the priority list, no quick solution is expected in the short to medium term.

Municipal Drinking Water

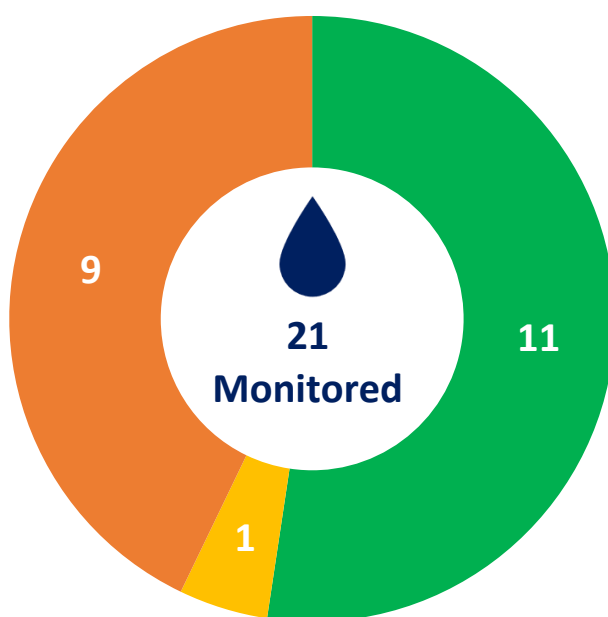


Figure 17. Overall grading of monitored municipal drinking water consents during 2019-20.

The compliance grading presented in the above chart shows that approximately half of consents monitored were compliant with 52% (11) of all monitored consents achieving a grading of full compliance. 5% (1) was graded low-risk non-compliant, 43% (9) were graded moderately non-compliant and 0% were graded significantly non-compliant.

CHBDC has completed upgrades to existing bores to comply with its consent conditions and bore security. It is currently organising the re-inspection of the bores that required work in relation to bore security, so in the interim those specific conditions were graded as moderate non-compliant. CHBDC has established new bores at its Waipukurau site.

HDC 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. The moderate non-compliance is for exceedance in their seven day and annual take at the Omahu water supply. This is the second year in row for these exceedances but from investigations HDC have identified the possible causes to the high usage including:

- Unauthorised taking from fire hydrants

- Increase operational losses for treatment compliance with the New Zealand Drinking Water Standards.
- Leak detection investigation leading to leak repairs on private property
- Council leakage detection and renewing several connections.

Additionally, there are some meter verifications overdue but a contributing factor was that on 5 February 2020, HDC and HBRC agreed to postpone all water verifications due to HDC enforcing water restrictions as per their Water Conservation and Demand Management Strategy. Following on from that there was the COVID 19 restrictions.

NCC has upgraded all its existing bores in the last few years and is currently establishing new bores to replace some current ones. Like last year, there has been some exceedances in the maximum flow rates for bores T3, T6 and T7 hence the moderate non-compliance. These exceedances were less frequent compared to last year due to NCC installing new variable speed drives on these bores. There are still some adjustments required before they will be fully compliant.

NCC along with HDC are now required to verify their meters by the method accepted by the Regional Council and used by all other water take consent holders in the region. This is been done on most HDC public water sites but not on any of the NCC sites. This does involve alterations to infrastructure to allow for this and progress is been made to comply, but in the meantime these conditions are graded moderate non-compliant.

Wairoa 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.



Municipal Stormwater

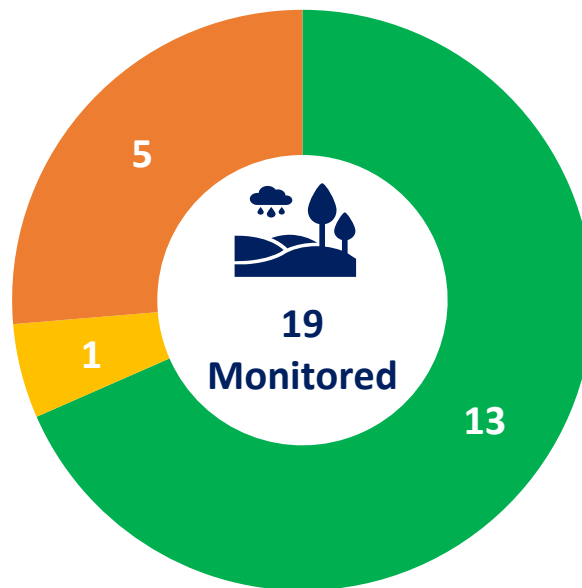


Figure 18. Overall grading of monitored municipal stormwater consents during 2019-20.

The compliance grading presented in Figure 18 shows that approximately two thirds of consents monitored were compliant with 68% (13) of all monitored consents achieving a grading of full compliance. 5% (1) was graded low-risk non-compliant, 26% (5) were graded moderately non-compliant. No municipal stormwater discharges were graded significant non-compliant during the 2019-20 period.

Central Hawke’s Bay District Council (CHBDC) holds one network consent for municipal stormwater that covers discharges from catchments within Waipawa and Waipukurau. For the 2019-20 period, the network consent was graded moderately non-compliant as a result of missed sampling, late reporting and a delay to the educational campaign required by the consent. CHBDC continue to work with the Regional Council to develop appropriate and effective monitoring and catchment management plans but is under-resourced.

Hastings District Council holds a global consent for the main Hastings city area and several smaller industrial zoned stormwater consents such as Omahu Road, Lowes Pit and Whakatu. The global consent was graded moderately non-compliant for a discharge into the Ruahapia Stream from the network and also for reporting and investigation protocols not being followed for several events. The Whakatu, Lowes Pit, James Rochfort and Omahu stormwater consents achieved full compliance for the period. The Omahu North and Barnes Place consents were graded moderately non-compliant for a failure to undertake the required annual site audits or update the catchment management plan.



Napier City Council (NCC) holds 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 joint discharge consent held by the Regional Council and NCC, with NCC undertaking the operative responsibilities under the consent. The global joint consent was graded moderate non-compliance for a discharge of hydrocarbons from the network into the Ahuriri Estuary. The Pandora industrial stormwater consent was graded technical low risk non-compliance for not including information packs with building consent application documents that address sediment control and other contaminants. All other NCC stormwater consents have achieved full compliance for the period. Napier City Council have commenced enforcement proceedings against an industrial site under their Stormwater Bylaw (2020) which is a positive step towards ensuring that point source discharges do not affect the combined stormwater discharge quality. HBRC are supportive of the action taken during the period to monitor, investigate and enforce unauthorized discharges within the Thames Tyne catchments.

Wairoa District Council (WDC) 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.

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.

Municipal Wastewater

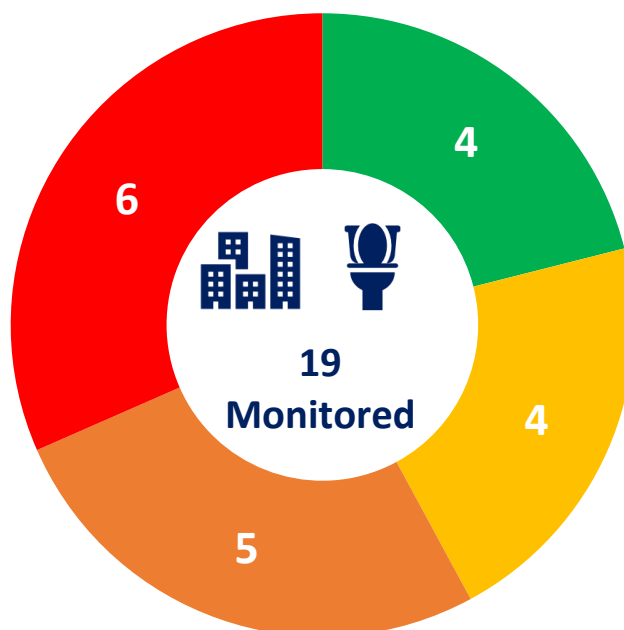


Figure 19. Overall grading of monitored municipal wastewater consents during 2019-20.

The compliance grading presented in the above chart shows that only 21% (4) consents for municipal wastewater were compliant. These were all for the HDC treatment plant at Clive. 21% (4) were graded low-risk non-compliant, 26% (5) were graded moderately non-compliant and 32% (6) were graded significantly non-compliant.

Central Hawke's Bay District Council (CHBDC) operate six 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. There is currently an enforcement order in place for the Waipawa treatment plant requiring CHBDC to meet the required discharge standards. For the Waipukurau treatment plant, the Regional Council and CHBDC have agreed that effluent quality will be improved as part of the enforcement order on the Waipawa plant. Both are still currently graded significantly non-compliant and the consent holder has engaged wastewater specialists to design a system that treats to the required quality standards.

The previous compliance issues at Waipawa, Waipukurau and Takapau continued in this reporting period (ammonia and dissolved reactive phosphorus). CHBDC continued to comply with the enforcement order requiring an investigation and reporting on how the treatment limits could be achieved. CHBDC has developed a proposal to pipe the wastewater from Otane (where an upgrade is required in 2021) to Waipawa for treatment and discharge to rapid infiltration beds. The proposal also includes transferring the Waipukurau discharge to this site in subsequent years. This proposal is going through CHBDC and community approval process and is expected to be established within the scope of the enforcement order.

Hastings District Council operates a municipal and trade waste wastewater treatment plant at 284 Richmond Road in Clive. 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. During the 2019-20 period the discharge consent was graded low-risk non-compliance for a minor leak within the diffuser discharge zone that was repaired and for late data submissions. All other consents were graded full compliance for the period.

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 2019-20 period the discharge to air was graded full compliance while the discharge to sea was graded moderately non-compliant. The non-compliance relates predominantly to the discharge of treated wastewater through leaks in the outfall, at 630m and 700m offshore. Exceedances of zinc and ammonia in the final wastewater have occurred on several occasions and significant exceedances of the maximum daily load rates for biological oxygen demand, solids, and oil and grease have been an issue. The outfall pipeline for the wastewater passes under State Highway 2 and extends 1.7km out to sea. Repairs to the 630m and 700m leaks are underway. NCC was issued an abatement notice by the Regional Council to cease the discharge from the leaks on 5 June 2020.

Wairoa District Council operate four community wastewater treatment systems in Mahia, Opoutama, Tuai and Wairoa. Tuai wastewater treatment plant is graded low-risk non-compliance due to a minor exceedance of the pH limit on one occasion during the period. The treatment plant at Opoutama (Blue Bay) is graded moderately non-compliant as the consent holder is unable to meet the nitrogen and nitrate limits for the discharge to land. WDC has begun an investigation into potential upgrades to the system to require treatment standard to be met. No trends in the receiving environment have been seen as a result.

The Mahia treatment plant experienced several management and maintenance issues resulting in; exceedances of the maximum application rates, failure to undertake required riparian planting, and not maintaining sufficient freeboard within the ponds. As a result, it has been graded moderately non-compliant for the 2019-20 period.

The Wairoa treatment plant continues to be significantly non-compliant through use of the emergency overflow pipe, failure to conduct follow up sampling and discharging outside of the tide and time limits. The consent holder is under application to replace the outfall pipe and upgrade the treatment system which is expected to be granted within the 2020-21 period. Two abatement notices are currently in place for the Wairoa treatment plant and an additional infringement notice was issued for the discharge outside of permitted times.

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.

HBRC Compliance 2019-20

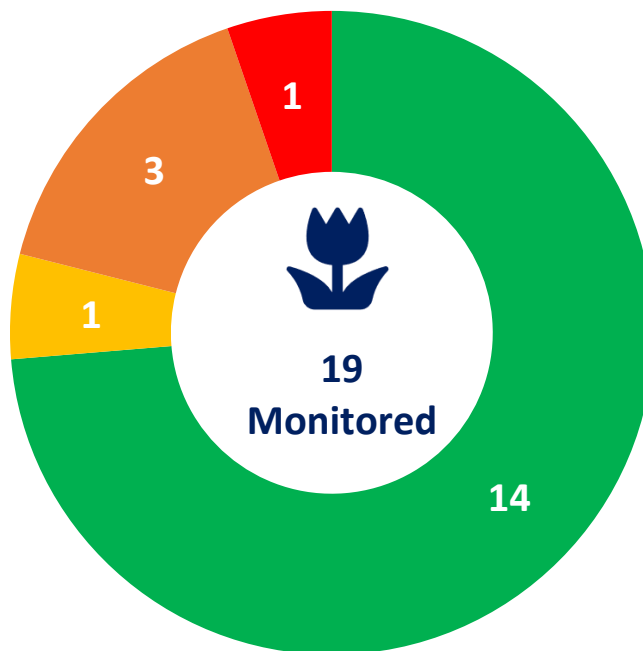


Figure 20. Overall grading of monitored HBRC consents during 2019-20.

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 74% (14) of all monitored consents achieving a grading of full compliance. Only 5% (1) of consents were graded low-risk non-compliant, 16% (3) were graded moderately non-compliant and 5% (1) were graded significantly non-compliant.

The moderate non-compliances relate to a Regional Council operated wastewater system for a campground not meeting the required discharge standards and a failure to supply water take information. The significant non-compliance relates to a water take for augmentation being operated without a water meter or appropriate bore security installed at the wellhead.

The Regional Council holds 34 current discharge, water take or diversion resource consents. The resource consents are primarily for drainage, stormwater and pest control activities. During the 2019-20 reporting period 56% (19) of the current resource consents were monitored, this increase from the six monitored in 2018-19 was in response to a lack of internal monitoring identified in the previous compliance report.

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 is operated 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 2019-20?

The number of calls we received to our pollution hotline were slightly down on previous years with 983 incidents logged for 2019-20. This is an 11% reduction on the previous year that was likely as a result of the two months of level 4 and 3 restrictions, when we received half the number of incident complaints we would normally expect. However, the numbers requiring follow up enforcement action has increased. The majority of calls remain linked to air quality 63% (628), followed by discharges to land 18% (184) and surface water 13% (133).

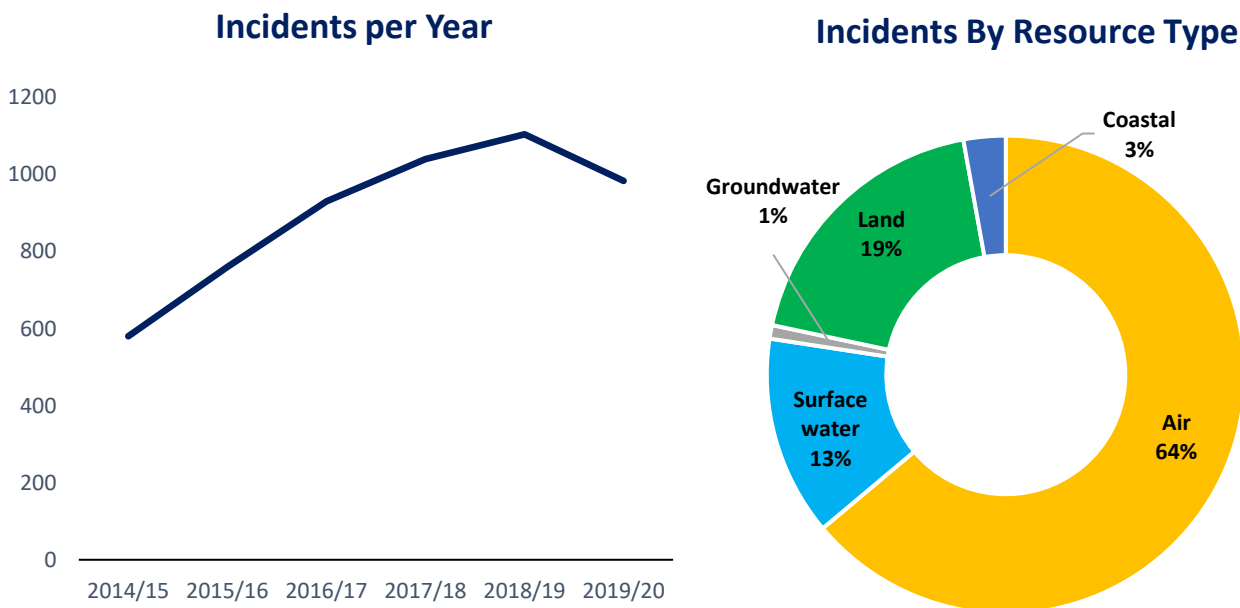


Figure 21. Incidents per year (left) and incidents by resource type for 2019-20 (right).

Follow up enforcement action for the 2019-20 year has resulted in a significant increase in prosecutions. The decrease in abatement and infringement notices is likely due to reduce incidents over the Level 3 and 4 COVID-19 restrictions. The increased volume of incidents resulting 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.

Enforcement Action per Year

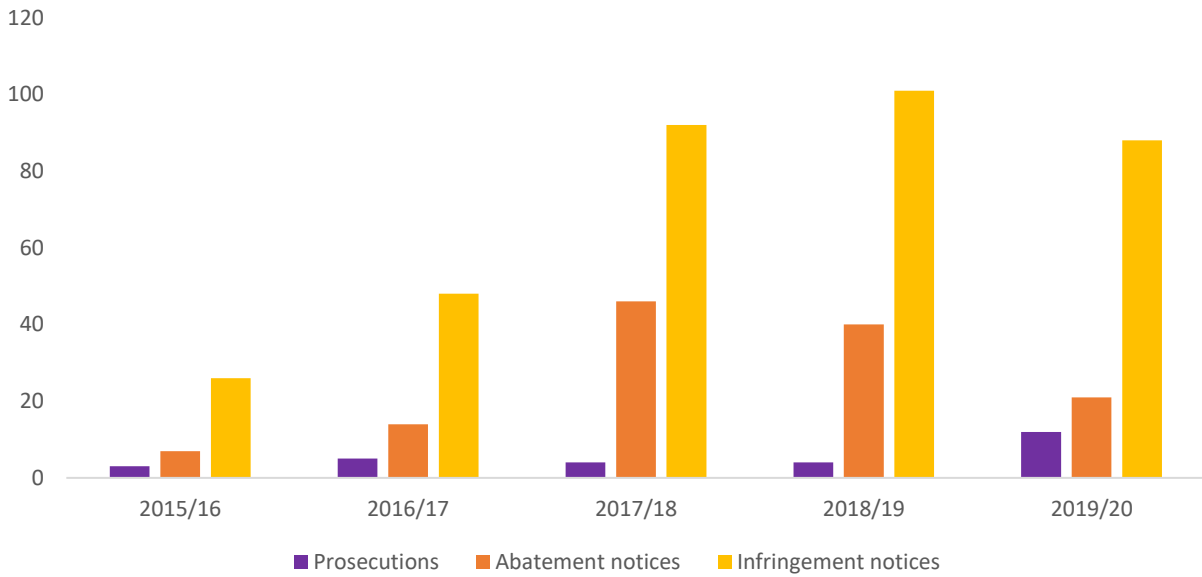


Figure 22. Number of enforcement actions by year.

Infringement notices are issued for serious non-compliance offences that don't warrant prosecuting. The Regional Council issued 88 infringement notices issued during the 2019-20 period, totalling \$42,200 in fines. The vast majority of infringement notices issued were for outdoor burning (58).

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 2019-20 period was 21.

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 initiated during the period with 18 individual charges laid. This is a significant increase on the four prosecutions undertaken last year.

Table 4. Prosecutions initiated in 2019-20 period by discharge type.

Prosecution Type	No. of prosecutions	No. charges for breaches of RMA
Discharge to Air (burning)	5	5
Discharge to Air (odour)	1	5
Discharge to Air (agricultural)	1	1
Discharge to Land/Water (milk)	2	2
Discharge to Land/Water (dairy effluent)	1	1
Discharge to Land/Water (vegetable effluent)	1	4

Completed Prosecutions

Santo Drainage & Contracting Limited was convicted and fined \$12,555 with 90 percent of the fine to be paid to the Regional Council. The company was charged for burning prohibited items including treated timber, plastic pipe, general plastic products, plastic hose, wire and coated metals including a galvanised flue. The company was also charged for outdoor burning over the winter period (airshed restricted season).

Hastings Demolition Limited was convicted and fined \$11,900 with 90 percent of the fine to be paid to the Regional Council in terms of s 342 of the Act. The company was charged for burning prohibited items including plastics pipe, clearlite, plastic strapping, particle board, treated timber, insulation, a mattress and polystyrene. Photo below:



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. Depending on the severity of a spill, there are three “Tiers” within the response system:

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 two members of the Regional Council, one of those is a member of the Regulation Team. He or she is 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.

During the 2019-20 year there were no marine oil spills requiring the deployment of equipment for a clean-up. There was one spill of hydraulic oil (crane hose failure) at Napier Port investigated, there was insufficient oil on the sea surface to warrant an on-water clean-up response.

Contaminated Land and Hazardous Waste

What do we do?

The Hawke's Bay Regional Council has a function under the Resource Management Act (1991) to investigate land for the purposes of identifying and monitoring contaminated land. 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 **2128 selected land use records** where contamination may or has occurred.

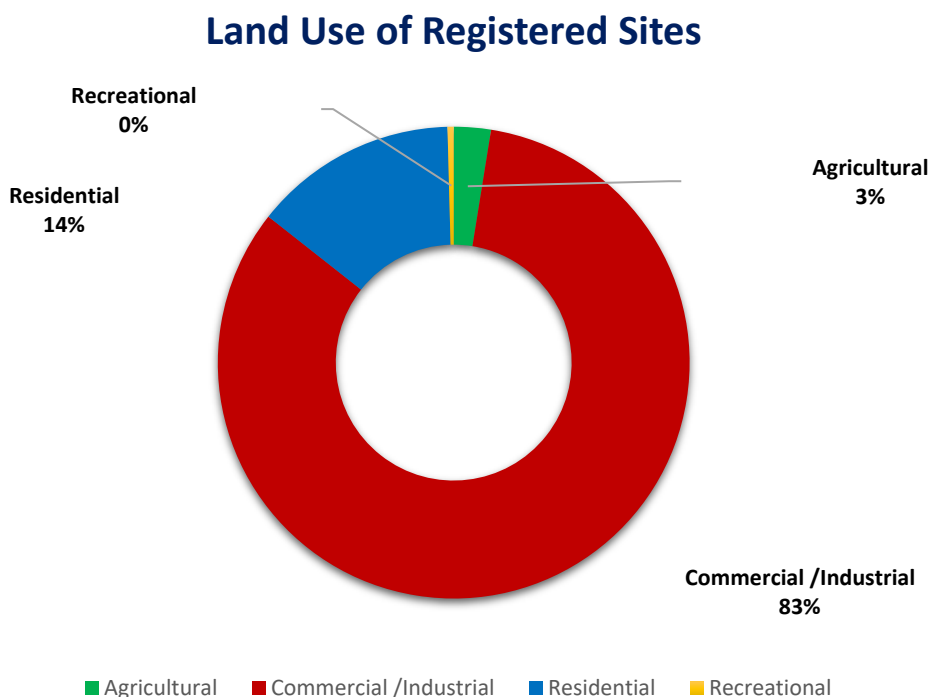


Figure 23. Land use categories for Selected Land Use sites.

In 2019-20 the Regional Council received requests for contaminated land information covering **238 properties** held on our register. The requests were predominantly from developers and contaminated land specialists making requests as part of their due diligence under the NES:CS.

During the 2019-20 reporting period, **25 new sites were added to the Selected Land Use Register**. This is normally completed as a response to a contaminated land information requests on an adhoc basis. In addition to managing the database, the contaminated land team manages investigations into contaminated land. During the 2019-20 reporting period:

- Investigations into potential contamination caused by **PFAS containing firefighting foams** at the Hastings and Napier fire stations were completed with results indicating minimal residual contamination, unlikely to be a risk to human health or the environment. The PFAS investigation at Napier Airport is still ongoing, with further sampling being undertaken of soils and surface water
- The **landfill vulnerability project** was initiated to assess the vulnerability of regional landfill sites to a range of factors including climate change and erosion. This is being completed as part of a national initiative
- The **selected land use register (SLUR)** is being transferred into the Regional Council IRIS database to allow better information sharing of information with internal and external stakeholders.

What are we planning to do?

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.

The Regional Council has signed up 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 (there are no new 'accidental' sites). It is unlikely that the Regional Council will be able to meet this obligation.
- 2028: All HAIL sites to be listed under the new contaminated land categories for national consistency. The Regional Council has completed the update to categories for listed sites and is now in the process of completing verification of sites.
- 2030: All known high risk HAIL sites existing in 2020 have been remediated or have a management plan in place.
- Currently undated: All HAIL parcels and databases to be GIS compatible. The Regional Council IRIS database is GIS compatible and all sites should be moved into the system over the 2020-21 year.

The contaminated land function within the Regional Council has not been traditionally as well resourced as other councils and there is a growing body of upcoming work that needs to be addressed. Currently 60% of the annual budget is assigned to hazardous waste collection. Current staffing levels have been reviewed to meet statutory obligations under the RMA for identifying and managing contaminated land and will be addressed as part of the Long-Term Plan Process.

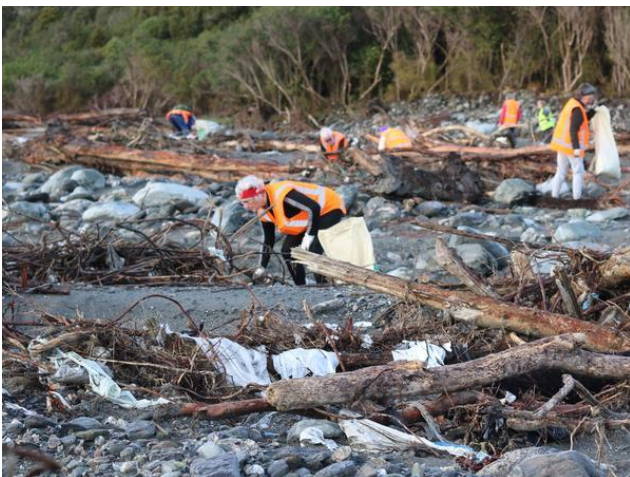
In addition to these mandated targets, the contaminated land special interest group for regulators and the Regional Council contaminated land team are pursuing projects aimed at achieving national data consistency and investigations into emerging contaminants of concern.



Selected Land Use Register Update project is currently underway with the older access database transferring to the new IRIS system. This project will validate all 3500 records held by the Regional Council as well creating a spatial database for mapping of this data. The project commenced in July 2019 and is expected to be completed by July 2021. After completion, contaminated site information will be accessible for internal and external stakeholders and more easily used in consent and compliance decision making.

The update also includes the creation of a spatial database to meet our national obligations, this allows quick analysis of data and means that contaminated land information can be used in risk assessments of water takes and other sensitive receptors.

National HAIL Portal and Data Consistency Project aims to implement agreed information categories and Council records for use in a nationally administered HAIL database. The Regional Council has already updated all records to the new agreed categories and definitions. Extensive work needs to be undertaken to identify all sites within Hawke’s Bay. This project has already been scoped but the contaminated land department lacks the required budget to implement the program of identification. The target to identify all sites by 2020 was agreed to by the Regional Council and is a recognised national target.



Landfill Vulnerability Program was started following the Fox River landfill disaster in 2019. It is a nationally driven project involving regional and local councils. Work is being undertaken to identify all closed and operational landfills within the region and assess them for vulnerability to erosion, flooding, coastal inundation and climate change. This spatial data will then be compared to flood and erosion risk modelling developed through this project. This is essential work to stop a repeat of the Fox River disaster which had significant environmental and financial costs. The Regional Council expects to report on this project with the 2020-21 financial year.

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 2019-20 reporting period, the Regional Council fully or partially subsidised **\$60,000 worth of hazardous waste** and agrichemicals that may have otherwise been disposed of inappropriately. The 3R Group reported that approximately **2140L of hazardous liquids and 763kg of hazardous substances were collected** on behalf of the Regional Council during the reporting period with more than half of this occurring between July and December 2019.

Increasing awareness of the environmental impacts of chemicals is driving more people within the region to dispose of their unwanted chemicals sustainably. As a result, there was a **70% increase in collections** during the current reporting period. The Regional Council is currently investigating alternative options for hazardous waste management such as supporting local HazMobile events or limiting collections to the higher risk products.