



Hamilton City Council Submission

**Consultation on Proposed National
Wastewater Environmental
Performance Standards**

The Water Services Authority

17 April 2025



Building a Prosperous Hamilton

Hamilton City Council is the territorial authority providing for the wellbeing of well over 190,000 residents, in New Zealand's fourth-largest and fastest growing city.

We are the largest water services provider in the Waikato Region and have a strong track record for delivering high-quality water services to our communities, investing in infrastructure, and meeting environmental standards.

Hamilton plays a central and strategic role in the Waikato Region and in New Zealand's economy. Hamilton is within 90 minutes of half of New Zealand's population, close to two major seaports (Auckland and Tauranga), two international airports (Auckland and Hamilton), and has an inland seaport recognised as nationally significant, as well as rail connections and distribution networks, industry, and state highways. This is driving faster than ever growth across the region, leading to increased investment requirements with significant opportunities, including for innovation and driving national productivity.

To keep up and plan for this growth, Hamilton City Council has invested and plans to invest significantly in water services. In the last few years, we have built two new water reservoirs, adding 36 million litres of capacity to our drinking water network, upgraded the city's water and wastewater treatment stations at a cost of \$56 million, and effectively dealt with localised flooding caused by extreme weather. Hamilton City Council also has plans to further upgrade its existing wastewater treatment facility, build a new facility, and continue its significant investment to maintain our existing waters infrastructure.

The continued health of the awa is central to the wellbeing and prosperity of our region and has also been the focus of our Council. As part of the Waikato River Settlement, there is a commitment and agreement to restoring and protecting the awa. Hamilton City Council and Waikato-Tainui work together to give effect to Te Ture Whaimana o Te Awa o Waikato – The Strategy and Vision for the Waikato River ([refer here](#)).

It is in this context that Hamilton City Council provides its submission to the Water Services Authority on the proposed National Wastewater Environmental Performance Standards.

Council Approval and Reference

This Council submission was approved by Hamilton City Council's Waters and Rates Working Group at its meeting held on 15 April 2025.

Submission # 795

Key Messages

1. **Hamilton City Council supports developing a consistent and efficient approach to consenting through the application of national standards.** An established common, fit-for-purpose, consistent, and efficient approach to consenting conditions and applications would help network operators plan more efficiently, whilst reducing necessary time and costs and increasing transparency for our communities.
2. **Stronger environmental consideration is needed to protect our waterways.** We are concerned about the limited consideration for cumulative effects and specific receiving environments, as well as the reduced requirement to carry out environmental impact analyses and monitoring to understand actual environmental performance may lead to adverse environmental effects. Some of the standards are less stringent than those that some plants are achieving now or can achieve with good infrastructure investment.
3. **The objective benefits of the proposed standards are welcomed but may be undermined by the dual regulatory requirements.** The proposed standards only cover some effects associated with wastewater discharges. Regional councils will continue to set consent conditions for those effects not included within the proposed standards. This would create complexities and uncertainties for regional councils and network operators, since many of the effects covered across both regulatory requirements are inextricably linked. It also means that any proposed discharge is likely to be subject to both simplified consenting requirements and the full normal consenting process at the same time, but for different aspects of the proposed discharge. This means that the proposed approach will not deliver the intended benefits of consenting certainty.
4. **The proposed standards cannot undermine existing obligations for Councils.** While we recognise the intended benefits of National Standards Wastewater Environmental Standards, these standards cannot cut across the Government's responsibilities under Treaty Settlements, nor Council's ability to fulfil other existing obligations.

Introduction

5. Hamilton City Council welcomes the opportunity to provide a submission to the Water Services Authority on its February 2025 Discussion Document **Consultation on Proposed Wastewater Environmental Performance Standards**.
6. Hamilton City Council takes an active interest in the waters reform space, with recent submissions including:
 - **Local Government (Water Services) Bill 20 February 2025** – [refer here](#)
 - **Local Government (Water Services Preliminary Arrangements) Bill – 13 June 2024** – [refer here](#)
 - **Water Services Entities Amendment Bill – 4 July 2023** – [refer here](#)
 - **Water Services Legislation Bill – 16 February 2023** – [refer here](#)
7. In addition to the 'Key Messages' section, this submission is structured under the main headings of:
 - a. Part A: General Comments
 - b. Further Information and Opportunity to Discuss our Submission
 - c. Part B: Technical Feedback
8. Part B is separated into dedicated sections for each standard:

- a. Discharges to Water
 - b. Discharges to Land
 - c. Beneficial Reuse of Biosolids
 - d. Overflows and Bypasses
9. Overall, comments under each heading are grouped by either their corresponding section titles within the discussion document or themes.

Part A: General Comments

10. Hamilton City Council welcomes the role of the Water Services Authority (the Authority) in its current and future functions as the water services regulator. Continuing to deliver high quality drinking water and meeting environmental standards is a priority for Hamilton City Council. This is fundamental to the health and wellbeing of our communities, and the health of the awa. We recognise the Authority's role as a regulator, as the country works to address critical waters challenges under Local Water Done Well.
11. We recognise the provisions in the Water Services Act 2021 and the Local Government (Water Services) Bill to set National Wastewater Environmental Performance Standards.
12. We support the intent of the proposed standards in addressing New Zealand's challenges in the management and consenting processes of its wastewater infrastructure by:
 - Supporting environmental outcomes
 - Increasing transparency by ensuring communities have access to better information
 - Driving cost and time efficiencies
 - Providing certainty to network owners allowing for better planning, and
 - Saving time for network owners and consenting authorities.
13. In our recent submission on the Local Government (Water Services) Bill we strongly advocated that National Standards should not undermine existing obligations, nor create additional burdens for Councils, and included Government responsibilities under Treaty settlements. We made comment on standards needing to be achievable, affordable, fit for purpose, and that there must be time to transition to them.
14. We are concerned that these standards, as currently set out, will result in environmental and best practice trade-off. We consider that it would be more appropriate to set standards that continue to build on environmental protections but allow an appropriate time to transition to them in a staged way, including, where necessary, offsetting.
15. Hamilton City Council is supportive of developing a consistent and efficient approach to consenting. However, there are concerns that the intended objectives will not be achieved due to the limited number of parameters standardised through this proposal, and the remaining parameters continuing to be managed by regional councils under the Resource Management Act 1991 (RMA). This may create some complexities due to the dual regulatory requirements. The proposed standards create the situation where any proposed discharge is likely to be subject to both simplified consenting requirements and the full normal consenting process at the same time, but for different aspects of the proposed discharge. This means that the proposed approach will not deliver the intended benefits with regard to consenting certainty. Quite the opposite, this will create considerable consenting uncertainty.

16. Given that some of the standards are significantly less stringent than what some plants are achieving now or can achieve with good infrastructure investment, we are concerned at the possible impacts the proposed standards may have on the environment, ongoing Hamilton City Council wastewater projects, unintended consequences of cumulative impacts on wastewater services, and our role in upholding treaty settlements and giving effect to Te Ture Whaimana o te Awa o Waikato, as well as other bespoke arrangements for the Waikato catchment.
17. The costliest parts of obtaining consents are likely:
 - a. Environmental Impact Assessment
 - b. Technical Studies and Reports
 - c. Consultation and stakeholder engagement
 - d. Appeals
 - e. Legal and professional fees, and
 - f. Application fees and monitoring.
18. There is a lot of value within some of these parts. For example, consultation and engagement can reduce uncertainties, gain support to manage future issues, and provide a platform for education. Technical studies are also usually required for viability, and justification for investment.
19. To reduce some of these costs, the following methods could be explored outside of standards:
 - a. Streamlined data collection
 - b. Use of digital tools and software for data analysis
 - c. Integrated studies, and
 - d. Use of digital platforms for consultations and feedback.

Honouring Treaty Settlements

20. The future prosperity of the Waikato Region and wellbeing of our people relies on a healthy river/awa. Under the Waikato River Settlement, there is a common commitment and agreement to restoring and protecting the awa. Te Ture Whaimana o te Awa o Waikato (Te Ture Whaimana) sets the vision and strategy for the awa, and everything we do must give effect to this. As part of the Waikato River Settlement, Te Ture Whaimana has the standing of a National Policy Statement under the RMA and where there is inconsistency with any other National Policy Statement it takes precedence.
21. Under the Local Government (Water Services) Bill as it currently stands, these National Wastewater Environmental Standards take precedence over Te Ture Whaimana, which is problematic. Hamilton City Council cannot support the diminution of the mana, standing, and operation of the Waikato River Settlement and Te Ture Whaimana.
22. We recognise the Local Government (Water Services) Bill is under the Department of Internal Affairs' administration, and that the Authority cannot change the legal precedence of the Waikato River Settlement and Te Ture Whaimana. However, the Authority has the opportunity to either incorporate the principles of Te Ture Whaimana into the standards themselves or to carve out a space that allows us to continue to give effect to Te Ture Whaimana and honour the Waikato River Settlement.
23. We acknowledge that the Authority recognises the treaty settlements that exist and cover the Waikato, Waipā, and Whanganui River catchments within its discussion document and mentions its engagement with iwi in these catchments regarding the related settlements. The Authority also

mentions the broader engagement with iwi and hapū who have other agreements or arrangements with Councils that impact on wastewater arrangements, stating that this engagement will inform the advice to the Minister of Local Government on how the standards could apply where there are settlements or other obligations.

24. We hope that the engagement and consultation with iwi recognises the mana and role of iwi in relation to their respective awa, and is robust in coming to agreement.
25. For Waikato-Tainui, the Waikato River is a tupuna which has mana and in turn represents the mana and mauri of Waikato-Tainui. The relationship of Waikato-Tainui with the Waikato River and their respect for it lies at the heart of their spiritual and physical wellbeing, and their tribal identity and culture. This is captured in Schedule One of the Kiingitanga Accord which is a feature of the Waikato River Settlement.
26. Hamilton City Council has also established a memorandum of understanding (MOU) with Waikato-Tainui that outlines agreed upon minimum performance standards for wastewater discharges to water and to land to give further direction on how we can give effect to the Waikato River Settlement and Te Ture Whaimana. These agreed minimum standards in the MOU have higher benchmarks than the Authority's proposed standards, and have informed our planned staged projects to upgrading our existing wastewater facility and preparing for a new wastewater facility.
27. The Waikato Regional Council also released proposed targets for certain parameters that would support Te Ture Whaimana's vision of restoring and protecting the river. We support this intent and requested that 'staging of upgrades' should be provided for so that over time the objectives would be met without burdening one generation with all the costs. These targets can be met, and the upgrades planned to manage the burden of costs to our communities.
28. Guidance is needed on any further required actions that we would need to make in order to continue to operate and upgrade our treatment facilities to achieve our more stringent agreed upon standards.
29. Outside of the treaty settlement, Hamilton City Council also has other commitments with river iwi and hapū under Te Tiriti o Waitangi, the RMA, and through joint management agreements, and contracts. The value of the relationships we have with iwi and hapū, their perspectives, and input throughout project planning and delivery has led to improved performance and has been immeasurable.
30. It is also important to note other commitments we have like Future Proof, a collaborative subregional partnership to develop an economically successful, socially responsible, and environmentally leading thriving Waikato sub-region, which also informs our approach to waters services.

Protecting Sources of Drinking Water

31. Hamilton draws its drinking water from the Waikato River. Any reduction in water quality upstream of Hamilton has the potential to impact on the health of our people. We are therefore seeking the assurance that the adoption of any standard that applies to discharges upstream of Hamilton will not compromise the awa and the quality of the drinking water provided to our communities. Equally we are concerned that any discharges into the awa by Hamilton do not compromise the drinking water that supports communities downstream from Hamilton that also draw their drinking water from the awa. We note Auckland draws a significant proportion of its drinking water from the Waikato River.

Outcomes

32. Hamilton City Council supports change. We agree with many of the benefits of national standards to network operators. However, to ensure sustainability across New Zealand's waters networks, and to further minimise risks to public health, the environment, and ultimately New Zealanders' way of life, we advocate for stronger environmental positioning within the proposed standards.
33. New Zealand relies heavily on its waterways not just for core waters services, but for tourism, recreation, sustenance, transport, power, cultural heritage, biodiversity, and ecosystem support. The importance of not only maintaining but protecting our waterways and the surrounding environments cannot be understated.
34. In this regard, we are concerned about the potential environmental impact of the current proposal, for example, the reduced need to carry out environmental impact analyses and monitoring to understand the actual environmental performance of treated wastewater and wastewater product impacts.
35. The Authority states within its discussion document that the proposed standards will not cause an impact on the environment. This is unlikely to be supported by the scientific studies carried out by Waikato Regional Council to understand what water quality attributes need to be met within a few decades for the Waikato River to be swimmable and safe for kai gathering. Hamilton City Council recommends that the Authority considers the technical advice developed through Healthy Rivers Plan Change One. Furthermore, a shift to 'no impact on the environment' from the current RMA based 'avoid, remedy, or mitigate' is a significant change.
36. The current resource consenting process, as mentioned within the Authority's discussion document, follows an effects-based approach, which manages the effects of activities on the environment rather than the activities themselves like the proposed standards. We understand that the management of the activities themselves can also help in the management of the effects of the activities on the environment, but the proposed reduction of environmental monitoring and environmental analyses reduces understanding of actual environmental performance.

Increasing Transparency

37. Hamilton City Council supports compliance information to be shared with the community, and strongly supports the development of any guidelines. As stated in our submission on Taumata Arowai's Second Tranche of Drinking Water and Wastewater Network Environmental Performance (December 2022)¹, it will be important that there is rationalisation in reporting, clarity in what is to be reported through definitions and standardised approach, ability for a network operator to give context, and acknowledgement that wastewater overflows emanate from private land and or have multiple receiving environments and that there should be some exemptions.

Effective Infrastructure Planning

38. We understand that in seeking management of core parameters that other contaminants will be reduced. The core parameters are generally what drives much of wastewater infrastructure investment, however, some investment in infrastructure may be driven by those aspects outside of the core parameters, for example, emerging contaminants. While there may be intent to have these covered in future standards, this may be too late for investment decisions needed.

¹ [Link to Hamilton City Council's Taumata Arowai Second Tranche of Drinking Water and Wastewater Network Environmental Performance Submission](#)

- 39. Further to this, other parameters, such as emerging contaminants and flow, may become surrogate consent conditions for achieving the necessary environmental outcomes. The proposed standards, as they stand, are over simplified, and do not consider this strongly enough.
- 40. It is unclear if unintended consequences of standardising limits have been considered on other important matters such as the impacts on innovation or the limited use of best available technology that may affect opportunities for effective and efficient operations of our wastewater networks.
- 41. We also note the leniency of the proposed standard for small wastewater treatment plants could reduce any incentive to centralise treatment where it would be appropriate. This seems shortsighted given the efficiencies, and cost reduction that can be achieved by economies of scale, as well as it providing for consistent treatment quality, consistent operational and management practices, and better procurement powers.

Implementation and Guidance

- 42. With 57 percent of public wastewater network plant infrastructure requiring consent in the next decade, it is timely for national standards to be set and implemented through the consent renewals.
- 43. We note the Authority is developing guidance to support network owners and operators, as well as consenting authorities to implement the wastewater standards, and welcome the added guidance to ensure the standards and requirements are well understood.
- 44. Throughout our submission we have highlighted specific points that need clarification or guidance, with a full list of these points provided for in **Appendix A: List of Suggestions for Guidance or Requests for Clarification**.

Concluding Remarks

- 45. We understand that the Authority is working within the current and soon-to-be legislation as well as government direction in regard to these standards and we acknowledge the incredible work associated with pulling this proposal together.
- 46. We support the intent of the proposed standards but require assurances that they will allow us to give effect to Te Ture Whaimana, minimise cumulative effects and protect the environment, and incentivise and support effective wastewater infrastructure planning and operations.
- 47. Hamilton City Council is well placed to deliver quality wastewater services in a way that is better for the river and better for our community through well-planned wastewater infrastructure investment.

Further Information and Opportunity to Discuss our Submission

48. Should the Water Services Authority require clarification of the submission from Hamilton City Council, or additional information, please contact **Jade Watene** (Environmental Policy Analyst – Infrastructure and Assets Group) on **07 838 6852**, or email Jade.Watene@hcc.govt.nz in the first instance.
49. Hamilton City Council representatives would welcome the opportunity to discuss the content of this submission in more detail with the Water Services Authority.

Yours faithfully



Lance Vervoort
CHIEF EXECUTIVE

Part B: Technical Feedback

50. Hamilton City Council is supportive of bringing discharges under a regulatory regime as this will benefit communities in the short and long term, but it will be important to consider how this aligns with NES for Sources of Human Drinking Water, which was consulted on in 2022 and proposed to introduce delineation methods.
51. The Authority mentions the use of other jurisdictions that New Zealand commonly compares itself to, such as the United Kingdom, the European Union (EU), Australia, and Canada, and how the learnings from these jurisdictions have informed the proposed standards.
52. We want to draw attention to the recently revised directives for the management of wastewater released by the EU (December 2024)², and recommend that these are reviewed by the Authority and used to further inform the development of New Zealand's standards. These revised directives were driven by the understanding that the previous directives were not protecting the environment, and that eutrophication and emerging contaminants were fast becoming a concern that needed to be addressed. Articles of interest include:
- Article 8 – This sets expectations of quaternary treatment for populations greater than 150,000 population equivalent by 2025.
 - Article 15 – This requires technically feasible mitigation measures to be applied and promotes the reuse of treated wastewater.
 - Article 16 – This sets tertiary treatment requirements.
 - Article 17 – This addresses eutrophication.
 - Article 18 – This addresses microplastics
 - Annex II – This addresses impacts on sensitive areas.
53. We understand that the development of these proposed national standards is still ongoing and subject to change, and that the Authority will develop an ongoing work programme to ensure these initial standards and any subsequent standards are fit-for-purpose. However, it takes a while for adverse environmental effects to show or be recognised to trigger necessary changes or updates to standards (or directives in the case of the EU) outside of the review period. Reactionary costs of possible changes to reverse adverse environmental effects may be more than precautionary and proactive costs planned for now.
54. Essentially, these standards need to ensure, to the best of their ability, that there will be no adverse effects on the environment. The ability for larger treatment plants to remove contaminants such as pharmaceutical endocrine disruptors, microplastics, PFAs, and other emerging contaminants may be crucial (even though these remain under normal RMA processes with regional councils in this proposal).
55. Similar to the Local Government (Water Services) Bill, there appears to be no consideration or link to Part 2 of the RMA, which sets out the planning framework. This is seen to be a critical failure of the proposed standards as it 'sidesteps' the reasons why there is a planning framework in the first place, as well as matters of national importance. This is not discussed in the discussion document and, in theory, allows the Authority to develop these standards, and Stormwater Environmental Performance Standards without any consideration of significant habitats of indigenous fauna, or the protection of other ecosystems. This is needed to allow for checks and balances.

² [Link to new EU directives](#)

56. Clarification is also needed to understand the relationship of these proposed standards to NES standards under the RMA, and clearer delineation between national and regional responsibilities would also help avoid conflicts during consent processes.
57. Renewal of consents can be very costly, and time consuming, and planning certainty is important for long term infrastructure planning and investment. Hamilton City Council therefore supports a 35-year consent term for those treatment plants that:
- a. Demonstrate good management practices
 - b. Have planned for growth and capacity
 - c. Invest to the extent that the environment is not degraded over that period
 - d. Demonstrate that there is no risk to public health
 - e. Make necessary plans to avoid accumulative impacts, and
 - f. Ensure that iwi kaitiakitanga and relationships are maintained with their waterways.
58. Although they are not in scope of this consultation, we also note that the Local Government (Water Services) Bill provides for infrastructure design solutions and that these will be developed by the Authority as part of the second implementation phase for these wastewater standards.
59. It is unclear if unintended consequences of standardising limits have been considered on important matters such as the impacts on innovation or the limited use of best available technology. These will especially need to be considered as the Authority begins drafting the infrastructure design solutions, but will already be affected by the standards themselves.
60. A review of the Wastewater Environmental Performance Standards should also be undertaken once the new versions of National Direction are released. There may be further changes that may interact with the proposed standards, such as drinking water catchments under the National Environmental Performance Standards for Drinking Water, which may impact the proposed exceptions listed on page 22 of the discussion document.

Discharges to Water

61. Currently, Hamilton City Council's Pukete Wastewater Treatment Plant (Pukete) is the only wastewater treatment facility that services Hamilton City, with a further southern wastewater treatment plant (SWWTP) being planned. Pukete discharges all treated wastewater into the Waikato River and is therefore covered by these proposed standards. One of the short-listed discharge options for the SWWTP also includes a discharge to the Waikato River, where it would likely be categorised in the high dilution category for rivers and streams (all other options would be exempt from the current proposal).
62. We note that some effects associated with wastewater discharges to water are not covered by the proposed standard as they are influenced by site-specific factors, and that these effects will continue to be addressed by regional councils as the primary regulator during the consent process, for example, those effects listed on page 21 of the discussion document
63. This is, in effect, a dual requirement that may become complex. Given that concentration limits only are proposed within this standard, we note that regional councils may choose to limit the volume of discharges to control the ultimate mass loads of nutrients discharged. This may be difficult and complex for regional councils for municipal wastewater treatments as wastewater flow rates can vary significantly due to factors like diurnal cycles, weather events, and industrial discharge patterns.

64. Although regional councils will continue to provide oversight and regulation for the mentioned effects through the consent process, many of the effects are inextricably linked and impacted by the proposed standard, especially cumulative effect, and will therefore be referenced to as important for consideration by the Authority in development of these standards.
65. In 2023, in recognition of the River Settlement Act 2010, and what was trying to be achieved in Waikato Regional Council Healthy Rivers Plan Change One to give effect to Te Ture Whaimana, Hamilton City Council supported the adoption of the Best Practicable Option, staging, and offset measures to contribute towards meeting the attribute targets sought by Waikato Regional Council. We also stated that 'mixing' zones were necessary but that footprints would be reduced over time. This is the hallmark of progressive and incremental improvement that takes into account how large municipal discharges can best manage their discharges for population growth, investment, and environmental impacts. Some Councils have made the necessary investments already, and are meeting more stringent standards than those proposed.

Dilution Ratios and Parameters

66. The New Zealand Municipal Wastewater Monitoring Guidelines (Sep 2002), from which the standards are based, define >250 dilution ('excellent') as an outfall with the absence of a visible plume under all conditions, and applies to multiport, submerged diffusers into large volume waters. Plume visibility and use of multiport diffusers are not mentioned at all in the national standards definition of >250 dilution, which could possibly impact which category of dilution a river or stream receiving environment may apply to a plant and consequently which standards need to be complied with.
67. Pukete would be categorised as >250 dilution ('excellent') under the NZ Municipal Wastewater Monitoring Guidelines, but the preliminary dilution ratios calculated using the equation provided would place Pukete in the 50-250 dilution (moderate) category. Additionally, annual mixing studies done on Pukete's diffuser outlets in the river have constantly shown a dilution factor of >350 fold. The Authority will need to provide guidance on the use of the proposed calculation where consistent studies have been completed (20 years in Pukete's case) that provide a dilution factor from actual data.
68. In terms of the dilution ratio equation itself, more clarity is required from the Authority to ensure it is consistently understood and used across public networks. This clarity or guidance should:
 - a. Specify which year or how and by whom the year will be chosen to determine the 'Flow,' which requires *"the average of the lowest 7 days average flow across a year"*.
 - b. Supply a standardised method on how to estimate the maximum expected median discharge volume or clarify whether individual operators' workings and assumptions will need to be approved or verified.
 - c. Clarify whether the dilution factor will only be calculated once and remain fixed for the period of the consent or whether it will be recalculated during the consent period. If it is to be recalculated, timelines and expectations of the data that will be used need to be set.
 - d. Explain why the minimum year/s of data to be used to calculate river flow values differs between GHD's technical advice on the Discharge to Water Standard (5 year minimum) and the Authority's proposal (one year minimum).
69. The parameters in the proposed standards are essentially based on levels upstream of the discharge point basically being zero. This, along with the removal of the seasonal nutrient limits despite the use of medians to address seasonality, give no consideration of the nutrient load effects on individual environments e.g. impact of discharge on areas that are already high in nutrients (an

exception under the proposed standard) cumulative effects of discharges on the overall river system or catchment, and increased impacts during high heat/low flow periods (summer). These effects are important for the care of and sustainable use of our waterways.

- 70. This standard also implies that some types of environments are not sensitive, and it is difficult to understand the reasoning behind why lakes and natural ponds have the same numeric limits as moderate dilution rivers and streams when their associated dispersion/dilution is limited by an absence of strong water currents.
- 71. Within the proposed parameters the E.coli limit is expressed in the cfu/100ml measurement. Although this is a common measurement, we would like clarification on whether there will be allowances for results to be expressed in MPN/100ml, or whether the Authority would consider the numeric limit being E.coli per 100ml to allow for either of the two known quantitative measurements of E.coli to be used or any possible new forms of measurement in the future.
- 72. In relation to periphyton, we support the use of site-specific risk assessments to set the treatment requirements for nitrogen and phosphorous, where a wastewater treatment plant discharges to a hard bottomed or rocky stream or river, as it is current best practice and incorporates more bespoke limits for the specific environment and known possible issue.

Operating Above the Proposed Standards

- 73. In terms of direct compliance with the proposed standard, whether Pukete is classed as high or moderate dilution, Hamilton City Council has no concerns in regard to meeting the parameters and numeric limits for discharges to water. This includes the future SWWTP as currently planned.
- 74. As mentioned, we already have in place a planned staging approach to achieve more stringent standards than the proposed standard limits, and require clarification on or formal confirmation of any actions we may need to take, or a CCO may need to take, in order to operate at a higher benchmark level than the proposed standards to meet our commitments of achieving betterment under Te Ture Whaimana.
- 75. Representatives from the Authority, through its webinars associated with this consultation, have stated that there is a general expectation that plants will operate above the standards and that there is no intent for regulatory action if a community decides to do so. However, it is unclear whether this extends to the extent we intend to operate at as agreed upon within our MOU. It is also unclear 'how' a community would decide to do so.
- 76. We are aware that making the decision to operate above the standards has financial implications and acknowledge that the Commerce Commission, as the new economic regulator of waters services, may also have requirements to ensure transparency, community understanding, and community agreement with the decision. However, the Commerce Commission may also have difficulty in supporting charges to consumers that are higher than those that could be achieved through lower discharge quality. We consider that a possible impact of their economic regulation may drive water organisations to the lowest quality discharge with the lowest cost to consumers, making it unlikely that water organisation will be "allowed" to operate above the proposed standards.

Compliance, Monitoring, and Reporting

- 77. Continuous monitoring is required for wastewater treatment plants serving populations greater than 10,000 within this standard, which is already often the case in resource consents for plants of this size. However, we require clarification on what the application of 'continuous monitoring' may have in the context of sampling and lab testing from the Authority e.g. if a 24-hr flow proportional

composite sample fulfils the requirements, or whether a wastewater treatment facility will be expected to have online/inline monitoring for all quality parameters. It assumed that this will be set by the Authority and not by regional councils to ensure consistency, increase confidence in supplied information (outside of third-party audits), and improve transparency by ensuring comparable information of wastewater treatment facilities' performance. Pukete currently has a condition within its consent for continuous monitoring, so if no parameters are set by the Authority in regard to the expectations, it is assumed that our BAU activities to comply with this condition will be sufficient.

78. We note that page 10 of the discussion document, under discharges to land and water, it cites that there is no intent to *"remove the requirement for applicants to engage with communities as part of the infrastructure planning and consenting process."* Firstly, the RMA does not require consultation by applicants and councils to undertake consultation for resource consent applications. However, this is different to notification, where a consent authority is required to notify a resource consent application if there are effects which are 'minor' or 'more than minor.' It is possible that this notification was the original intent behind the statement, but this needs to be distinguished by the Authority and feedback sought regarding any intent to generally capture notification within the standards.
79. The scope and format of data required would need to be well defined and supported by the Authority. While Hamilton City Council has dedicated 3 Waters Specialists who consistently monitor, audit, and submit performance data, we are aware of smaller entities that may struggle to provide the expected level of data in the formats and at the frequencies required by the Authority. It would also be helpful for the Authority to highlight any expectations around data possibly being uploaded to a system, with a process that's clearly communicated, documented, and tech-supported to some degree.

Small Wastewater Treatment Plant Standard

80. It is proposed by the Authority that different, more lenient, treatment requirements be applied to small plants servicing small communities. The proposed approach does not take the receiving environment into account and the criteria is based on the influent cBOD5 load entering the treatment plant. We understand the rationale is to account for plants that may service a small population but also receive significant industrial or trade-waste sources. We disagree with the lack of acknowledgement for populations and receiving environments.
81. Within the discussion document, it states that *"These plants generally have a low impact on the receiving environment, particularly in relation to nutrients, compared to other sources in the surrounding catchment"*. This standard has the potential to exacerbate issues within nutrient-enriched environments through the possible accumulative impacts of multiple small plants in combination with diffuse discharges. This is not only a backward step, it also could undermine the work done by responsible farmers (or *"other sources"*) that are reducing their rural inputs. As noted previously, we understand that regional councils will still be the regulator for cumulative effects, but they need to be considered in the preparation of these standards.
82. In the revised directives from the EU, it is required that >1000 population equivalent has to have secondary treatment regardless of the receiving environment, and sensitive environments are mandated to require tertiary treatment. New Zealand's own small wastewater environmental standard should also reflect and take into account these possible parameters. A precautionary approach to manage the impacts of warmer weather and drought on eutrophication will be important.
83. The leniency of the proposed standard has potential to reduce any incentive to centralise treatment where it is a potential possibility. This seems shortsighted given the efficiencies, and cost

reduction that can be achieved by economies of scale, as well as it providing for consistent treatment quality, consistent operational and management practices, and better procurement powers. Hamilton City Council has invested significantly in metro wastewater planning that may see diversion and centralisation of some wastewater treatment. This investment should not be at risk due to these standards. Further to this, we (or a CCO) would not want to adopt any small boundary plants with low discharge standards if there were subsequent boundary changes.

Discharges to Land

- 84. Due to Hamilton City Council not currently having oversight for any wastewater discharges to land, we feel it may be inappropriate to give any detailed response to aspects of this standard when it affects other treatment plants. However, we do have an interest in the standard through our preferred proposed option to create a CCO with Waikato District Council who implement discharges of wastewater to land, and through our general interest in protecting the environment.
- 85. Generally, we support using risk management assessments for specific types of land to inform the discharges to land and the consideration of existing nutrient concentrations and potential cumulative effects.
- 86. For more specific feedback, we will support the feedback provided by the Waikato District Council.

Beneficial Reuse of Biosolids

- 87. Hamilton City Council supports the use of the Guidelines for the Safe Application of Biosolids to Land in New Zealand to inform the Beneficial Reuse of Biosolids Standard, noting the comprehensive review of the guidelines provides the Authority with a solid foundation of extensive technical expertise to construct/formalise the proposed standard.
- 88. The grading system appears robust to allow for different activities under the RMA, but clarification will be needed to understand the interaction this standard may have with other triggers for a land use consent, as outlined below in 'Consenting Approach.'
- 89. It will also be critically important that any changes to product export requirements where biosolids are used for the product, either directly or indirectly, for example, grazing, nutrient supplement, are monitored by the Authority, and adjustments to standards made accordingly.

Consenting Approach

- 90. The consenting framework provided for in this standard is limited to matters associated with a regional authority. Clarification or guidance will be needed to understand how the application of biosolids may be impacted by rules and standards set by a Territorial Authority or within the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health i.e. the intentional or accidental application of 'hazardous substances' (both future and historic), and whether it may trigger a land use consent.

Approach for Management of Contaminants of Emerging Concern

- 91. Hamilton City Council agrees with the preferred option (Option 1) of the Authority to provide guidance to support implementation of the standards that could include the advice on contaminants of potential concern to possibly be incorporated into this standard over time as research continues and there is greater capacity in New Zealand to test for contaminants of emerging concern. This allows for any proactive actions to be taken by network operators outside

of any restrictive parameters, whilst also allowing the Authority to leverage international research to create a more fit-for-purpose and effective standard.

Overflows and Bypasses

92. Since a key reason for the implementation of these proposed standards is to achieve better time efficiency within consenting processes, the ability to have ‘comprehensive’ consents covering multiple network overflow points should be provided for within this standard.

Wastewater Network Management Plans

93. Hamilton City Council understand and support the reasonings behind the implementation of Wastewater Network Risk Management Plans to identify and ensure that risks and hazards from both the network and treatment plants, including overflows, will be managed.
94. For guidance related to these plans and in the interests of community understanding, consistency, and comparability, it would be helpful for the Authority to provide a standardised template and the risk framework that categorises the likelihood and potential impact of an overflow with a corresponding priority.

Controlled Activity Status

95. Hamilton City Council supports the need for better management of overflows and the removal of the prohibited status, given significant weather events will cause overflows. However, the use of controlled activities by the Authority within this standard needs to be carefully considered, as controlled activities cannot be declined. This is not just limited to overflows and bypasses, but biosolids and any controlled activity to be developed by the Authority. This means that any ‘matter of control’ must be well drafted, documented, and technically robust. There must also be enough controls in place to ensure that potential for impacts on the environment and public health are avoided or minimised.
96. We support a restricted activity status to allow for regional councils to decline consenting of overflows where they are inappropriate and to give effect to Te Ture Whaimana.

Monitoring and Reporting

97. Hamilton City Council supports the proposal to require telemetric monitoring at overflow points and the Authority’s ‘staggered’ approach towards eventually achieving best practice of installing telemetry at all overflow points.
98. The currently proposed first parameters to require telemetric monitoring at all engineered overflow points that are classified as high risk, all new constructed overflow points and pump stations, and all uncontrolled discharge points (using manhole sensors) where there are high frequency of overflows are fair for initial implementation. However, the Authority will need to provide guidance on what would be classified as “high frequency of overflows” within the last parameter and how this may be numerically defined. A definition of ‘high risk’ is also needed.
99. Hamilton City Council also supports the proposal to require public notification and event reporting for significant wastewater overflows and bypasses. However, the Authority should provide guidance on how environmental and health impacts of overflows are assessed and categorised, a template for overflow incident reporting, and a standard risk assessment/classification tool or

clarification as to what the approval process may be if network operators are required to create our own.

- 100.** Hamilton City Council currently reports overflows according to a Wastewater Overflow Notification Framework developed in consultation with local iwi. This framework includes an internally developed risk classification system based on volumes discharged to water over specified timeframes. Overflow events classified as high risk (defined by Hamilton City Council) are notified to Regional Council and river stakeholders immediately by phone and email, with an incident report being provided within 10 working days of the event; medium risk events are notified to Regional Council and river stakeholders within 24 hours by email, with a follow up email expected but no incident report required; and low risk events are not immediately notified, and are reported to Regional Council and river stakeholders in an end of month overflow summary report.
- 101.** Overflow events are only notified to the general public when considered by senior Hamilton City Council staff to be a significant public health risk. This notification would be via a council media release and signage located along affected waterways.
- 102.** Waikato Regional Council is aware of the development and application of this framework, and support the improved consistency of notifications and reporting for overflow events. However, as all Hamilton wastewater network overflows and treatment plant bypasses are unconsented, Waikato Regional Council cannot formally endorse or approve a risk classification system.
- 103.** The Authority's proposed requirements for reporting of overflow and bypass events largely aligns with the reasoning and intent behind the creation of the internally developed framework currently being followed by Hamilton City Council.

Appendix A: List of Suggestions for Guidance or Requests for Clarification

Section	Action	Request
Treaty Settlements	Clarification	Clarify the applicability of these standards in relation to the Waikato River Settlement and Te Ture Whaimana o Te Awa o Waikato and associated agreements.
Treaty Settlements	Guidance	Outline any further actions required to operate and to continue to invest in upgrades to treatment facilities to achieve a higher benchmark than the proposed standards to meet our commitments.
General	Clarification	Clarify the relationship of the proposed standards to NES standards under the RMA, and clearer delineation between national and regional responsibilities would be helpful in avoiding conflicts during consent processes.
Dilution Ratios	Guidance	Guidance is needed on the use of the proposed dilution ration equation where consistent studies have been completed that provide a dilution factor from actual data.
Dilution Ratios	Guidance	Specify which year or how and by whom the year will be chosen to determine the 'Flow,' which requires "the average of the lowest 7 days average flow across a year."
Dilution Ratios	Guidance	Supply a standardised method on how to estimate the maximum expected median discharge volume or clarify whether individual operators' workings and assumptions will need to be approved or verified.
Dilution Ratios	Guidance	Clarify whether the dilution factor will only be calculated once and remain fixed for the period of the consent or whether it will be recalculated during the consent period. If it is to be recalculated, timelines and expectations of the data that will be used need to be set.
Dilution Ratios	Clarification	Explain why the minimum year/s of data to be used to calculate river flow values differs between GHD's technical advice on the Discharge to Water Standard (5 year minimum) and the Authority's proposal (one year minimum).
Parameter	Clarification	Clarify if there will be allowances for results to be expressed in MPN/100ml for E.coli.
Compliance, Monitoring, and Reporting	Clarification/Guidance	Clarify if the Authority will be establishing or standardising the requirements under 'continuous monitoring' consent conditions. If so, provide guidance.
Compliance, Monitoring, and Reporting	Clarification/Guidance	Highlight any expectations around data possibly needing to be uploaded to a system. If so, establish and clearly communicate and document the process.

Beneficial Reuse of Biosolids	Clarification/Guidance	Clarification or guidance will be needed to understand how the application of biosolids may be impacted by rules and standards set by a Territorial Authority or within the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health i.e. the intentional or accidental application of 'hazardous substances' (both future and historic), and whether it may trigger a land use consent.
Wastewater Network Management Plans	Guidance	Provide a standardised template and the risk framework that categorises the likelihood and potential impact of an overflow with a corresponding priority
Monitoring and Reporting of Overflows	Guidance	Provide guidance on what would be classified as "high frequency of overflows" within the last parameter and how this may be numerically defined.
	Guidance	Define 'high risk.'
	Clarification/Guidance	Provide guidance on how environmental and health impacts of overflows are assessed and categorised, a template for overflow incident reporting, and a standard risk assessment/classification tool or clarification as to what the approval process may be if network operators are required to create our own.

FURTHER INFORMATION

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