2017/2018 Regulatory Compliance Report

BAY OF PLENTY REGIONAL COUNCIL
TOI MOANA

2017/2018 Regulatory Compliance Report

November 2018

Bay of Plenty Regional Council
5 Quay Street
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NEW ZEALAND

EXECUTIVE SUMMARY

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

The report provides an overview of findings from compliance monitoring, complaints, investigations and enforcement activities completed by the Regulatory Compliance team from 1 July 2017 to 30 June 2018. Compliance results are presented both per individual activity and geographically by Water Management Area (WMA). Comparisons with the results presented in the 2016/2017 compliance report are also presented where appropriate.

Implications for tangata whenua are discussed within the introduction of the report, which reflects that Council is actively seeking to collaborate and improve the way we do business in this space.

COMPLIANCE RESULTS

Throughout the 2017/2018 period, the Regulatory Compliance team completed 2,634 compliance inspections on 1,514 individual resource consents. This is 41% more than the number of inspections recorded in the 2016/2017 report. The number of inspections changes from year to year as different activities can have different inspection frequencies ranging from 3 monthly to 10 yearly. The increase in inspection in 2017/2018 is also a result of increased resource being dedication to regulatory compliance, and increasing efficiencies in how we work.

Seventy five percent of all inspections were assessed as complying with their resource consent, 15% were considered to be low risk, 8% moderate risk, and the remaining 2% as significantly non-compliant. The compliance ratings are almost identical to the 2016/2017 results.

Similar to the previous reporting period, the largest numbers of compliance inspections were carried out in the Tauranga Harbour WMA (44%). The Tauranga Harbour WMA also recorded the greatest increase in inspection numbers, with 417 more inspections being completed than the previous reporting period.

In addition to compliance inspections, BOPRC received, logged and reviewed a total of 1,842 performance monitoring returns on 815 individual consents. The results of these reviews were also generally positive, with 89.3% of returns being assessed as complying with consent conditions.

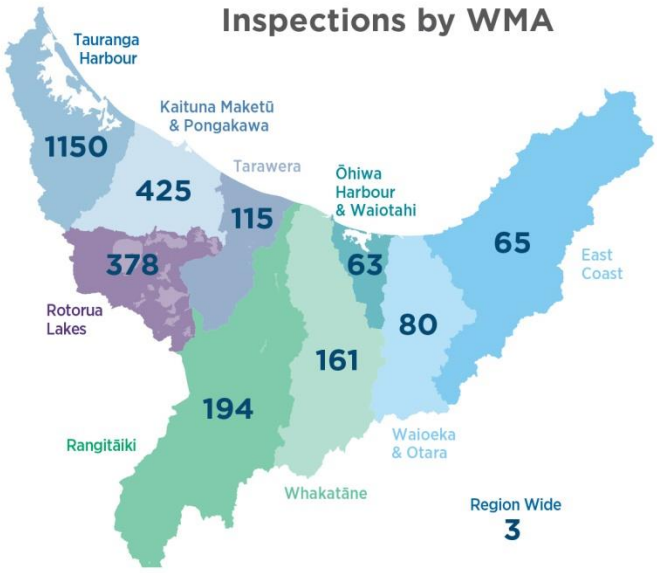
Sections within this report also discuss some emerging trends and case studies.

2017/2018 MONITORING PERIOD

COMPLIANCE ACROSS THE REGION

2634
inspections

Inspections by WMA



Compliance Activities

- Earthworks (29%)
- Dairy Discharges (13%)
- Structures (14%)
- Industrial Discharges (10%)
- Water Take/Use (14%)
- Other Activities (20%)

SERVICE REQUESTS (COMPLAINTS), INVESTIGATIONS AND ENFORCEMENT

Throughout the 2017/2018 reporting period, we received 2,834 service requests, which is the most service requests we have ever received for any twelve month period, and marks a 4% increase on the record set in the 2016/2017 reporting period. The average number of service requests received daily equated to eight, which was up from an average of seven the previous year. The majority of service requests remain linked to air quality (57%), particularly smoke (22%) and odour (20%).

Service requests are received throughout the year, with only six days during the 12 month period where none were received. The busiest month for 2017/2018 was January with 287 service requests being logged through our 24/7 Pollution Hotline. The busiest single day over this reporting period was 19 October 2017, with 28 service requests being received.

Service requests were spread throughout the region, with the Tauranga City district receiving the vast majority of complaints (44%).

A total of 26 urgent service requests were received and all of these were responded to within 12 hours from the time of the initial complaint. Of the 2,808 non-urgent service requests received, 2,755 (98%) were responded to within three working days of receiving the initial complaint.

Throughout the 2017/2018 year, 90 abatement notices were issued, which was 16 more than the previous year. The majority of abatements related to discharges to land (25%), which was closely followed by failing to supply water use records (19%), and industrial discharges to air (10%) and land (10%). Fifty eight abatement notices were in relation to breaches of resource consent conditions, which was up from 31 the previous year.

There were 27 infringement notices issued throughout the year. Of the 27, 17 were consent related with 10 being linked to complaint response. Eleven infringement notices were the result of breaching an abatement notice. The majority of infringements (30%) related to dairy discharges, which was closely followed by discharges to water (22%) and air (15%), and earthworks (15%).

The investigations team have 45 investigations of serious RMA breaches that are either active or have been completed over the 2017/2018 period. Fifteen of the 45 investigations related to discharges of dairy effluent.

There were 20 formal cases where enforcement action other than prosecution was taken and there are three on-going investigations from this period. Three investigations are awaiting external legal advice and there are currently nine prosecutions before the Courts in various stages of the legal process.

Ten prosecution matters were sentenced during the 2017/2018 reporting period which resulted in fines totalling $414,976 as opposed to six prosecution matters in the 2016/2017 period which resulted in fines totalling $176,925

2834 complaints

The highest number **EVER** received

27 infringement notices issued

90 abatement notices issued

10	19	7	21	14	19
related to discarges to air	failure to supply water records	discharges to water	discharges to land	dairy effluent discharges	other

10 prosecutions matters were sentenced for a combined total of

$414,976 in fines

9 offences

from the 2017/2018 period are currently before the courts

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INTRODUCTION

Bay of Plenty Regional Council (BOPRC) works to support the sustainable development of the region through 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 Bay of Plenty community.

BOPRC uses a variety 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 provides an important measure of how we, as a regulatory authority, engage with the community to manage environmental impacts.

This is the fourth year that BOPRC has presented a comprehensive regulatory compliance report which provides an overview of all its functions undertaken from 1 July 2017 to 30 June 2018.

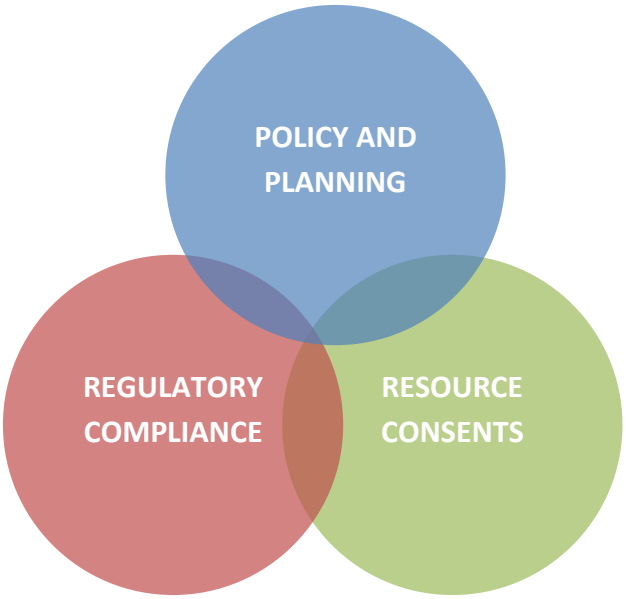
A snapshot of compliance, service requests (previously known as complaints), investigations and enforcement activities is also provided, as well as more detailed discussion of some of the more prominent and significant activities, challenges and case studies throughout the region.

New to this report is:

- The importance of understanding why and how we monitor compliance,
- Who monitors compliance,
- The principles which underpin investigations and enforcement, and
- A tangata whenua implications statement, which provides a platform for further growth in this space moving forward.

Why monitor compliance?

In its most basic form, achieving compliance is often seen as meeting a minimum acceptable standard of resource use. Regulatory Compliance only forms one aspect of the regulatory lifecycle, which also includes policy development and resource consents.



Monitoring consents compliance and responding to service requests (complaints) from our community:

- Raises awareness with consent holders and land users about the level of environmental management that is required.
- Allows early detection of activities that might be adversely affecting the environment, and allows action to be taken to remedy and mitigate those effects.
- Ensures any non-compliance with consent conditions is identified and appropriate action taken.

- Gives assurance to communities that the resource management framework they were consulted on is being upheld.
- Contributes to assessing long-term trends over time.
- Helps councils make informed decisions.
- Provides useful information about where policies and plans are not meeting the desired and anticipated environmental outcomes. Feedback may lead to changes to policies and plans.

Our goal is to use compliance as a stepping stone to promote behavioural change and have consent holders, and the wider community, take ownership of resource management issues, and incorporate best practice which goes beyond the minimum requirements. The compliance team strives to achieve this using both regulatory and non-regulatory tools, and works with a range of teams across council to achieve a co-ordinated approach.

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 out in the Resource Management Act (RMA) Section 36 Charges Policy, which outlines the costs associated with maintaining resource consent. This frequency takes into account the type of activity and its environmental risk profile. Other factors are also taken into account for particular consents, 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 returns from consent holders, such as test results, reports, records and monitoring data.

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.

Table 1: Explanation of Compliance Grades.

Both physical compliance inspections and performance monitoring results are assigned an overall compliance grade, which takes into account the risks associated with any non-compliances. These compliance grades are defined in Table 1 above.

STRATEGIC COMPLIANCE FRAMEWORK

In March 2016, the Regional Sector Compliance and Enforcement Special Interest Group (CESIG) finalised and endorsed the Regional Sector Strategic Compliance Framework (SCF). Regulatory Compliance was involved in the development of the SCF, and our compliance programme is designed to be consistent with the national framework.

The SCF is intended to assist Regional and Unitary Authorities to develop a consistent approach to:

- Monitoring compliance (i.e. what is the state of compliance).
- Encourage compliance (i.e. achieving the highest levels of compliance).
- Deal with non-compliance (i.e. use of enforcement tools to bring about behaviour change).

- Reviewing each of these components (i.e. to gauge the effectiveness of the SCF).

The SCF encourages Regional and Unitary Authorities to implement a risk based approach to designing and implementing a compliance framework, and promotes the use of the 4E's Model to encourage compliance.

The "4 E's" are:

Engage *– consult with regulated parties, stakeholders and community on matters that may affect them. This will require maintaining relationships and communication until final outcomes have been reached. This will facilitate greater understanding of challenges and constraints, engender support and identify opportunities to work with others.*

Educate *– alert regulated parties to what is required to be compliant and where the onus lies to be compliant (i.e. with them). Education should also be utilised to inform community and stakeholders about what regulations are in place around them, so that they will better understand what is compliant and what is not.*

Enable *– provide opportunities for regulated parties to be exposed to industry best practice and regulatory requirements. Link regulated parties with appropriate industry advisors. Promote examples of best practice.*

Enforce *– when breaches of regulation, or non-compliance, are identified then an array of enforcement tools are available to bring about positive behaviour change. Enforcement outcomes should be proportional to individual circumstances of the breach and culpability of the party.*

The SCF also encourages Regional and Unitary Authorities to undertake robust data collection and reporting on its compliance and monitoring activities, to understand compliance and non-compliance within the region, and to continue to improve and tailor the compliance programme accordingly.

WHO MONITORS COMPLIANCE?

Compliance monitoring is largely driven through the BOPRC Regulatory Compliance Team, which is made up of Regulatory Compliance Officers (RCOs) and Regulatory Project Officers (RPOs) based out of Whakatāne, Rotorua and Tauranga.

RCOs generally carry out the day to day compliance tasks, including scheduled inspections, complaint response, investigations and enforcement. RPOs focus on and lead a wide range of specialised compliance projects which are linked to escalated or c high profile issues such as plan changes and organisation challenges such as new emerging national issues.

ENFORCEMENT

When considering which enforcement option to pursue, it is important that a fair, robust and consistent decision-making process is followed. Decisions can only be made using the facts, not assumptions or guesses. The following criteria are considered in each case:

1 Actual adverse effects (effects that have occurred).

2 Likely adverse effects (potential effects).

3 Value or sensitivity of area affected.

4 Toxicity of discharge.

5 Deliberate or accidental action.

6 Degree of due care taken/foreseeability of incident.

7 Effort to remedy/mitigate effects.

8 Effectiveness of remedy/mitigation.

9 Profit or benefit gained by alleged offender.

10 Repeat non-compliance or previous enforcement action for the same or similar situation.

11 Failure to act on prior instructions.

12 Degree of deterrence required in relation to the party (specific deterrence and not a wider effect).

13 Degree of general deterrence required.

Depending on the severity of non-compliance, staff will often work with consent holders and other offending parties to bring them back into compliance without using enforcement. However, when this approach is unsuccessful or inappropriate, BOPRC can use a variety of enforcement tools.

Directive options:

- Compliance audit sheets and letters of direction, which detail actions that may be required to achieve compliance.
- Serving an abatement notice which formally requires works or actions to be undertaken or ceased.
- Enforcement orders can be applied for through the Courts. These are more common during prosecution sentencing, as enforcement orders alone can be very time consuming and costly.

Punitive options:

- Formal warning letters can be used to formally advise offenders of their non-compliance.
- Issuing infringement notices. These are set fines ranging from $300 up to $1,000. They can be issued to individuals or organisations that have breached the RMA.
- Taking a prosecution. The maximum penalty can be up to two years imprisonment and a fine of up to $300,000 for individuals, or a fine of up to $600,000 for any other entity.

It may also be appropriate to use a mixture of directive and punitive options, as these options are not exclusive of each other and can be very effective. The Solicitor General's guidelines must be considered within the decision making process for prosecutions.

IMPLICATIONS FOR TANGATA WHENUA

The Māori population in the Bay of Plenty equates to about 28% of the total population. BOPRC has clear statutory obligations to Māori under the Local Government Act 2002 (LGA), and the Resource Management Act 1991 (RMA). In particular, Part 2, Sections 6 and 7 of the RMA recognises and provides for participation in decision-making, having regard to kaitiakitanga, consultation and fostering development.

The purpose of this implications statement is to demonstrate that Council is actively seeking to collaborate and improve the way we do business in the regulatory compliance space. It also serves to facilitate ongoing strengthening of relationships between the Regulatory Compliance team and tangata whenua.

The core function of compliance is to ensure consent conditions, plans, policies, rules and the RMA are followed. The role of tangata whenua and kaitiaki is to protect the natural and physical environment, waahi tapu and other sites of cultural significance to ensure community and cultural sustainability is achieved. Therefore, the role of compliance directly aligns with tangata whenua and kaitiaki values; partnering with tangata whenua is of mutual benefit to ensure the best environmental outcome is achieved.

Key highlights within the 2017/2018 period include:

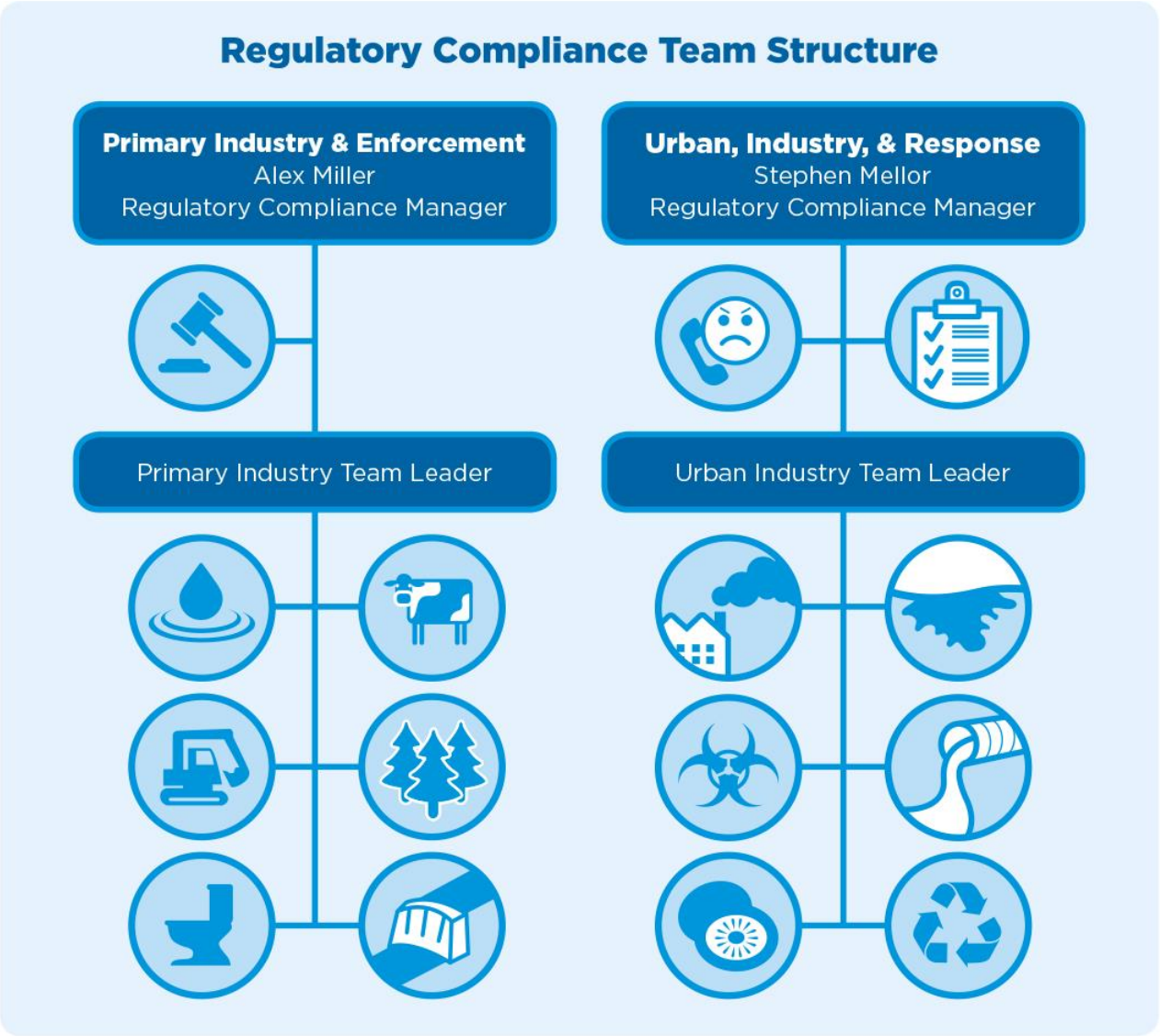
- Early notification aims to ensure all effects (i.e. cultural, environmental, socio-economic, spiritual) from incidents, particularly discharges to water, are dealt with early and provides tangata whenua and kaitiaki an opportunity to inform their own decision-making. Their observations and involvement can then further inform relevant cultural assessments which feed into consent applications.
- Regular meetings and workshops with various tangata whenua across the region (e.g. quarterly meeting with Ngāi Te Rangi regarding Mount Maunganui Industrial area compliance) aim to strengthen communication and relationships, build trust and increase accountability.

Continuing with and adding to the above highlights from the 2017/2018 period will ultimately enable us to have an improved understanding and appreciation of matauranga maori. Greater understanding will drive consistency across the team and improve relationships and collaboration with tangata whenua across the region.

The Bay of Plenty is a growing part of New Zealand, with largescale development occurring throughout the region. Managing environmental outcomes can become more difficult under high growth situations and thus kaitiaki play a significant role in this space. It is the compliance teams focus to progress collaboration initiatives across the region.

He waka eke noa - We’re all in this together.

TEAM STRUCTURE AND MAKE-UP INFORMATION



REGULATORY COMPLIANCE TEAM INSPECTION RESULTS

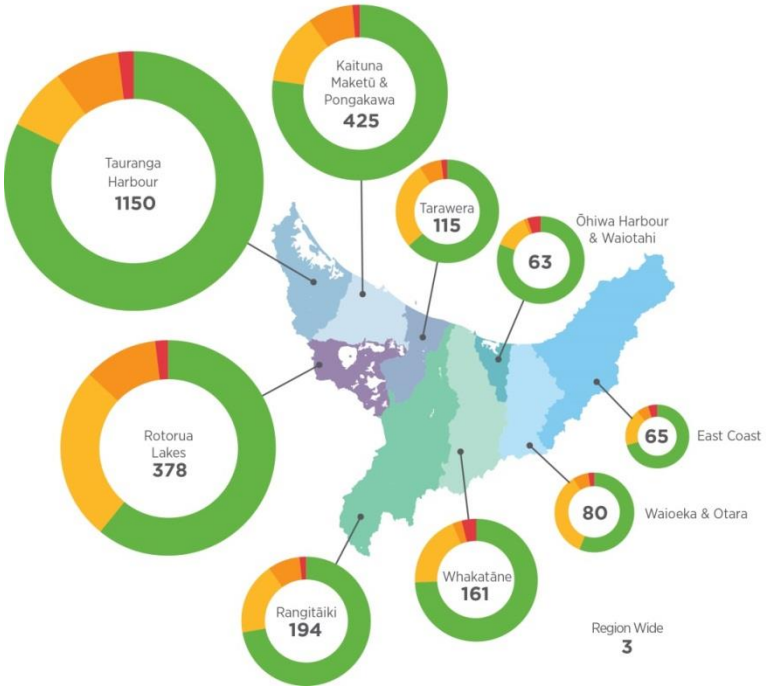
Throughout the 2017/2018 period, the Regulatory Compliance team undertook 2,634 compliance inspections on 1,514 individual resource consents. This is 41% more than the number of assessments recorded in the 2017/2018 report, where 1,303 individual consents were monitored.

The results of the compliance inspections were overall generally positive, with 75% of all inspections being assessed as complying with their resource consent. The overall compliance results are almost identical to last year.

The level of compliance (number of inspections assessed as complying) within the Tauranga Harbour Water Management Area (WMA) improved from 79% to 82%, which is very positive given there were 417 more inspections completed than the previous reporting period. The greatest reduction in compliance inspections occurred in the Tarawera WMA (-29), which also dropped to 63% compliance over the year from 81% the previous year (see Table 2 below).

All WMAs, except Tarawera, saw an increase in compliance inspections. However, only half of the WMAs saw an increase in the level of compliance. Therefore, on face value it may appear that increased inspection numbers results in improved compliance. However, it has also resulted in more non-compliance being identified.

Inspections and Compliance Grades by WMA



In addition to compliance inspections, BOPRC received, logged and reviewed a total of 1,842 performance monitoring returns on 815 individual consents. The results of these reviews were also generally positive, with 89.3% of returns being assessed as complying with consent conditions, 9.8% were considered to be low risk non-compliant, 0.7% moderate non-compliance and 0.2% significant non-compliant.

WMA	% of inspections Complying			Total number of inspections carried out		
	2016/2017	2017/2018	Δ%	2016/2017	2017/2018	Δ total
East Coast	66.7	71	4.3	57	65	8
Kaituna Maketu	78.5	77	-1.5	247	425	178
Ōhiwa Harbour	78.7	81	2.3	50	63	13
Rangitaiki	72.2	69	-3.2	114	194	80
Region Wide	0	67	67	0	3	3
Rotorua Lakes	71.1	61	-10.1	344	378	34
Tarawera	81.3	63	-18.3	144	115	-29
Tauranga Harbour	78.7	82	3.3	733	1150	417
Waioeka & Otara	80	56	-24	41	80	39
Whakatāne	73.9	75	1.1	137	161	24
TOTAL	76.4	75.1	-1.3	1868	2634	766

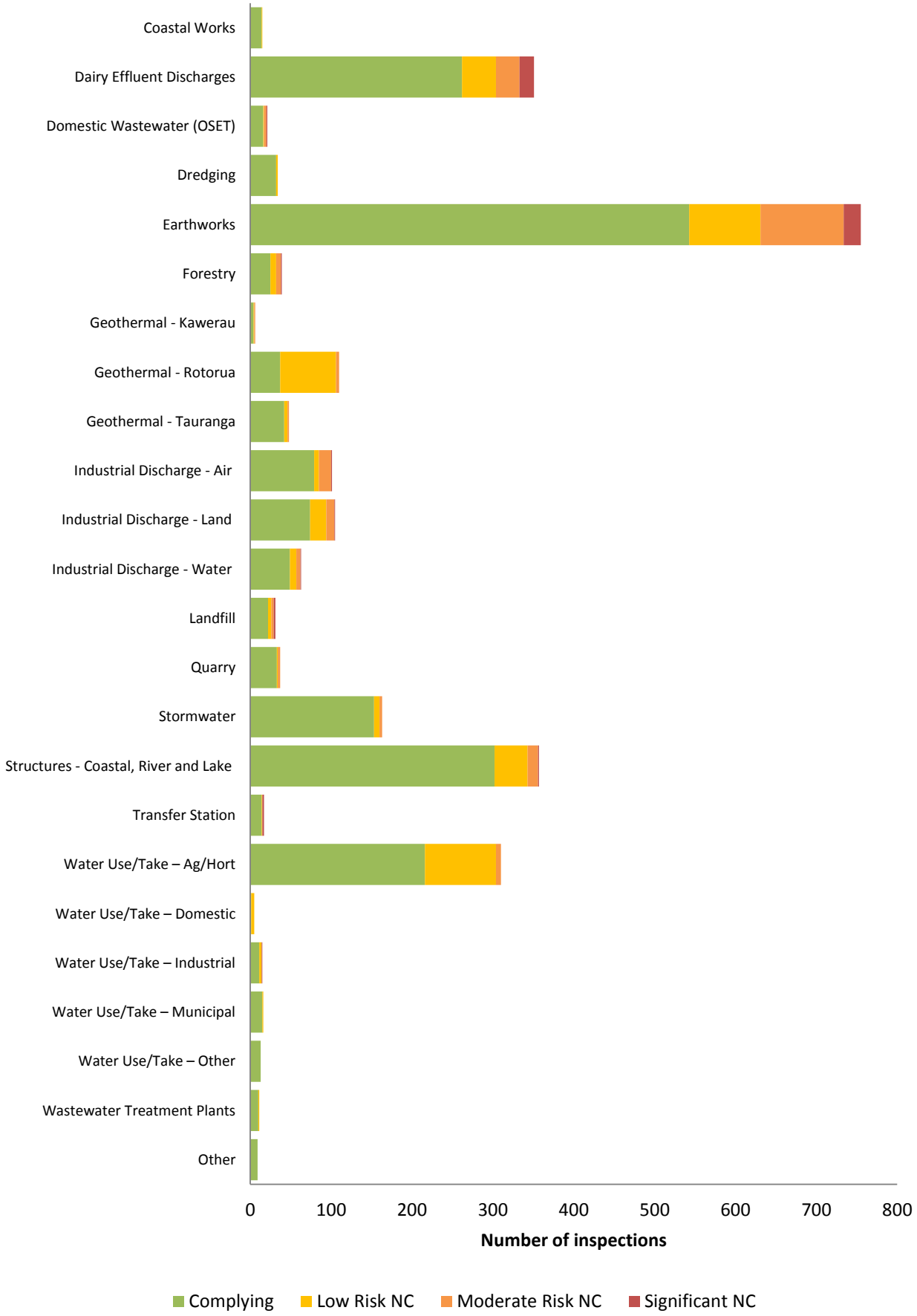
Table 2: Changes in compliance figures across WMA's between 2016/2017 and 2017/2018.

INSPECTIONS BY ACTIVITY GROUPING

Compliance Monitoring Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Coastal Works	15	14	1	0	0
Dairy Effluent Discharges	351	262	42	29	18
Domestic Wastewater (OSET)	21	16	1	3	1
Dredging	34	32	2	0	0
Earthworks	755	543	88	103	21
Forestry	39	25	7	6	1
Geothermal - Kawerau	6	4	1	1	0
Geothermal - Rotorua	110	37	69	4	0
Geothermal - Tauranga	48	42	4	2	0
Industrial Discharge - Air	101	79	6	15	1
Industrial Discharge - Land	105	74	20	10	1
Industrial Discharge - Water	63	49	8	5	1
Landfill	31	22	4	3	2
Quarry	37	33	1	3	0
Stormwater	163	153	7	3	0
Structures - Coastal, River and Lake	357	302	41	13	1
Transfer Station	17	14	1	0	2
Water Use/Take – Ag/Hort	310	216	88	6	0
Water Use/Take – Domestic	5	1	4	0	0
Water Use/Take – Industrial	15	11	3	0	1
Water Use/Take – Municipal	16	15	1	0	0
Water Use/Take – Other	13	13	0	0	0
Wastewater Treatment Plants	11	10	1	0	0
Other	9	9	0	0	0
TOTAL	**2634**	**1978**	**400**	**206**	**50**

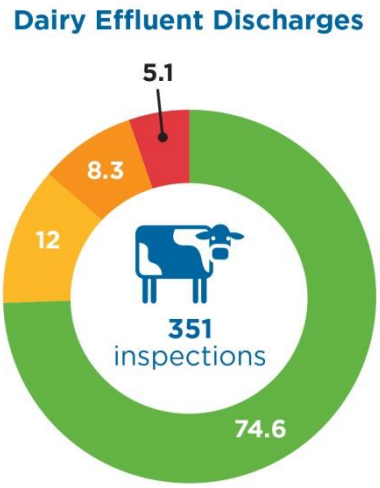
Table 3: Compliance monitoring inspection results grouped by activity for the 2017/2018 monitoring period.

2017/2018 Compliance monitoring inspection results by activity



DAIRY EFFLUENT DISCHARGES: WHAKARUKE TE HAMUTI O TE KAU

Dairy farming remains one of the most significant contributors to the New Zealand economy, and a key part of the life and landscape of the Bay of Plenty region. There are 680 consented dairy sheds across the region. Dairy Statistics New Zealand estimated the total number of cows in the Bay of Plenty to be 335,145 during the 2017/2018 period, with an average herd size of 372 across the region.



The effluent collected from dairy milking sheds, which is largely cow faeces and urine but may also contain traces of milk and detergents, can have significant impacts on land and waterways if not properly managed. The effluent is rich in nutrients and bacteria, which can result in high loading rates on land and contamination of waterways.

Many farms use a combination of methods to manage their effluent. The most common effluent treatment is via a pond system which is then irrigated to pasture. It is a prohibited activity to discharge dairy effluent into waterways within the Bay of Plenty region, which means irrigation must be carefully managed through the wet spring and winter months to eliminate the risk of effluent runoff to waterways.

Dairy sheds are inspected at different frequencies according to the risk associated with the particular activity. Risk ratings take into account the type of treatment, water management areas, point of discharge and the compliance history of the consent holder. Those farms determined to be high risk are inspected annually, while medium and low risk farms are inspected every two or three years respectively.

Dairy farms are spread around the entire region and inspections are undertaken annually throughout spring. This is run as a coordinated project which utilises resources from across the entire Regulatory Compliance team. To minimise the impact on farmers, the compliance work is undertaken after the calving season, and contact is made with the farmers upon entry to the farm.

RESULTS

There were 351 inspections completed during the 2017/2018 monitoring period, with compliance officers each undertaking 5-10 inspections per day. Seventy five percent of all inspections were determined to be complying, which is down from 79% the previous year. Significant non-compliance rose to 5% from 1.4% in the 2016/2017 period. Compliance varied considerably across the region ranging from 87% compliance in the Ōhiwa Harbour and Waiotahi WMA to 62% in the Tauranga Harbour WMA, which was the highest performing WMA in the 2016/2017 period (93%).

A total of 14 abatement notices and eight infringement notices were issued for dairy discharge related offences during this monitoring period. A total of seven prosecutions were taken as a result of serious breaches, five are currently before the courts.

The main reasons for non-compliance in the 2017/2018 period were:

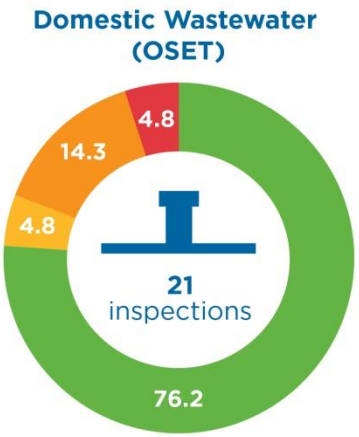
- Poor pond management (i.e. full or overflowing ponds),
- Effluent irrigation causing excessive ponding and/or runoff to waterways, and
- Discharge of effluent through stormwater diversion systems.

Dairy Effluent Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
East Coast	10	8	1	0	1
Kaituna, Maketū and Pongakawa	97	72	11	12	2
Ōhiwa Harbour and Waiotahi	23	20	2	0	1
Rangitāiki	63	49	10	3	1
Rotorua Lakes	27	21	1	3	2
Tarawera	24	19	3	1	1
Tauranga Harbour	39	24	3	9	3
Waioeka and Otara	23	16	5	0	2
Whakatāne and Tauranga	45	33	6	1	5
TOTAL	**351**	**262**	**42**	**29**	**18**

Table 4: Dairy Effluent Inspection Results: 2017/2018 Monitoring Period.

DOMESTIC WASTEWATER (OSET): PARA WE TARA A WHARE

In some parts of our region there is no reticulated sewerage service, which means private wastewater must be collected and treated prior to being discharged to land on-site. The NES estimates that up to 20% of each region's communities are connected to private On-Site Effluent Treatment Systems (OSETs). Therefore, the use of OSETs, such as septic tanks and aerated wastewater treatment systems (AWTS), is a common requirement.



In the majority of circumstances, an OSET system can be installed without resource consent. However, resource consent may be required if:

- The system is designed to treat more than 2,000 L per day,
- The system is a new septic tank based system in the Rotorua Lakes Catchment, and/or
- The wastewater is not entirely from domestic sources (e.g. rural businesses, commercial wastewater or campgrounds).

Consented OSET systems can be classified as high or low risk, depending on the consented volume of wastewater and the location in relation to the Rotorua Lakes. High risk systems are monitored annually compared with low risk systems which are monitored once every eight years.

A failed OSET system can have significant health and environmental effects. OSET systems which have been inappropriately designed and/or poorly used and maintained can lead to the contamination of soils and ground and surface water. Common signs of a poorly performing system may include ponding of partially treated wastewater on the ground surface, slow running drains or toilets, and sewage-like odours near the tank or land treatment area.

RESULTS

A decision was made to postpone the 2017/2018 compliance inspections of OSET systems into the 2018/2019 reporting period. This will allow the compliance team to audit throughout a wider geographical area and allow access to more sites.

The number of consents complying with their consent conditions dropped from 81% in the 2016/2017 period to 76% in the 2017/2018 year.

The main reasons for non-compliance continue to be system overloading and lack of maintenance.

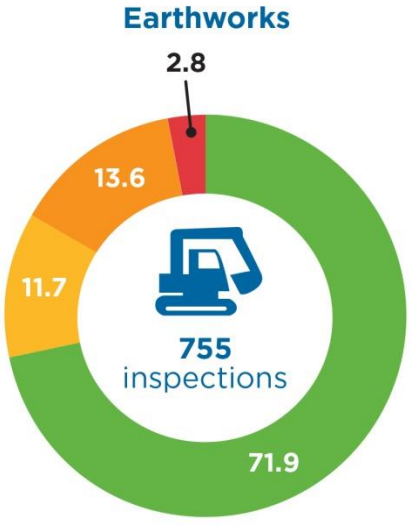
OSET Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
East Coast	13	8	1	3	1
Kaituna, Maketū and Pongakawa	2	2	0	0	0
Tarawera	2	2	0	0	0
Tauranga Harbour	1	1	0	0	0
Whakatāne and Tauranga	3	3	0	0	0
TOTAL	**21**	**16**	**1**	**3**	**1**

Table 5: OSET Inspection Results: 2017/2018 Monitoring Period.

EARTHWORKS AND QUARRIES: MAIORO ME TE PA KOHATU

EARTHWORKS

Earthworks consents authorise a range of soil disturbing activities, and the most visible of these continues to be the development of urban subdivisions. However, they also include a number of rural activities such as re-contouring farmland to change land use, or smaller scale earthworks in areas of higher risk (e.g. steep gradient or proximity to waterways and the coastal marine area).



Many of the soils in the Bay of Plenty region are very susceptible to fluvial erosion (erosion caused by flowing water), particularly from poorly controlled runoff. Earthworks activities have the potential for significant impacts, such as erosion, disturbance of flora and fauna, discharge of sediment and dust, or disturbance or damage to historic heritage sites and sites of cultural significance.

Sediment discharges can occur without appropriate site management and associated erosion and sediment controls. Mobilised sediment can destroy spawning grounds, smother wildlife, prevent animals from feeding as they cannot see their prey, and silt up waterways which can increase the susceptibility of flooding. To minimise the risks, consented earthworks sites are generally only allowed to be active from spring to autumn (15 September to 1 May), as this is when ground and weather conditions are most favourable. An exception to this is sites located in sand dune country, where damp conditions are preferable to control dust.

In addition to restricting the time of works, consent conditions generally require certain controls to be in place, such as sediment retention ponds, bunds and silt fences, stabilisation works, clean and dirty water diversions, chemical treatment and dust control measures.

Earthworks consents are monitored at various stages while the works are active. This generally involves a pre-construction meeting, fortnightly monitoring of large active sites, monthly monitoring of small scale active sites, and monitoring of permitted activity and non-active sites on an as required basis. In most cases, a further site meeting is held upon completion of works.

RESULTS

Earthworks remain one of the most common compliance activities in the Bay of Plenty and accounted for a third of all completed compliance inspections during the 2017/2018 period (755).

Levels of compliance have unfortunately continued to veer towards a downward trend over the past four reporting periods, with 86% of sites complying in the 2014/2015 period, 79% in 2015/2016, 73% in 2016/2017 and 71% in this most recent period. The numbers of significant non-compliances identified nearly doubled from the previous year with 21 inspections resulting in significant non-compliance. However, the majority of these significant non-compliances were located at two properties.

During the 2017/2018 season, 120 consented earthworks sites were active.. More than 75% of all completed inspections were located in the Tauranga Harbour and Kaituna WMAs. For the second year running the poorest performing WMA was Rotorua Lakes, with 47% of inspections complying.

Earthworks Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
East Coast	4	4	0	0	0
Kaituna, Maketū and Pongakawa	84	60	7	15	2
Ōhiwa Harbour and Waiotahi	11	7	1	1	2
Rangitāiki	11	9	2	0	0
Rotorua Lakes	73	34	13	23	3
Tarawera	2	2	0	0	0
Tauranga Harbour	525	393	58	60	14
Waioeka and Otara	7	4	0	3	0
Whakatāne and Tauranga	38	30	7	1	0
TOTAL	**755**	**543**	**88**	**103**	**21**

Table 6: Earthworks Inspection Results: 2017/2018 Monitoring Period

The top five issues identified with earthworks sites were:

1 Erosion and sediment controls not installed correctly, as per consent conditions and erosion and sediment control guidelines.

2 Site not stabilised within the timeframe specified in the consent.

3 Bulk earthworks being undertaken within the winter exclusion period.

4 Dust leaving the boundary of the site.

5 Sediment-laden stormwater leaving the site.

As a result of the inspections, five abatement notices and four infringement notices were issued, which is down from 19 abatement notices and one infringement notice the previous year. There is currently one on-going investigation relating to the discharge of contaminants to land and/or water from an earthworks site. Four prosecutions were commenced in relation to discharges from earthworks sites, one remains before the courts.

QUARRIES

Quarries are utilised to provide a consistent supply of aggregates and minerals that are essential for the increasing development occurring within the Bay of Plenty region. High-grade andesite is mainly sourced from quarries near Katikati and Te Puke, whereas low-grade aggregate material, such as rhyolite, can be found in abundance throughout most of the region. Although, demand for supply is placed heavily on the higher grade sites, quarrying activities are utilised across the region with all of our WMAs being affected in some way or another by this activity.

Similar to earthworks and forestry, quarrying operations have the potential for a number of significant environmental impacts, particularly through erosion, dust, and the discharge of sediment into waterways. However, unlike earthworks, quarries often operate permanently and throughout the year. As a result, erosion and sediment controls must be installed and maintained to a high standard.

Chemical treatment is often used to treat sediment-laden stormwater run-off given the nature of soils encountered during quarrying activities.

RESULTS

Thirty-seven inspections were carried out on quarries throughout the 2017/2018 reporting period. Compliance ratings have continued to improve over the past three years, with 89% of inspections being assessed as compliant in 2017/2018, 76% in 2016/2017, and 71% in 2015/2016. There have been no significant non-compliances noted as a result of consented compliance inspections since the 2014/2015 period where 3% of inspections resulted in significant non-compliance.

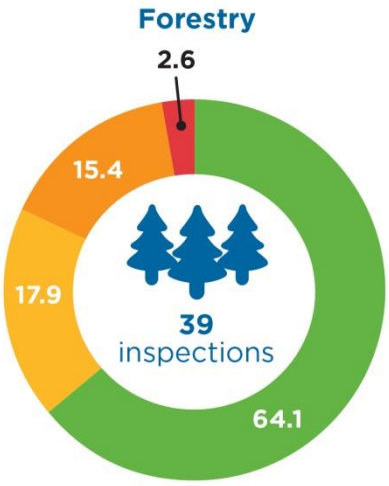
One quarry operator was fined $30,000 for discharging sediment contaminated water from a quarry, which was identified through a complaint received via the pollution hotline made by a member of the public.

Quarry Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
East Coast	1	1	0	0	0
Kaituna, Maketū and Pongakawa	3	3	0	0	0
Ōhiwa Harbour and Waiotahi	6	5	1	0	0
Rangitaiki	7	6	1	0	0
Rotorua Lakes	2	2	0	0	0
Tarawera	1	1	0	0	0
Tauranga Harbour	3	2	0	1	0
Whakatāne and Tauranga	14	13	0	1	0
TOTAL	**37**	**33**	**2**	**2**	**0**

Table 7: Quarry Inspection Results: 2017/2018 Monitoring Period

FORESTRY: ONO RAKAU

Forty percent of New Zealand's commercial forestry harvest is produced within the Bay of Plenty region, which consequently plays a significant role in the Bay of Plenty environment, with approximately 2,460 square kilometres (20%) of land being production forest. This is particularly visible in the Rangitāiki, Rotorua Lakes and Tarawera WMA's, where large areas of the Kaingaroa forestry plantations account for a significant portion of the land use cover.



It is essential that harvesting operations are well managed to minimise erosion and downstream effects. Poor tracking and slash management have the potential to permit large amounts of sediment-laden water and other debris to enter waterways.

The National Environmental Standards for Plantation Forestry (NES-PF) came into effect on 1 May 2018. The NES-PF objectives are to:

- Maintain or improve the environmental outcomes associated with plantation forestry activities; and
- Increase the efficiency and certainty of managing plantation forestry activities.

Councils previously managed the environmental effects of forestry activities through regional and district plans. The rules varied between and within regions which caused problems for the many forest owners who manage forests in two or more regions or have forests that overlap regional boundaries.

The NES-PF provides a consistent set of regulations for plantation forestry activities. It covers eight core plantation forestry activities, allowing these to be carried out as permitted activities, subject to conditions to manage potential effects on the environment. The activities require resource consent

where they cannot manage these effects (e.g. the site is at high risk of erosion and needs greater controls).

In addition to monitoring forestry activities around the Bay of Plenty, BOPRC compliance officers have also been heavily involved in assisting Gisborne District Council with investigations and monitoring of forestry within the Gisborne region, following the incidents in and around Tolaga Bay in June 2018.

RESULTS

Numbers of complying forestry sites remained fairly static during the 2017/2018 period. There was only one instance of significant non-compliance, which was down from four in the 2016/2017 period and 15 in the 2015/2016 period. The significant non-compliance resulted in a prosecution being commenced.

The main reasons for non-compliance in the 2017/2018 monitoring period related to maintenance of erosion and sediment controls and the management of slash material. Smaller operators who do not have the best reporting systems appear to be struggling to meet the 20 day notification requirement under the new NES-PF legislation. This has not been an issue for large, well-resourced, corporate owned operations.

Note: Bay of Plenty Regional Council does not monitor or regulate the health and safety aspects of forestry operations as this is managed by Worksafe NZ in cooperation with relevant industry bodies.

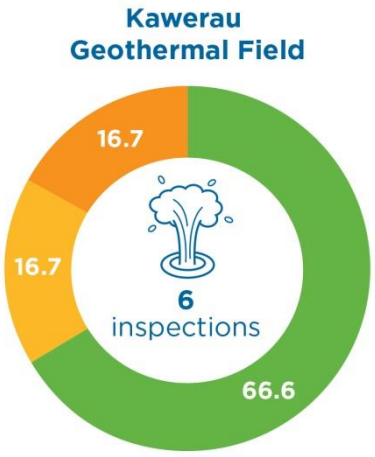
Forestry Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
East Coast	16	9	5	1	1
Kaituna, Maketū and Pongakawa	3	2	1	0	0
Ōhiwa Harbour and Waiotahi	3	3	0	0	0
Rangitāiki	2	2	0	0	0
Rotorua Lakes	4	0	0	4	0
Tarawera	3	2	1	0	0
Tauranga Harbour	2	2	0	0	0
Waioeka and Otara	4	3	0	1	0
Whakatāne and Tauranga	2	2	0	0	0
TOTAL	**39**	**25**	**7**	**6**	**1**

Table 8: Forestry Inspection Results: 2017/2018 Monitoring Period

GEOTHERMAL ABSTRACTIONS: TANGOHIA WAI NGAAWHAA

KAWERAU GEOTHERMAL FIELD

Geothermal electricity generation utilises the Kawerau Geothermal Field, which is a high temperature geothermal system concentrated under the town of Kawerau, on the banks of the Tarawera River.



The development of the field is carefully managed to ensure its long-term sustainability. Consent conditions generally relate to collecting daily information on the abstraction and reinjection volume and rates, and discharge quality.

The major users of this resource are all located in the township of Kawerau:

- Mighty River Power Ltd.
- Ngāti Tūwharetoa Geothermal Assets.
- Geothermal Developments Ltd.
- Te Ahi o Māui Partnership Ltd (TAOM).

In addition to the monitoring required through resource consents, there a number of dedicated geothermal and groundwater monitoring wells spread throughout the field which are used to monitor pressure, temperature and any changes in fluid chemistry within the field. Additional monitoring is conducted to identify any changes in geothermal vegetation, surface features, subsidence, and micro seismicity. Given the unique and highly specialised nature of the field, an independent peer review panel of experts qualified and experienced in geothermal resource monitoring, reservoir management and related environmental effects is required to review monitoring reports and advise BOPRC of any issues which may require further information.

Kawerau Geothermal Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Tarawera	6	4	1	1	0

Table 9: Kawerau Geothermal Inspection Results: 2017/2018 Monitoring Period

ROTORUA GEOTHERMAL FIELD

The Rotorua Geothermal Field covers about 12 km^2 beneath Rotorua City and the southern margin of Lake Rotorua.

The Rotorua Geothermal Field is a high temperature system mainly used for private and commercial use (spa resorts, hotels and hospital) rather than for large scale energy generation such as in Kawerau. The geothermal wells are relatively small and shallow with most about 80 – 120m deep. The use is typically small scale (50 to 200 tonnes/day), with temperatures ranging from 90°C to 200°C.

There are approximately 150 consented geothermal takes in Rotorua City and the majority of these consents are for production wells (abstraction and use of the fluid), with some

others for down hole heat exchangers where only the heat is abstracted from the resource.

Two thirds of the consented takes re-inject fluid back into the geothermal system through reinjection wells. Fluid used for bathing is not re-injected and is discharged to sewer.

Monitoring indicates that the geothermal reservoir is relatively stable at present, and water levels increase quickly following bore closure. This has meant that hydrothermal eruptions are less frequent and that many surface features have recovered, especially from 1992-1999. However, recovery is not equal across the system. Some are similar to what they were 100 years ago, while others are not fully recovered, and we do not know if they ever will.

Consent inspections generally focus on the flow and temperature readings, and require that wells are maintained to a standard that they can be:

- Tested and monitored (i.e. flow testing to show how much of the resource is being used, temperatures of the fluid being used), and
- Be controlled at all times to prevent uncontrolled discharges.

RESULTS

A total of 110 compliance audits were completed during the 2017/2018 period, compared with 75 from the previous year. This was because both well head safety audits and general compliance inspections were completed. There were no instances of significant non-compliance during this monitoring period.

The main reasons for the high numbers of low risk non-compliance in the 2017/2018 monitoring period were maintenance issues, such as labelling and unsafe wellheads. Consent holders with outstanding maintenance issues have been given timeframes to complete works. Failure to comply will be addressed jointly with RLC staff.

Rotorua Geothermal Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Rotorua Lakes	110	37	69	4	0

Table 10: Rotorua Geothermal Inspection Results: 2017/2018 Monitoring Period

FLOW TESTING TRIALS

As reported in the 2016/2017 report, BOPRC developed a pilot flow testing programme to determine the current actual (rather than consented) use of geothermal fluid and energy from the Rotorua Geothermal Field. This data is used in modelling to improve our understanding about how the resource is responding to use and how much can be allocated without damaging surface features.

The flow testing program is ongoing and if successful will be rolled out across all consented takes in Rotorua. We can then use the data to better inform our communities, planning, science, consents and compliance.

Since the program has been running (with a hiatus during spring and summer 2017/2018), we have carried out approximately 20 tests. These have allowed the consultant from Kiwi Geothermal to progressively adapt the flow loop system to a point now where we are obtaining telemetered data that is within 1 - 2% of the onsite output test over a relatively long period of time.

We are still having issues with some aspects of the system (batteries in data logger failing) and the meters needing regular maintenance due to the build-up of scale in the pipework. These issues need fine tuning, but the proof of the concept has essentially been achieved.

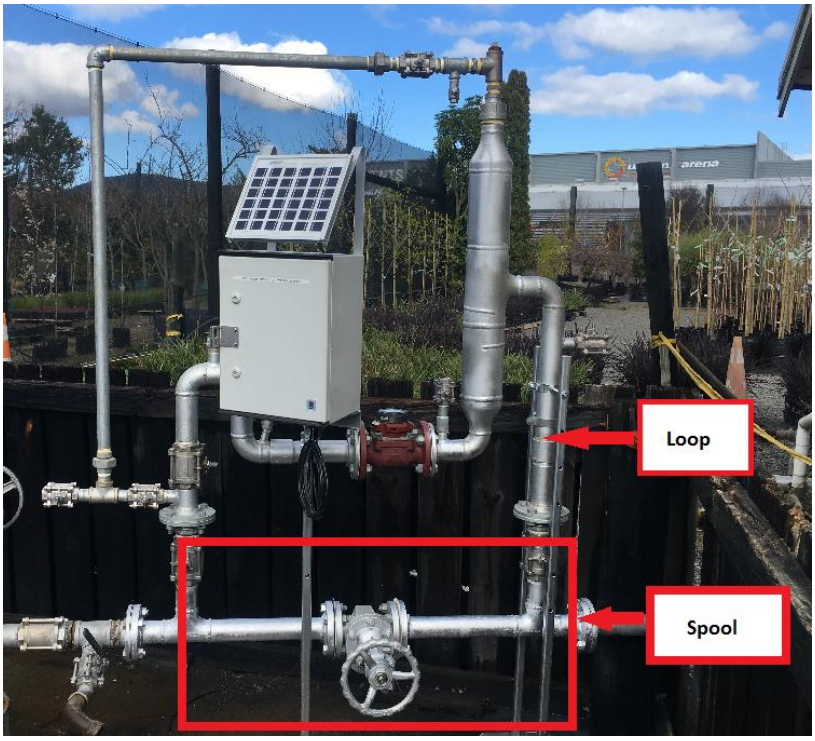


Figure 1: The Flow Loop system developed for flow testing on geothermal bores.

ONGOING ISSUES

CASING INTEGRITY

To date the project has focussed on wellheads, the highest risk part of a well. However, well casings should also be fit for purpose, as risks of geothermal casing failure in Rotorua include uncontrolled discharge of fluid affecting surface features and undermining infrastructure. Guidelines recommend that the casing of high pressure wells (about 36 in Rotorua) should be regularly checked, but a considered compliance process around casing testing has not yet been finalised. Issues include high costs of testing and casing replacements and the inability to test some casings due to original well design. Staff have been working with industry to trial a cost effective method of casing testing and are still seeking external advice on risks around casing failure in Rotorua, alternative methods of testing casing and a review of the existing best practice.

ABANDONED WELLS

There are over 900 abandoned wells in Rotorua, many of which have not been properly abandoned. Abandoned wells have been known to ‘reactivate’ on occasion. While this is primarily a RLC responsibility, BOPRC staff are working with RLC to ensure these are mapped where possible. We are also reviewing our consent SOPs to ensure that wells are properly abandoned prior to the surrender of consent.

UNCONSENTED TAKES

We expect that there may still be some unconsented takes within the Rotorua Geothermal Field, such as Ōhinemutu, and these have not been audited. Without records of these wells, it is difficult to address well maintenance issues, other than through education. We are currently working to identify options, as well as looking at how cultural takes are addressed regionally.

MAINTENANCE AUDITS

Considerable progress has been made mitigating potential risk from poorly maintained wells. Our technical experts also advise us that the most serious instances of poor maintenance have been rectified.

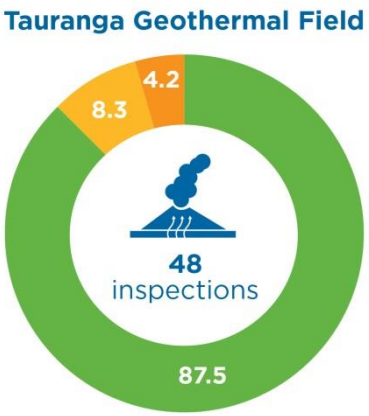
Since the project was initiated in 2015, almost all consented wells have now been audited for compliance against the WorkSafe Geothermal Well Maintenance. Follow up visits have been carried out for all sites, with some wells still non-compliant. Enforcement action may need to be pursued for some of these sites, jointly with RLC as per the joint SOP. Audits outside of the Rotorua system have also recently been completed by Kiwi Geothermal. These will require follow up.

Risks from poorly maintained wells or wells not built to standard include:

- Inability to control wells if they 'fail' or blow out,
- Discharge of poisonous gases (H_2S, CO_2),
- Inability to flow test wells (due to valve design, inability for downhole testing), and
- Inability to test casing (i.e. some casing is too small for standard downhole testing tools).

TAURANGA GEOTHERMAL FIELD

The Tauranga Geothermal System is a low-temperature geothermal system which runs from Bowentown to Maketū. Warm water drawn from the system is used for a range of domestic and commercial purposes, including, but not limited to, space and water heating, thermal pools, and horticultural irrigation and frost protection.



The impacts of abstraction on the geothermal system are still being investigated. Scientists require a longer monitoring period to help them accurately model and forecast to predict how long the Tauranga Geothermal System will last and/or confirm whether or not it is cooling.

Compliance inspections generally include an assessment of the maintenance of the bore head, head works and water meter. This involves running the bore for at least 30 minutes and checking for signs of leakage, checking the bore head is sealed to prevent direct contamination of the groundwater aquifer, water meter condition and presence of a tamper proof seal. Officers also check that the resource is being used for the purpose it was originally intended for.

RESULTS

Forty eight Tauranga geothermal abstractions were inspected in the 2017/2018 period where 87.5% of inspections were deemed to be compliant. Four low-risk non-compliances were identified, which were the result of taking in excess of the consented daily volume. No significant non-compliances were identified.

Tauranga Geothermal Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Tauranga Harbour and Kaituna	48	42	4	2	0

Table 11: Tauranga Geothermal Inspection Results: 2017/2018 Monitoring Period.

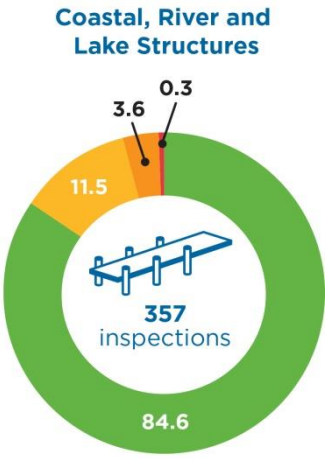
COASTAL, LAKE AND RIVER STRUCTURES: NGĀ WHAKATURANGA TAKUTAI, AWA, ME NGĀ ROTO

Structures include any permanent buildings or structures over or within coastal areas, rivers and lakes, which can include boat sheds, jetties, boat ramps, slipways, retaining and seawalls, and bridges.

The construction and maintenance of structures requires resource consent to minimise the impact of the structure on its surrounding environment, ensure that the structure is appropriately maintained and safe, uphold visual amenity, and protect important cultural aspects of our lakes, rivers and coastal margins. Structures are inspected at the time of installation, and on a 10-yearly basis thereafter.

RESULTS:

Compliance for consented structures across the region was again above average this year (85%), although down from 89% the previous year. An impressive 140 of the 146 inspected structures were found to be complying with consent conditions within the Tauranga Harbour WMA. There was one instance of significant non-compliance identified across all three structure types.



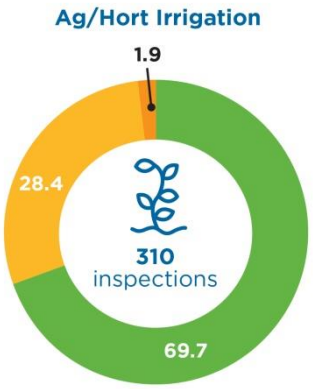
Extreme weather events over the last two years have caused an increase in erosion around the Rotorua Lakes and erosion protection has become a concern for both private property owners and the district council. Similarly, there is some discussion taking place at a national level as to whether coastal properties should be protected or whether nature should be allowed to take its course. This is also being considered in future planning by Councils regarding the location and relocation of infrastructure.

Coastal, River and Lake Structure Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
East Coast	13	9	4	0	0
Kaituna, Maketū and Pongakawa	26	20	3	2	1
Ōhiwa Harbour and Waiotahi	12	9	3	0	0
Rangitāiki	14	12	1	1	0
Rotorua Lakes	88	76	9	3	0
Tarawera	18	8	8	2	0
Tauranga Harbour	146	140	3	3	0
Waioeka and Otara	14	9	4	1	0
Whakatāne and Tauranga	26	19	6	1	0
TOTAL	**357**	**302**	**41**	**13**	**1**

Table 12: Coastal, River and Lake Structure Inspection Results: 2017/2018 Monitoring Period

WATER TAKE AND USE: TANGOHIA WAI MAORI

There are many different uses for water throughout the region, including water take and use for horticultural and pastoral irrigation, municipal supply, commercial and industrial abstractions, dust suppression and community supply.



Consents are required for the abstraction and use of water that does not meet permitted activity requirements, including all takes above 15 m^3/day for surface water takes, or 35 m^3/day for groundwater takes.

There are currently 1097 cold freshwater take consents with 1237 abstraction points sharing a total allocation of just over half a billion cubic meters of water. Currently, when we approve a cold freshwater take consent we require metered water use data to be reported at least monthly per abstraction point. However, this has not always been the case and there are old, current resource consents that still do not have those reporting requirements written in their consent conditions or directed by the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010 (the regulations only relate to takes greater than 5L/s).

Of the 1237 abstraction points, 849 are required to meter and report water use. Those points account for 93% of the current consented volume of water. Groundwater abstractions account for 103 million cubic meters of consented water abstraction per year (i.e. 18% of total metered volume), whereas surface water abstractions account for 462 million cubic meters of consented water abstraction per year (i.e. 82% of total metered volume).

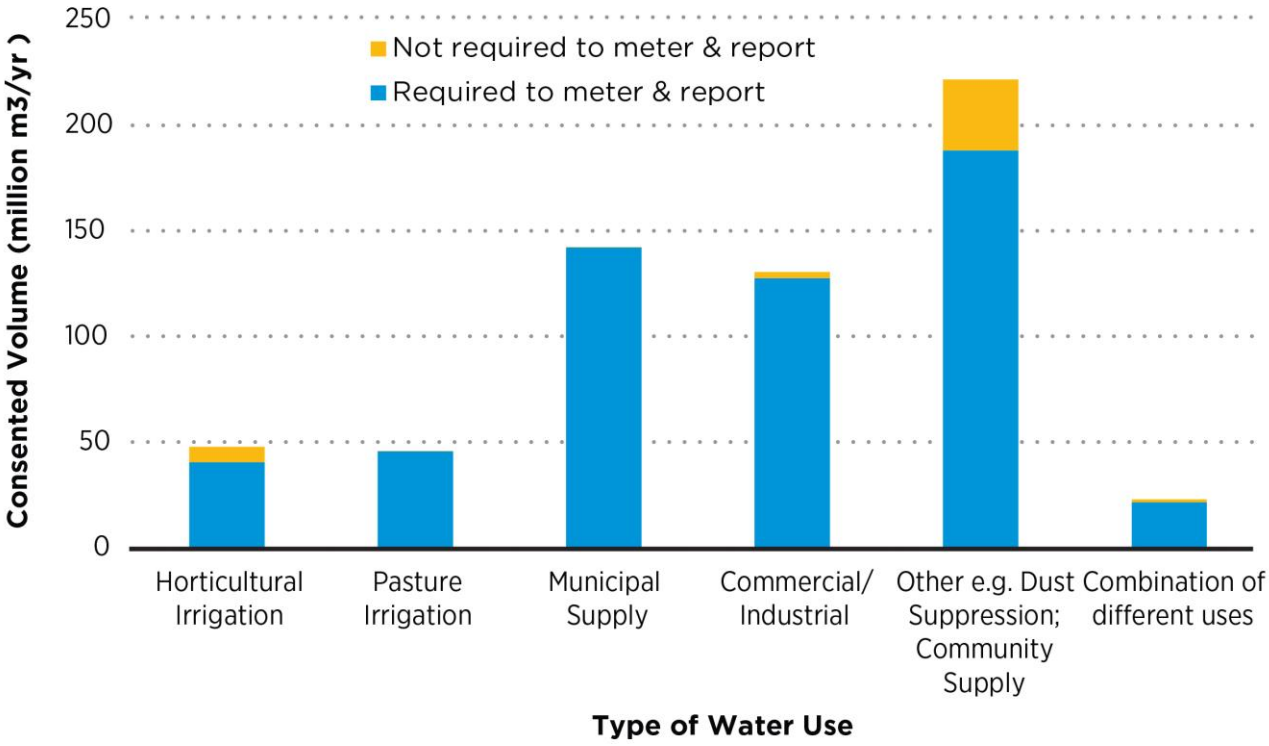


Figure 2:Types of water use, consented abstraction volume and the requirement to install a water meter and submit water use reports.

As of November 2018, 569 out of 600 (95%) water take consents, which have an abstraction rate of greater than 5 L/s, complied with the Resource Management (Measuring and Reporting of Water Takes) Regulations 2010. Water metering is a key method which BOPRC uses to obtain data on actual use.

Consent holders are realising that water is a valuable resource, not just as part of the property 'chattels', but also as part of a key component of their business. This is growing an attitude of not simply compliance, but also looking to improve efficiency to better utilise their valuable asset as a core part of their business.

COMPLIANCE MONITORING RESULTS

A total of 359 water use consents were monitored over the 2017/2018 period, which included 310 agricultural and horticultural related water takes. This was up from 75 inspections in the previous year. Compliance dropped to 70% from 83% in the previous monitoring period and the main reasons for non-compliance during on-site inspections included minor leaks and maintenance issues.

One abatement notice was issued for taking in excess of the consented daily volume. No infringement notices or prosecutions were commenced during this reporting period in relation to water takes.

Hort/Ag Abstraction Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Kaituna, Maketū and Pongakawa	113	88	25	0	0
Ōhiwa Harbour and Waiotahi	2	2	0	0	0
Rangitāiki	51	28	22	1	0
Tarawera	30	13	14	3	0
Tauranga Harbour	84	77	5	2	0
Waioeka and Otara	20	6	14	0	0
Whakatāne and Tauranga	10	2	8	0	0
TOTAL	**310**	**216**	**88**	**6**	**0**

Table 13: Hort/Ag Abstraction Inspection Results: 2017/2018 Monitoring Period

PERFORMANCE MONITORING RESULTS

For those 849 abstraction points required to meter and report water use, the metered water-use data is reported daily, monthly and/or annually. Throughout the 2017/2018 period, 4,452 water use related performance monitoring reports were received. Of those, 3,072 complied with both the reporting frequency and consented abstraction volume limits (69%), 1,370 were low risk non-compliant (31%), and 10 were moderate non-compliant. A total of 256 warning letters were sent out for non-submission of records, followed by 72 penalty fees, and 19 abatement notices.

PLAN CHANGE 9: REGION WIDE WATER QUANTITY PLAN CHANGE

Work has started with planning for the implementation of Plan Change 9 (region wide water quantity plan change), with discussion with industry groups to prepare their members for the possible requirements that will come with the plan change. This has included working with the dairy industry to encourage dairy farmers to know what water they are using on farm to improve efficiency, encourage best practice and know where they may fit with potential new rules in the plan change. It should be noted that dairy farmers who are already operating outside of the permitted activity limits are already required to obtain resource consent under current rules. However, PC9 provides a pathway for existing unauthorised takes to achieve compliance. PC9 also proposes additional metering requirements for both permitted and consent related water takes.

WATER USE DATA MANAGEMENT UPDATE

As of November 2016, under the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, all water takes of 5 L/s or more have been required to provide daily use data to BOPRC. As stated in the introduction above, these regulations have enabled us to obtain water use data from 99% of users covered by these regulations.

We have been able to use this increase in water use data to better respond to public requests for information and to inform Council decisions, such as plan changes. However, the collection and management of this data remains challenging. An issue is that although the uptake of digital logging and/or telemetry has increased, the majority of water use records are still submitted manually in hardcopy, which has a higher collective data-quality error than desired. These manual submissions also have to be manually entered into an electronic format, which poses its own problems.

BOPRC continues to work closely with industry groups to both communicate the legal requirements for water use data collection and to offer technical guidance. A review and upgrade of our electronic water use data system in planned to commence in September 2017, with the goal to increase the quantity and quality of the data received. The final upgrade and product may not be completed for another couple of years.

CONTAMINATED LAND: WHENUA TAAHAWAHAWA

Resource consents may be required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (known as the NES Soil). These consents, also known as NES Soil consents, are additional to other types of consent required for particular activities (e.g. earthworks) under the Resource Management Act 1991. The compliance statistics for this activity have been covered within the earthworks section of this report given the primary activity is earthworks.

The main reasons for non-compliance related to this activity are:

- Disposing of contaminated material at unauthorised and/or inappropriate facilities, and
- Not undertaking the works in accordance with the Remediation Action Plan and/or the Contaminated Site Management Plan.

No Hazardous Activities and Industries List (HAIL) projects took place during the 2017/2018 reporting period. However, extensive lists of learnings were taken from the HAIL project in 2016 which focussed on avocado and citrus orchards. These will be taking into consideration for any future HAIL related projects.

CASE STUDY #1: KOPEOPEO CANAL REMEDIATION PROJECT

Civil works on the Kopeopeo Canal Remediation Project (KCRP) were completed in May 2018 and dredging has been underway since January 2018. Compliance for the project is regularly monitored by the compliance officer and on a daily basis by the Independent Monitor. The Independent Monitor (IM) checks compliance against all relevant consent conditions. The IM's most recent reports (for July and August 2018) indicate compliance with all aspects of the consent requirements. These reports are available on the project website. Regular meetings are held between compliance officers and the project team to discuss relevant aspects of project compliance. The most recent meeting was held on 4 September 2018 to discuss turbidity and validation sampling reflected in a revised Environmental Monitoring and Validation Plan.

EMERGING ISSUE

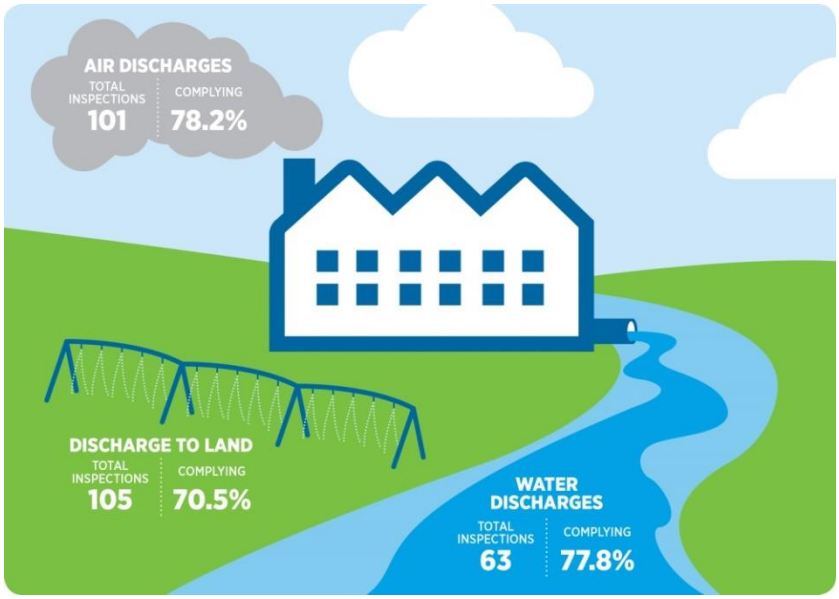
Asbestos is a naturally occurring material which was used in the past in a variety of products. However, potential health problems can occur if asbestos fibres become airborne. There have been instances of people inadvertently accepting or stockpiling asbestos containing material on their properties. These situations highlight the need for education and screening of incoming material and the importance of being able to recognise potentially contaminated material.

INDUSTRIAL DISCHARGES

Discharges associated with industrial activities have the potential to cause significant impacts to both the environment and human health. Given the majority of industrial activities are undertaken within urban industrial precincts, the cumulative impacts of industrial discharges can be particularly significant.

Industrial discharge consents are split into three categories based on the scale of the activity and the associated risk to the environment and human health. Major and medium sized industrial discharge sites are inspected at least annually, whereas smaller industrial air discharges are inspected at least every three years.

In addition to compliance inspections from BOPRC, industrial discharge consents also tend to include a significant requirement for self-monitoring and reporting. As such, the management and review of performance monitoring relating to industrial sites is critical.



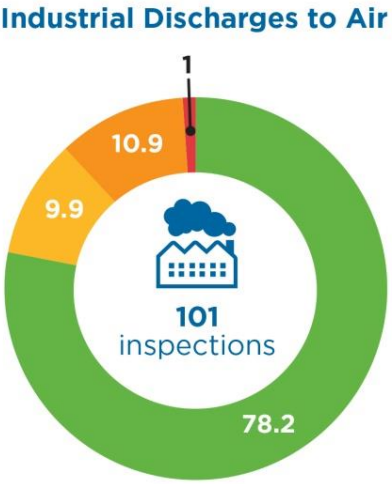
Given the significant risks associated with major industrial sites, there is a higher expectation of internal auditing and self-reporting, and BOPRC compliance officers work closely with the consent holders to monitor compliance throughout the year.

A total of 269 industrial discharge related inspections were completed over this reporting period, up from 151

last year, and the next three sections break down industrial discharges into air, land and water and discuss their respective results and associated case studies.

INDUSTRIAL DISCHARGES – AIR: PARA AHUMAHI KI TE ANGI

Major risk sites have a wide range of chemical processes occurring on-site with a higher risk of producing off-site effects. As well as regular site visits, they require very frequent review of performance monitoring returns and technical reports throughout the year. Medium industrial air discharge sites include the likes of rendering plants, asphalt and bitumen manufacturing plants, and large boiler plants. These activities generally include a range of chemical processes on-site and have a moderate risk of producing off-site effects if not managed properly. Minor industrial air discharges generally consist of sandblasters, spray painters and small incinerator plants. These activities are considered to have minor environmental impacts and are often also audited by other external agencies, such as WorkSafe NZ and Territorial Authorities.



RESULTS

A total of 101 inspections on industrial sites with discharges to air were completed during this monitoring period resulting in 78% of sites being compliant, 10% low risk non-compliant, 11% moderate non-compliant and 1% significant non-compliant. Sixty-five percent of the completed compliance inspections relating to industrial discharges to air were located within the Tauranga Harbour Catchment.

The main reasons for non-compliance with industrial sites with air discharges were lack of maintenance and human error and/or negligence which resulted in mechanical or plant failures.

Industrial Discharges (Air) Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Kaituna, Maketū and Pongakawa	10	6	4	0	0
Rangitāiki	7	5	1	1	0
Region Wide	3	2	1	0	0
Rotorua Lakes	8	7	1	0	0
Tarawera	6	5	1	0	0
Tauranga Harbour	66	53	2	10	1
Whakatāne and Tauranga	1	1	0	0	0
TOTAL	**101**	**79**	**10**	**11**	**1**

Table 14: Industrial Discharges (Air) Results: 2017/2018 Monitoring Period

CASE STUDY #1: METHYL BROMIDE USE FOR FUMIGATION

Methyl bromide is an odourless, broad spectrum, fumigant used internationally and in New Zealand for quarantine use. Genera is currently the only operator fumigating on the Port of Tauranga.

Genera continue to put significant research and development into developing new recapture technology to enable them to meet their recapture targets for both container and log stack fumigations. Genera now have a new commercial premise in Mount Maunganui dedicated specifically to the ongoing development and manufacturing of methyl bromide recapture equipment. For the months of June and July 2018 Genera achieved 100% recapture on shipping containers and the current 20% recapture target for log and timber fumigations. However, this target increases to 60% recapture on 31 October 2018 which will be challenging due to significant volume increase and logistical challenges associated with working on the Port of Tauranga.

September to May is the busy season for fumigation which also attracts tighter load times and consequently places additional pressure on Genera. The number of ships fumigated with methyl bromide at the Port of Tauranga continues to decrease with more ships being fumigated with phosphine in transit where the market allows. Work is also underway to explore alternative fumigants, such as ethanedinitrile (EDN), which may be a potential substitute for methyl bromide in the future.

CASE STUDY #2: BALLANCE AGRI-NUTRIENTS

Following some challenges with air quality in the Mount Maunganui industrial area, Ballance chose to reduce its contribution to the overall emissions in the area. By design, their sulphuric acid plant emits SO2 which has not been converted into sulphuric acid. Their historic operating range was approximately 650 ppm, which is below the consented level of 800 ppm. Ballance have invested significant amounts of capital and radically changed the way they operate to ensure the NES is now achieved at all times.

A new technology catalyst was installed during a major maintenance outage in July 2016, resulting in greater conversion efficiency. Ballance also chose to operate the plant at reduced production rates during this time, further dropping the emissions. Following this work, their discharge was reduced to 30% of their normal operating emissions. As part of their long-term project, they are also replacing their converter due to the current plant being life expended. The $8.3M vessel has now been completely installed and since the plant restarted in mid-August, the emissions have again reduced to approximately 23% of their historic levels. Their production rates have improved drastically, which has meant a win-win for all parties involved.

CASE STUDY #5: PUKEPINE SAWMILLS

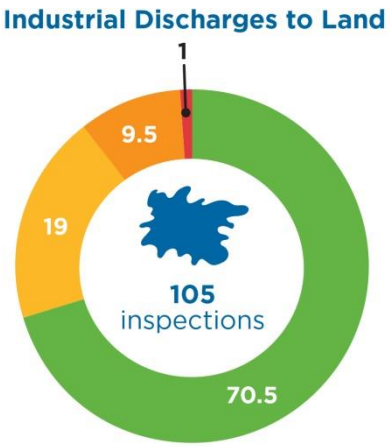
Pukepine sawmill and timber processing plant is centrally located in Te Puke. There is a 4MW wood waste fired boiler onsite which discharges combustion gases and particulate matter to air. This activity is discretionary and for that reason Pukepine hold resource consent with the Council that places limits on the discharge, including a condition stating that the discharge shall not exceed 20% obscuration.

From 2009-2017 Council received a number of complaints concerning black smoke from the boiler stack. Some of these complaints were photographed and substantiated. An abatement notice was issued in December 2017 as a result of Pukepine not operating the opacity meter in a manner to accurately record the obscuration level. In response to the abatement notice Pukepine found an engineering solution to relocate the opacity meter. Pukepine are now collecting accurate data on the stack discharge which has given them good baseline data to make management decisions around the way the boiler is operated. Following this action there has been a significant visual improvement in the stack discharge and a significant reduction in the number of complaints in relation to the discharge.

INDUSTRIAL DISCHARGES – LAND: PARA AHUMAHI KI TE WHENUA

Major risk sites have a significant risk of producing individual and cumulative impacts and often require compliance officers with specific technical knowledge to carry out the monitoring. These sites have a substantial impact on resources, often involve a substantial range of contaminants, and have the potential to alter habitats and impact on ecosystems.

Medium risk sites generally have a regular discharge, which include a range of contaminants at moderate to high concentrations. There is often a noticeable effect on the resources used and other surrounding activities. Minor risk sites are considered to have minor environmental impacts given the discharge volumes are small and often intermittent, there is a small range of contaminants which are discharged at low concentrations.



RESULTS

A total of 105 inspections of industrial sites with discharges to land were completed during this monitoring period resulting in 70.5% of sites being compliant, 19% low risk non-compliant, 9.5% moderate non-compliant and 1% significant non-compliance. These results took a downward turn from the 2016/2017 year with 78.6% of inspections complying and no cases of significant non-compliance being observed.

The main reasons for non-compliance were failing to maintain access to sampling points, lack of maintenance and infrastructure being constructed differently than the designs submitted with the plans.

Industrial Discharges (Land) Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
East Coast	1	1	0	0	0
Kaituna, Maketū and Pongakawa	18	14	2	2	0
Rangitāiki	21	11	6	4	0
Rotorua Lakes	12	9	3	0	0
Tarawera	10	6	3	1	0
Tauranga Harbour	35	27	4	3	1
Waioeka and Otara	5	3	2	0	0
Whakatāne and Tauranga	3	3	0	0	0
TOTAL	**105**	**74**	**20**	**10**	**1**

Table 15: Industrial Discharges (Land) Results: 2017/2018 Monitoring Period

INDUSTRIAL DISCHARGES – WATER: PARA AHUMAHI KI TE WAI

Similar to industrial sites with discharges to land and air, major industrial sites with discharges to water also involve a substantial range of contaminants and have the potential to alter habitats and impact on ecosystems. There is often a high impact on receiving waters, which require ongoing monitoring. As well as regular site visits, they require very frequent review of performance monitoring returns and technical reports throughout the year.

Medium risk sites generally have a regular discharge, which include a range of contaminants at moderate to high concentrations. There is often a noticeable effect on the receiving waters. Minor risk sites are often considered to have negligible to minor individual environmental impacts given the discharge volumes are small and often intermittent. Discharges may contain a small range of contaminants which are discharged at low concentrations. Receiving waters are generally monitored to assess cumulative impacts.

RESULTS

A total of 63 inspections of industrial sites with discharges to water were completed during this monitoring period, resulting in 78% of sites being compliant, 13% low risk non-compliant, 8% moderate non-compliant and 1% deemed to be significant non-compliant.

The main reasons for non-compliance with industrial discharges to water were unauthorised and accidental discharges of contaminants to land which then entered water.

Industrial Discharges (Water) Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Kaituna, Maketū and Pongakawa	7	5	1	1	0
Ōhiwa Harbour and Waiotahi	2	2	0	0	0
Rangitāiki	10	8	0	1	1
Rotorua Lakes	13	8	2	3	0
Tarawera	4	4	0	0	0
Tauranga Harbour	23	20	3	0	0
Whakatāne and Tauranga	4	2	2	0	0
TOTAL	**63**	**49**	**8**	**5**	**1**

Table 16: Industrial Discharges (Water) Results: 2017/2018 Monitoring Period

CASE STUDY #1: INDUSTRIAL POLLUTION PREVENTION PROGRAMME (IP3) AUDITS, SULPHUR POINT, JUDEA AND GREERTON

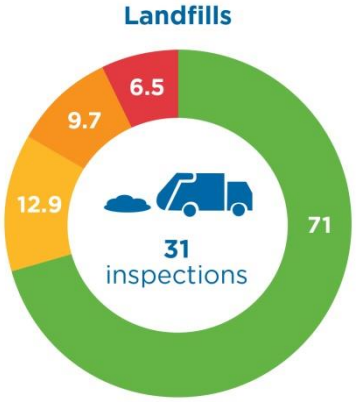
Over 80 individual businesses in Judea and Greerton industrial zones were audited in conjunction with Tauranga City Council in January 2018. Four businesses were found to be carrying out practices which placed them at high risk of discharging contaminants to stormwater and/or air. These businesses have been asked to take immediate remedial steps to change their practices or site set up to prevent the potential for discharges.

WASTE MANAGEMENT: WHAKAHAERE PARA

Regional councils do not have specific obligations under the Waste Minimisation Act, but have chosen to develop regional strategies in collaboration with territorial authorities, industry and communities to achieve shared waste minimisation objectives. However, under the Resource Management Act regional councils are required to regulate environmental effects that waste disposal facilities and landfills have on their immediate and surrounding environment. This is done by granting and monitoring compliance with resource consents. The following section introduces and displays the compliance monitoring results for the region's transfer stations and landfills.

LANDFILLS

There are currently eight open consented landfills and 12 closed landfills spread throughout the region, which includes one municipal landfill owned and operated by Rotorua Lakes Council. Given the Rotorua landfill does not accept municipal waste outside of the Rotorua District, the remaining district councils in the region have to transport their waste to the Tirohia and Hampton Downs landfills in the Waikato region.



Landfills go by many different names, such as farm dumps, cleanfills, monofills (accept a small number of industrial by-products), construction and demolition fills, B-class landfills and non-municipal landfills.

The majority of inspections were completed on closed landfills where monitoring is based on any ongoing effects of the presence of the landfill on its immediate and surrounding environment (e.g. odorous gases and presence of leachate).

RESULTS

Compliance with landfills was below average again this year (71%), although up from 69% the year before. One concerning result was the two significant non-compliance results, which came from the only municipal landfill in the region. The main reason for non-compliance, relating to landfill activities, was elevated levels of contaminants in the stormwater discharge, such as chloride and ammonia and some local authorities choosing to accept unauthorised waste material onto their sites.

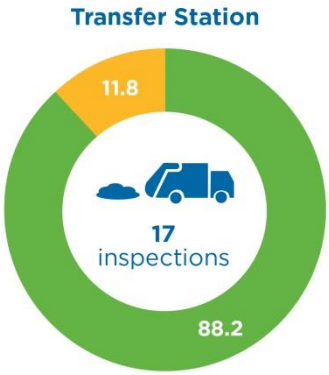
Landfill Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Rangitaiki	1	0	0	1	0
Rotorua Lakes	5	1	0	2	2
Tarawera	4	4	0	0	0
Tauranga Harbour	17	16	1	0	0
Waioeka and Otara	3	1	2	0	0
Whakatāne and Tauranga	1	0	1	0	0
TOTAL	**31**	**22**	**4**	**3**	**2**

Table 17: Landfill Inspection Results: 2017/2018 Monitoring Period

TRANSFER STATIONS

There are currently eight consented and active transfer stations spread around the region which are managed by district councils.

Compliance monitoring inspections generally involve assessing for dust and odour nuisances beyond the site boundary, ensuring the site is clean, tidy and managed, maintained and operated in accordance with consent conditions.



RESULTS

Fifteen of the 17 compliance inspections completed on transfer stations were compliant, with two inspections resulting in significant non-compliance. Significant non-compliance resulted from accepting unauthorised waste material and the discharge of offensive and/or objectionable odours beyond the property boundary.

Transfer Station Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Rotorua Lakes	3	3	0	0	0
Tarawera	2	1	0	0	1
Tauranga Harbour	11	10	0	0	1
Whakatāne and Tauranga	1	1	0	0	0
TOTAL	**17**	**15**	**0**	**0**	**2**

Table 18: Transfer Station Inspection Results: 2017/2018 Monitoring Period

CASE STUDY (IF NEEDED)

Tauranga City Council and Envirowaste, who operate out of the Te Maunga transfer station, have recently confirmed a $300,000 investment into upgrading their stormwater treatment system towards a “green design”. The upgrade aims to improve stormwater quality discharging to the Tauranga Harbour. The investment comes after an abatement notice being served on Envirowaste for breaching consented discharge limits.

MUNICIPAL WASTEWATER

There are currently 31 resource consents associated with the 16 municipal Wastewater Treatment Plants (WWTPs) in the Bay of Plenty region. They are all run by a district council, with the exception of the Kāingaroa Forest Village, which is operated by the local village trust.

A number of the region's WWTPs are based on oxidation pond designs, and have been modified over the years to allow for growing populations and changing attitudes towards environmental impacts. Advanced technology is used within the newer plants to produce better quality treated effluent within a smaller footprint.

Treated wastewater contains elevated levels of nutrients and bacteria, which have the potential to cause impacts to the environment and human health. Cultural impacts are also critical when considering the disposal of treated wastewater from a municipal plant.

RESULTS

Inspections results throughout the 2017/2018 reporting period were high, with almost 92% of sites inspected receiving a complying rating. There were no moderate or significant non-compliance identified from on-site consented, compliance monitoring. Ōpōtiki District Council, WBOP District Council and Whakatāne District Council retained a 100% compliance rating with regard to on-site, consented, compliance monitoring.

Municipal Wastewater Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Kawerau District Council	0	0	0	0	0
Ōpōtiki District Council	2	2	0	0	0
Rotorua District Council	0	0	0	0	0
Tauranga City Council	8	7	1	0	0
WBOP District Council	1	1	0	0	0
Whakatāne District Council	1	1	0	0	0
TOTAL	**12**	**11**	**1**	**0**	**0**

Table 19: Municipal Wastewater Inspection Results: 2017/2018 Monitoring Period

District councils are required to sample and record a range of parameters to monitor the effectiveness of wastewater treatment, and the potential impacts on the environment, and provide this data to BOPRC as performance monitoring returns. This data is monitored throughout the year to better understand the overall compliance of the activity.

A high level summary of the results of this monitoring is provided in Table 20

Table 20: Results of effluent quality monitoring for wastewater treatment plants in 2017/2018 monitoring period, below.

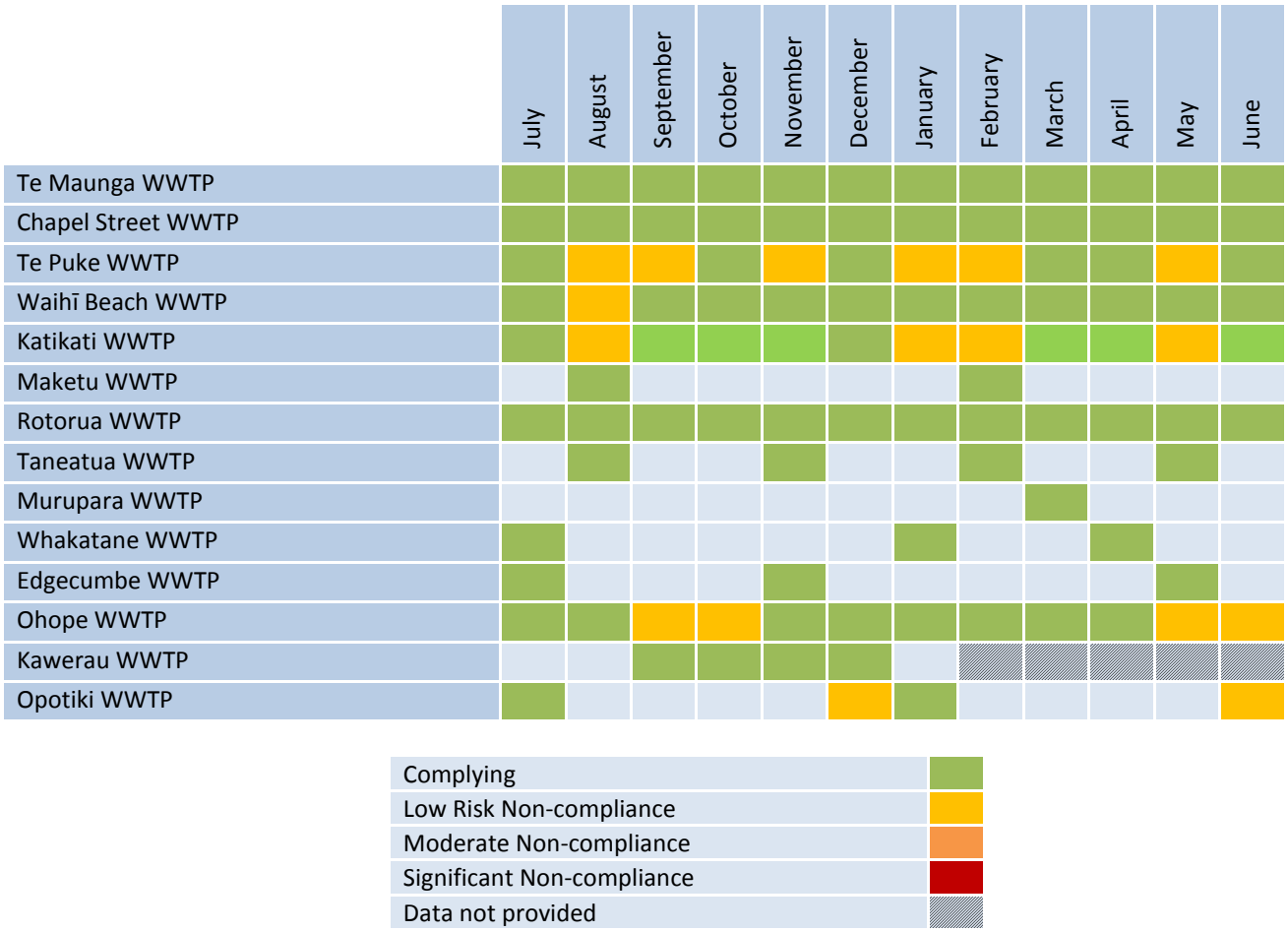


Table 20: Results of effluent quality monitoring for wastewater treatment plants in 2017/2018 monitoring period

MUNICIPAL DRINKING WATER

There are currently 54 consented municipal water supply schemes in the Bay of Plenty. The majority of these schemes are run by District Councils.

Like the horticultural and agricultural water take and use consents, consents are also required for the municipal abstraction and use of water that does not meet permitted activity requirements, including all takes above 15 m^3/day for surface water takes, or 35 m^3/day for groundwater takes.

These consents allow BOPRC to monitor the amount of demand being placed on the resource, and ensure water

resources are not over allocated. Prior to granting consent, BOPRC ensures that minimum water levels will be maintained following the granting of consent to prevent adverse social, cultural and environmental effects.

BOPRC does not control or monitor the quality of water abstracted for municipal supply, as this is administered by the Department of Health. However, in most cases compliance inspections do involve checking bore heads are sealed to prevent groundwater contamination from the surface.

Municipal abstractions are inspected once every five years. Ongoing compliance is largely monitored by auditing the water abstraction records submitted by the consent holders.

RESULTS

During the 2017/2018 reporting period, there were 16 inspections on municipal water supply schemes, with 15 deemed to be operating in compliance. Both Rotorua District Council and WBOP District Council retained a 100% compliance rating for the reporting period with regard to on-site, consented, compliance monitoring.

Municipal Drinking Water Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Kawerau District Council	0	0	0	0	0
Ōpōtiki District Council	0	0	0	0	0
Rotorua District Council	6	6	0	0	0
Tauranga City Council	3	2	1	0	0
WBOP District Council	7	7	0	0	0
Whakatāne District Council	0	0	0	0	0
TOTAL	**16**	**15**	**1**	**0**	**0**

Table 21: Municipal Drinking Water Inspection Results: 2017/2018 Monitoring Period

HAVELOCK NORTH DRINKING WATER INQUIRY

BOPRC is currently collaborating with all Bay of Plenty Territorial Local Authorities (TLAs) and Toi Te Ora on a risk assessment of drinking-water safety in the region. This includes a review of our policies and procedures in general, and a detailed risk analysis of each municipal point of take and its catchment.

The treatment of municipal drinking-water at the supply end is controlled by the TLA and administered by the Department of Health. BOPRC is responsible for: ensuring the effects of activities on drinking water sources are considered in decisions on resource consents and regional plans; monitoring the state of the environment; and monitoring compliance with resource consents.

Compliance inspections involve checking resource consent conditions and/or the WTR. There is a minimum five yearly inspection frequency of all types of water take consents, with some being at a three yearly frequency. The five yearly frequencies generally apply to drinking water schemes as they often fall under the WTR for meter verification and volume records, which are deemed to be good indicators of compliance.

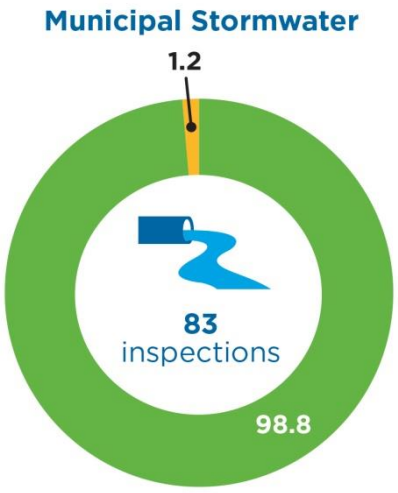
If a drinking water source has been identified as at risk due to: poor compliance with its resource consent conditions; the potential impact of another consented or permitted activity which is not in compliance; or an environmental incident or complaint about an activity that may have a potential impact, we would carry out a follow up investigation and/or notify the resource consent holder depending on the nature of the risk.

MUNICIPAL STORMWATER: WAI MANGA

Stormwater runoff from developed land can contain a number of contaminants; particularly in urban or industrial areas with a large amount of impervious surfaces.

To better manage the stormwater discharge network in urban areas, district councils require resource consent. In some instances, this can be a comprehensive stormwater consent which includes an entire catchment, and may also include managing all third party discharges into the network. However, an urban area may include a number of resource consents for individual discharge points, and significant third party discharges (such as industrial sites) all require a specific consent.

Due to the complexity and risks associated with these discharges, stormwater compliance is one of the main focuses under the new regulatory compliance structure.



RESULTS

Only two of the 83 stormwater inspections were found to be non-compliant during the 2017/2018 reporting period. This compares to 67% of inspections complying during the previous year. Rotorua District Council, WBOP District Council and Whakatāne District Council all retained a 100% compliance rating for the reporting period with regard to on-site, consented, compliance monitoring.

Municipal Stormwater Inspection Results: 2017/2018 Monitoring Period	Total Inspections	Complying	Low Risk NC	Moderate Risk NC	Significant NC
Kawerau District Council	0	0	0	0	0
Ōpōtiki District Council	0	0	0	0	0
Rotorua District Council	6	6	0	0	0
Tauranga City Council	26	25	1	0	0
WBOP District Council	46	46	0	0	0
Whakatāne District Council	5	5	0	0	0
TOTAL	**83**	**82**	**1**	**0**	**0**

Table 22: Municipal Stormwater Inspection Results: 2017/2018 Monitoring Period

CASE STUDY: COMPREHENSIVE STORMWATER CONSENTS

Western Bay of Plenty District Council have lodged three applications for comprehensive stormwater consents in three zones within the Western Bay of Plenty. These include the western (Waihī Beach/Katikati), central (Te Puna-Minden), and eastern (Te Puke, Maketū, Paengaroa) catchment areas. Currently the Waihī Beach/Katikati application is awaiting a hearing to hear submissions while the other two are on hold while further information is sought.

EMERGING TRENDS

Several Tauranga City Council (TCC) officers have been provided with renewed Resource Management Act warrants by BOPRC. This will allow the continuation of more officers being on the ground to attend to discharges to the stormwater network.

SERVICE REQUESTS: NGĀ KOOAMUAMU

BOPRC provides a pollution hotline service, with a 24 hour response service. We continue to experience year on year increases in the number of calls we receive. Throughout the 2017/2018 reporting period, we received 2,834 service requests (complaints), which is the most service requests we have ever received for any 12 month period, and marks a 4% increase on the 2016/2017 reporting period. During this reporting period we received eight service requests a day on average which was up from an average of seven in the 2016/2017 period.

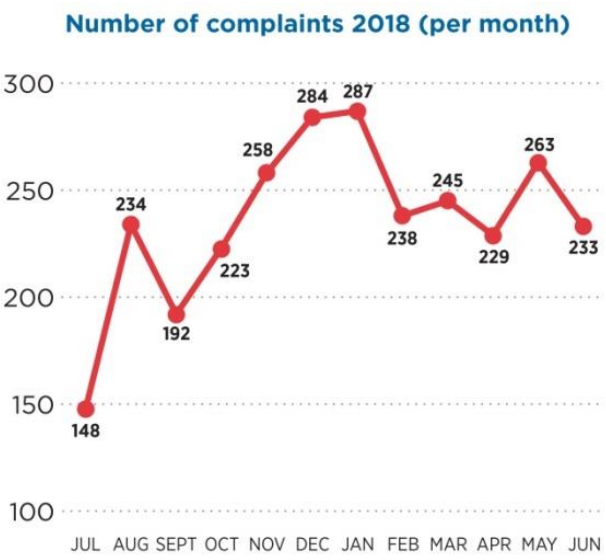
The busiest month for 2017/2018 was January, where we received 287 service requests. This is the highest number of service requests ever received by BOPRC in a single month. The busiest single day over this reporting period was 19 October 2017 with 28 service requests called into the pollution hotline.

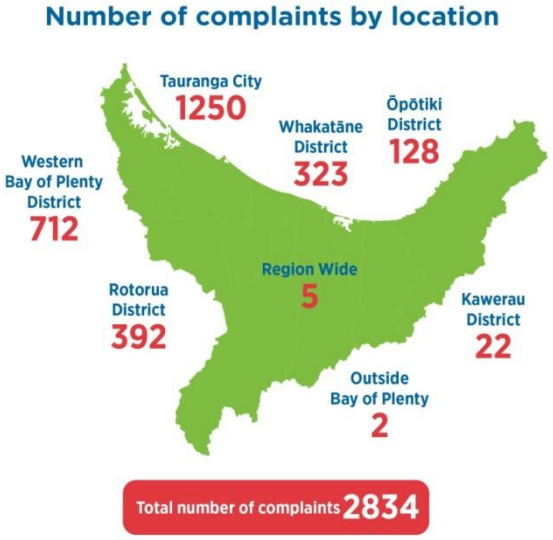
Service requests are received throughout the year, with only six days during the 12 month period where no service requests were received. Summer is generally the busiest period for the year, which is to be expected given the more likely presence of dust, and more people enjoying the outdoors.

Service requests were spread throughout the region, with only 2 complaints coming from outside of our region compared with 16 last year. The Tauranga City area received the vast majority of complaints (44%), which was distantly followed by Western Bay of Plenty District (25%), Rotorua Lakes District (14%), Whakatāne District (11%), Ōpōtiki District (5%) and Kawerau District (1%).

The majority of service requests remain linked to air quality (57%), particularly smoke (22%) and odour (20%). These complaints were distantly followed by discharges to water (11%), discharges to land (7%) and land and soil disturbance (6%).

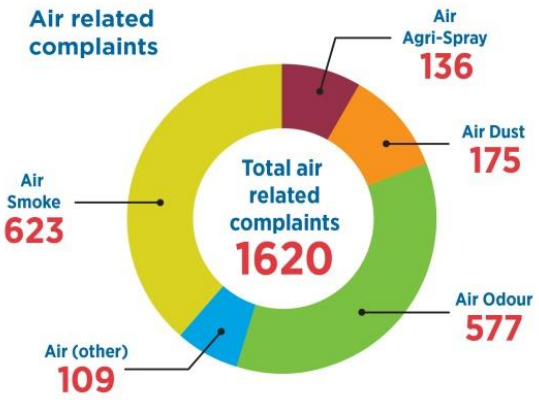
A total of 26 urgent service requests were received and all of these were responded to within 12 hours from the time of the initial complaint. Of the 2,808 non-urgent service requests received, 2,755 (98%) were responded to within three working days of receiving the initial





complaint. We responded to 2191 complaints the same day of receipt.

To assess customer satisfaction the team completes a phone survey of those customers whose complaints were able to be substantiated. Customers are asked if they were satisfied with the level of service and response provided by the officer on the day they phoned the pollution hotline. We received 89% positive feedback from our customers during the 2017/2018 year, down from 90% the previous year.



INSIGHTS

While there are still a few deliberate actions, most incidents are the result of people failing to make the appropriate enquiries, turning a blind eye when setting up an activity, or just failing to consider what effects their activity might have on their neighbours. A lot of Council's interventions could be avoided if people made an effort to have better neighbourly relationships.

Work continues to be done to identify annual trends in the types of complaints being received. This work will enable our staff to better focus their workloads, provide timely education and advice to community groups, and work in a more proactive space rather than being reactive focussed.

INVESTIGATIONS AND ENFORCEMENT: URUHITANGA ME NGĀ RAPUNGA

BOPRC considers any serious non-compliance matters through an Enforcement Decision Group (EDG). The EDG are made up of senior staff within the Regulatory Compliance Team and is designed to provide a robust assessment of each case. Not all cases taken to the EDG level result in a recommendation to proceed with prosecution; many result in other forms of enforcement, such as issuing formal warnings and/or notices.

ABATEMENT AND INFRINGEMENT NOTICES:

Abatement and infringement notices are formal enforcement tools under the RMA for dealing with non-compliances.

Abatement notices are formal instructions, which may be a direction to either cease doing something, take action to address an environmental effect, or to comply with consent conditions.

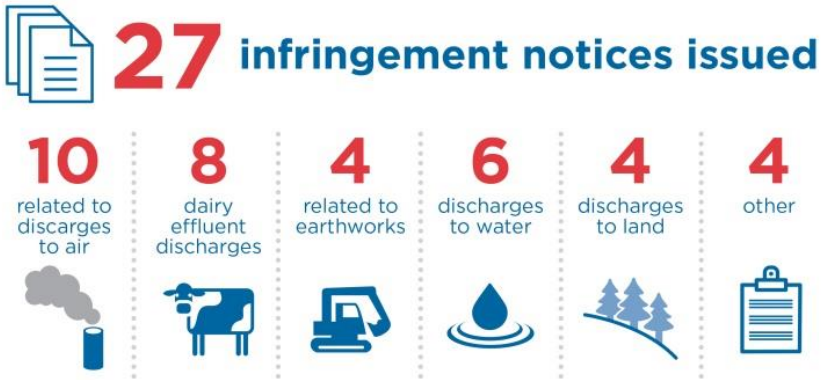
Infringement notices are issued for serious non-compliance offences which do not warrant further action, such as prosecution. The fines are set by the Government and range from $300-$1,000, depending on the offence.

Throughout the 2017/2018 year, 90 abatement notices were issued, which is 16 more than the 2016/2017 period. The majority of abatements (28%) related to discharges to land (including dairy effluent discharges), which was followed by failing to supply water records (21%) and industrial discharges to air (11%) and land (11%). Fifty-

eight abatement notices were in relation to breaches of resource consent, while 32 were generated from complaint response and investigation.

Thirty-seven abatement notices were issued within the WBOP District (41%), followed closely by Tauranga City (29) and distantly by the Rotorua Lakes (10) and Whakatāne Districts (8).

Twenty-seven infringement notices were issued during the year, which is five more than the previous year, and council has received $20,550 in fines as a result. Eleven of these were linked to the breach of an abatement notice, 17 were consent related and 10 were generated as a result of complaint response and investigation.



The majority of infringements related to dairy effluent discharges (30%), followed by discharges to water (22%), earthworks activities (15%), industrial discharges to air (15%) and forestry (11%).

Where the decision was made not to take a prosecution the cases have resulted in a mixture of formal warnings, abatement notices and infringement notices or a combination of them.

The team have undertaken in-depth investigations of an additional 20 cases where enforcement action other than prosecutions was taken. These cases were varied and covered such offences as dairy farm discharges, industrial discharges, and earthworks and land use related offences.

ONGOING INVESTIGATIONS AND PROSECUTIONS

Prosecutions are generally reserved for more serious offences where significant environmental effects have occurred, or where there has been repeated serious non-compliance. The maximum penalties under the RMA are up to two years imprisonment and up to $300,000 fine for individuals or up to $600,000 for a company.

At the time of writing, the team are continuing to investigate a three potential offences, and have 9 prosecutions before the Courts for matters relating to incidents in the 2017/2018 period. The issues currently before the Courts include:

1. A discharge approximately 150 litres of hydraulic oil at the Sulphur Point area of the Port of Tauranga in September 2017. The spilled oil flowed into a nearby stormwater catch pit and then into the Tauranga Harbour;

2. Two separate matters relating to the discharge of sediment contaminated stormwater to watercourses;

3. Five separate matters relating to the discharge of dairy effluent to lander where it may have entered, or did enter, a water course in a manner which was not allowed through resource consent; and

4. The discharge of contaminated stormwater from a landfill to land where it may have entered water.

PROSECUTIONS FINALISED AND SENTENCING COMPLETED

Ten prosecution matters were sentenced during the 2017/2018 reporting period which resulted in fines totalling $414,976 as opposed to six prosecution matters in the 2016/2017 period which resulted in fines totalling $176,925:

1. **TNN Holdings Limited** was fined $30,375 for discharging dairy effluent at a farm at State Highway 38, Rotorua where effluent from a malfunctioning rain gun irrigator ponded and then flowed through a swale into the Haumi Stream which flows into Lake Rotomahana (sentenced August 2018).

2. **G & J Vercoe Contracting Limited** was fined $22,500 for carrying out earthworks at a rural property in Waewaetutuki Road, Maketū in breach of the Regional Rules (sentenced July 2018).

3. **Trustees of the Tirohanga Whānau Trust** were fined $32,000 for discharging dairy effluent at a farm at Tirohanga Road, Matakana Island where effluent from a travelling irrigator, that had not been moved for some time, ponded and then flowed overland approximately 130 metres to a stream which flows to the Tauranga Harbour (sentenced July 2018).

4. **Katikati Quarries (2001) Limited** was fined $30,000 for discharging sediment contaminated water from a quarry. The contaminant flowed from a channel that had been cut in the perimeter bund of the upper quarry pit and into an unnamed tributary of the Uretara Stream. (sentenced July 2018).

5. **Alan and Angela Merrie, and Jonathon Spencer** were fined $28,500, $28,500 and $21,000 respectively for breaching two Abatement Notices where they did not remove a large amount of tyres from two locations in Kawerau and Waihi Beach. The company was named Ecoversion which specialised in the transport and storage of tyres in the North Island (sentenced March 2018).

6. **Amandeep Singh** was fined $40,000 for significant non-compliance with resource consent conditions resulting in extensive erosion and discharges of sediment to a tributary of the Kopurererua Stream over several weeks (sentenced July 2018).

7. **G & J Vercoe Contracting Limited** was fined $30,000 for carrying out earthworks at a kiwifruit orchard at Gridley Road, Te Puke without the necessary resource consent on two occasions (sentenced 2018).

8. **Whitikau Holdings Limited** was fined $57,000 for disturbing a number of streambeds and in doing so discharging an amount of sediment, trees and forestry debris into streams at Whitikau Road, Whitikau (sentenced March 2018).

9. **Roger Withington** was fined $10,601 for costs to BOPRC and $2,000 for purchase and planting of trees for knowingly clearing out a channel in an estuary of the Tauranga Harbour without resource consent (sentenced August 2018).

10. **Ballance Agri-Nutrients Limited** was fined $82,500 for discharging sulphur dioxide and/or fluoride from their industry as a result of operator error. This resulted in two members of the public being admitted to hospital for breathing difficulties. This was the defendants 3rd prosecution for similar offending (sentenced July 2018).

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