

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2020-AKL 000052

IN THE MATTER of the Resource Management Act
1991 (the **Act**)

AND

IN THE MATTER of a direct referral under section 87G
of the Act of an application for
resource consents for the upgrade of
the Rotorua Wastewater Treatment
Plant and discharge of treated
wastewater

BETWEEN Rotorua District Council
Applicant

AND Rotorua District Council
Consent Authority

AND Bay of Plenty Regional Council
Consent Authority

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS
Section 274 of the Act


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TO: The Registrar
Environment Court
AUCKLAND

1. The Lakes District Health Board through its Public Health Unit, Toi Te Ora Public Health (**Toi Te Ora**) wishes to be a party to the following proceedings:
 - (a) ENV-2020-AKL-000052 *Rotorua District Council v Rotorua District Council & Bay of Plenty Regional Council*, an application referred under section 87G(2) of the Act for resource consents for the upgrade of the Rotorua Wastewater Treatment Plant and discharge of treated wastewater (the **Application**).
2. Toi Te Ora made a submission about the subject matter of the proceedings.
3. Toi Te Ora is not a trade competitor for the purposes of section 308C or 308CA of the Act.
4. Toi Te Ora is interested in all of the proceedings.
5. Toi Te Ora is interested in the following particular issues:
 - (a) The Application as it relates to matters affecting the safe treatment and disposal of wastewater which may impact public health, including the conditions on which the Application may be granted.
6. Toi Te Ora supports the Application, for the following reasons:
 - (a) Toi Te Ora is the Public Health Unit for Lakes District Health Board and seeks to promote, protect and improve population

health, prevent ill health and minimise the risk of disease and injury through population based interventions.

- (b) Toi Te Ora supports the safe treatment and disposal of wastewater at all times. The Application seeks consents to upgrade and improve the current wastewater treatment scheme. Toi Te Ora recognises that an upgraded scheme will provide better treatment of wastewater from a public health perspective.
 - (c) Toi Te Ora acknowledges that the current wastewater scheme has a finite time frame and an alternative arrangement for the safe treatment and disposal of wastewater is needed. The Application provides for this.
 - (d) Therefore to the extent that the safe treatment and disposal of wastewater is provided for, Toi Te Ora supports the Application.
7. Toi Te Ora seeks that consents are granted for the Application, subject to the conditions set out in its submission, including;
- (a) That the consents are granted for a duration of 35 years;
 - (b) Voluntary condition 6 of the Application is amended to increase the frequency of review from 9 years to 7 years for the duration of the consent;
 - (c) Voluntary condition 25 of the Application is amended to ensure that the wastewater treatment plant is designed to prevent the discharge of partially treated wastewater and ensure that adequate response measures are provided for if the discharge of partially treated wastewater does occur;

- (d) A series of amendments to voluntary conditions 48, 59 and 63 to ensure the Medical Officer of Health has reasonable time to provide feedback on Wastewater Treatment Plant, Odour and the Beneficial Reuse Management Plans, and such feedback is presented to the Council when the management plan is submitted for certification;
 - (e) A series of amendments to voluntary conditions 56-60 to ensure the consent conditions apply to any other person involved in the treatment or reuse of wastewater. Further, any concerns of the Medical Officer of Health regarding the reuse of water are addressed before the Beneficial Reuse Management Plan is submitted for certification;
 - (f) Voluntary condition 61 is amended to clarify that the discharge to air, particularly odour, must not adversely affect the environment and shall protect public health; and
 - (g) The addition of conditions to ensure that land contact beds and discharge structures are designed to reduce unintentional use by the public as a water feature and that steps are taken to inform the public that the water is treated wastewater, including for international visitors where English is their second language.
8. Toi Te Ora would consider other options that would provide the same level of health protection for the public.
 9. To the extent relevant, Toi Te Ora agrees to participate in any pre-hearing meeting or other alternative dispute resolution of the proceedings.
 10. Toi Te Ora's submission is attached to this notice.

Signature:



Vanessa Hamm
Counsel for Toi Te Ora Public Health

Date: 16 June 2020

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Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.



TOI TE ORA PUBLIC HEALTH

Bay of Plenty + Lakes Districts



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26 November 2018

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Proposed upgrade of the Rotorua Wastewater Treatment Plant including new land contact bed and discharge to Lake Rotorua

Introduction

Toi Te Ora Public Health (Toi Te Ora) is the Public Health Unit for Lakes District Health Board (Lakes DHB). The key role of Toi Te Ora is to promote, protect and improve population health, prevent ill health and minimise the risk of disease and injury through population based interventions.

Public health approaches wellbeing and health in terms of the social, economic, cultural, environmental and political context and from a “determinants of health” perspective. Many of the crucial underlying factors that contribute to population health and wellbeing are directly influenced by the decisions and activities of consenting authorities and the Environment Court.

Designated officers within Toi Te Ora have responsibilities to reduce conditions within the local community which are likely to cause disease. In part this is undertaken by assisting Councils with their responsibilities pursuant to the Resource Management Act.

This submission is lodged to the Bay of Plenty Regional Council applications (RM18-0508) and the Rotorua District Council applications (RC16354) involving the upgrading of the Wastewater Treatment Plant, construction of a new land contact bed and discharge channel, ongoing discharge of treated wastewater, associated consents for the reuse of treated wastewater and the discharge of nutrients and contaminants (mainly odour) from the plant.

Toi Te Ora was a non-voting representative on the Rotorua Project Steering Group (RPSG) since its formation in 2013 and provided advice to the Technical Advisory Group of the RPSG. Toi Te Ora would like to thank Rotorua Lakes Council for the opportunity to engage early and wishes to acknowledge the RPSG members who worked collaboratively to find a suggested alternative to how the Rotorua community’s sewage is managed.

The reason for making this submission is to provide helpful, objective and independent input to promote the reduction of adverse effects on the health of people and community. Lakes District Health Board could not gain an advantage in trade competition through this submission.

Lakes DHB wishes to be heard in support of this submission and is willing to participate in any pre-hearing meeting. Dr Jim Miller, Medical Officer of Health is willing to clarify any issue raised in this submission

Lakes DHB would not consider presenting a joint case with others who make a similar submission.

Submission

Along with the provision of clean drinking-water, the safe treatment and disposal of sewage has been one of the most important measures for improving public health.

Human faeces can contain pathogens capable of causing illness/disease eg campylobacter, salmonella, giardia and norovirus. Many of these are still infectious, even when sewage has been in the external environment for some time. Therefore the safe treatment and disposal of sewage and sewage by-products is necessary for controlling disease and for protecting the environment.

The aim of sewage systems is to keep people and waste separate. Reticulated systems effectively remove waste from the vicinity of people to a central point for professional treatment and disposal. Lakes DHB therefore supports in principle any proposal for treatment and disposal of sewage which is based on a system of network reticulation and centralised treatment and disposal.

On behalf of Lakes DHB Toi Te Ora has reviewed the applicant's documentation, including the volunteered consent conditions outlined in Appendix K. Lakes DHB supports the granting of consents for the applications provided adequate conditions of consent will deliver the local community, and the wider population, with the best practicable and secure sewage treatment and disposal at all times.

Everyone needs to have a way of disposing of sewage safely. The current arrangements have a finite time frame. It is clear that an alternative disposal method is needed.

Should this application be granted Lakes DHB requests that the following conditions be made part of the consent:

1. General Conditions

Volunteered Condition 3

A consent duration of 35 years is sought for the discharge to air and land in such manner that it may enter the Te Arikioa Thermal Channel of Lake Rotorua from the wastewater treatment plant (WWTP).

Sewerage schemes are long term investments in the health of the community and councils need long term certainty when planning for their provision.

Decision sought: that a consent duration of 35 years is granted.

Volunteered Condition 5

A regular review of the conditions of consent will help ensure that the most up-to-date technology, environmental standards and practices are implemented. Lakes DHB suggests consent conditions be reviewed every seven years, rather than every nine years.

Decision sought: that the frequency of review be increased to every 7 years for the duration of the 35 year consent.

2. Discharge of Treated Wastewater in a Manner that it may enter an Unnamed Tributary of Lake Rotorua

Volunteered condition 25

The proposed level of treatment is supported, as is the design of the WWTP such that the wastewater always receives at least a minimum filtration and ultraviolet dose before being discharged to the land contact bed.

The applicant proposes to develop a WWTP management plan that ensures compliance with all consent conditions. The design of the WWTP must ensure that all wastewater is treated to levels that comply with consent conditions prior to discharge. This is particularly important because the wastewater will be discharged in a way where people may have direct contact and the ultraviolet dosing system won't dose 100 percent of the time.

During a severe weather event when wastewater is discharged that has not received the appropriate treatment, procedures should mirror what occurs following any unplanned sewage discharged to a public place or water body used for contact recreation.

Decision sought: that specific conditions of consent require;

- The WWTP be designed to prevent the discharge of partially treated wastewater.
- Any discharge of partially treated wastewater to land or water that does occur to be notified to the Medical Officer of Health as soon as practicable.
- The applicant to inform the public about potential health risks from contact with discharged wastewater.

Volunteered Conditions 48, 59, 63

The opportunity for Medical Officer of Health feedback to the Wastewater Treatment Plant, Odour and the Beneficial Reuse Management Plans is noted and supported.

There must be a reasonable timeframe to enable meaningful feedback and a copy of the Medical Officer of Health's feedback should be provided to Council when the applicant seeks certification under voluntary conditions 47, 57 and 62.

Decision sought: that the period of time for Medical Officer of Health to feedback is reasonable and any such feedback is presented to Council when the management plan is submitted for certification.

3. Discharge of treated wastewater via reuse

Volunteered conditions 56-60

The DHB supports the beneficial reuse of wastewater provided the practice is protective of health and such reuse does not increase any risk to health.

Any reuse of treated wastewater must be in accordance with the New Zealand Guidelines for the Utilisation of Sewage Effluent on Land.

Lakes DHB recognises that condition 59 requires Medical Officer of Health feedback to the beneficial reuse management plan prior to submission to Council for certification. Lakes DHB recommends that the applicant be required to act on any concerns raised by the Medical Officer of Health with respect to reuse of wastewater.

It is also recommended that prior to the reuse of treated wastewater off site, either by another person or by the applicant, that an assessment is completed that identifies the extent that the activity will improve and protect public health.

Decision sought: that consent conditions;

- Apply to the applicant and to any other person who may be involved in the treatment or reuse of wastewater.
- Require any concerns the Medical Officer of Health has regarding the reuse of wastewater shall be addressed by the applicant prior to submitting a Beneficial Reuse Management Plan to the Council for certification.
- The extent that the activity improves and protects human health.

Please also refer to our comments and decisions sought under the section relating to Medical Officer of Health feedback.

4. Discharge Contaminants (primarily Odour) to Air

Voluntary conditions 61 -67

While Lakes DHB is aware that the RMA defines the term environment to include people and communities, we wish to see condition 61 amended to emphasise that odour from a wastewater treatment plant is primarily managed to protect people from harm. Odour derived from sewage is particularly offensive and most people will have a low tolerance of what is acceptable. Therefore, we support condition 61 and emphasise that any discharge of contaminants (including odour) should be below the level that is likely to adversely affect human health.

Decision sought: that condition 61 be amended to clarify that the discharge to air, particularly odour, must not adversely affect the environment and shall protect public health.

Please also refer to the comments and decision sought under section 2 relating to Medical Officer of Health feedback.

5. Land Contact Bed and Discharge Structure

One of Toi Te Ora's key responsibilities is to prevent harm by avoiding and reducing risks to health. A way of achieving this is by eliminating risk through design such as pedestrian crossings designed to dissuade people from running directly on to the road or railway lines by having a zig-zag or staggered approach. This makes people behave in a safer way without telling them to not do an act through signage.

In the handling of wastewater our preference is for the land contact bed and discharge structure to be designed so that protections are in place that prevent people from having contact with the wastewater.

The land contact bed and discharge structure should be designed to prevent unintended use as a recreational water feature. Many public water features are used to paddle in, which we have thought was not the original intention. Unfortunately, the revised drawing provided in a letter from the applicant on 27 September 2018 looks somewhat inviting and people may want to jump in or paddle in the water.

Despite assurances that the treated wastewater will be of a certain quality, no wastewater system is failsafe. It is important that people from all cultures and perspectives are aware that the water is treated wastewater.

Lakes DHB suggests that every effort is made to ensure the public is aware that the water is treated wastewater. This may be achieved through the use of story boards to educate and explain the wastewater's journey to this point. For instance, what are the sources of wastewater, how has it been treated and the importance to Maori culture that the wastewater is returned to the environment through the land contact beds.

Decision sought: that the land contact beds and discharge structure be designed

- To reduce unintentional use by the public as a water feature and;

Steps are taken to;

- Inform the public (including international visitors) that the water is treated wastewater
- Inform visitors where English is their second language.

Lakes DHB appreciates this opportunity to assist Bay of Plenty Regional Council and Rotorua Lakes Council to promote a healthy and safe environment for their community now and into the future.

Yours sincerely



Ron Dunham
Chief Executive
Lakes District Health Board

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