



15 August 2022

File No: WAR120258

South Wairarapa District Council  
19 Kitchener Street, Martinborough 5711  
PO Box 6, Martinborough 5741

Masterton Office  
34 Chapel Street  
PO Box 41  
Masterton 5840  
T 0800 496 734  
[www.gw.govt.nz](http://www.gw.govt.nz)

**Attn: Harry Wilson [Chief Executive Officer, South Wairarapa District Council]**

Dear Harry,

### **Abatement Notice A1020 re: Martinborough Wastewater Treatment Plant**

Attached is an abatement notice issued under section 322 of the Resource Management Act 1991. It is important that you read and understand the abatement notice including your rights that are listed on the notice. You may wish to seek your own legal advice on the matter.

This notice specifically requires you to:

- Cease, and be prohibited from commencing, all unauthorised discharges from the Martinborough Wastewater Treatment Plant.

This is required in order to meet the following conditions of resource consent WAR120258 [31707, 32044, 32045, 33045]:

- Schedule 2: Condition 2(b)
- Schedule 2: Condition 5(c), (d) and (e)
- Schedule 2: Condition 6(a)
- Schedule 4: Condition 2(a)

Please be aware that if you fail to comply with the abatement notice you are committing an offence under the Resource Management Act 1991. The Greater Wellington Regional Council (GWRC) may issue an infringement notice requiring you to pay a fine or prosecute you if you do not comply with this abatement notice.

### **Further actions required**

In addition, to aid in meeting the conditions of resource consent WAR120258, Greater Wellington Regional Council requests that you submit a proposal for corrective actions to bring the Martinborough Wastewater Treatment Plant into full compliance with WAR120258 by 1 December 2022. A similar letter has been provided to Colin Crampton, Chief Executive, Wellington Water Limited. You may provide a response either individually, or jointly, with Wellington Water Limited.

I am the warranted enforcement officer who issued this abatement notice, so any inquiries can be directed to me at GWRC on 021 379 920.

Yours sincerely



**Aaron Johnston**

Enforcement Officer with the designation of Resource Advisor  
Environmental Regulation

Encl: Abatement Notice A1020

Attachment – Schedule 2: Condition 2(b), Schedule 2: Condition 5(c), (d) and (e), Schedule 2: Condition 6(a) and Schedule 4: Condition 2(a) of resource consent WAR120258

## Abatement Notice

### In accordance with sections 322, 323 and 324, Resource Management Act 1991

**To:** South Wairarapa District Council  
19 Kitchener Street, Martinborough 5711  
PO Box 6, Martinborough 5741

Attn: Harry Wilson (Chief Executive Officer, South Wairarapa District Council)

**1. Wellington Regional Council gives notice that you must cease, and are prohibited from commencing:**

The unauthorised discharge of effluent

**2. The location to which this abatement notice applies is:**

Martinborough Wastewater Treatment Plant, Dublin Street, Martinborough

**3. You must comply with this abatement notice within the following period:**

By 00:00 on 15 August 2023, and continue to comply thereafter

**4. This notice is issued under:**

Section 322(1)(a)(i) of the Resource Management Act 1991

**5. The reasons for this notice are:**

Consents and conditions

5.1 On 13 April 2016, South Wairarapa District Council was granted resource consent WAR120258 [31707, 32044, 32045, 33045] which allows for the discharge of treated effluent from the Martinborough Wastewater Treatment Plant. The Plant is currently operated by Wellington Water Limited on behalf of South Wairarapa District Council.

5.2 The following conditions of WAR120258 are specifically relevant (a copy of Schedule 2: Condition 2(b), Schedule 2: Condition 5(c), (d) and (e), Schedule 2: Condition 6(a) and Schedule 4: Condition 2(a) are included as **Attachment One**):

- *Schedule 2: Condition 2(b) sets limits on the maximum daily volume (m<sup>3</sup>/day) and instantaneous rate (L/sec) of treated wastewater discharged into the Ruamahanga River. The limits vary based on the instantaneous flow in the Ruamahanga River, as measured at the 'Ruamahanga at Waihenga Bridge' monitoring site.*
- *Schedule 2: Condition 5(c), (d) and (e) sets limits on the wastewater quality parameters of Total Ammonia-nitrogen (NH<sub>4</sub>-N), Total Nitrogen and Dissolved Reactive Phosphorous respectively.*

- *Schedule 2: Condition 6(a) sets limits on the E.coli values of UV-treated wastewater for discharges up to 3000 m<sup>3</sup>/day.*
- *Schedule 4: Condition 2(a) sets limits on the weekly and daily hydraulic loading rate (mm) of wastewater discharged to land.*

#### Breaches

- 5.3 On 22 September 2021, Wellington Water submitted the annual report for the Martinborough WWTP to Greater Wellington Regional Council (GWRC), in compliance with WAR120258 Schedule 1: Condition 26. The report provided aggregated data for the period 1 July 2020-30 June 2021. On 4 February 2022, I conducted an audit of the report and noted non-compliance with the following conditions of resource consent WAR120258:
- Schedule 2: Condition 2(b) – there were 4 exceedances of the maximum daily volume (m<sup>3</sup>/day) limit and 143 exceedances of the instantaneous rate (L/sec) limit
  - Schedule 2: Condition 5(c), (d) and (e) – there were 9 exceedances of the Total Ammonia-nitrogen (NH<sub>4</sub>-N) limit, 8 exceedances of the Total Nitrogen limit and 8 exceedances of the Dissolved Reactive Phosphorous limit
  - Schedule 4: Condition 2(a) – there were 61 days where the weekly wastewater hydraulic loading rate limit of 35mm/week was exceeded (using a rolling weekly average)
- 5.4 On 12 January 2022, Wellington Water submitted to GWRC a Quarterly Data and Exception Report for the Martinborough WWTP for the three month period ending 30 September 2021, in compliance with WAR120258 Schedule 1: Condition 25. On 17 January 2022, I conducted an audit of the report and noted non-compliance with the following condition of resource consent WAR120258:
- Schedule 2: Condition 5(c), (d) and (e) – there were 3 exceedances of the limits of each of Total Ammonia-nitrogen (NH<sub>4</sub>-N), Total Nitrogen and Dissolved Reactive Phosphorous
- 5.5 On 4 February 2022, Wellington Water submitted to GWRC a Quarterly Data and Exception Report for the Martinborough WWTP for the three month period ending 31 December 2021, in compliance with WAR120258 Schedule 1: Condition 25. On 9 February 2022, I conducted an audit of the report and noted non-compliances with the following condition of resource consent WAR120258:
- Schedule 2: Condition 5(d) – there were 3 exceedances of the Total Nitrogen limit
  - Schedule 2: Condition 6(a) – there were 2 exceedances of the E.coli limit when the daily discharge of treated wastewater to the Ruamahanga River was less than 3000 m<sup>3</sup>/day
- 5.6 On 14 April 2022, Wellington Water submitted to GWRC a Quarterly Data and Exception Report for the Martinborough WWTP for the three month period ending 31 March 2022, in compliance with WAR120258 Schedule 1: Condition 25. On 26 April 2022, I conducted an audit of the report and noted non-compliance with the following conditions of resource consent WAR120258:
- Schedule 2: Condition 5(c) and (d) – there was 1 exceedance of the Total Ammonia-nitrogen (NH<sub>4</sub>-N) limit and 2 exceedances of the Total Nitrogen limit

- Schedule 2: Condition 6(a) – there were 3 exceedances of the E.coli limit when the daily discharge of treated wastewater to the Ruamahanga River was less than 3000 m<sup>3</sup>/day

5.7 On 30 July 2022, Wellington Water submitted to GWRC a Quarterly Data and Exception Report for the Martinborough WWTP for the three month period ending 30 June 2022, in compliance with WAR120258 Schedule 1: Condition 25. On 1 August 2022, I conducted an audit of the report and noted non-compliance with the following conditions of resource consent WAR120258:

- Schedule 2: Condition 5(c) and (d) – there was 1 exceedance of the Total Ammonia-nitrogen (NH<sub>4</sub>-N) limit and 1 exceedance of the Total Nitrogen limit
- Schedule 2: Condition 6(a) – there was 1 exceedance of the E.coli limit when the daily discharge of treated wastewater to the Ruamahanga River was less than 3000 m<sup>3</sup>/day

5.8 On 1 August 2022, I accessed the “Infrastructure Data” website (<https://app.infrastructuredata.nz/Home>), which provides live access to the Martinborough WWTP flow meters, sensors and other data. I noted that the weekly hydraulic loading rate (mm/week) of wastewater discharged to the adjacent land block had exceeded 35 mm/week for extended periods on three occasions, in non-compliance with WAR120258 Schedule 4: Condition 2(a). Within the previous 12 months, I noted the data showed:

- Between 9 January 2022 to 15 January 2022 the weekly hydraulic loading rate exceeded 35 mm/week, with a maximum of 54mm/week on 11<sup>th</sup> January 2022
- Between 30 January 2022 to 6 February 2022 the weekly hydraulic loading rate exceeded 35 mm/week, with a maximum of 48 mm/week on 3<sup>rd</sup> February 2022
- Between 6 May 2022 to 13 May 2022 the weekly hydraulic loading rate exceeded 35 mm/week, with a maximum of 64 mm/week on 8<sup>th</sup> May 2022

5.9 In my opinion, these discharges of effluent to water or to land where it may enter water, namely the Ruamahanga River or Groundwater, contravene sections 15(1)(a) or 15(1)(b) of the Resource Management Act 1991.

5.10 Sections 15(1)(a) and 15(b) of the Resource Management Act 1991 states: “No person may discharge any–

(a) contaminant into water; or

(b) contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water

*unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.*

5.11 These discharges contravene Schedule 2: Condition 2(b), Schedule 2: Condition 5(c), (d) and (e), Schedule 2: Condition 6(a) or Schedule 4: Condition 2(a), and therefore are not expressly allowed by resource consent WAR120258 [31707, 32044, 32045, 33045].

- 5.12 These discharges are not expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed plan, or a resource consent.
- 5.13 In my opinion, the actions detailed in this notice are necessary to ensure compliance with section 15 of the Resource Management Act 1991, and Resource Consent WAR120258 [31707, 32044, 32045, 33045].
- 5.14 You have received this notice as you are the owner of the Martinborough Wastewater Treatment Plant, and hold resource consent WAR120258, and you are responsible for ensuring compliance with all conditions of resource consent WAR120258.

**6. Consequences of not complying with this notice:**

If you do not comply with this notice, you may be prosecuted under section 338 of the Resource Management Act 1991 (unless you appeal and the notice is stayed as explained below), or an infringement notice may be served on you under section 343C of the Resource Management Act 1991.

**7. Right of appeal:**

You have the right to appeal to the Environment Court against the whole or any part of this notice. If you wish to appeal, you must lodge a notice of appeal in form 49 (Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Registrar, Environment Court, PO Box 5027, Wellington, within 15 working days of being served with this notice.

An appeal does not automatically stay the notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under section 325(3A) of the Resource Management Act 1991 (*see* form 50, Resource Management (Forms, Fees, and Procedure) Regulations 2003). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.

**8. Application to change or cancel this notice:**

You also have the right to apply in writing to Wellington Regional Council to change or cancel this notice in accordance with section 325A of the Resource Management Act 1991.

**9. Wellington Regional Council authorised the enforcement officer who issued this notice. Its address is:**

Greater Wellington Regional Council  
100 Cuba Street, Te Aro  
PO Box 11646  
Wellington 6142

Phone: 04 384 5708  
Facsimile: 04 385 6960

**10. The enforcement officer is acting under the following authorisation:**

Appointment as an enforcement officer by Wellington Regional Council under section 38(1)(a) of the Resource Management Act 1991 as certified by Warrant No. 983.



.....  
Signature of enforcement officer

15 August 2022 .....  
Date notice issued

**Note:** Irrespective of any appeal and irrespective of any time for compliance specified in this notice, you may be liable to prosecution or other enforcement action if the activity or inactivity in question contravenes the Resource Management Act 1991, a resource consent, or a rule in a plan. This notice is issued without prejudice to additional or alternative enforcement action being taken by Wellington Regional Council.

**ATTACHMENT ONE – Schedule 2: Condition 2(b), Schedule 2: Condition 5(c), (d) and (e), Schedule 2: Condition 6(a) and Schedule 4: Condition 2(a) of resource consent WAR120258**

**Schedule 2: Condition 2(b):**

In addition to the maximum rates specified in Schedule 2: Condition 1, discharges of treated wastewater to the Ruamahanga River shall be operated under the following conditions:

b) Stage 1B and 2A Discharge to Ruamahanga River

Following confirmation of commencement of Stage 1B Land Treatment in accordance with Schedule 2: Condition 6, discharges of treated wastewater into the Ruamahanga River shall not exceed the following:

Flow in the Ruamahanga at Waihenga Bridge (L/s)	Max. Wastewater discharge (m <sup>3</sup> /day)	Max. Wastewater discharge rate (L/s)
Below 24,930 (< HMF)	Nil	Nil
24,930 to 49,860 (< median)	1350	11
49,860 to 99,720 (< 2 x median)	2700	21
99,720 to 149,580 (< FRE3)	3000	35
Above 149,580 (> FRE3)	4300	5

**Table 1: Maximum Wastewater Discharge Rates**

On an annual basis, the Consent Holder shall provide a report to Wellington Regional Council, assessing the discharge against Table 1 above (including a monthly discharge volume breakdown), identifying any exceedances that have occurred, and identifying if/as required any improvements or changes to the discharge regime.

*Advice Note 1: Contingency measures to manage pond storage volumes shall be included in the Discharge to Land Management Plan to minimise, as far as practicable, any discharge to the Ruamahanga River during Stage 2B (i.e. land treatment shall be the priority where practicable and where the effects are less on the environment of discharge to land are less than discharge directly to the river).*

**Schedule 2: Condition 5(c), (d) and (e):**

Any treated wastewater discharged to the Ruamahanga River shall meet the following standards:

- c) The concentration of Total Ammonia-nitrogen (NH<sub>4</sub>-N) shall not exceed 30g/m<sup>3</sup> in more than 4 out of any 12 consecutive monthly test results; and
- d) The concentration of TN shall not exceed 35mg/l in more than 4 out of any 12 consecutive monthly test results
- e) The concentration of DRP shall not exceed 7g/m<sup>3</sup> in more than 4 out of any 12 consecutive monthly test results

**Schedule 2: Condition 6(a):**

The following UV treatment standards shall apply:

- a) For discharges up to 3,000m<sup>3</sup>/day no more than 5 of 10 consecutive E.coli values shall exceed 100 cfu per 100 millilitres, and no more than 2 out of 10 consecutive values shall exceed 1,400 cfu per 100 millilitres

**Schedule 4: Condition 2(a):**

The wastewater hydraulic loading rate shall not exceed the following:

- a) 35mm depth per week, and no more than 15mm in any 24 hour period during Stage 1B