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Committee Environment Committee
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Investigations

Pollution Control Report for the period 1 May to 9 June 2005

1. Purpose

To report on incident response, investigation and audit work undertaken by Greater Wellington's Pollution Control Team during the reporting period.

2. Background

The Resource Investigations Department provides proactive and responsive services to combat environmental pollution in the Western Wellington region. These pollution control initiatives are summarised below:

- 24-hour Incident Response service, addressing pollution complaints, environmental incidents and alleged non-compliance with regional plans.
- *Take Charge*, a pollution prevention programme, aimed at improving the environmental performance of small to medium-sized industry.
- Special Projects, which include the development of resource materials, and targeted investigations to establish baseline conditions, track trends, and characterise environmental problems.

3. Strategic context

Pollution Control activities contribute to the following Take 10 targets:

- reported incidents will be reduced by half of 2003 levels;
- 80% of businesses surveyed have waste reduction initiatives in place;
- the water quality of our five most polluted streams improves;
- there will be no significant deterioration of water quality in our key rivers and streams;
- there will be no overall deterioration in the health of our soils.

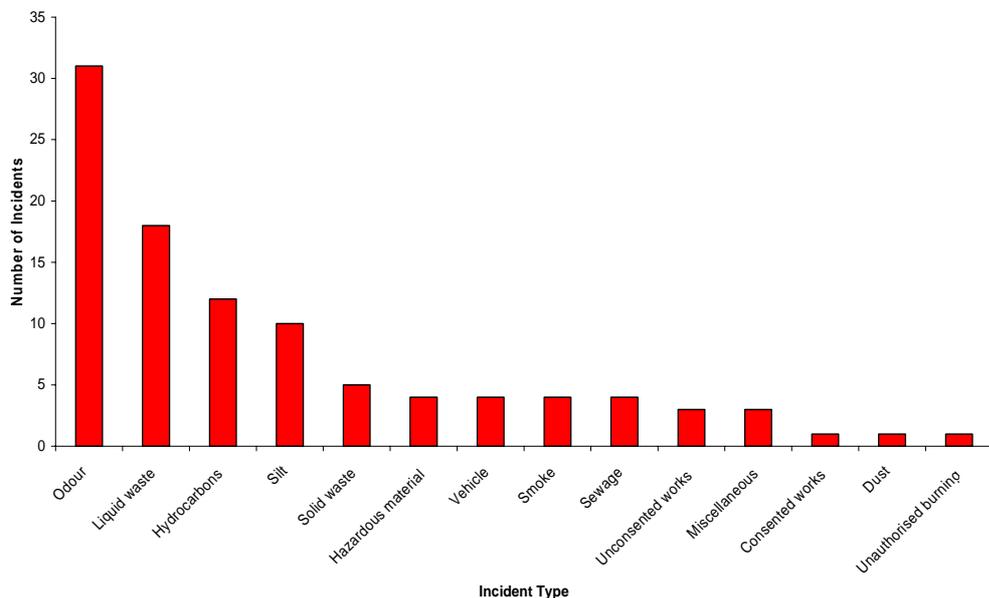
4. Incidents

4.1 Incident summary

A total of 101 incidents were recorded during this reporting period, as summarised in Figure 1. Further information about specific incidents is provided in Attachment 1.

The predominant incident class was odour, with a total of 31 events. The majority of events could be attributed to Carey's Gully (55%), Taylor Preston (19%), Seaview wastewater treatment plant (7%) and automotive spray painting workshops (6%).

Figure 1: Summary of Incidents 1 May to 9 June 2005



The most significant incidents that occurred during this reporting period are summarised below:

- A sewage discharge into the Wellington Harbour at Frank Kitts Park following failure of a Wellington City Council sewer main. The territorial authority responded promptly to minimise the discharge, warn the public and affect necessary repairs.
- An aerial top-dressing plane operated by Wareham Air-Spray deposited fertiliser over part of an Industrial park in Grenada North. Regulatory options are currently being considered for this illegal discharge.
- Run-off from Brooklyn subdivisions resulted in significant discoloration of the Owhiro Stream and Owhiro Bay. Officers are currently discussing the adequacy of silt control provisions with the developer, and considering regulatory options for repeated illegal discharges from these sites.

In addition to the above, the following summarises lesser incidents that occurred on multiple occasions during this reporting period:

- Inadequate control of site erosion at subdivision sites continues to discharge large quantities of silt into streams throughout the western region. This issue is being dealt with by the Muddy Waters initiative, which includes workshops for contractors and consultants, guidance for regulators and advisory materials for developers and the general public.
- Building contractors continue to discharges concrete wastewater into the stormwater system and streams, mainly in the Wellington City area. First offenders are given a formal warning, while formal regulatory options are considered for repeat offenders.
- Rural landowners continue to undertake un-consented stream culverts, crossings and bank protection on streams in the western region. Where non-compliance is identified, offenders are being warned, and required to obtain resource consents for ongoing maintenance.

4.2 Response summary

The time between being notified of an incident and arriving on site (response time) is used as a performance indicator for the incident response service. Table 1 shows that the officers achieved target times for incidents during this reporting period.

Table 1: Response time summary

Target response time	Mean response time
Red (60 minutes)	57 minutes
Yellow (24 hours)	5.7 hours
Blue (7 days)	4.6 days

5. Enforcement action

Table 2 summarises enforcement action taken during this reporting period.

Table 2: Summary of enforcement action

Advisory Notices	5
Infringement Notices	0
Abatement Notices	5
Enforcement Orders	0
Prosecutions [information's laid]	0

5.1 Infringement Notices

Greater Wellington withdrew from an infringement notice hearing in the Environment Court for an incident related to driving on a restricted part of Titahi Bay beach. This case was withdrawn because the Judge:

- (i) Would not allow a variation to the Request for Hearing Notice to amend a typographic error (despite this being directed by an earlier Judge).
- (ii) Would not allow the offences of driving and parking to be heard in the same charge; and
- (iii) Considered that it would be extremely difficult for GW to prove that it was appropriate to serve an RMA infringement notice on the registered owner of a vehicle where the driver is unidentifiable or refuses to identify themselves to an officer. The Judge suggested that a declaration be sought to clarify this issue.

Staff are currently assessing whether to seek a declaration to clarify this issue. This decision has a significant bearing on our ability to enforce the rules in the Regional Coastal Plan related to driving of vehicles on Titahi Bay beach.

5.2 Abatement Notices

Abatement notices were served on the following:

- Ohiro Properties Limited and its director (Lance James) were required to stop sediment and silt discharges to the Owhiro Stream, by undertaking appropriate erosion control and sediment control works on the subdivision site at 318 Ohiro Road.
- A residential property owner in Upper Hutt, requiring removal of car bodies and contaminants buried in the rear garden.
- Wellington City Council was required to implement infrastructure improvements at the Moa Point wastewater treatment plant, to reduce the risk of sewage discharges to Lavender Bay via the 'short outfall' sewer overflow. Wellington City Council also committed to undertake compensatory works in the form of tree planting around the Moa Point pumping station.

The Pollution Control Team is currently considering regulatory options for other environmental incidents that occurred during this reporting period.

5.3 Enforcement Orders

We received the Environment Courts decision on our interim enforcement order application against Lance James and Ohiro Properties Limited in relation to unauthorised works in the bed of a stream on Ohiro Properties Limited site in Ohiro Road. The Court upheld our application and directed the respondent not to undertake any further unauthorised works of this nature on the site and to

restore the affected area. We understand that the respondents intend to appeal this decision.

6. Take Charge

Pollution Control Officers have conducted *Take Charge* assessments at 8 of 32 businesses in the Wharemauku Stream catchment. Issues identified to date include significant contaminant discharges to the Drain Six South Stream, inappropriate storage of hazardous substances and un-consented contaminant discharges to air. Officers are currently working with these businesses to identify and implement practical solutions to these issues, and to improve their overall environmental performance.

With the help of the Sustainable Business Facilitator, the *Take Charge* program is now being expanded to include preliminary cleaner production advice. A number of businesses have been advised how to reduce their energy and water consumption, and how recycling or other options can reduce the solid and liquid waste they generate.

7. Special projects

The Pollution Control Team was involved in the following special projects during this reporting period:

- Environment Division staff delivered a workshop for earthworks contractors, surveyors and consultants, on implications of the Muddy Waters programme for those proposing or involved in earthworks activities.
- Environment Division staff arranged a workshop for regulatory officers in the region, on how to critically evaluate bulk earthworks applications, and conduct site visits.
- Pollution Control Officers attended the National Compliance and Enforcement Officers Special Interest Group quarterly meeting in Christchurch.
- One of our Pollution Control Officers undertook a 3-day secondment with the Trade Waste section of the Hutt City Council. This was part of a reciprocal programme to enhance understanding of our respective environmental regulatory functions.

8. Communication

No further public communication is necessary for this report.

9. Recommendations

It is recommended that the Committee:

1. *receive this report; and*
2. *note the contents.*

Report prepared by:

Report approved by:

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Attachment 1: Incident Response Summary