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Committee Policy, Finance and Strategy Committee
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Proposed National Environment Standard for Human Drinking-water sources - submission

1. Purpose

To seek the Council's approval of a submission on the Proposed National Environment Standard for Human Drinking-water Sources.

2. Significance of the decision

The matters for decision in this report **do not** trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

The Minister for the Environment can make national environmental standards under the Resource Management Act 1991 (RMA). The first national standards that address air quality are now in place.

On 24 September 2005, the National Standard for Human Drinking-water Sources (the Standard) was publicly notified. Submissions on the Standard closed on 28 November 2005. Staff have prepared and lodged the attached submission, subject to confirmation by the Council.

The Standard will have implications for two Divisions of Greater Wellington – the Utility Services Division, which is responsible for water supply under the Wellington Regional Water Board Act 1972, and the Environment Division, which is responsible for regulating the taking of water and discharges to land and water under the RMA. The Environment Division will be responsible for implementing and enforcing the Standard.

4. The proposed standard

The stated aim of the Standard is to ensure that activities in water supply catchments do not pollute water to an extent where it cannot be made safe to drink. The exact wording of the new Standard has yet to be drafted, but the key proposals are:

- New consents for drinking water catchments shall only be granted if the proposed activity does not result in drinking water being non-potable or unwholesome following treatment.
- Consent authorities will periodically assess the risks within drinking water catchments to ensure permitted and unregulated activities do not cause impacts beyond the performance of the affected treatment facilities
- Resource consents within drinking water catchments will have a condition that any unauthorised activity will need to be notified to the water supplier immediately.
- Resource consents to take water for drinking will have a condition that requires appropriate action, including turning off the supply, if notified of events or activities that make the drinking water non-potable.

A community drinking water supply is defined as one that serves 25 people at least 60 days of the year. A human drinking water source is a natural water source that includes rivers, lakes and groundwater.

The Standard applies to publicly and privately owned drinking water supply.

5. Greater Wellington's submission

Greater Wellington opposes the Standard for the reasons set out in the attached submission. The proposal will not have much effect on how the Utility Services Division operates. However, implementation of the Standard by the Environment Division will duplicate work already done by water supply authorities, create uncertainty, and there will be significant new costs. It appears there will be little environmental gain.

The Standard will require regional councils to carry out risk assessments in all water supply catchments. These will duplicate Public Health Risk Management Plans that water supply authorities are already required to do for water supply source catchments. The Standard includes a similar approach to our Regional Freshwater Plan, which identifies water supply as the management priority in our main water supply catchments. The Standard will also duplicate requirements of the RMA for regional councils to review and report on the efficiency and effectiveness of rules in regional plans every 5 years.

Drinking water supplies that serve 25 people at least 60 days of the year will be subject to the Standard. There are 71 drinking water supplies in the region according to the *Register of Community Drinking-Water Supplies in New Zealand 2005*. However, our resource consent database indicates that this number is likely to be a lot higher. There will be significant costs associated with implementing the Standard in such a large number of areas. Additional monitoring and investigation will be required, particularly where groundwater resources are poorly defined.

Terms in the Standard such as “appropriate action” and “periodically assess” introduce uncertainty about what’s required and when. Other terms such as “community drinking water supply”, “potable” and “wholesome” are used in ways that are inconsistent with the New Zealand Drinking Water Standard 2005, which water supply authorities are required to implement. It’s also unclear how the Standard will be implemented in law, because it provides for conditions to be placed on resource consents that relate to a third party (other than the regional council and the consent holder), which is inconsistent with RMA case law.

The Greater Wellington submission recommends that, if the Standard goes ahead, it should be applied to permanent communities of greater than 500 people. This would be more workable than for communities of 25 people at least 60 days of the year.

6. What happens next

The Ministry for the Environment will now prepare and make available a summary of submissions. If a decision is made to go ahead with the Standard, it will be completed and come into force as a regulation under the RMA.

7. Communication

The process for preparing a national environment standard is controlled by central government and no communication by Greater Wellington is necessary.

8. Recommendations

That the Committee:

1. *Receives the report.*
2. *Approves the submission made by Greater Wellington on the Proposed National Environment Standard for Human Drinking-water Sources.*

Report prepared by:

Report approved by:

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Attachment 1: Submission on Proposed National Environment Standard for Human Drinking-water Sources