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Environment Canterbury Submission on Water Services Bill

INTRODUCTION

1. Environment Canterbury (the Council) thanks the Health Committee for the opportunity to submit on the Water Services Bill (the Bill).
2. The Council supports the Government's **intent** to provide for a more robust and comprehensive three waters management regime that has begun with the enactment of the Taumata Arowai - the Water Regulator Act 2020 and continues with the Water Services Bill.
3. The Council acknowledges its responsibility for monitoring freshwater and is committed to continuing to work collaboratively with the relevant agencies, regional councils and Canterbury territorial authorities to provide the best protection for our communities.
4. In this submission the Council has raised key issues on specific submission points that we would like the Health Committee to consider. There are also matters that we seek clarification on to better understand the proposed changes to the regulatory system.
5. The Council wishes to appear in support of this submission, either in person or via audio or videoconference link. The Council will be represented by Deputy Chair Peter Scott.
6. The Council requests extra time for its oral submission if that would enable the Health Committee to provide clarification on:
 - a. the definition of 'source water' and the responsibility and assistance for bore holders who have no control over their water
 - b. requirement of a farm water supply that supplies more than one building.

Our ref:
Your ref:
Contact:

KEY ISSUES

Section 42, Source water risk management plans

The Council:

7. Supports drinking water suppliers being responsible for preparing and implementing source water risk management plans.
8. Seeks clarification on the role of regional councils in supporting the development of source water risk management plans. The Bill proposes that local authorities (regional councils or territorial authorities) will be expected to provide the suppliers with water quality monitoring information for the source of the drinking water supply. Clarification is sought on the degree of information that is to be provided.
9. A significant risk to sources of drinking water is from discharges from domestic on-site wastewater systems, particularly cumulative effects from unreticulated communities. Other than in an ad hoc manner through section 42(4) there appears to be no requirement for this risk to be considered. The amendment to the Local Government Act should include a specific requirement to identify all communities that lack a reticulated sewerage system and stormwater system and the risk this presents to drinking water.

Section 43, Suppliers to monitor source water quality

10. Supports the requirement for drinking water suppliers to monitor the quality of the supplier's source water.
11. Supports regional councils being supplied with the monitoring results.

Section 44, Information sharing with local authorities

12. Supports information sharing but seeks clarification on the information sharing arrangement between suppliers and local authorities with regional councils.
13. Suggests adding to section 44(1) "Taumata Arowai must provide local authorities with information on the location and description of drinking water abstraction points provided by drinking water suppliers and be notified of any changes."

Section 45, Regional councils to publish information about source water

14. Seeks clarification on the source water information that is to be published and provided to Taumata Arowai. The Council submits that ultimate responsibility for managing risks to the water supply rests with the water supplier. The Council would not support a requirement for regional councils to actively monitor suppliers' source water quality or risks to water supplies on behalf of the water supplier. The additional resourcing that would be needed to implement such a monitoring programme would be significant. This information would be reliant on suppliers monitoring their source water quality (s43).

15. Seeks clarity on roles and responsibilities for source water monitoring and on information sharing between parties.
16. Section 45(2) requires regional councils to assess the effectiveness of regulatory and non-regulatory interventions to manage risks or hazards to source water every three years. The Council considers that further guidance and standardisation of how this information is to be assessed and reported is required. This is because there is currently no national water quality network. Regional councils monitor water quality at a regional scale, and their monitoring networks are generally not designed to assess risks to individual water supplies.

Section 48, Compliance rules

17. Would welcome the opportunity to provide input to Taumata Arowai when setting compliance rules relating to the information that local authorities must contribute for the development and implementation of source water risk management plans by drinking water suppliers.

Section 134, Drinking water compliance, monitoring and enforcement strategy

18. Would like a clause added to the Bill which requires Taumata Arowai to engage with local authorities when developing or reviewing its compliance, monitoring and enforcement strategy.

Section 136, Monitoring and reporting on environmental performance of wastewater and stormwater networks

19. Is very supportive of Taumata Arowai's role in monitoring and reporting on the environmental performance of wastewater and stormwater networks and network operators.
20. Supports the development of national guidance and standards for best practice network management and environmental performance assessment. Urgency is recommended given the expected expiry of wastewater discharge consents in coming years and anticipated resource consent applications for discharges from stormwater networks.

GENERAL ISSUES

The Council:

21. Would like clarification on the role regional councils could play in the long-term planning for, and performance of wastewater and stormwater infrastructure to achieve improved water quality and cultural outcomes.
22. Asks that national oversight of on-site wastewater management systems be added to the Water Services Bill (subpart 7). The Council recommends that Taumata Arowai establishes a national body to develop and implement mandatory New Zealand standards for the design, installation and maintenance of on-site systems and

establishes an accreditation procedure for the testing of systems (e.g. currently the On-site Effluent Treatment National Testing Programme in Rotorua (OSET-NTP) tests tank design). This holistic national approach would reduce the risks to sources of drinking water and cumulative effects on the environment.

23. Would like to see nationally consistent consent conditions, performance measures, and reporting templates developed and processes for aligning existing consents.
24. Notes the amendment to the Resource Management Act requiring consent authorities to have regard to the actual or potential effects of an activity on a drinking water supply and any risks that activity may pose. The Council recommends development of a nationally consistent approach for assessing and mitigating risks to sources of drinking water.
25. Would see potential for clauses 21(2)(c), 22(2)(c), 31(1) and 42(4)(1) to be combined to effectively require regional councils to assist with the investigations of incidents on behalf of suppliers.
26. Notes the exposure drafts on Acceptable Solution for Rural Agricultural Drinking Water Supplies and Drinking Water Supply Operational Compliance Rules that set out the requirements that suppliers must meet. The Council would support consideration of the financial implications for small supplies, including marae, in meeting these new requirements.
27. Would like to see better alignment between the hierarchy of obligations expressed in Te Mana o te Wai as part of the National Policy Statement for Freshwater Management 2020 and the purpose and duties set out in the Water Services Bill. Section 3 of the Bill states the purpose is '*to ensure that drinking water suppliers provide safe drinking water to consumers by....*'. This purpose is given effect to through duties in section 25 which require drinking water suppliers to ensure a '*sufficient quantity of drinking water is provided to each point of supply*'.
28. The purpose and duty do not appropriately recognise the hierarchy of obligations implicit in Te Mana o te Wai which prioritises the health and wellbeing of freshwater and ecosystems above other uses (including drinking water). We suggest section 3 of the Bill is amended to require that *where* water is supplied it is safe for consumption. This could be achieved by rewording section 3 as follows - '*The main purpose of this Act is to ensure that water supplied by drinking water suppliers is safe for consumption, by...*'.
29. In addition, complementary changes to section 25 should be made to require water to be supplied in sufficient quantities only where this is consistent with Te Mana o te Wai priorities.

Thank you for the opportunity to provide this submission. For clarification on any points within this submission or to arrange a time to appear before the Committee please contact Anita Fulton.