SUBMISSION ON PROPOSED WASTEWATER ENVIROMENTAL PERFORMANCE STANDARDS

--Final

24th April 2025

Waikato District Council
Te Kaunihera aa Takiwaa o Waikato

Executive Summary

The Waikato District spans a diverse and rapidly growing area of over 400,000 hectares, encompassing both rural and urban communities, including key townships such as Huntly, Ngāruawāhia, Tuakau, Raglan, and Te Kauwhata. With a growing population of over 87,000 residents and increasing development pressures across the district, the provision of reliable, sustainable, and environmentally responsible wastewater services is a key priority for Waikato District Council (WDC).

WDC currently operates and maintains nine wastewater treatment plants (WWTPs) across the district. These facilities vary significantly in scale, complexity, and receiving environments—ranging from small rural systems with land-based discharges to large urban plants discharging into the Waikato River or coastal estuaries. The council also oversees an extensive network of pump stations, rising mains, and gravity sewers.

The Waikato River is central to the region's identity, health, and environmental policy. The river is subject to the Waikato-Tainui Raupatu Claims Settlement Act 2010, and its restoration and protection are governed by an MoU in respect to the Waikato River Settlement and working together to enable Council to give effect to Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River, which sets a high bar for water quality and cultural outcomes. Council wastewater operations are therefore shaped not only by engineering and public health considerations but also by Treaty settlement obligations and iwi partnerships.

WDC has made substantial investments in wastewater infrastructure over the past decade to meet increasing environmental and community expectations. Upgrades such as the Raglan MBR project, the Huntly and Ngāruawāhia WWTP consents, and wastewater discharge consolidation strategies reflect the council's commitment to continual improvement and alignment with the Vision and Strategy.

The council welcomes the intent of the proposed National Wastewater Environmental Performance Standards to improve consistency and raise the bar for performance across the country. However, it is essential that the standards recognize local contexts,

including the Treaty-based governance framework for the Waikato River and the operational diversity across our WWTP network**.**

Introduction

Waikato District Council (WDC) appreciates the opportunity to provide feedback on Taumata Arowai's proposed National Wastewater Environmental Performance Standards, developed under the Water Services Act. WDC supports the intent to standardize environmental outcomes across New Zealand and recognizes the importance of robust wastewater regulation in protecting our freshwater and marine environments.

However, we have significant concerns regarding the implications of the proposed standards for the Waikato region, particularly in terms of their application in relation to Te Ture Whaimana, within settlement areas, impacts on existing consent strategies, and the feasibility of compliance for smaller treatment plants that discharge to land. We offer the following points for consideration to align with our local iwi partnerships and obligations, growth needs, and the balance of affordability for our communities.

Please refer to the following summary table 1 -- Key Points on Proposed National WW Standards and impact on current situation – for more information.

Table 1 Summary of Key Points on Proposed National WW Standards and impact on current situation

Specific Provision	*WDC Position*	*Key Issues/Commentary*	*Recommendation/Impact on Current Practice*
Application in Settlement Areas	Support	Engagement with iwi in these settlement catchments is ongoing. WDC submission point is in support of the Waikato- Tainui settlement area obligations being excluded from the standards, in line with the position of local iwi. Iwi involvement is crucial and requires their prior agreement.	WDC already operates under stricter obligations for Waikato River; existing MoU and Vision & Strategy for the Waikato River set higher benchmarks, and the existing frameworks may supersede national standards.
Scope of Standards	Support	Covers discharges to water/land, biosolids reuse, overflows, and bypasses. Excludes discharges to air, structures, PFAS, heavy metals, recycled water, and septic tanks. Regional councils continue to regulate excluded aspects.	WDC recommends the proposed WW standard includes treated water reuse. It is recommended that the WW standard incorporate treated water reuse within the framework to enable Councils to support the option and strategic reuse initiatives.
Categorization by Receiving Environment	Neutral	Receiving environments (e.g., lakes, estuaries) classified by dilution. Smaller WWTPs (<1,000 people) face relaxed nutrient standards. Risks of cumulative impacts and volume caps not adequately addressed.	Potential limitations on growth (e.g., Huntly, Ngāruawāhia). It could require stricter volume or treatment upgrades. Te Kauwhata WWTP is a new modern MABR/MBR plant that produces very high quality permeate to a small stream yet it does not meet the proposed standard based on the dilution standard

Specific Provision	*WDC Position*	*Key Issues/Commentary*	*Recommendation/Impact on Current Practice*
Waikato River Discharges	Support (in part)	Huntly and Ngāruawāhia WWTPs exceed TSS limits; Ngāruawāhia also exceeds ammoniacal nitrogen standard. Meremere WWTP compliant. Capacity concerns for future growth; alignment with Te Ture Whaimana more appropriate.	Potential conflict between national limits and river-specific objectives; upgrades are likely needed.
Raglan Harbour Discharge	Support (in part)	Fails estuary dilution criteria. Likely requires MBR + UV upgrade and new outfall structure. Cultural/community sensitivities important.	Upgrade in progress; supports existing WDC proactive project direction and fulfill the proposed standards.
Land Discharge risk assessment framework	Opposed	As proposed, the land discharge risk assessment framework does not differentiate between small systems (such as WDC's Matangi WWTP) and large-scale land discharge systems. The implications of this in practice are small plants requiring significant upgrade investment to meet standards, with limited environmental or community benefits.	WDC's small land-based systems face unrealistic standards; calls for scaled requirements. It is recommended that the differentiation between small schemes (say up to 50 dwellings) is provided for. The discharge to land needs greater consideration between small and large-scale discharges in the risk assessment framework, as has been done for discharge to water.
Network Overflows & Bypasses	Support (in part)	Reclassified as controlled activities—cannot be declined. Improves certainly but interpretation on mitigation measures still needed. Coastal overflows are still prohibited.	Could improve regulatory certainty; WDC recommends BPO approach and consistent national conditions.

Specific Provision	*WDC Position*	*Key Issues/Commentary*	*Recommendation/Impact on Current Practice*
Biosolids Reuse	Support	Supports grading and beneficial reuse (e.g., biochar); needs contaminant clarity and grading system under RMA. Monitoring depends on the grade.	WDC is exploring alternatives to reuse. Positive alignment, with clarification needed on future thresholds.
Dilution Factor Application in Small Streams	Opposed	National standards do not recognize situations where high-level treatment offsets low dilution. The assumption that all small streams cannot support discharge ignores site-specific treatment performance.	Standards should account for exceptional treatment quality. Enable exemptions or alternate thresholds where proven treatment achieves environmental equivalence or better.
RMA Requirement for High-Treatment Systems	Opposed	High-performing WWTPs (e.g., Te Kauwhata WWTP) with proven treatment levels should not require full RMA consent processes solely due to dilution limitations.	Allow 'as-of-right' status for discharges with consistently high treatment outcomes. Introduce national consent pathways that bypass full RMA processes where performance is demonstrated.
Treatment of Small Schemes	Support - in Principle	Small schemes (e.g., Meremere, Tauwhare Paa, Matangi) are unfairly held to large-scale plant standards despite acceptable outcomes in land-based or domestic-scale discharges.	Introduce moderate compliance frameworks for small schemes. Based on actual environmental risk, not system size. Recognize domestic-equivalent discharge quality for small communities.

Specific Provision	*WDC Position*	*Key Issues/Commentary*	*Recommendation/Impact on Current Practice*
Regional Council Role	Concern	Limited ability to impose stricter rules if national standards are met. Councils retain authority over excluded areas and can manage discharge volumes.	Conflict risk with site-specific or cumulative effects management; suggests flexibility in regional influence.
RMA Process Interaction	Concern	National standards override existing RMA plans, grant 35-year consents if met, and ease compliance. No transition period—upgrades must be completed before consent renewal. Consent expiry transition rules are provided.	Misaligned with LTP cycles; WDC requests staged implementation and realistic upgrade timeframes (e.g., 12-month window).
General Compliance Feasibility	Support	Supports intent, but requires flexibility for local context, growth pressure, and iwi frameworks.	Highlights need adaptable implementation and continued engagement with local authorities and iwi.

Feedback on the Standards

1. Settlement Obligations and Iwi Partnerships

The Waikato River holds unique legal and cultural status under the Waikato-Tainui Settlement Acts and the Vision and Strategy for the Waikato River (Te Ture Whaimana o Te Awa o Waikato). This framework, along with existing Joint Management Agreements (JMA) between local authorities and iwi, already establishes elevated expectations for wastewater discharge quality and environmental protection. There is a common commitment and agreement to restoring and protecting the awa.

As part of the Waikato River Settlement, Te Ture Whaimana has the standing of a National Policy Statement under the RMA and where there is inconsistency with any other National Policy Statement it takes precedence.

We recognise the Local Government (Water Services) Bill is under the Department of Internal Affairs' administration, and that the Authority cannot change the legal precedence of the Waikato River Settlement and Te Ture Whaimana. However, the Authority has the opportunity to either incorporate the principles of Te Ture Whaimana into the standards themselves or to carve out a space that allows us to continue to give effect to Te Ture Whaimana and honour the Waikato River Settlement.

The proposed national standards do not provide sufficient clarity on how they will interface with existing settlement obligations. WDC position is that this obligation should remain paramount and that the national standards will not override the Vision and Strategy or undermine commitments made through regional plans and iwi partnerships.

- **Recommendation:**
  The standards should explicitly acknowledge and support existing settlement frameworks and higher-level environmental objectives where they exist, in relation to the Waikato River, its tributaries and discharges to land within the Te Ture Whaimana area.

- Require Taumata Arowai to collaborate with iwi and councils to reconcile national standards with settlement commitments.

2. Discharges to Water and Receiving Environment Categories

The categorization of receiving environments based on dilution capacity provides a pragmatic regulatory framework. However, the proposed standards do not address cumulative effects, particularly in catchments with multiple WWTPs discharging into the same water body—such as the Waikato River, as well as risking water quality degradation. Permissive treatment limits may force regional councils to restrict discharge volumes, stifling growth in high-demand areas like Waikato.
WDC also notes that for key plants such as Huntly and Ngāruawāhia, current discharge quality (e.g., TSS and Ammoniacal Nitrogen levels) may not meet the proposed thresholds, despite ongoing efforts and investments to improve performance.

Recommendation:
Further guidance is needed on managing cumulative effects and the role of regional councils in balancing discharge volume and treatment standards. Flexibility should be retained to tailor consent conditions to specific needs, especially for sensitive catchments.

3. Discharges to Water: Specific Cases -- Raglan WWTP and Estuary Discharge

Raglan WWTP's current harbor discharge does not meet the minimum dilution requirements and level of disinfection that is proposed for estuarine environments. An upgrade to Membrane Bioreactor (MBR) technology with UV disinfection is being pursued, which aligns both the proposed standards and community and cultural expectations.

Recommendation:
WDC supports investment in high-standard treatment options for sensitive receiving environments and encourages existing projects like Raglan be recognized as exemplary proactive alignment with the standards.

4. Discharges to Land and Risk-Based Framework

The proposed risk-based approach for land discharges is generally supported. However, smaller community WWTPs such as Matangi and Tauwhare Pa are unlikely to meet proposed nutrient and pathogen load thresholds due to system design and site constraints.

Recommendation:

- Consideration should be given to introducing scaled requirements for smaller systems that operate more similarly to large on-site treatment systems
- Allow transitional pathways to compliance and fund councils to improve monitoring and risk assessments.

5. Network Overflows and Bypasses

The proposed controlled activity status for network overflows and WWTP bypasses is a positive shift that provides regulatory certainty. However, the lack of detail on matters of control and consent conditions may still result in interpretation challenges. Moreover, controlled activity status for overflows may reduce incentives for infrastructure improvements.

Recommendation:

- While WDC supports consenting overflows under exceptional circumstances, we recommend a Best Practicable Option (BPO) approach in consultation with iwi and communities. Coastal overflows must remain prohibited to uphold Te Ture Whaimana.
- WDC requests that guidance be provided to standardize consent conditions for bypassing events and ensure consistency across regions, particularly for contingency discharges like that currently proposed at Raglan.

6. Biosolids Reuse

The grading and regulatory framework for biosolids reuse is welcomed. WDC supports sustainable alternatives to landfill disposal and is actively exploring biochar and beneficial reuse options.

Recommendation:

Clarification is sought regarding contaminant thresholds and how these may evolve with cost effective alternatives and advances in technology and research.

7. Recognition of High Treatment Quality in Relation to Dilution Factors

The proposed standards currently emphasize receiving environment dilution capacity as a key determinant of compliance. However, this approach does not acknowledge instances where wastewater is treated to a very high level before discharge. For example, the Te Kauwhata system achieves consistently high-quality treatment outcomes, significantly reducing environmental risk, even though the receiving stream may have low dilution. Council is concerned that the national framework does not provide for situations where high treatment quality mitigates the need for high dilution capacity, resulting in unnecessary constraints on otherwise low-risk discharges. This could also discourage investment in high-performing infrastructure.

Meanwhile, WDC supports a risk-based approach to consenting and compliance. But, systems with excellent treatment performance may still be required to undergo a full RMA process due to the classification of their receiving environment, rather than actual discharge quality. This creates a disincentive for proactive investment in treatment upgrades and imposes disproportionate regulatory burdens.

Recommendation:

- Amend the standards to allow for flexibility where proven high treatment performance mitigates environmental effects, even in low dilution scenarios.
- Provide alternative assessment criteria for discharge consents where treatment meets or exceeds advanced standards.
- Introduce an “as-of-right” status or a simplified consent pathway for high-performing systems.
- Ensure the consenting framework encourages performance rather than applying uniform processes regardless of risk level.

8. Proportionate Regulation for Small Schemes

Council operates several small wastewater schemes serving small communities such as Meremere, Tauwhare Paa, and Matangi. These systems are typically land-based or

subsurface discharges with low environmental impact and performance comparable to permitted domestic on-site systems. However, the proposed standards do not adequately differentiate between the regulatory burden placed on large-scale facilities versus small-scale, low-risk systems. Applying a one-size-fits-all approach creates affordability and implementation challenges for small communities, despite acceptable environmental outcomes.

Recommendation:

- Introduce a tailored compliance framework for small schemes to create a distinct compliance pathway for small schemes with low-risk discharges.
- Consider allowing moderate application and monitoring requirements for these systems, particularly where discharge is to land or subsurface environments, recognizing their limited scale and risk profile.

9. Role of Regional Councils and Transition Arrangements

While the intent to streamline regulation is appreciated, WDC is concerned that the restriction of regional councils from imposing more stringent conditions may limit their ability to manage site-specific or cumulative effects.

Additionally, the proposal provides a 5-year transition period for plants operating on expired consents, its requirement for full compliance upgrades before consent renewal creates significant challenges by forcing councils to complete major capital works without consent certainty, misaligning with standard LTP funding cycles that typically allocate budgets after consent approval. The absence of clear transition pathways could place undue pressure on councils to implement major infrastructure upgrades in short timeframes.

The proposed standards only cover some effects associated with wastewater discharges. Regional councils will continue to set consent conditions for those effects not included within the proposed standards. This would create complexities and uncertainties for regional councils and network operators, since many of the effects covered across both regulatory requirements are inextricably linked. It also means that any proposed discharge is likely to be subject to both simplified consenting requirements and the full normal consenting process at the same time, but for

different aspects of the proposed discharge. This means that the proposed approach will not deliver the intended benefits regarding consenting certainty.

Recommendations:

- Provide clear delineation between national standards and regional council responsibilities to harmonize national and regional decision-making.
  An example - securing consent for outfall structures or air discharge to enable the discharge to occur remain under regional council authority/effects-based approach of RMA - consideration should be given to the wider consenting package required and how all activities relating to WW discharges can be consented in a cohesive and streamlined approach.
- Allow staged upgrades through binding implementation plans tied to LTP periods, enabling conditional consent approval while works progress, which would better accommodate infrastructure planning realities while still achieving environmental outcomes.
- Address potential duplicate consent processes.
- Allow regional councils discretion to consider local environmental and community factors in consent processes.
- Introduce formal transition arrangements to allow implementation of necessary upgrades prior to consent expiry.
- The Local Government (Water Services) Bill has the provision (Section 278) enabling a Council whose WWTP is operating on an expired consent via Section 124 of the RMA to withdraw their application and prepare a new one that complies with a wastewater standard and continues to operate on Section 124 for 6 months from the date of withdrawal. WDC recommendation is to extend this timeframe from 6 months to 12 months to allow for adequate technical reporting to be completed, WDC considers 12 months as a more realistic timeframe to complete this work.

10. Proposal for Including Water Reuse Standards

WDC notes the absence of **water reuse** in the proposed National Wastewater Environmental Performance Standards. Given increasing water scarcity, climate resilience needs, and community expectations, **treated wastewater reuse** (e.g., irrigation, industrial processes, toilet flushing) should be integrated into the framework.

Key Drivers:

- **Water Security:** Drought-prone areas (e.g., Te Kauwhata) could benefit from recycled water for agriculture.
- **Growth Pressures:** Reuse aligns with urban development goals (e.g., Hamilton-Waikato growth corridors).
- **Environmental Protection:** Reduces discharge volumes into water bodies and the land, especially for the sensitive ecosystems (e.g., Raglan Harbour).
- **Cost Efficiency:** Reuse can offset upgrade costs for WWTPs (e.g., Te Kauwhata and Raglan MBR project). Moreover, the advanced processing of Raglan and TK has advantages for water reuse.

Recommendations:

- WDC recommends expanding the standards to include treated wastewater reuse, Amend the current standards to Cross-reference reuse quality thresholds in discharge tables, allow tradeable credits for councils that implement reuse (offsetting discharge limits) and Include reuse reporting in annual compliance documentation.
- That the dilution factor required for the WW standard in relation to the discharge of treated permeate is also aligned to the quality of the treated permeate itself rather than just the receiving environment or size and flow of the water body.
- Require Te Mana o te Wai principles to be applied through

  (a) iwi co-design of reuse projects affecting taonga species or waahi tapu

  (b) Public notification for all reuse schemes

(c) Health risk assessments for food production applications

- WDC recommends the standards incorporate provisions for safe wastewater reuse by establishing risk-based water quality classes with defined uses and requiring cultural impact assessments for all proposed reuse schemes.

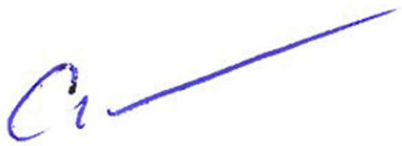
Conclusion

WDC is committed to improving wastewater management and recognizes the need for a national framework. However, the proposed standards must be flexible enough to account for local complexities, particularly those arising from Treaty settlements, existing river restoration strategies, and the operational realities of smaller WWTPs.

We appreciate the opportunity to provide this submission and welcome further engagement as the standards are refined.

Signed on behalf of Waikato District Council

Signature:



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