

22 July 2024  
File No: WGN200229

Wellington Water Limited  
Level 4, IBM House,  
25 Victoria Street,  
Petone, Lower Hutt, 5045

Wellington Office  
100 Cuba Street  
Te Aro, Wellington 6011  
PO Box 11646  
Manners Street  
Wellington 6142  
T 04 384 5708  
F 04 385 6960  
[www.gw.govt.nz](http://www.gw.govt.nz)

Attn: [REDACTED] [Head of Wastewater Contracts]

Copy sent via email to [REDACTED]

Dear [REDACTED]

## **Abatement Notice A1104 for the unauthorised discharge of wastewater containing sludge carried over from one or more clarifier to the Coastal Marine Area at Rukutane Point.**

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 the unauthorised discharge of contaminant, namely wastewater containing sludge carried over from one or more clarifiers, from the Porirua Wastewater Treatment Plant that does not comply with the consent WGN200229 immediately; and continue to comply thereafter.

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.

Your site will be visited by an officer from GWRC in due course to determine whether the abatement notice has been fully complied with.

I am the warranted enforcement officer who issued this abatement notice, so any inquiries can be directed to me at GWRC on [REDACTED]

Yours sincerely,



Senior Compliance Monitoring and Enforcement Officer  
Environmental Regulation

Encl: Abatement Notice A1104

## Abatement Notice

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

To: *Wellington Water Limited*  
*Level 4, IBM House,*  
*25 Victoria Street,*  
*Petone, Lower Hutt, 5045*

Attn: [REDACTED] *[Head of Wastewater Contracts]*

**1. Wellington Regional Council gives notice that you must cease the following action:**

The unauthorised discharge of contaminant, namely wastewater containing sludge carried over from one or more clarifiers, from the Porirua Wastewater Treatment Plant that does not comply with the consent WGN200229.

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

The Porirua Wastewater Treatment Plant

Legal descriptions: Lot 1 DP 62407 and Lot 5 DP 62407

Moki Street, Titahi Bay, at or about map reference NZTM 1,752,554E 5,447,304N m

Discharge point in Coastal Marine Area

at Rukutane Point at or about map reference NZTM 1,753,098E 5,447,902N m

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

immediately, and continue to comply thereafter.

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

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

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

Consents and conditions

5.1 Porirua City Council holds consent WGN200229 which allows for the discharge of treated effluent from the Porirua City Council's Wastewater Treatment Plant (WWTP) to the coastal marine area. The WWTP is currently operated by Veolia Water Services (ANZ) Pty Limited (Veolia) on behalf of Wellington Water Limited (WWL) who manage wastewater services (including Porirua Wastewater Treatment Plant) on behalf of Porirua City Council (PCC).

5.2 The sludge carryover definition is specifically listed under interpretation of consent WGN200229 [36816] as:

*Sludge carryover means a discharge of part of the sludge blanket from the clarifiers. A sludge carryover discharge to the coastal marine area is not within the scope of this consent.*

### Incidents and Correspondence

- 5.3 On **4 March 2024** at 4:42pm, I received a notification from WWL that stated: *“Due to the recent wet weather event, Porirua WWTP had a discharge on 04/03/2024 at 15:00 that might have caused a discolouration to the coastal marine area around Rukutane Point.”*
- 5.4 On **05 March 2024** at 3:11 pm WWL sent through a photo (digital timestamp **04 March 2024** at 16:17) which showed significant discolouration at the outfall location.
- 5.5 Between **04 March 2024** and **29 April 2024** there were 12 incidents where ultraviolet transmittance (UVT) dropped below 45%, indicating poor water quality (and possible sludge carry over event).
- 4 March 2024
  - 15 – 16 March 2024
  - 1 April 2024
  - 3 April 2024
  - 4 April 2024
  - 5 April 2024
  - 6 April 2024
  - 7 April 2024
  - 9 April 2024
  - 12 April 2024
  - 13 April 2024
  - 28 – 29 April 2024
- 5.6 A please explain letter was issued to Veolia on **20 March 2024** requesting an explanation into the discharges on **04 March 2024** and **15 March 2024**. A response was received on **04 April 2024** that stated these discharges were consented and had undergone full treatment while also stating partial carryover observed at 13:00 and sludge carryover stated occurring at 15:00.
- 5.7 A Veolia investigation report required under WGN200229 condition 22A was received on **10 April 2024** for March events. The report specifically identifies a sludge carryover event on **04 March 2024** with;
- very high total suspended sediment in daily effluent results,
  - a drop on UVT down to 0% for a sustained period,
  - Mixed Liquor Suspended Solids (MLSS) above the optimum limit of 3,500 g/m<sup>3</sup>,
  - sludge blanket levels were above maximum limits (Clarifier 3 set at 4.0 m, Clarifier 1 and Clarifier 2 set at 3.0 m),
  - discolouration observed at the outfall and,
  - Inflows above 400 L/s were noted to have been a factor in the discharge.
- The **15-16 March** event was not considered by Veolia to be a sludge carryover event.
- 5.8 A cover letter from WWL for both March events was received on **10 April 2024** and identifies the **04 March** event as a sludge carryover event in line with Veolia’s assessment and the **15-16 March** event as a high suspended solids effluent discharge. The main reason the **15-16 March** event was not defined as a sludge carryover event was daily effluent TSS results being low (6g/m<sup>3</sup>).
- 5.9 The WWL cover letter states the WWTP was unable to maintain optimal MLSS levels due to sludge dewatering system failures causing solids to build up. High influent flow should not have led to these incidents to cause a discolouration in the coastal marine area, if the MLSS concentration has been maintained within the optimum levels.

- 5.10 The WWL cover letter provides a list of short, medium and long term mitigation measures with the long-term solution being the completion of the solids handling upgrade.
- 5.11 In response to incidents across April 2024, two Veolia investigation reports required under WGN200229 condition 22A were received on **10 May 2024**. These reports were accompanied by a WWL cover letter. These reports identified a sludge carryover event on **06 April 2024**.
- 5.12 Over March and April 2024 WWL and Veolia identified two sludge carryover events, three high TSS events, six unconfirmed events and one not a discharge event (28-29 April 2024).
- 5.13 A please explain letter was issued to WWL on **10 June 2024** requesting further explanation into the discharges on all events in March and April; and an email was sent to Porirua City Council (PCC) to provide any comment into the non-complaint discharges if they wish.
- 5.14 No response was received from PCC, who generally defer to WWL for responses.
- 5.15 A partial response from WWL, as agreed, was received on **21 June 2024** stating;
- the total estimated solids discharged to outfall on 04 March 2024 was 18,060 kg.
  - progress on short-term mitigation measures to reduce the MLSS levels noting the fast-track reduction on MLSS has resulted the total being reduced but still over optimal levels, and Spicer Landfill has agreed to accept an additional 1 bin on weekdays which is approximately 4.5 tons for a limited time.
  - The identification of a sludge carryover event was defined by WWL as evident discoloration in the coastal marine area and sustained UV Transmittance values of 0% and sludge blanket levels in the clarifiers above the maximum level, which is 3 metres for clarifiers 1 and 2, and 4 metres for clarifier 3 for a sustained period of time and daily effluent TSS results exceeding the percentile limit for the effluent TSS which is 75 g/m<sup>3</sup>.
- 5.16 A follow up letter received on **10 July 2024** from WWL providing a response to the remaining queries stated that events from **12 April 2024** and **13 April 2024** listed separately were in fact just one discharge event, beginning 12:47 on **12 April 2024** and stopping 21:45 on **13 April 2024**. Full information requested was received.
- 5.17 A further incident on **01 May 2024** was identified and a please explain letter was issued to WWL and Veolia on **17 June 2024** to clarify the cause the discharge to the coastal marine area. An email to PCC was issued to provide any comment into the non-compliant discharge. A response was received individually from Veolia and WWL on **16 July 2024**, Veolia stated *data analysis did not confirm clear solids-carry over, whereas WWL classified it as a high TSS event*. PCC did not provide a response. Two key aspects noted:
- Veolia: *“From the operational experience, levels of 3 meters for clarifiers #1 and #2 and 4 meters in #3 are identified as maximum levels, which once exceeded will result in solids carry-over.”*
  - WWL: *“WWL believes that a sludge carryover did not occur. The discolouration.....is a case of high suspended solids content of the effluent discharge for a short period of time”.*

## **Breaches**

- 5.18 Where the sludge blanket level in at least one clarifier is over the maximum limit and UVT drops below 45% a sludge carryover event has almost certainly occurred. Where these have occurred and daily effluent TSS was high, discoloration at the coast was observed, the MLSS is outside optimal range and inflows are above 400 l/s further add to evidence a sludge carryover has occurred.
- 5.19 In my opinion, the discharges of wastewater containing sludge being carried over from one or more clarifiers, are not expressly allowed by resource consent WGN200229, a rule in a regional plan or a national environmental standard and contravenes section 15(1)(a) of the Resource Management Act 1991.
- 5.20 This discharge of partly treated wastewater to the coastal marine area contravenes section 15(1)(a) of the Resource Management Act 1991 which states:

*No person may discharge any contaminant into 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.*

- 5.21 You have received this notice because you manage wastewater services (including the Porirua Point Wastewater Treatment Plant) on behalf of PCC; you are responsible for ensuring compliance with all conditions of the consent WGN200229 held by PCC.

## **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. 1026.

A solid black rectangular box used to redact the signature of the enforcement officer.

Signature of enforcement officer

**22 July 2024**

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.