



File No: ENV/17/03/04  
10 January 2017

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Attn: [REDACTED] [Manager Risk & Assurance]

Dear [REDACTED]

### **Formal warning for unauthorised sewage discharges to the Porirua catchment**

Thank you for your letter dated 8 December 2016, detailing your explanation of events that surrounded the discharge of sewage to Pauatahanui Inlet and Porirua Harbour between 17-19 September 2016 from Postgate, City Centre, Rukutane Point, Brandon and Paremata Crescent 6B pump stations. The information you provided was considered in reaching a decision on the outcome of the incident. This letter concludes the Greater Wellington Regional Council's investigation into the incident. You have received this letter because Wellington Water Limited (WWL) manages the wastewater system on behalf of Porirua City Council (PCC).

On this occasion we have decided to issue you with this formal warning alerting you to the breaches of the Resource Management Act 1991 (RMA) that you are responsible for. We are not pursuing this matter further because we are satisfied that you took all reasonable steps at the time to minimise effects of the discharge.

### **Summary of investigation**

During the weekend of 17-19 September emails were received to advise GWRC that overflows were occurring throughout the region at pump stations and sewer manholes. The responding duty officer at the time, Hugh Dixon-Paver discussed the overflows in Porirua with Paul Winstanley at the time that these discharges were occurring, but did not undertake a visit to the area. Following the rainfall events, overflow notification forms were received by GWRC and in response to the information supplied I contacted you on 21 October requesting a further explanation in order to assess compliance with the RMA.

Your letter dated 8 December and subsequent email from Steve Kerr on 21 December 2016 were also considered in concluding this investigation.

Through these communications I have been advised that the Porirua sewage overflows are a known issue and that the overflows were caused primarily because of ingress and infiltration and the design of the system. This is a particular problem during high intensity rainfall events.

EPRO-6-3635

You outlined that the ongoing discharges are being investigated through the Porirua Wastewater Master Plan and Porirua Stormwater Master Plan, and that currently WWL are undertaking investigations on behalf of PCC for both these plans. Based on the outcome of these investigations WWL and PCC will be moving forward with a consenting strategy in relation to any unconsented discharges in the future. Based on the PCC long-term plan there should be further information available in late February/March 2017 to confirm timeframes.

Based on this, I request that you please respond to GWRC **by 30 March 2017** to advise timeframes which have been developed in relation to the staging of consenting unauthorised discharges.

### **Breach of the RMA**

Regardless of the ongoing investigations to look to manage discharges from the PCC Wastewater network, the discharges during 17-19 September 2016 contravene section 15 (1)(b) of the RMA which states that no person may discharge any contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering 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.

This discharge is not expressly allowed by a national environmental standard, a rule in a regional plan, as well as the proposed regional plan or a resource consent.

### **Formal warning**

Please be aware that Greater Wellington Regional Council has a responsibility to enforce the RMA. Failure to comply with the RMA may result in enforcement action including formal warnings, infringement notices or prosecution. Please ensure that you continue to take all necessary steps to comply with your obligations under the RMA as we may not be so lenient if a further breach of the RMA occurs.

Please note that this warning letter will form part of your compliance history and will be considered in the event of any future incidents. More information on potential penalties is available online at the following:

<http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM239042.html>

<http://www.legislation.govt.nz/regulation/public/1999/0359/latest/whole.html#DLM300060>

If you have any questions about this matter please call me on 04 830 4175.

Yours sincerely



Resource Advisor  
For Manager, Environmental Regulation