

ARF007 Compliance – NRC Abatements

Risk Status Progress Report June 2021

Prepared: 28/04/21

Description of risk and impact

FNDC has nine abatement notices due to non-compliance with resource consent conditions for district infrastructure issued by Northland Regional Council.

Many of these notices are over two years old, and six involve expensive wastewater assets. NRC lodged an Enforcement Order application with the Environment Court for ongoing non-compliance at the Paihia Wastewater Treatment Plant (ammonia levels), and FNDC are now under suspended orders requiring delivery of solid remedial action to avoid further litigation.

Existing Treatments

High level treatment plan completed:

- Infrastructure compliance strategy implemented.
- Five of nine abatement notices have been withdrawn or closed.

High level treatment plan and progress up-date:

High level treatment plan:	Progress update:
Resolve non-compliance with resource consent conditions to clear the nine abatement notices:	<p>An additional abatement notice has been closed bringing the total to five (of nine) abatement notices withdrawn or closed off.</p> <p>The table, below, provides a summary of high-level progress on the remaining four abatement notices.</p> <p>We remain confident that we will either have cleared our abatement notices by June 2021 or be in the final process of completion.</p>
Relationship building with NRC	<p>FNDC and NRC are actively collaborating:</p> <ul style="list-style-type: none"> • Monthly activity level compliance meetings and reporting in place. • Six monthly group level compliance meetings to provide an update on the Infrastructure Compliance Strategy.
Infrastructure Compliance Strategy	<p>Two-year Infrastructure Compliance Strategy implemented in June 2020.</p> <p>The Infrastructure Compliance Lead is project managing the action points against the timeline and deliverables to ensure, and increase, ongoing compliance.</p>

Progress update with regards to abatement notices

Abatement Notice	Progress
1. Kaitaia Water Supply – Condition 4 – Contravention of Water Shortage Direction.	Closed.
2. Kawakawa WWTP – Conditions 3 & 12 – Bunded sludge disposal areas non-compliant.	Withdrawn.
3. Russell WWTP – E.Coli levels at compliance point.	Withdrawn.
4. Paihia WWTP – ammonia levels at compliance point.	Withdrawn.
5. Kerikeri Sports Complex – Exceeded discharge limits on multiple occasions.	Closed.
6. Kerikeri WWTP – Condition 8 – Discharge of non-compliant wastewater.	As required by NRC, to close this abatement notice, we have provided three compliant test results.
7. Ahipara WWTP – Condition 2 – leachate levels.	Action Plan implemented. Ahipara evidence-based report based on staged testing, to inform NRC. From this analysis a mitigation recommendation will be made.
8. Opononi WWTP – Condition 19 – E.Coli levels at compliance point.	An 'issues and options' report has been used to inform the replacement consent. This includes a recommendation to address the long-term solution to the non-compliance in the LTP.
9. Kaitaia WWTP – untreated discharges.	Action Plan implemented. Issued in 2016 due to an unconsented network overflow, to prioritize leak detection in Kaitaia, we are near the end zonal monitoring. When this is completed a leak detection plan will be formalized.

Where are the gaps? / what more could we be doing?

The risk trend continues to decline as we progress actions to remedy the abatement notices. Recent reassessment of the inherent risk scored this risk as low impact with exposure to this risk difficult to assess due to the unknown impact of proposed reforms, and NRC use of abatement notices as a key part of their compliance strategy. Our last abatement notice was issued in July 2020.

Far North Waters Alliance is responsible for operational compliance with water and wastewater resource consents and FNDC must rely on Far North Waters to take ownership of this area. This includes having sound processes, systems and quality management in place, as well as having the technical capability to provide informed, cost effective and viable recommendations on improvements / upgrades needed to our water and wastewater assets to become and remain compliant.

We continue to identify social procurement opportunities.

Inherent Risk:	Trend	Residual Risk:	Accountable:	CEO	Date raised:	29/11/18	Report frequency:
	Decline		Responsible:	GM IAMs	Date accepted:	30/05/19	Six monthly