Submission on Action for Healthy Waterways discussion document

To: Ministry for the Environment
Environment House
23 Kate Sheppard Pl
Pipitea, Wellington 6011

Submitter: Canterbury District Health Board

Proposal: The Ministry for the Environment is consulting on the Action for Healthy Waterways discussion document, which outlines proposed changes to policies and regulations relating to water management in New Zealand
SUBMISSION ON ACTION FOR HEALTHY WATERWAYS DISCUSSION DOCUMENT

Name of submitter

1. Canterbury District Health Board (CDHB)

Detail of submission

2. The CDHB is responsible for promoting the reduction of adverse environmental effects on the health of people and communities and to improve, promote and protect their health pursuant to the New Zealand Public Health and Disability Act 2000 and the Health Act 1956.

3. We the opportunity to comment on the Action for Health Waterways discussion document.

General comments

4. The CDHB acknowledge that some of the proposals in the consultation document have the potential to have a contradictory range of effects on the health and wellbeing of the wider community and that a solution that produces a good health outcome for one community may produce a poor health outcome for another. While economic wellbeing is necessary for good health; social, recreational, cultural and environmental assets such as drinking water quality, are also fundamental to health. A sustainable and thriving ecosystem is vital to supporting and sustaining the health of present and future generations in Canterbury.

5. The CDHB has a number of comments and recommendations in relation to the following areas:

   a) Proposed amendments to the NPS for Freshwater Management
   b) Proposed amendments to the NES for Sources of Human Drinking Water
   c) Stormwater and Wastewater Management
   d) Proposals to Improve Farming Practices
Specific comments

Amendments to the National Policy Statement for Freshwater Management

6. The CDHB recommends that the alert level framework for benthic cyanobacteria as currently detailed in the New Zealand Guidelines for Cyanobacteria in Recreational Fresh Waters 2009, or any other guidelines produced in the future, are referenced in the amended Policy to provide a more comprehensive picture of the suitability of a river for swimming. The exclusion of an attribute table for cyanobacteria in rivers (not fed by lakes) is of concern in the Canterbury region due to the majority of rivers being directly mountain fed (not lake fed). The Canterbury region experiences a high number of algae blooms each summer which restrict the use of rivers. We acknowledge that the health risk associated with benthic cyanobacteria are less well known than the risk for planktonic cyanobacteria yet benthic cyanobacteria are widespread throughout New Zealand rivers and there is widespread distribution of toxic species.

7. In relation to 4.2, Te Mana o te Wai, the CDHB supports Kāhui Wai recommendations to restore the health of our wai, recognising the elemental importance of freshwater to the wellbeing of New Zealand’s people and ecosystems.

8. In relation to 4.3, Strengthening Māori values, the CDHB supports proposal 1 – to elevate the status of mahinga kai to a compulsory value, which will ensure that the attributes of freshwater health that protect the mauri of mahinga kai are prioritised.

9. The CDHB recommends that an attribute table is included for groundwater values with a clear definition of groundwater and attributes for nitrate and pathogen trends. There has been deterioration in both the quality and quantity of groundwater used for drinking water supplied in recent years. Some water supplies which have complied with the Drinking Water Standards New Zealand without treatment in the past, now need to be treated due to pathogen contamination. Groundwater quality in Canterbury has also been compromised with elevated nitrate particularly in shallower groundwater. This deterioration places increased cost onto communities in having to improve treatment or drill for deeper bores. Increased levels of contamination also increase the chances of serious disease outbreaks relating to...
drinking water. CDHB recommend that an attribute table for groundwater is included, to indicate water quality / quantity trends of aquifers especially where land use has changed considerably.

Amendments to the NES for Sources of Human Drinking Water

Question 43. Do you agree with the proposed amendments to the Drinking Water NES? Why/why not?

10. Overall, the CDHB supports the proposed changes to the National Environmental Standards for Sources of Drinking Water (NES for Sources of Drinking Water). While in Canterbury drinking water is considered a “first order priority” under the Canterbury Water Management Strategy, this is not the case nationally. The CDHB is aware that in other regions nationally where public health services are provided, drinking water is not explicitly identified as a “first order priority” by regional councils. Mandating legislative requirements around source protection is viewed as a positive step towards achieving national consistency in this area.

11. The CDHB does not believe that the terminology in the current NES for Sources of Drinking Water provides sufficient clarity nor coverage around source water risk management areas. The terms ‘upstream’ and ‘abstraction point’ are not well defined and are therefore open to interpretation. Groundwater sources may be affected by downstream activities as well as upstream ones. Furthermore, the term ‘upstream’ could potentially include a wider land area which may not pose a significant risk to the drinking water source. The use of objective and direct spatial criteria would allow regional councils to consistently ensure that the risks most significant to a drinking water source are being considered and that the intent of the NES is being met.

12. The CDHB supports defining the types of activities that pose a potential risk to sources of drinking water in protection areas. The current regulations 7 and 8 only apply to future applications for water and discharge permits, and not to existing land use consents and activities. The CDHB does not believe that the impacts of historical and existing activities and the cumulative effects of water and discharge permits on drinking water sources have in general been adequately considered,
when new consents are being issued. In the CDHB’s experience, some existing land use activities such as effluent discharges, have resulted in significant contamination of nearby drinking water sources. This has left some drinking water suppliers in a difficult position, having to provide additional water treatment processes to address the attendant compliance issues. In particular, nitrate contamination of groundwater is both difficult and costly to remove. Moreover, there is an increasing body of international evidence that nitrates are harmful to humans well below the current drinking water MAV – a precautionary approach to source water protection is therefore an imperative.

13. The CDHB supports the proposal to expand the scope of drinking-water supply populations covered by the NES for Sources of Drinking Water. The CDHB considers it inequitable to treat different drinking-water suppliers differently. All drinking-water suppliers should be afforded the benefits and protections of the NES for Sources of Drinking Water Regulations to all drinking-water suppliers serving more than 25 people. In the CDHB’s experience it is usually the smaller drinking-water suppliers that are already comparatively under resourced in terms of treatment and monitoring capability. In addition, some of these drinking-water suppliers also are obliged to manage seasonal population increases far exceeding their usual size. The NES for Sources of Drinking Water should apply to all registered drinking-water suppliers serving greater than 25 people.

14. The CDHB agrees that a new approach towards the management of specific contaminants in source waters is needed, with cognisance of the improved knowledge around the contaminants, the risks to public health that they may represent, and options for removal. It is also considered unreasonable that drinking-water suppliers bear the primary responsibility of addressing source water contamination. It should also be acknowledged that one approach may not fit all contaminants. The legacy of groundwater nitrates and the emerging contaminants xeno-oestrogens and per- and poly-fluoroalkyl substances (PFAS) are all examples where a new approach to source water management of specific contaminants would be beneficial.

15. The proposal to require regional councils and territorial authorities to place appropriate controls on the development and use of land in drinking-water source
water risk management areas is considered a good idea. The CDHB believes that a more direct approach would help to ensure sources of human drinking water are protected. Clear responsibilities need to be made apparent to ensure all agencies are aware of their role in protecting drinking water. The CDHB supports the concept of a catchment protection plan, as described under recommendation 657 in the Havelock North Drinking Water Inquiry Stage 2 report, as a means of implementing this level of control over the drinking-water source risk management area.

16. The CDHB believes that regional councils should consider the potential for increased risks for drinking water when granting permits for controlled activities.

17. Consents also should not be issued which would conflict with the Health Act 1956 and the duties of the water supplier. Water suppliers have a duty under section 69U of the Health Act 1956 to take reasonable steps to contribute to protection of source of drinking water. Decisions taken by regional councils should not make these duties more difficult for suppliers to meet. Regional councils need to be fully conversant with the Health Act 1956 section 69ZZO Contamination of raw water or pollution of water supply. For example, intensified farming practices create risk and permits for such industry. Permits should only be granted where regional councils are confident that 69ZZO is not likely to be breached.

**Question 44. Are there other issues with the current Drinking Water NES that need to be addressed?**

18. The CDHB recommends that Regulation 12 is reviewed as part of the overall review process. Regulation 12 does not protect a water supply: it only ensures notification to a water supplier if an event which could have a significant adverse effect occurs. This regulation needs to be amended to ensure preventive measures are put in place as a consent condition, to reduce the likelihood of such an event to negligible.

19. The CDHB supports the recommendation 666 from the Havelock North Drinking Water Inquiry Stage 2 report and considers this as another area which could be addressed in a vehicle such as the NES for Sources of Human Drinking Water. Ongoing collaboration between a regional council and other agencies, such as the proposed new Regulator, is required to ensure effective dissemination regarding
new sources of drinking water supply and their location to allow the regional authority to effectively implement source water protection requirements. Collaboration also facilitates other parties to become involved in decision making where risk reduction is necessary following regional council monitoring identifying contamination risks regarding existing activities. In the CDHB’s experience, some existing activities have created situations where a substantial public health risk has been identified but not all affected parties have been made aware of the situation or given the opportunity to take actions to protect their health. The CDHB therefore suggests that collaboration and consultation become a formal part of the regional council responsibilities.

20. The CDHB support the proposal to require regional councils and territorial authorities to place appropriate controls on the development and use of land in drinking-water source water risk management areas.

Stormwater and Wastewater Management

21. Stormwater and Wastewater are important aspects of the water use cycle that can often be overlooked. Poor stormwater management can contribute to contamination of waterways and flooding issues. Poor wastewater management can lead to contamination of waterways, groundwater and drinking water sources.

22. The CDHB supports the general direction of the consultation document which seeks to better manage stormwater and wastewater across New Zealand. Improved management of both stormwater and wastewater will have the added benefits of improving environmental outcomes, reducing public health risk and mitigating against the effects from adverse weather events.

23. The CDHB supports the development of a National Environmental Standard for Wastewater Discharges and Overflows. This is important as these events contaminate waterways and are often unseen in urban areas. Having a Nationally consistent approach will ensure that each Council take steps to improve wastewater management.
24. The CDHB supports the development of a Risk Management Plan for Wastewater Network operators. Having a plan for managing the entire wastewater network will allow network operators to identify and remedy issues in a systemic, planned way.

25. The CDHB supports nationally consistent measures for wastewater quality. It is important that standards are consistent across the country. This will also allow for consistency of consent processing for network operators through to on-site private septic tank operators.

26. The CDHB supports approaches for incorporating culturally acceptable wastewater treatment processes. Protecting the mauri of water is vital in ensuring mahinga kai is protected and that treatment and discharge of water does not negatively impact on cultural uses of water.

27. The CDHB supports the development of Risk Management Plans for stormwater network operators (including the reduction of inflow and infiltration risk). The development of management plans for stormwater serves a double purpose in terms of reducing the risk of overflows and also managing flooding risk.

28. The CDHB supports national guidance on stormwater policy and network management. Having national guidance/standards will help ensure that stormwater management practices improve.

29. The CDHB recommends that the NES apply to septic tanks in addition to reticulated networks. It is unclear from the consultation document whether the NES for Wastewater will apply to reticulated supplies and private septic tanks and/or large townships such as Darfield without reticulated networks.

30. The CDHB recommends the development of a Stormwater NES for both reticulated networks and to private dwellings that discharge to soak pits. This would complement the other plans around improving stormwater management and provide direction to Councils for implementing this.

31. The CDHB recommends compulsory minimum stormwater holding tanks for all new dwellings and any building upgrades to reduce volume of water being initially discharged in high rainfall event to reduce flooding risk.
32. The CDHB recommends that any wastewater overflow, stormwater overflow/flooding events are required to be notified to the Medical Officer of Health and Health Protection Officers in each district/region. Overflows can pose a public health risk, especially during high rainfall events and where people may be in contact with contaminated water. This allows the Medical Officer of Health to be informed of any overflow and the responsible TLA to erect signage to warn the public to avoid contact.

33. The CDHB recommends that any wastewater overflow, stormwater overflow/flooding events are notified to the local Runanga/Iwi. It is vital to keep Runanga/iwi informed of any overflows as there are many places for gathering mahi kai which may be impacted by storm and waste water overflows. The CDHB recommends that this notification occurs at the same time as the proposed notification to the Medical Officer of Health.

34. Given the increasing knowledge around adverse weather events, ground geology conditions, it is likely that some areas will become unsuitable for dwelling construction; even with engineered designs, construction may become cost prohibitive. The CDHB recommend prohibition of construction of dwellings within known flood-prone areas (based on flooding risk). Where dwellings are already existing, allow Councils to purchase back dwellings to create a green buffer for peak flow events.

35. With proposed intensification in urban centres both in terms of urban sprawl and increased medium and high-density housing, the amount of permeable surfaces may reduce over time. In medium/high density development areas the CDHB recommend that height limits for buildings are increased where it can be demonstrated that space on the site has been allocated for stormwater management (greenspace/holding tanks). This will allow for both increased density of housing and greenspace for stormwater treatment (lawns, swales, rainwater gardens).
Proposals to improve farming practices

36. The CDHB supports the draft new standards (Draft Stock Exclusion section 360 regulations) for when stock must be excluded from wetlands, lakes and rivers more than one metre wide and using farm plans to develop bespoke approaches for excluding stock from smaller streams and drains.

Conclusion

37. In summary:

a) Reference benthic cyanobacteria in the Policy.

b) Clarify what is meant by “upstream”.

c) Include a direct and explicit approach to source water protection

d) Mandate collaboration and consultation as part of the regional council responsibilities.

e) Apply NES to septic tanks and soak pits.

f) Mandate stormwater retention tanks for all new dwellings, along with stormwater NES.

g) Prohibit the construction of dwellings in flood prone areas.

38. Thank you for the opportunity to submit on the Action for Healthy Waterways discussion document

Person making the submission

31st October 2019

Dr. Alistair Humphrey MPH MHL FAFPHM FRACGP
Public Health Physician, Canterbury DHB

Contact details

Personal details removed