

7. CONSENTS FOR CHRISTCHURCH WASTEWATER TREATMENT PLANT

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The purpose of this report is to inform Councillors of progress with the wastewater discharge consents since the Council meeting of 23 May 2002.

BACKGROUND

Environment Canterbury's Commissioners released their decision on 6 May 2002 and this was reported to Councillors at a seminar on 15 May 2002, and then again at the Council meeting on 23 May 2002. The Council resolved as follows:

- 1. That the Council approve the lodging of appeals to the Environment Court against the decisions of the Commissioners, so as to keep the Council's options open in the meantime, in relation to the Christchurch Wastewater Treatment Plant consents and to allow the Council time to consider carefully and thoroughly the decisions of the Commissioners before confirming the directions it wishes to take in relation to the consents.*
- 2. That a further seminar be held in July prior to formal consideration by the Committee and Council to establish the Council's position, and so make decisions in relation to the appeals.*
- 3. That, if the Council chooses to then confirm the appeals, either in part or in whole, it then make opportunities available for the holding of preliminary hearings and negotiations with interested parties, and thus potentially resolve the issues before the Environment Court hears the appeals, or alternatively, the Council may choose to move down an alternative path to the Estuary discharge and instruct staff to start working towards those ends.*

ACTION SINCE 23 MAY 2002

ECan's decision on the main consent was only interim and the Commissioners invited comments on details of the conditions. These comments were submitted by the deadline of 24 May 2002 as required, and a copy was circulated to all Councillors.

As resolved at the Council meeting of 23 May 2002, the Council lodged an appeal against the decision by the statutory deadline of 27 May 2002, and a copy was circulated to all Councillors. The Environment Court has advised that the Council is the only appellant.

FINAL ECAN DECISION

ECan's Commissioners released the final decision on the main consent on 24 June 2002. This made a number of changes from the interim decision, the more significant items being to remove details specified for the capacity of the UV plant, and to remove the requirement for trickling filters to operate in series (for both of these points the conditions now only specify the quality of effluent finally discharged, rather than the means of achieving that quality). These and other minor changes will make it easier to comply with the conditions and might lead to a reduction in costs. However, they leave intact the earlier fundamental decision to require the Council to take the discharge out of the estuary as soon as possible, and to make substantial and costly improvements to the quality of treatment during the five years that the discharge is allowed to remain in the estuary. And they also leave in place a number of minor conditions that we believe have not been thought through very well and will be difficult or even impossible to comply with.

COUNCIL APPEAL

The Council has briefed a new legal counsel, Mr John Fogarty, QC, following the untimely death of Mr Tony Hearn.

The second stage of the Council's appeal is being drafted for lodging with the Environment Court by the statutory deadline of 15 July 2002, in response to ECan's final decision on the main consent application.

REVIEW WORK

A review is under way of the ecology of the estuary, including input from a range of leading marine scientists from around New Zealand, plus an internationally acclaimed ecologist. This group has been asked to review the basis for the Council's strategy and give further advice on the state of the estuary and ocean environment. This review is expected to be completed by late August 2002.

A similar review is under way of public health issues relating to the estuary and ocean outfalls, using a team of New Zealand public health specialists, and this too should be completed by the end of August 2002.

ECan's Commissioners criticised the adequacy of information put up by the Council with the application and for the hearings. Both of the above review groups have been asked to give further advice on this matter, and also to advise what information will be required, should the Council seek consent for an ocean discharge.

A review has also been commissioned of costs of the major components of both the ocean and estuary options, covering capital and operating costs, and analysing potential impacts on rates. This review will also be completed in August.

OXIDATION PONDS

The final report on modelling of flows in the first two oxidation ponds was received during June 2002, and these have indicated the best configuration to maximise the kill of pathogens. The improved configuration is expected to have a significant effect on the numbers of bugs released to the estuary, and therefore on the capacity of, or even the need for, a UV plant. Based on this we are commissioning detailed design of an altered layout of the ponds. The alterations will also reduce the nutrients discharged to the estuary. This design should be completed by October 2002, and \$1.6 million has been budgeted already for construction in 2002/03 as part of the upgrade of the treatment plant. This budget allowance will be refined into a firm estimate as part of the detailed design. These works are needed regardless of location of outfall, ie they fit both an estuary and ocean discharge.

OCEAN MODELLING

A 12-month extension of an earlier contract for modelling ocean currents in Pegasus Bay is being commissioned. The Council's previous study done in 1999 and 2000 gave a clear indication for most weather and ocean conditions of the movements and dilutions of the discharge from an ocean outfall. However, the study left uncertainty in some conditions and an expert panel, composed of scientists and engineers from around New Zealand, plus some from Australia and the USA, recommended a further 12 months of current monitoring and modelling to refine our understanding and improve confidence in predictions on performance. Note that this work also is required regardless of whether the discharge goes to the estuary or ocean.

SECOND COUNCIL SEMINAR

A second Council seminar to review the above information has been arranged for Friday, 13 September 2002, and all Councillors have been invited. Results of the reviews mentioned above will be presented at this seminar before a report is compiled with a recommendation for decisions on what items in our appeals should be pursued through to negotiation and the Environment Court.

SUMMARY

The final ECan decision on the Council's estuary application has been received and the second stage of the Council's appeal will be lodged prior to the deadline on 15 July 2002. Following ECan's decision some further work including peer review by an internationally recognised ecologist is being undertaken. A second seminar on the consent application will be held on 13 September 2002 with all Councillors invited.

Staff

Recommendation: That this report be received for information.

Chairman's

Recommendation: That the above process and timeframe for decision making be adopted.