

**OTAGO REGIONAL COUNCIL**  
**RESOURCE MANAGEMENT ACT 1991 (RMA)**  
**HEARING OF RESOURCE CONSENT APPLICATION**

**MINUTE #2 OF THE HEARING COMMISSIONER**

1. The Otago Regional Council (ORC) appointed me to hear and decide the application lodged by the Clutha District Council (the Applicant) to discharge treated wastewater from the Waihola Wastewater Treatment Plant (the WWTP) to water. This application is referenced by the ORC as RM15.364.
  2. A hearing was held on Monday 24 January 2022 in Dunedin. Towards the end of the hearing I set down a timetable for further information to be provided by various parties and a date for the Applicant's written right of reply to be delivered.
  3. One of the main pieces of information to be provided was a set of recalculations by Dr Greer in respect of what constitutes the 'current' quality of the treated wastewater and the 'current' volumes of discharge from the WWTP – these recalculations being based on the most up to date information that was to be provided by the Applicant.
  4. I have received a number of iterations of Dr Greer's recalculations – being by way of a letter report(s) and spreadsheet(s). Further, I have also received two unsolicited emails directly from the Applicant, the first being from a Ms Jo Jack on 4 February 2022 and the second from a Ms Julie Gardner on 24 February 2022. I remind the Applicant that it is **not** appropriate to send any correspondence directly to myself - all correspondence should be submitted to Ms Karen Bagnall at the ORC.
  5. Ms Jack's email included an extract from the Applicant's Infrastructure Strategy and a copy of a finalised brief from Fluent Solutions for investigation of long-term disposal options for wastewater from existing and future East Coast discharges from various wastewater treatment plants. I am unsure why this email was sent to me when it was as this information was to be provided with the written right of reply.
  6. Ms Gardner's email included a copy of the same material previously provided by Ms Jack, as well as a review of Dr Greer's recalculations undertaken by Beca Limited (labelled as 'Draft'), a report by Marshall Projects on proposed WWTP upgrades, and a letter from a Ms Jules Witt (Group Manager Service Delivery). Like Ms Jack's email, this information should more appropriately have been provided with the Applicant's written right of reply.
  7. I note that Dr Greer has reviewed the Beca Limited letter and provided a response to me (via Ms Bagnall) by way of a revised letter report and spreadsheet. He noted that a number of the points raised by Beca Limited had already been identified and corrected in previous versions of his report and spreadsheet.
  8. I have some questions of the Applicant and Dr Greer which I set out below and would like these answered before the planners finalise their Joint Witness Statement on conditions (which was due to be provided to me today).
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### Questions for the Applicant

9. Have there been any changes made to the method of measurement of the discharge volumes from the WWTP that may explain the higher average daily discharge volumes in 2021 and has the flow measuring device been maintained and calibrated appropriately?
10. During the hearing I asked questions on the pattern of daily discharge volumes presented in Figure 2 in Appendix 3 of Ms Vaughan's evidence. Figure 2 shows a period of higher daily discharge in January 2021 compared to the remainder of the year. I was told that works had been completed some time in the early part of 2021 to try to address infiltration and inflow (I/I) issues and that these works may have resulted in reduced wastewater volumes being discharged during the remainder of the year, particularly during the winter months. Can you please confirm what I/I works were completed in 2021 and when they were completed? Please also advise what ongoing works, if any, are planned to further reduce I/I.
11. Please provide a response to these questions, via Ms Bagnall at the ORC, by **1 pm, 2 March 2022**.

### Questions for Dr Greer

12. In Section 3.4 of your letter report you state *"Before adopting the approach described above careful consideration should be given to the appropriateness of including data from 2021 in any compliance criteria calculations. Daily average and total discharge volumes in that year were ~30% higher than in any other year assessed, and this does not appear to have been driven by rainfall"*. If the I/I works completed by the Applicant in 2021 have contributed to reducing daily discharge volumes from the WWTP after the high rates recorded in January, would it be appropriate to exclude the January high daily discharge volumes in the calculations of the average for that year and, if so, what would the resultant average daily discharge for 2021 be without the January figures included?
13. Your Table 5 compares the potential increase in N and P loads of 160 m<sup>3</sup>/d (being the 2021 average volume plus 10%) to a 'Current (102 m<sup>3</sup>/d)' discharge. The 102 m<sup>3</sup>/d is referenced in paragraph 5.1(b) of your Statement of Evidence dated 10 December 2021<sup>1</sup>. If 102 m<sup>3</sup>/d is to be used to be reflective of the 'current' discharge rate (which I question later in this Minute), then shouldn't a 10% buffer also be applied to the 102 m<sup>3</sup>/d figure so that the comparison is 'like for like' (or apples with apples)? If not, why not and, if so, what would the revised loads from the WWTP and potential increases be?
14. You have advised caution in using the 2021 data (refer to quoted text in paragraph 12, above) in setting compliance criteria for annual average discharge volumes. I interpret this to mean that you do not see any issues with using the data for 2016-2019 presented in Table 3 of your recent letter report for this purpose and that these appropriately represent the 'current' discharge volumes from the WWTP. Is that correct and therefore also that if the volumes discharged are maintained at or below these then the effects of the discharge 'are unlikely to be more than minor'<sup>2</sup>?
15. If my interpretation outlined in paragraph 14 above is correct (i.e. that data for 2016-2019 presented in Table 3 represents the 'current' discharge volumes), then shouldn't the potential increase in N and P loads presented in your Table 5 use a 'current' average daily discharge of 128 m<sup>3</sup>/d (not 102 m<sup>3</sup>/d) – 128 m<sup>3</sup>/d being the 2018 average volume of 116 m<sup>3</sup>/d plus 10% (2018 being the highest average discharge for any year prior to 2021). What would the revised loads from the WWTP and potential increases be for a 160 m<sup>3</sup>/d discharge scenario if 128 m<sup>3</sup>/d was the 'current' discharge volume?
16. Please provide a response to these questions, via Ms Bagnall at the ORC, by **1 pm, 7 March 2022**.

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<sup>1</sup> I understand the 102 m<sup>3</sup>/d comes from Table 1 of the 2015 application.

<sup>2</sup> Para 9.1 of your Statement of Evidence dated 10 December 2021.

### Changes to Other Timeframes

17. Given the additional time needed for the Applicant and Dr Greer to provide responses to my questions outlined in this Minute, I consider it appropriate that the timeframe by which the planners submit their Joint Witness Statement on conditions be extended and so to the Applicant's written right of reply.
18. I direct the planners submit their Joint Witness Statement on conditions no later than **1 pm, 14 March 2022**.
19. I direct the Applicant submit its written right of reply no later than **1 pm, 21 March 2022**.
20. All documents should be submitted to Ms Bagnall of the ORC who will circulate them to all the parties and myself.
21. If any party wishes to seek further clarification in relation to this Minute please contact Ms Bagnall in the first instance, email: [karen.bagnall@orc.govt.nz](mailto:karen.bagnall@orc.govt.nz) or phone 0800 474 082.

**DATED** 25 February 2022

A handwritten signature in black ink, appearing to read 'Rob Lieffering', with a stylized flourish at the end.

Dr Rob Lieffering  
Independent Hearings Commissioner

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