

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I MUA I TE KOOTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2025-CHC-

IN THE MATTER

of the Resource Management Act 1991

AND

in the matter of an application under sections 314 -
320 of the Act

BETWEEN

OTAGO REGIONAL COUNCIL

Applicant

AND

QUEENSTOWN LAKES DISTRICT COUNCIL

Respondent

APPLICATION FOR ENFORCEMENT ORDER

Sections 316 Resource Management Act 1991

Dated 22 January 2025

ROSS DOWLING MARQUET GRIFFIN
SOLICITORS
DUNEDIN

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Solicitor: K J Logan

APPLICATION FOR ENFORCEMENT ORDER

To: The Registrar
Environment Court
Auckland, Wellington and Christchurch

1. **The Otago Regional Council** applies for enforcement orders requiring the respondent to do the following things to avoid, remedy and/or mitigate adverse effects on the environment at the Shotover Wastewater Treatment Plant (the **WWTP**):

Operations and Management Manual

- 1.1. The respondent amend its Operations and Maintenance Manual (**OMM**) for the WWTP by including the following:

- 1.1.1. to require three-monthly monitoring of the blower inlet filters, including, assessment of the condition of blower inlet filters and recording the differential pressure shown by the Pressure Differential Indicators on the inlet filters.
- 1.1.2. monitoring trends in the aeration manifold pressure at table 6.8.5.
- 1.1.3. to require the respondent to report the trends referred to at paragraph 1.1.2 in its annual report to the applicant, with an explanation of any values deviating from normal values in each annual report provided to the applicant after 31 January 2025.
- 1.1.4. to require monitoring of turbidity levels at the outlets of the oxidation ponds and clarifier wastewater streams.
- 1.1.5. specific operating procedures about how the operator assesses whether the WWTP is exceeding capacity, and what response is required if it exceeds capacity. The procedures must identify the steps which are to be taken when turbidity levels for the pond or clarifier wastewater exceeds the 90th percentile limits for total

suspended solids, biological oxygen demand, total nitrogen, ammoniacal-nitrogen and/or E Coli specified in the relevant resource consent irrespective of whether the 90th percentile condition specified in the relevant resource consent is contravened when the relevant annual results are considered.

1.1.6. a plan to be followed in the event of failure of critical equipment, which:

1.1.6.1. Identifies critical equipment (which must include any equipment critical to the basic functioning of the WWTP);

1.1.6.2. Identifies installed redundancy;

1.1.6.3. Identifies lead times for obtaining replacement parts for the WWTP;

1.1.6.4. Provides for the holding of spare/replacement parts by the respondent (or its contractor);

1.1.6.5. Identifies options for temporary plant hire;

1.1.6.6. Identifies other contingency measures to avoid or mitigate adverse effects on the environment; and

1.1.7. a plan to be followed in the event of failure of the de-watering system, which:

1.1.7.1. Identifies lead times for obtaining replacement parts for the de-watering system;

1.1.7.2. Provides for the holding of replacement parts by the respondent (or its contractor);

1.1.7.3. Identifies an interim solution if the de-watering system is unavailable.

1.1.7.4. Identifies other contingency measures to avoid or mitigate adverse effects on the environment.

1.2. The respondent take all steps necessary to operate the WWTP in accordance with the OMM.

Training

1.3. The respondent prepare and implement an operator training plan that includes the identification of and response to operational and performance issues by **30 June 2025**.

Sampling and Monitoring

1.4. The respondent undertake weekly sampling of wastewater for total suspended solids, biological oxygen demand, total nitrogen, ammoniacal-nitrogen and E Coli after UV treatment, at the autosampler, and provide the applicant with weekly sampling results within two weeks of sampling.

1.5. The respondent take daily samples of wastewater after UV treatment at the autosampler and provide daily sampling results to ORC immediately upon detecting an "event", which is any occurrence which results in treated effluent having levels of total suspended solids, biological oxygen demand, total nitrogen, ammoniacal-nitrogen and/or E Coli which exceed the 95th percentile limits specified in the relevant resource consent whether or not the 95th percentile condition is contravened when annual results are considered. Daily sample results will be provided to ORC for at least three weeks following any event.

1.6. The Respondent take water quality samples within the first week of each calendar month from:

1.6.1. the Shotover River upstream of the WWTP near the state highway 6 bridge; and

1.6.2. the river channel adjacent to the Disposal Field.

1.7. The Respondent test the samples at paragraph 1.6 for:

- 1.7.1. Five day biochemical oxygen demand;
 - 1.7.2. Total suspended solids;
 - 1.7.3. Total nitrogen;
 - 1.7.4. Ammoniacal nitrogen;;
 - 1.7.5. Total phosphorus; and
 - 1.7.6. E Coli.
- 1.8. The Respondent install a groundwater monitoring bore between the Disposal Field and the Shotover River by 30 June 2025 and collect representative samples from the bore in accordance with condition 8 of Resource Consent RM13.215.03V2
- 1.9. The Respondent undertake annual biological monitoring along the Shotover River adjacent to the Disposal Field, which shall include ecosystem monitoring to observe periphyton abundance and micro invertebrate communities during peak summer temperatures and allow comparisons to previous monitoring.

Repairs/Improvements to the WWTP

- 1.10. The respondent immediately repair and maintain all sludge conveyors which remove dewatered sludge from the wastewater at the WWTP.
- 1.11. The Respondent amend the Programmable Logic Controller (**PLC**) code to redirect flush water during a flush cycle from the centrifuges to the drain (instead of to the conveyors which remove dewatered sludge) by **14 February 2025**.

MLE upgrades

- 1.12. The respondent complete the WWTP upgrades currently being undertaken being the installation of a new Modified Ludzak-Ettinger (**MLE**) plant, clarifier and supporting infrastructure so that the new MLE plant and clarifier are operational, and resource consent RM2008.238 exercised by **31 December 2025**.

- 1.13. The respondent construct a calamity pond (to which wastewater can be re-directed if total suspended solids levels at the autosampler exceed the 90th percentile limit in the consent) at the treatment plant and to have the calamity pond available for use by **31 December 2025**.
- 1.14. The respondent construct the MLE plant and clarifier (referred to in paragraph 1.12) so that the Respondent has the ability to:
 - 1.14.1. continuously monitor total suspended solids and/or turbidity; and
 - 1.14.2. divert treated wastewater to a calamity pond if total suspended solids levels exceed the 90th percentile limit in the consent.

Disposal Field

- 1.15. The respondent provide the applicant with a monthly report detailing progress with remedial work to the disposal field (being the dose and drain field to which treated wastewater is reticulated, the **Disposal Field**), with the first report to be provided by **20 January 2025**.
- 1.16. The respondent apply for the necessary consent(s) by **28 February 2025** and fill wastewater ponding in the Shotover Delta area with aggregate to improve the public amenity of the area without delay.
- 1.17. The respondent provide a monitoring and response plan in the event of overtopping and flooding from the disposal field site into/onto the Shotover Delta by **28 February 2025**, and to have implemented the plan by **31 March 2025**.
- 1.18. The respondent provide the applicant with monthly reporting of groundwater levels, as well as sampling of the water quality at groundwater bores in the Shotover Delta.
- 1.19. The respondent immediately strengthen the bund it has constructed around the perimeter to the disposal field in accordance with engineering advice to avoid uncontrolled overflows.

- 1.20. The respondent immediately apply for the necessary consents for the bund constructed around the perimeter of the disposal field.
- 1.21. The respondent to direct any overflows from the Disposal Field to buried channels by 31 March 2025.
- 1.22. The respondent repurpose one of the three oxidation ponds at the WWTP to provide treated wastewater storage by **31 December 2025** to hold wastewater following UV treatment so that flows of treated wastewater to the Disposal Field can be limited to avoid inundation of the Disposal Field.
- 1.23. The respondent develop and implement a long-term solution (**New Disposal System**) for the disposal field by **31 December 2026**:
 - 1.23.1. Application for resource consent will be made by 31 December 2025.
 - 1.23.2. engineering design for the New Disposal System must be completed by 31 March 2026;

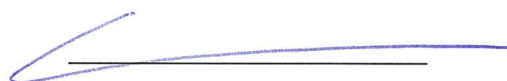
Costs

- 1.24. The respondent pay the applicant's costs of and incidental to this application.
2. These orders are sought in reliance on Section 285 and Sections 314(b)(ii), (c) and (da) of the Resource Management Act 1991 because:
 - 2.1. The Disposal Field is failing;
 - 2.2. There are adverse effects on the environment (in particular the effect on the amenity value)
 - 2.3. There is likely to be more significant adverse effects on the environment (including the local ecosystem) if there is another discharge of partially treated wastewater.
 - 2.4. Improvements to the WWTP and its operation are required to avoid and/or mitigate the adverse effects on the environment.

3. The location to which the enforcement order is sought is Shotover Wastewater Treatment Plant on the true right bank of the Shotover River, approximately 1.25 km south-southeast of the intersection of Tuckers Road and State Highway 6, having the legal description Lot 4 Deposited Plan 421841 and Lot 2 Deposited Plan 422388.
4. The name and address of the person against whom the order is sought is:

Queenstown Lakes District Council
10 Gorge Road
Queenstown 9300
5. The Otago Regional Council applies for the order to made on the following terms and conditions that:
 - 5.1. The Respondent provide monthly reports on progress and compliance with the enforcement orders.
6. I **attach** the following documents:
 - 6.1. Affidavit of Shelley Louise Reed dated 21 December 2024 in support of this application;
 - 6.2. Affidavit of Shelley Louise Reed dated 22 January 2025 in support of this application;
 - 6.3. Affidavit of Georgia Rose Simmonds in support of this application;
 - 6.4. Affidavit of Richard Gray Lord in support of this application.
 - 6.5. Affidavit of David Hume in support of this application;
 - 6.6. Affidavit of Tobias Maximillian Zaege in support of this application;
 - 6.7. Notice issued under section 130 Evidence Act 2006; and

- 6.8. List of names and addresses of persons to be served with a copy of this application.



Katherine Jane Logan
Solicitor for the Otago Regional Council

Dated: 22 January 2025

Address for service of the applicant:

Ross Dowling Marquet Griffin Solicitors 50 Princes Street (PO Box 1411 or DX YP80015) DUNEDIN 9016	
Telephone	(03) 477 8046
Fax	(03) 477 6998
Email	kate.logan@rossdowling.co.nz
Contact person	Katherine (Kate) Jane Logan

Note to applicant

You must lodge the original and 1 copy of this application with the Environment Court. The application must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve notice of this application in form 44 on every person directly affected by this application within 5 working days after the application is lodged with the Environment Court.

However, this service requirement does not apply to an application for an interim enforcement order if an Environment Judge or District Court Judge has ordered that it does not apply.

Within 5 working days after lodging this application, you must lodge an affidavit as to service of this application with the Registrar of the Environment Court. The affidavit must state—

- (a) the name and address of each person served; and
- (b) the date of service on each person; and
- (c) that all persons directly affected by the application have been served notice of the application.

An Environment Judge or District Court Judge may direct that you serve a copy of an interim enforcement order on the person against whom the order is made.

Also you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above service requirements (see form 38).

Advice

If you have any questions about this application, contact the Environment Court in Auckland, Wellington, or Christchurch.

Names and addresses of persons to be served:

Queenstown Lakes District Council
10 Gorge Road
Queenstown 9300

Aukaha (1997) Limited
Level 2, 266 Hanover Street,
Dunedin Central
Dunedin 9016

Te Ao Marama Incorporated
190 Forth Street
Invercargill 9810

Queenstown Airport Corporation Limited
Level 1, Terminal Building,
Queenstown Airport,
Sir Henry Wigley Drive,
Queenstown