

28 March 2022

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Tēnā koe

Canterbury Mayoral Forum submission on Taumata Arowai proposed drinking water regulations

1. The Canterbury Mayoral Forum thanks Taumata Arowai for the opportunity to make a submission on the proposed drinking water Rules and associated documents.

Background and context

2. The Canterbury Mayoral Forum comprises the mayors of the ten territorial local authorities in Canterbury and the Chair of the Canterbury Regional Council (Environment Canterbury), supported by our chief executives. The purpose of the Forum is to promote collaboration across the region and increase the effectiveness of local government in meeting the needs of Canterbury's communities.
3. All Canterbury councils actively participate in the Forum: the Kaikōura, Hurunui, Waimakariri, Selwyn, Ashburton, Timaru, Mackenzie, Waimate and Waitaki District Councils, the Christchurch City Council and the Canterbury Regional Council (Environment Canterbury).
4. This submission has been developed with input from across Canterbury councils. Our submission focuses on matters of general agreement between the members of the Canterbury Mayoral Forum on aspects of the proposed drinking water Rules and associated documents.

Mayors standing together for Canterbury.

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General comments on proposed drinking water Rules and associated documents

5. The Canterbury Mayoral Forum supports Taumata Arowai as an independent water regulator. It recognises the need for improved regulatory oversight to lift the performance of the water sector as a whole to ensure all New Zealanders have access to safe drinking water.
6. We support the alignment with Te Mana o te Wai and the intent of the proposed drinking water Rules and associated documents that will affect all three priorities in the hierarchy of obligations. The overall anticipated outcomes seem well aligned with Te Mana o te Wai.
7. We stress the need to ensure alignment of the proposed drinking water Rules and associated documents with other freshwater and drinking water legislation, in particular the National Environmental Standard for Sources of Human Drinking Water (NES-DW), the proposed Natural and Built Environment Act and the performance standards in the proposed National Planning Framework.
8. We support clarity over the role and responsibility of territorial authorities, regional councils, Taumata Arowai and all drinking water suppliers in the management of source water.
9. The Mayoral Forum considers that regional councils should be providing Taumata Arowai with data relating to resource consent compliance, effects on the environment and a number of other metrics to avoid suppliers providing the same information to two different agencies; councils would welcome the use of a shared data platform.
10. We agree that a robust process was followed in the development of the proposed **Drinking Water Standards** (DWS), including a review of drinking water Maximum Acceptable Values (MAVs) by ESR to ensure that they are aligned with changes the World Health Organisation (WHO) made to their guidelines. The proposed MAVs will support the objective of ensuring drinking water suppliers provide safe drinking water to consumers.
11. In general, we support the proposed **Drinking Water Quality Assurance Rules**. In some areas, though, there is a level of prescription that does not necessarily align with the objective of Taumata Arowai of encouraging water suppliers towards taking greater responsibility for proactively managing their supplies using a risk management approach with multiple barriers. The degree of prescription is understandable for aspects where the NZ drinking water sector is relatively immature in terms of risk management (e.g. cyanotoxin rules) but is overly prescriptive in other areas where the sector is more mature (e.g. disinfection).
12. Putting aside the new Water Services Act requirement for residual disinfection, where supplies are currently compliant with the DWS then they should be able to continue to be compliant with very little change to the operation of the treatment plant (e.g. should not be required to introduce additional treatment steps).
13. For some supplies, especially those with less than 500 people, the proposed Rules are restrictive in the range of treatment that can be used. We also have concerns around the significant costs to upgrade and the ongoing management /monitoring of small and very small supplies.

14. The Mayoral Forum is concerned that there has not been adequate consideration of transition to the new Rules for non-chlorinated supplies. This will be a significant issue for a number of communities in Canterbury. We note that these standards have been long signalled in a general sense for close to six years, since the Havelock North Drinking Water contamination event in 2016, however without specific details crystallising until after the current consultation process. We note that the signalled transition timeframe to meet the new standards and rules is from as early as July 2022 without any certainty yet on what the final revision may be at this time. This gives very little time between having certainty on what the standards are to having to meet them. Some of the requirements are of substantial public interest to many communities in the region, in particular with regard to chlorination.
15. We submit that with particular regard to chlorination, the new standards be aligned with the residual disinfection exemption process. More generally, we request that Taumata Arowai work closely with the industry to develop a realistic transition timeframe for the other rules and requirements.
16. We generally support the intent of the proposed:
 - Drinking Water Aesthetic Values
 - Drinking Water Acceptable Solution for Roof Water Supplies
 - Drinking Water Acceptable Solution for Rural Agricultural Water Supplies.
17. For the proposed **Drinking Water Acceptable Solution for Spring and Bore Water Supplies**, we reiterate the need to ensure alignment with other freshwater and drinking water regulations. We ask that Taumata Arowai and Ministry for the Environment ensure alignment between the Acceptable Solution and NES-DW, particularly on areas of setback distances and prohibited activities, where possible, to avoid confusion and make clear which instrument or requirements prevail. -
18. Given the prevalence of high nitrate concentrations in groundwater in Canterbury, testing for nitrate should be a pre-requisite prior to the use of an Acceptable Solution. Where nitrate concentrations exceed the MAV, the use of an alternative Acceptable Solution for the removal of nitrate should be required or an alternative source found.
19. We recommend that a 'scaled back' version of this Acceptable Solution be created for a <50 population band (i.e. using similar population bands as for on-demand water supplies). This would assist with giving effect to the Water Services Act requirement to be "proportionate to scale, complexity and risk", with some of the requirements arguably appropriate for the 50–500 population bracket, but not for the < 50 bracket.
20. We ask that Taumata Arowai is cognisant of future-proofing the compliance options to the greatest extent possible. Given the amendments to the Local Government Act, it is foreseeable that councils (or a future water entity) will be required to take on responsibility for some private water supplies. In parts of Canterbury many private water supplies are very remote, located a considerable distance from existing water infrastructure. If these supplies become the responsibility of council (or a future water entity), given their location, there will be a very high labour cost associated with maintenance of a centralised treatment plant. Advances in remote monitoring of end-point treatment mean that these types of systems do not present the risk that they used to (i.e. the system not working, but no one being aware).

21. Whilst it is acknowledged that point of entry treatment is acceptable for rural agricultural drinking water supplies, the broader application of point of entry treatment should be considered in other circumstances where raw water quality is consistent e.g. for small supplies with spring or bore water sources.
22. **Drinking Water Network Environmental Performance** – the Mayoral Forum is concerned with the potential overlap in measures with the proposed economic regulator which could lead to highly inefficient data collection and reporting, placing unnecessary burden on network operators to report duplicated or very similar data to two different regulators.
23. Some of the performance measures are currently unclear with respect to definitions and in particular what is expected in terms of the frequency and methods used to collect data. While we note that the discussion document acknowledges that targeted engagement needs to be undertaken to ‘finetune drinking water environmental performance measures ahead of July 2022’ we strongly encourage this work to be completed urgently. In particular, measures that have not previously been reported in the National Performance Review require very early clarification (well before 1 July 2022) to ensure that network operators establish systems to collect and collate exactly the data that Taumata Arowai will be requiring.
24. We note that several of the performance measures are required by other regulations, for example, fish screens and measuring and reporting of water takes. The timeframes for reporting on performance measures should align with these requirements and monitoring priorities of regional councils. Preferably, these data would be provided to one agency (i.e. Taumata Arowai or the regional council) and then shared between agencies. As these activities are primarily regulated by the regional council, it would be our preference for the regional council to make these data available to Taumata Arowai, provided that automated reporting is available.
25. The introduction of environmental performance targets for networks will assist in driving consistency across the country. We encourage the early clarification of all new and changed measures to allow for standardisation in the collection and collating of data to ensure truly comparable measures are used. Previously, ongoing ‘tweaking’ of measures over several years until conformity and therefore comparability of data was achieved has been frustrating at times.
26. In the area of resilience, through the earthquake recovery experiences in Canterbury, we are well placed to offer assistance in the development of this new area of data collection. We are keen to participate in any additional targeted engagement.

Conclusion

27. The Mayoral Forum supports Taumata Arowai’s commitment that all New Zealand communities have access to safe drinking water every day, and here in Canterbury we have been taking every effort to stay informed of, and plan for, the proposed changes.
28. However, the proposed drinking water Rules and associated documents include significant new requirements that will take time to fully comply with, once there is certainty as to what the finalised Rules are. With this in mind, there has not been the adequate high level of certainty in

what the future Rules will be for councils to prepare budgets and complete physical works in anticipation of the new Rules, or to increase operational budgets and commence recruitment processes.

29. Therefore, regarding the timeframe to transition to full compliance, once the final Rules are promulgated, we suggest that a staged transitional approach be developed so that councils can build this timeline into their budgets and water safety plans.
30. Lastly, thank you for the opportunity to make a submission on the proposed drinking water Rules and associated documents. We welcome the opportunity to continue to work with Taumata Arowai as its three waters regulation is finalised and implemented.
31. Our Secretariat is available to provide any further information or answer any questions that Taumata Arowai may have about our submission. Contact details are: Maree McNeilly, Canterbury Mayoral Forum Secretariat, secretariat@canterburymayors.org.nz , 027 381 8924.

Ngā mihi

A handwritten signature in black ink, appearing to be 'S Broughton', with a long horizontal stroke extending to the right.

Sam Broughton
Mayor, Selwyn District Council
Chair, Canterbury Mayoral Forum