

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER A hearing of application APP-1994001032.01 for resource consent in relation to the discharge of treated meat works effluent to the Oroua River, Discharge of treated wastewater onto and into land that may enter groundwater, Discharge of odour and aerosols into air, Land Use Consent for a discharge structure in the bank of the Oroua River and a bed level control structure in the Otoku Stream from the AFFCO Plant, Feilding.

**Section 42A Report of STUART STANDEN, Senior Consents Monitoring Officer for
Manawatu-Wanganui Regional Council**

7 October 2016

A. Qualifications and Experience

1. My name is Stuart Glen Standen. I am currently employed by the Manawatu-Wanganui Regional Council (***the Regional Council***) as a Senior Consents Monitoring Officer in the Regulatory Team. I have worked for the Regional Council since 2012 and have been responsible for assessing compliance against the consent conditions for AFFCO Manawatu since this time.
2. I graduated from Massey University in 2011 with a Bachelor of Applied Science in Natural Resource Management and in 2014 with a Post Graduate Certificate in Science.
3. In my duties as a Senior Consents Monitoring Officer I have been involved in assessing resource consents for the discharge of contaminants into and onto land, air and water from various activities including milk powder dairy plants, meat works, rendering plants, earthworks, wastewater treatment plants and landfills.

B. Introduction

4. I have been requested by Tabitha Manderson, the Regional Council's reporting planner to provide a section 42a report examining the compliance history, covering the period 1 January 2011 to present, of the following AFFCO Manawatu resource consents:
 - i. 4226, which authorises the discharge of up to 2000 cubic metres per day of treated effluent onto no less than 75 hectares of land;
 - ii. 6191, which authorises the discharge into ground by seepage of effluent from the anaerobic, aerobic and the solids pond; and
 - iii. 4219/1, which authorises the discharge of treated effluent from the AFFCO Manawatu plant to the Oroua River via the effluent outfall.
5. I have visited the AFFCO Manawatu plant and wastewater system for compliance inspections on numerous occasions since 13 November 2012 and I have assessed their annual monitoring data. Therefore I am familiar with the site.

C. Compliance With Consent 4219/1, 4226 and 6191

6. In general, AFFCO Manawatu has complied with the resource consent limits of resource consents 4219/1, 4226 and 6191. There was one main breach in the conditions of resource consent 4219/1 that was identified by the Regional Council on 12 December 2012. This resulted in the Regional Council issuing AFFCO Manawatu with two significant non-compliance reports, Abatement Notice 751 and AFFCO Manawatu being prosecuted for contravening section 15(1)(b) of the Resource Management Act. This is further detailed in paragraph heading D below.
7. A summary of the AFFCO Manawatu compliance history for the subject resource consents since 1 January 2011 is detailed in Table 1 below:

Table 1 AFFCO Manawatu compliance history summary (2011 - 2016)

Compliance Report Date	Assessment Type	Compliance Grading
22 June 2016	Environmental data assessment and routine inspection	Comply
21 July 2015	Environmental data assessment	Comply
10 June 2014	Environmental data assessment and routine inspection	Comply
1 May 2013	Routine inspection	Comply
15 January 2013	Environmental data assessment	Significant Non-Comply
12 December 2012	Routine Inspection	Significant Non-Comply
12 November 2012	Environmental data assessment and routine inspection	Comply
9 November 2012	Environmental data assessment and routine inspection	Comply
14 February 2012	Routine inspection	Comply
20 June 2011	Environmental data assessment and routine inspection	Comply

D. AFFCO Manawatu Prosecution

8. The significant non-compliance reports dated 12 December 2012 and 15 January 2013 was in response to an unconsented discharge of treated meat works effluent from AFFCO Manawatu to the Oroua River. This unconsented discharge occurred on 11 and 12 December 2012 where approximately 488 cubic metres of treated wastewater was discharged to the Oroua River where that discharge was not authorised.
9. In response to this unconsented discharge Horizons laid charges against AFFCO Manawatu in the District Court for contravening section 15(1)(b) of the Resource Management Act. The following is relevant to the prosecution:
 - On 12 December 2012 a Horizons officer found a discharge of brown water going into the Oroua River. The source of the brown water was AFFCO Manawatu's aerobic pond which was overflowing a gate in a wastewater channel from where it discharged into a drain and then into the Oroua River. There was spare wastewater storage capacity in the plant's first overflow pond where wastewater could have been diverted to avoid the discharge into the Oroua River.
 - The unauthorised discharge had commenced at about 3.00 pm on 11 December 2012. The discharge was discovered by an AFFCO Manawatu employee at 6.00 am on 12 December and an attempt was made to stop the discharge by diverting wastewater to the storage pond. This discharge was still occurring at 1.00 pm when a further attempt was made to divert wastewater to the overflow pond and the discharge ceased at 4.00 pm on 12 December 2012.
 - The unauthorised discharge was not deliberate in the sense that AFFCO Manawatu's employees did not deliberately go out and turn on a tap or valve to direct wastewater into the Oroua River knowing that they were not authorised to. AFFCO Manawatu's failure in this case was one of carelessness.
10. AFFCO Manawatu pleaded guilty to the one charge of contravening section 15(1)(b) of the Resource Management Act and was convicted in the Palmerston North District Court on 11 June 2014. AFFCO Manawatu was fined the sum of \$68,000 and made a contribution of \$20,000 to the River Leader's Forum and a contribution of \$6,000 to Horizons investigation costs.
11. In addition to the above prosecution Horizons issued AFFCO Manawatu with Abatement Notice 751 to cease the discharge of meat works wastewater to the Oroua River in a manner that contravenes section 15(1)(b) of the Resource Management Act.
12. The significant non-compliance report dated 12 December 2012 in Table 1 above was in relation to the unauthorised discharge of AFFCO Manawatu wastewater to the Oroua River identified on this date. This non-compliance resulted in the prosecution detailed above.

13. The significant non-compliance report dated 15 January 2013 in Table 1 above was in relation to the assessment of water quality samples collected on 12 December 2012 as mentioned in paragraph 8 above. The reason for the significant non-comply was due to the unconsented discharge mentioned in paragraph 8 causing exceedances of the dissolved reactive phosphorus resource consent limit at the Oroua River downstream sampling site.
14. Since the above significant non-compliances AFFCO Manawatu has complied with relevant resource consent conditions and Abatement Notice 751. In addition AFFCO Manawatu has made improvements to their wastewater infrastructure and management since the 2012 and 2013 significant non-compliance reports were issued to AFFCO Manawatu.

Stuart Standen

7 October 2016