

19/11/2020

Anusha Bradley

Anusha.Bradley@rnz.co.nz

Dear Anusha Bradley,

Request for Information – Local Government Official Information and Meetings Act 1987

We refer to your official information request dated 21 October 2020 for information regarding Trade Waste and Stormwater bylaw breaches.

The information you have requested is below.

Trade Waste Bylaw

1. Please provide me with copy of your council's Trade Waste Bylaw.
 - available on the website here
<http://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=4274261>
2. A list of companies or organisations that have active consents to discharge trade waste.
 - Please find attached *Current Hutt Valley TW discharge consent holders.xlsx*
3. A list of companies that have breached the conditions of their trade waste consent over the last 12 months.
 - We are refusing this part of your request under section 17 (f) of the LGOIMA that the information requested cannot be made available without substantial collation or research. It depends upon the scale of breach chosen, from trivial or technical to meaningful, would be very time consuming to compile. If you have a level of breach or specific industry you are interested in then we would be more than happy to work with you to compile the exact information you require.
4. For each consent, please describe what limits and conditions have been set for this consent holder.

- We are refusing this part of your request under section 17 (f) of the LGOIMA that the information requested cannot be made available without substantial collation or research. If you have a level of breach or specific industry you are interested in then we would be more than happy to work with you to compile the exact information you require.

5. For each company with a breach, please describe what each breach was, the time it occurred/or was discovered, and what action was taken.

- We are refusing this part of your request under section 17 (f) of the LGOIMA that the information requested cannot be made available without substantial collation or research. Quite time consuming to ensure information is meaningful and in context. For example a breach could be as simple as a grease trap not being cleaned frequently enough to meet the schedule in their consent and there could be hundreds of those in any one year and mostly minor.

6. How many fines has your council issued for breaches of your Trade Waste Bylaw in the last 12 months.

- No fines were issued

7. How many prosecutions have been filed in the last 12 months for breaches of the Trade Waste bylaw

- No prosecutions were filed

8. What regular testing does the council conduct at each site with a trade waste consent?

- Varies with the nature of the discharge. Testing tailored to suit the risks possible from the site. For most of our 680 sites there is no wastewater monitoring (testing) as the costs are not insignificant and the information gained of little value. For example the majority of the Hutt valley's TW sites are food premises and requiring lab sampling of a fish and chip shop or a small takeaway would provide nothing of value and of more use is officer checks of the state of pre-treatment equipment and maintenance frequencies, i.e. grease performance and maintenance/cleaning. More significant dischargers will have lab sampling carried out with the frequency and type of testing varied to suit the nature of the discharge and components of interest. For example it could include pH, heavy metals, solids, COD or BOD, sulphur compounds etc.

9. What substances/compounds does the council test for at each site?

- See response to Q4 as the info would be in the consent given the consent specifies testing requirements.

Stormwater Bylaw:

1. Please provide a copy of your council's stormwater bylaw, and include any other information about what is not allowed to be put into the stormwater system.

- We do not have SW bylaw, some authorities do. Stormwater quality is controlled by the RMA not by bylaws written under the LGA. Some Councils have written bylaws under the LGA to control contaminants (e.g. from vehicle washing) however they are likely only enforceable by court action given the LGA's absence of a fining regime. The RMA offers other options including advisory notices, abatement notices, infringement fines and full blown court prosecutions.

2. A list of entities that have consents to discharge into the stormwater system, if any.

- Best directed at a regional council as they issue consents for discharges to open bodies of water.

3. Have there been any breaches of the Stormwater Bylaw in the past 12 months?

- No bylaw so no breach

4. If so, please provide details on what the breach was, when it occurred/or discovered, and what action was taken.

- See above response

Note: Some Hutt City Council Officers (including the TW officers) also have GWRC s15 1B RMA enforcement warrants to assist in enforcing against RMA breaches (pollution events) such as discharges of contaminants to land where it may enter water. This has enabled Hutt to more effectively pursue improvements to stormwater quality by effectively increasing the total numbers of enforcement officers in our area who can address poor behaviours and breaches and the timeliness of responses.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you have any questions or would like more details about any of the answers, please feel free to contact Gordon George Manager, Trade Wastes section, 04 570 6819 DD. He is more than happy to talk to you to see if that refines what you want to something useful and less onerous.

Yours sincerely

Hutt City Council

Encl Current Hutt Valley TW discharge consent holders.xlsx