

Clean Water
Consultation Document February 2017
Swimmability provisions
Hawke's Bay Regional Council Submission

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Introduction

1. The Council made submissions on the Clean Water consultation document and included some submission points in respect of the proposed swimmability provisions (paragraphs 23 – 32 of our original submission).
2. Since then we have read the additional technical reports provided by the Ministry and wish to make the following further submissions.
3. This new submission is largely similar to our original submission but we have now included a little more detail and some additional submission points.

Swimmability

4. The Council supports changing the assessment of whether a river is swimmable or not to one where a water body is swimmable some of the time throughout the year. It feels that it enables better understanding by the community about risk including that it doesn't mean a river is either swimmable or not, but that it means a river is swimmable more (or less) often than not.
5. The council particularly supports the grading approach using attribute states for E.coli.
6. However, a number of concerns have been identified with the proposed NPSFM amendments including monitoring and reporting regime for swimmability.
7. Consistency Policy A5 conflicts somewhat with the numeric attribute table in Appendix 2. Policy A5 specifies that 'suitable for immersion' is states A-C, while the table describes Attribute State D as also being suitable for swimming – albeit intermittently. Policy A5 implies a national bottom line that is above state D.

Submission 1

Clarify meaning and relationship between Policy A5 and the attribute table for E. coli in Appendix 2
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8. Monitoring: The Council operates both a state of the environment water quality monitoring network (SOE) as well as a recreational bathing water monitoring network (RWQ) over summer. Some, but not all of the network sites are the same. Both programmes have different uses for the information which is reflected in the sampling strategies.

9. The Council requests that the NPSFM not include any specifications concerning monitoring requirements or surveillance monitoring. The NPSFM should be concerned with objectives for water quality in relation to grading (attribute state), leaving it to councils to adopt the necessary monitoring regime.
10. Monitoring methodology is being addressed through standardised monitoring requirements such as through the national NEMS project. Other elements of the appendix are relevant to the purpose of the monitoring network. That is, location and frequency decisions are driven by the purpose of the monitoring.
11. Appendix 5: In particular, the Council seeks that the proposed new Appendix 5 be deleted. As drafted this appendix puts untenable resource requirements on Regional Councils, including in relation to daily monitoring for sites exceeding a threshold. There are also several aspects of the monitoring requirements that do little or nothing in contributing towards;
 - (i) better management of public health
 - (ii) better swimmability as it does not integrate with the grading framework, which is supported by council
 - (iii) public understanding of the difference between grading and surveillance.
12. Monitoring methodology is being addressed through standardised monitoring requirements through NEMS. Other elements of the appendix are relevant to the purpose of the monitoring network. That is, location and frequency decisions are driven by the purpose of the monitoring.

Submission 2

Delete appendix 5

13. Monitoring policy effectiveness. It is important to understand what data will be used for assessment of progress towards meeting the government's "swimmability" targets. The council submits that SOE data should be used for this purpose. It further suggests that any assessments already completed should be re-assessed on this basis.
- 14.

Submission 3

That SOE data be used to assess current swimmability state and also used to assess progress towards the government's swimmability targets

15. Methodology: There is an apparent omission in the metrics of the proposed NOF attribute table (refer NPSFM Appendix 2) for E. coli. Importantly, in the MfE supporting information for the Clean Water package there are four tests involved in establishing the attribute states for rivers from A to E. All four tests have been used in determining the categories identified in the NOF attribute but only one is then used in the NOF attribute. Council submits that of the Table provided in supporting documentation for the Clean Water proposals (and shown below), columns 1, 2, 3 and 4 should be included in the NOF appendix.
16. The minimum number of samples to determine the attribute state should be reduced to 60 and collected over 5 years. This will enable a more optimal balance between number of sites and amount of data. At 100 over 10 years, a number of sites will be excluded unnecessarily as 60 samples is still sufficient to robustly measure state. Also 10 years also brings too much 'legacy'

with it, that might mask any recent improvements made in the catchment. Generally when we assess 'State' (what does it look like now), we use the last 5 years data.

17. The use of the median in the numeric attribute state is supported.

Table 1. The E. coli swimming categories (attribute states) in detail

1 CATEGORY	2 PERCENTAGE OF EXCEEDANCES OVER 540: E. COLI PER 100 ML	3 MEDIAN: E. COLI PER 100 ML	4 95 TH PERCENTILE: E. COLI PER 100 ML	PERCENTAGE OF SAMPLES ABOVE 260: E. COLI PER 100 ML
Blue	< 5 per cent	≤ 130	≤ 540	< 20 per cent
Green	5-10 per cent	≤ 130	≤ 1000	20-30 per cent
Yellow	10-20 per cent	≤ 130	≤ 1200	20-34 per cent
Orange	20-30 per cent	>130	>1200	>34 per cent
Red	> 30 per cent	>260	>1200	>50 per cent

Submission 4

Retain the use of medians

Insert into the attribute table for E. coli in appendix 2 columns, 1, 2, 3 and 4 as shown in Table 1 and delete column 5.

Amend the minimum number of samples to determine attribute state to 60 samples over a maximum of 5 years

18. Inconsistency: The NPSFM, LAWA and the MfE water quality guidelines have some major inconsistencies such as in relation to assessment of risk and use of 3 or 10 year median data. The new proposals provide an opportunity for clarifying these aspects, including alignment where appropriate or sufficient rationale where not.

Submission 5

Clarify the requirements and relationships incorporated into the NPSFM, LAWA and the MfE water quality guidelines including for;

Assessment of risk

Use of a 3 or 10 year median

Measurement of bathing suitability along river length or by location

19. Exception regime: There is a concern about water body status and management for swimming in all circumstances including where bird populations (especially valued native species) are present (including some land locked or shallow lakes and wetlands) for which the water body is managed.

Submission 6

Provide for an exception regime for rivers and other waterbodies where swimming is not a primary value and to allow management for other values such as indigenous bird species.

20. The Council wishes to support national initiatives for better water management that add value to and complement local decision making. To that end, it advocates that the government further develops the NPSFM amendments with the assistance of regional and unitary council technical and policy staff.

Submission 7

The Council submits that further development of the national initiatives for water management be done in close collaboration with regional council technical and policy staff.