Water Services (Wastewater Environmental Performance Standards) Regulations 2025

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 17th day of November 2025

Present:
Her Excellency the Administrator of the Government in Council

These regulations are made under section 138 of the Water Services Act 2021—

(a) on the advice and with the consent of the Executive Council; and

(b) on the recommendation of the Minister of Local Government; and

(c) following consultation undertaken by the Water Services Authority in accordance with section 138(1) of that Act.

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Regulations

1 Title

These regulations are the Water Services (Wastewater Environmental Performance Standards) Regulations 2025.

2 Commencement

(1) These regulations come into force on 19 December 2025.

(2) However, regulation 8 and Part 2 come into force on 19 December 2028.

3 Overview

These regulations specify wastewater environmental performance standards that relate to—

(a) discharging biosolids to land (*see* Part 1); and

(b) overflows and bypasses (*see* Part 2); and

(c) discharging wastewater into water (*see* Part 3); and

(d) discharging wastewater to land (*see* Part 4).

4 Interpretation

In these regulations, unless the context otherwise requires,—

biosolid means a residual semi-solid or solid material that—

(a) results from treating wastewater; and

(b) has been treated to produce a nutrient-rich product to be applied to land

bypass means a discharge resulting from a diversion of untreated or partially treated wastewater from a wastewater treatment plant if the discharge is—

(a) temporary; and

(b) intentional; and

(c) necessary or desirable as a result of a wastewater treatment plant's inability to receive the wastewater for any reason (for example, due to the plant having insufficient capacity, repairs being made to the plant, or the plant undergoing maintenance)

cBOD5 means the carbonaceous biochemical oxygen demand during a 5-day period

cfu means colony forming units

coastal marine area has the meaning set out in section 2(1) of the Resource Management Act 1991

consent authority has the meaning set out in section 2(1) of the Resource Management Act 1991

consumer trust has the meaning set out in section 4 of the Local Government (Water Services) Act 2025

contaminant has the meaning set out in section 2(1) of the Resource Management Act 1991

controlled activity has the meaning set out in section 2(1) of the Resource Management Act 1991

crop includes any food crop, fodder crop, or crop grown for industrial or commercial purposes (whether or not the crop is edible)

district plan has the meaning set out in section 2(1) of the Resource Management Act 1991

drinking water supply protection area means an area that a district plan, proposed district plan, regional plan, or proposed regional plan designates for the purpose of protecting a drinking water supply

effect has the meaning set out in section 3 of the Resource Management Act 1991

environment has the meaning set out in section 2(1) of the Resource Management Act 1991

industrial and trade waste means liquid waste, with or without suspended matter, from the receipt, manufacture, or processing of materials as part of a commercial, industrial, or trade process

iwi authority has the meaning set out in section 2(1) of the Resource Management Act 1991

iwi management plan means a planning document under the Resource Management Act 1991 that is recognised by an iwi authority

primary treatment, in relation to wastewater, means the initial removal of solids from the wastewater through a physical or gravitational process

publicly owned wastewater treatment plant—

(a) means a wastewater treatment plant that is owned or operated by—

(i) a local authority; or

(ii) a water organisation; or

(iii) a consumer trust; or

(iv) a combination of any or all of the entities listed in paragraphs (i) to (iii); but

(b) excludes a wastewater treatment plant to which Australian/New Zealand Standard AS/NZS 1547:2012 On-site domestic wastewater management applies

regional council has the meaning set out in section 5(1) of the Local Government Act 2002

regional plan has the meaning set out in section 2(1) of the Resource Management Act 1991

regional policy statement has the meaning set out in section 2(1) of the Resource Management Act 1991

registered drinking water abstraction point means an abstraction point for a drinking water supply that is registered under section 23 of the Water Services Act 2021

resource consent has the meaning set out in section 2(1) of the Resource Management Act 1991

site of cultural significance means a site that is—

(a) wāhi tapu:

(b) wāhi tūpuna:

(c) identified as being a site of cultural significance in a district plan, regional plan, regional policy statement, or iwi management plan:

(d) entered on the New Zealand Heritage List/Rārangi Kōrero as defined in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014

small wastewater treatment plant means a wastewater treatment plant that meets the criteria specified in regulation 58 for being a small wastewater treatment plant

total nitrogen means the sum of all forms of nitrogen, including—

(a) organic and inorganic nitrogen; and

(b) dissolved and particulate nitrogen

total phosphorus means the sum of all forms of phosphorus, including—

(a) organic and inorganic phosphorus; and

(b) dissolved and particulate phosphorus

wāhi tapu has the meaning set out in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014

wāhi tūpuna has the meaning set out in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014

wastewater includes—

(a) liquid waste containing human excrement and urine; and

(b) liquid waste from domestic sources, including sinks, basins, baths, showers, and similar fixtures; and

(c) industrial and trade waste

wastewater treatment plant includes a small wastewater treatment plant

water body has the meaning set out in section 2(1) of the Resource Management Act 1991

water organisation has the meaning set out in section 4 of the Local Government (Water Services) Act 2025

wetland has the meaning set out in section 2(1) of the Resource Management Act 1991.

5 Measuring slope

If these regulations require the slope of land to be measured, the slope must be measured by measuring the average gradient of the slope over a distance of 20 metres.

6 When regulations do not apply: claims settlement relating to Whanganui River

(1) These regulations do not regulate an activity done in, or in relation to, the Whanganui River or the Whanganui River catchment.

(2) However, subclause (1) applies only if—

(a) these regulations regulate the activity in a manner, to an extent, or in a way that will cause an effect that is inconsistent with 1 or more of the following:

(i) the status conferred on Te Awa Tupua under the 2017 Act:

(ii) the intrinsic values that represent the essence of Te Awa Tupua, as specified in section 13 of the 2017 Act:

(iii) Te Heke Ngahuru ki Te Awa Tupua; or

(b) the activity is regulated by a provision in a relevant document if the provision—

(i) provides for 1 or more of the matters listed in paragraph (a); and

(ii) regulates the activity in a manner that is more stringent than is provided by these regulations.

(3) In this regulation,—

2017 Act means Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

relevant document means a regional policy statement, proposed regional policy statement, regional plan, proposed regional plan, district plan, or proposed district plan

Te Awa Tupua has the meaning set out in section 7 of the 2017 Act

Te Heke Ngahuru ki Te Awa Tupua has the meaning set out in section 7 of the 2017 Act

Whanganui River has the meaning set out in section 7 of the 2017 Act

Whanganui River catchment has the meaning set out in section 7 of the 2017 Act.

7 When regulations do not apply: claims settlement relating to Whangaehu River

(1) These regulations do not regulate an activity done in, or in relation to, the Whangaehu River or Te Waiū-o-Te-Ika catchment.

(2) However, subclause (1) applies only if—

(a) these regulations regulate the activity in a manner, to an extent, or in a way that will cause an effect that is inconsistent with 1 or more of the following:

(i) the status conferred on Te Mana Tupua under the 2019 Act:

(ii) the intrinsic values that represent the essence of Te Waiū-o-Te-Ika, as specified in section 108 of the 2019 Act:

(iii) Te Tāhoratanga o Te Waiū; or

(b) the activity is regulated by a provision in a relevant document if the provision—

(i) provides for 1 or more of the matters listed in paragraph (a); and

(ii) regulates the activity in a manner that is more stringent than is provided by these regulations.

(3) In this regulation,—

2019 Act means the Ngāti Rangi Claims Settlement Act 2019

relevant document means a regional policy statement, proposed regional policy statement, regional plan, proposed regional plan, district plan, or proposed district plan

Te Mana Tupua has the meaning set out in section 12 of the 2019 Act

Te Tāhoratanga o Te Waiū has the meaning set out in section 12 of the 2019 Act

Te Waiū-o-Te-Ika catchment has the meaning set out in section 12 of the 2019 Act

Whangaehu River has the meaning set out in section 12 of the 2019 Act.

8 Exercise of resource consent while applying for new consent

The holder of a resource consent for an activity that is covered by the standards in these regulations may, if they make an application under section 124(1) or (2) of the Resource Management Act 1991, continue to operate under an expired consent,—

(a) if they are operating under the expired consent on the date on which this Part comes into force, for 2 years after that date; or

(b) if the consent expires on or after the date on which this Part comes into force, for 2 years after the expiry date.

9 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Part 1
Discharge of biosolids to land

10 Application

This Part prescribes activity classifications and standards that apply only to—

(a) the discharge of biosolids to land if—

(i) the biosolids result from treating wastewater in a wastewater treatment plant; and

(ii) the discharge is for the purposes of fertilising the soil or improving the condition of the soil:

(b) any odour resulting from that discharge:

(c) the effects of the contaminants in that discharge on the environment and public health.

11 Interpretation for this Part

In this Part, unless the context otherwise requires,—

applicable regional plan means, in relation to discharging biosolids to land, the regional plan that applies to the area in which the discharge occurs

contaminant grade 1 biosolid means a biosolid that is described in clause 1 of Schedule 2

contaminant grade 2 biosolid means a biosolid that is described in clause 2 of Schedule 2

permitted activity has the meaning set out in section 2(1) of the Resource Management Act 1991

soil bulk density means the weight of soil for a given unit of volume

stabilisation grade A biosolid means a biosolid that is described in clause 4 of Schedule 2

stabilisation grade B biosolid means a biosolid that is described in clause 5 of Schedule 2.

12 When discharge of biosolids to land is permitted activity

The discharge of a biosolid to land is a permitted activity only if—

(a) the biosolid is a contaminant grade 1 biosolid; and

(b) the biosolid is a stabilisation grade A biosolid; and

(c) the discharge complies with the permitted activity conditions specified in regulation 13.

13 Permitted activity conditions

(1) The discharge of a biosolid **complies with the permitted activity conditions** if—

Attributes of land

(a) the land to which the biosolid is discharged has a soil pH level, before the discharge, of 5.5 or more; and

(b) the land to which the biosolid is discharged contains contaminants, before the discharge, at a concentration level at or below the level specified in regulation 19; and

(c) the land to which the biosolid is discharged has a soil bulk density, before the discharge, that is no greater than 970 kilograms per cubic metre; and

(d) the land to which the biosolid is discharged has a slope of 15 degrees or less; and

(e) the soil in the land to which the biosolid is discharged is not—

(i) colder than 4 degrees Celsius; or

(ii) frozen solid; or

(iii) under a layer of snow; or

(iv) saturated with water; and

Attributes of discharge

(f) the total biosolids discharged to the land in any 12-month period is no more than whichever is the least of—

(i) an amount of biosolids that results in no more than 400 kilograms of total nitrogen per hectare being applied to the land from those biosolids over any 24-month period; and

(ii) an amount of biosolids that equates to any limit specified in the applicable regional plan or in a proposed applicable regional plan that has immediate legal effect under section 86B(3) of the Resource Management Act 1991; and

(iii) 50 tonnes of biosolids; and

(g) the biosolid is not discharged closer than—

(i) 30 metres from any water body (other than an aquifer or any other underground water body) or coastal marine area; or

(ii) 85 metres from any abstraction point that is a groundwater bore; or

(iii) 50 metres from any property boundary or public road; or

(iv) 90 metres from any domestic dwelling (other than a domestic dwelling that is in a residential zone) without the agreement of the owner, occupier, or person in charge of that dwelling; or

(v) 300 metres from any school, marae, community hall, residential zone, or site of cultural significance; or

(vi) 1 kilometre from a registered drinking water abstraction point or a drinking water supply protection area; and

Other conditions

(h) before being discharged, the biosolid is stored in a way that—

(i) prevents run-off from the biosolid to a water body; and

(ii) prevents the biosolid from leaching into the ground on which it is stored; and

(iii) prevents or minimises any risk to public health; and

(i) before the biosolid is discharged, the person responsible for discharging it has prepared and submitted a biosolids application management plan (*see* regulation 14) to the relevant consent authority; and

(j) the biosolids application management plan is renewed and resubmitted to the relevant consent authority at least once every 5 years; and

(k) the biosolid is discharged in accordance with the biosolids application management plan prepared and submitted in accordance with this regulation and regulation 14; and

(l) the person responsible for discharging the biosolid complies with the reporting and record-keeping requirements in regulation 15.

(2) For the purposes of subclause (1)(e), **land** means the specific area of land to which the biosolid is discharged.

(3) For the purposes of subclause (1), **residential zone** has the meaning set out in section 2(1) of the Resource Management Act 1991.

14 Biosolids application management plans

A biosolids application management plan must contain the following information:

(a) information showing whether the biosolids are—

(i) contaminant grade 1 biosolids or contaminant grade 2 biosolids; and

(ii) stabilisation grade A biosolids or stabilisation grade B biosolids:

(b) information showing that the discharge of the biosolids will comply with the permitted activity conditions specified in regulation 13(1).

15 Reporting and record-keeping requirements

(1) A person who discharges a biosolid to land under these regulations must keep records of—

(a) the date of each discharge; and

(b) the location of each discharge; and

(c) the type and grade of the biosolid that is discharged; and

(d) the quantity of the biosolid that is discharged.

(2) A person who discharges a biosolid to land under these regulations must provide a copy of the records kept under subclause (1) to the relevant consent authority in December of each relevant year.

(3) The records provided under subclause (2) must relate to the 12-month period ending on the last day of November in the year in which the records are provided to the relevant consent authority.

(4) A person who discharges a biosolid to land must retain a copy of the records kept under subclause (1) until the fifth anniversary of the date on which the person ceases to discharge a biosolid to the land.

16 When discharge of biosolids to land is controlled activity

The discharge of a biosolid to land is a **controlled activity** if—

(a) the biosolid—

(i) is a contaminant grade 1 biosolid; and

(ii) is a stabilisation grade A biosolid; and

(iii) is discharged in a manner that does not comply with 1 or more of the permitted activity conditions specified in regulation 13(1); or

(b) the biosolid—

(i) is a contaminant grade 1 biosolid; and

(ii) is a stabilisation grade B biosolid; and

(iii) is discharged in a manner that complies with all the permitted activity conditions specified in regulation 13(1).

17 Matters over which control is reserved

(1) A consent authority that grants a resource consent for a controlled activity described in regulation 16 may impose 1 or more conditions on the resource consent.

(2) A condition may be imposed under subclause (1) only for 1 or more of the following matters:

(a) to avoid, remedy, or mitigate 1 or more of the following:

(i) the effects on the environment of any contaminant in the biosolid:

(ii) the effects of the discharge on public health:

(iii) the odour resulting from the discharge:

(b) to impose requirements on the consent holder that relate to monitoring, record-keeping, consultation, reporting, or the provision of information.

18 When discharge of biosolids to land is discretionary activity

(1) The discharge of a biosolid to land is a discretionary activity under the Resource Management Act 1991 if—

(a) the biosolid is—

(i) a contaminant grade 1 biosolid; and

(ii) a stabilisation grade B biosolid; and

(iii) discharged in a manner that does not comply with 1 or more of the permitted activity conditions specified in regulation 13(1); or

(b) the biosolid is—

(i) a contaminant grade 2 biosolid; and

(ii) a stabilisation grade A biosolid or a stabilisation grade B biosolid.

(2) In this regulation, **discretionary activity** has the meaning set out in section 2(1) of the Resource Management Act 1991.

19 Maximum permitted contaminant levels in soil

(1) For the purposes of regulation 13(1)(b), this regulation specifies the maximum level of contaminants in soil to which a biosolid may be discharged.

(2) For each contaminant listed in the first column of the following table, the maximum level of contaminant in the soil is the median concentration level specified in the second column in the corresponding row (shown as milligrams of the contaminant for each kilogram of soil):

Contaminant	Median level of contaminant (mg/kg)
Arsenic (As)	4.10
Cadmium (Cd)	0.08
Chromium (Cr)	16.00
Copper (Cu)	16.00
Lead (Pb)	11.00
Mercury (Hg)	0.10
Nickel (Ni)	9.00
Zinc (Zn)	48.00

(3) For the purposes of subclause (2), the median must be calculated from at least 30 samples taken from various locations throughout the area of land to which the biosolid is discharged.

Part 2
Overflows and bypasses

20 Interpretation

In this Part, unless the context otherwise requires,—

engineered overflow point means a point in a wastewater network that is constructed to allow wastewater to discharge during an overflow

existing engineered overflow point means an engineered overflow point that exists on the date on which this Part comes into force

overflow means a discharge of untreated or partially treated wastewater (including stormwater that is contaminated with wastewater) from a wastewater network that occurs because of—

(a) a breakage or blockage in the wastewater network; or

(b) the volume of wastewater exceeding the capacity of all or part of the wastewater network

uncontrolled overflow point means a point in a wastewater network—

(a) from which wastewater discharges during an overflow; and

(b) that is not an engineered overflow point.

Subpart 1—Overflows from wastewater networks

Discharge of wastewater from existing engineered overflow point

21 Application of regulations 22 to 25

Regulations 22 to 25 apply only to—

(a) the discharge of wastewater from an existing engineered overflow point to land or into water:

(b) any odour resulting from that discharge:

(c) the effects of that discharge on the environment and public health.

22 Discharge of wastewater from existing engineered overflow point is controlled activity

The discharge of wastewater from an existing engineered overflow point to land or into water, and any odour resulting from that discharge, is a controlled activity.

23 Matters over which control is reserved

(1) A consent authority that grants a resource consent for a controlled activity described in regulation 22 may impose 1 or more conditions on the resource consent.

(2) A condition may be imposed under subclause (1) only for 1 or more of the following matters:

(a) to avoid, remedy, or mitigate 1 or more of the following:

(i) the effects of an overflow on the environment:

(ii) the effects of an overflow on public health:

(iii) the odour resulting from an overflow:

(b) to specify actions that the consent holder must take to reduce the frequency and volume of overflows over time:

(c) to impose requirements on the consent holder that relate to monitoring, record-keeping, consultation, reporting, or the provision of information.

24 Application for consent for controlled activity

(1) An application for a resource consent for a controlled activity described in regulation 22 must include—

(a) a map of all engineered overflow points in the wastewater network that is the subject of the application; and

(b) a risk assessment for each engineered overflow point on the map.

(2) A risk assessment under subclause (1)(b) must be undertaken in accordance with regulation 32.

25 Consent authority must review risk assessments

(1) A consent authority that receives an application for a resource consent for a controlled activity described in regulation 22 must—

(a) review each risk assessment included in the application against the requirements set out in regulation 32; and

(b) decide whether to—

(i) confirm the risk assessment; or

(ii) if the consent authority does not agree with the risk assessment, undertake an alternative risk assessment itself for the relevant engineered overflow point in accordance with regulation 32.

(2) If a consent authority undertakes an alternative risk assessment under subclause (1)(b)(ii), that assessment prevails over the assessment provided by the applicant.

Discharge of wastewater from uncontrolled overflow point

26 Application of regulations 27 to 32

Regulations 27 to 32 apply only to—

(a) the discharge of wastewater from an uncontrolled overflow point to land or into water:

(b) any odour resulting from that discharge:

(c) the effects of that discharge on the environment and public health.

27 Discharge of wastewater from uncontrolled overflow point is controlled activity

The discharge of wastewater from an uncontrolled overflow point to land or into water, and any odour resulting from that discharge, is a controlled activity.

28 Matters over which control is reserved

(1) A consent authority that grants a resource consent for a controlled activity described in regulation 27 may impose 1 or more conditions on the resource consent.

(2) A condition may be imposed under subclause (1) only for 1 or more of the following matters:

(a) to avoid, remedy, or mitigate 1 or more of the following:

(i) the effects of an overflow on the environment:

(ii) the effects of an overflow on public health:

(iii) the odour resulting from an overflow:

(b) to specify actions that the consent holder must take to reduce the frequency and volume of overflows over time:

(c) to impose requirements on the consent holder that relate to monitoring, record-keeping, consultation, reporting, or the provision of information.

29 Application for consent for controlled activity

An application for a resource consent for a controlled activity described in regulation 27 must include—

(a) a map of all known uncontrolled overflow points in the wastewater network that is the subject of the application; and

(b) a risk assessment undertaken in accordance with regulation 32 for each known uncontrolled overflow point on the map.

30 Consent authority must review risk assessments

(1) A consent authority that receives an application for a resource consent for a controlled activity described in regulation 27 must—

(a) review each risk assessment included in the application against the requirements set out in regulation 32; and

(b) decide whether to—

(i) confirm the risk assessment; or

(ii) if the consent authority does not agree with the risk assessment, undertake an alternative risk assessment itself for the relevant uncontrolled overflow point in accordance with regulation 32.

(2) If a consent authority undertakes an alternative risk assessment under subclause (1)(b)(ii), that assessment prevails over the assessment provided by the applicant.

Mandatory conditions

31 Mandatory conditions for resource consent for controlled activity

(1) A consent authority that grants a resource consent for a controlled activity described in regulation 22 or 27 must impose the following conditions on the resource consent:

(a) the consent holder must install and maintain telemetric monitoring for each engineered overflow point or uncontrolled overflow point (as applicable) that is assessed under regulation 32 as being high risk:

(b) if there is an overflow from the wastewater network to which the resource consent relates, the consent holder must—

(i) provide the required information to the consent authority; and

(ii) provide the required information to any person who is affected, or who may be affected, by the overflow; and

(iii) publish the required information on an internet site that is publicly available free of charge:

(c) if there is an overflow from the wastewater network to which the resource consent relates, and the overflow continues for more than 7 days, the consent holder must,—

(i) as soon as practicable, provide the consent authority and any person who is affected, or who may be affected, by the overflow with information relating to the action that the consent holder is taking, or intends to take, to remedy or mitigate the overflow or its effects; and

(ii) as soon as practicable, publish the information described in subparagraph (i) on an internet site that is publicly available free of charge; and

(iii) after complying with subparagraphs (i) and (ii), provide updated information under those subparagraphs at intervals of 7 days for as long as the overflow continues.

(2) For the purposes of subclause (1)(b), the consent holder must provide or publish the required information,—

(a) if the overflow point is assessed under regulation 32 as being high risk, within 2 hours after the consent holder becomes aware of the overflow:

(b) if the overflow point is assessed under regulation 32 as being medium risk, within 24 hours after the consent holder becomes aware of the overflow:

(c) if the overflow point is assessed under regulation 32 as being low risk, within 48 hours after the consent holder becomes aware of the overflow.

(3) In this regulation, **required information** means—

(a) the date and time when the overflow started; and

(b) if the overflow is ongoing,—

(i) the approximate duration of the overflow until the required information is provided or published; and

(ii) the approximate volume of wastewater discharged until the required information is provided or published; and

(c) if the overflow has ceased,—

(i) the approximate duration of the overflow; and

(ii) the approximate volume of wastewater discharged in the overflow; and

(d) information relating to the action that the consent holder has taken, or intends to take, to remedy or mitigate the overflow and its effects on the environment and any person who is affected, or who may be affected, by the overflow; and

(e) any public health warning given as a result of the overflow.

32 Risk assessment requirements

(1) An applicant for a resource consent for a controlled activity described in regulation 22 or 27 must classify the overflow point as having one of the following levels of risk:

(a) high risk:

(b) medium risk:

(c) low risk.

(2) To determine the criteria for each level of risk, the applicant must consider—

(a) the effects on public health from any overflow from the overflow point, including the risk of human exposure to the overflow and the risk of human ingestion of contaminants; and

(b) the effects on the environment from any overflow from the overflow point; and

(c) the effects on communities that are likely to be affected by any overflow from the overflow point; and

(d) the anticipated frequency and volume of any overflow from the overflow point.

(3) For the purposes of subclause (2)(c), the effects on a community must be determined by consulting the community.

(4) For the purposes of determining criteria under subclause (2), the applicant must consider the best evidence, including modelling, available at the time.

Discharge of wastewater from new engineered overflow point

33 Application of regulations 34 and 35

(1) The standards set out in regulations 34 and 35 apply only to—

(a) the discharge of wastewater to land or into water from a new engineered overflow point:

(b) any odour resulting from that discharge:

(c) the effects of that discharge on the environment and public health.

(2) In this regulation and regulations 34 and 35, **new engineered overflow point** means an engineered overflow point that is constructed after 19 December 2025.

34 Requirement for resource consent

A person must not discharge wastewater to land or into water from a new engineered overflow point except in accordance with a resource consent.

35 Mandatory conditions for discharge or odour

(1) A consent authority that grants a resource consent for a discharge described in regulation 33(1)(a), or any odour resulting from that discharge, must impose the following conditions on the resource consent:

(a) the consent holder must install and maintain telemetric monitoring of the new engineered overflow point:

(b) if there is a discharge from the new engineered overflow point in the wastewater network to which the resource consent relates, the consent holder must—

(i) provide the required information to the consent authority; and

(ii) provide the required information to any person who is affected, or who may be affected, by the discharge; and

(iii) publish the required information on an internet site that is publicly available free of charge:

(c) if there is a discharge from the new engineered overflow point in the wastewater network to which the resource consent relates, and the discharge continues for more than 7 days, the consent holder must,—

(i) as soon as practicable, provide the consent authority and any person who is affected, or who may be affected, by the discharge with information relating to the action that the consent holder is taking, or intends to take, to remedy or mitigate the discharge or its effects; and

(ii) as soon as practicable, publish the information described in subparagraph (i) on an internet site that is publicly available free of charge; and

(iii) after complying with subparagraphs (i) and (ii), provide updated information under those subparagraphs at intervals of 7 days for as long as the overflow continues.

(2) For the purposes of subclause (1)(b), the consent holder must publish or provide the required information within 2 hours after the consent holder becomes aware of the discharge.

(3) In this regulation, **required information** means—

(a) the date and time when the discharge started; and

(b) if the discharge is ongoing,—

(i) the approximate duration of the discharge until the required information is provided or published; and

(ii) the approximate volume of wastewater discharged until the required information is provided or published; and

(c) if the discharge has ceased,—

(i) the approximate duration of the discharge; and

(ii) the approximate volume of wastewater discharged in the overflow; and

(d) information relating to the action that the consent holder has taken, or intends to take, to remedy or mitigate the discharge or its effects on the environment and any person who is affected, or who may be affected, by the discharge; and

(e) any public health warning given as a result of the discharge.

Subpart 2—Bypasses of wastewater treatment plants

36 Application of this subpart

The standards set out in regulations 38 and 39 apply only to—

(a) the discharge of wastewater to land or into water from a bypass of a publicly owned wastewater treatment plant:

(b) any odour resulting from that discharge:

(c) the effects of that discharge on the environment and public health.

37 Discharge of wastewater from bypass is controlled activity

The discharge of wastewater to land or into water from a bypass of a publicly owned wastewater treatment plant, and any odour resulting from that discharge, is a controlled activity.

38 Matters over which control is reserved

(1) A consent authority that grants a resource consent for a controlled activity described in regulation 37 may impose 1 or more conditions on the resource consent.

(2) A condition may be imposed under subclause (1) only for 1 or more of the following matters:

(a) to avoid, remedy, or mitigate 1 or more of the following:

(i) the effects of the discharge on the environment:

(ii) the effects of the discharge on public health:

(iii) the odour resulting from the discharge:

(b) to impose requirements on the consent holder that relate to monitoring, record-keeping, consultation, reporting, or the provision of information.

39 Mandatory conditions for resource consent for controlled activity

(1) A consent authority that grants a resource consent for a controlled activity under this subpart must impose the following conditions on the resource consent:

(a) the consent holder must install and maintain telemetric monitoring for each bypass:

(b) if there is any discharge from a bypass from the wastewater network to which the resource consent relates, the consent holder must—

(i) provide the required information to the consent authority; and

(ii) provide the required information to any person who is affected, or who may be affected, by the discharge; and

(iii) publish the required information on an internet site that is publicly available free of charge.

(2) For the purposes of subclause (1)(b), the consent holder must provide or publish the required information within 2 hours after the consent holder becomes aware of the discharge.

(3) In this regulation, **required information** means—

(a) the date and time when the discharge started; and

(b) if the discharge is ongoing,—

(i) the approximate duration of the discharge until the required information is provided or published; and

(ii) the approximate volume of wastewater discharged until the required information is provided or published; and

(c) if the discharge has ceased,—

(i) the approximate duration of the discharge; and

(ii) the approximate volume of wastewater discharged in the overflow; and

(d) information relating to the action that the consent holder has taken, or intends to take, to remedy or mitigate the discharge and its effects to the environment and any person who is affected, or who may be affected, by the discharge; and

(e) any public health warning given as a result of the discharge.

Part 3
Discharge from wastewater treatment plants into water

40 Application of this Part

(1) This Part prescribes standards that apply only to—

(a) the discharge of treated wastewater into water from a publicly owned wastewater treatment plant that is part of a publicly owned wastewater network:

(b) the effects of the contaminants in that discharge on the environment and public health.

(2) However, the standards set out in this Part do not apply—

(a) to the discharge of treated wastewater if the wastewater is sourced only from producers of industrial and trade waste; or

(b) if 1 or more of the exceptions set out in regulations 43 and 44 apply.

41 Purposes of this Part

The purposes of this Part are to manage—

(a) the effects of contaminants specified in regulation 49(2); and

(b) in relation to a wastewater treatment plant to which the shellfish gathering standards specified in regulations 63 to 65 apply, the effects of a pathogen in the wastewater.

42 Interpretation

(1) In this Part,—

annual median means the middle value in a dataset of sample results that are arranged in order from the highest value to the lowest value across the relevant year

estuary—

(a) means a body of water that is—

(i) located in the region of the regional council or unitary council listed in the first column of Schedule 3; and

(ii) listed in the corresponding second column; but

(b) if a body of water listed in Schedule 3 is a river, includes only that part of the river that is within the coastal marine area

freshwater has the meaning set out in section 2(1) of the Resource Management Act 1991

high-energy coastal water means water in the coastal marine area into which treated wastewater is discharged at a point of discharge that—

(a) is not in an estuary or the open ocean; and

(b) is exposed to large waves and long-period waves; and

(c) is not sheltered by a gulf, island, reef, harbour, or embayment

lake has the meaning set out in section 2(1) of the Resource Management Act 1991, but excludes an estuary under these regulations

low-energy coastal water means water in the coastal marine area into which treated wastewater is discharged at a point of discharge that is not an estuary, the open ocean, or high-energy coastal water

measured as a 75th percentile means 75% of the samples taken during the previous 365-day period do not exceed the specified requirement

measured as a 90th percentile means, if a wastewater treatment plant is required to perform daily or fortnightly sampling under regulation 77(a) or (b), 90% of the samples taken during the previous 365-day period do not exceed the specified requirement

naturally occurring process means a process that occurs, or that would occur, in the absence of any human activity

open ocean means water in the coastal marine area into which treated wastewater is discharged at a point of discharge (determined in accordance with subclause (2)) that—

(a) is 500 metres or more seaward from the line of the mean high-water springs; and

(b) is covered by water that is more than 10 metres deep throughout the entire tidal cycle

point of discharge means the point at which treated wastewater enters 1 or more of the following:

(a) a water body:

(b) water in the coastal marine area:

(c) water in an artificial watercourse (including an irrigation canal, a water supply race, a canal for supplying water for electricity generation, or a farm drainage channel)

river—

(a) has the meaning set out in section 2(1) of the Resource Management Act 1991; but

(b) excludes—

(i) a part of a river that is in the coastal marine area; and

(ii) any part of a river that is an estuary

shellfish gathering area means an area from which the public gathers shellfish for human consumption

TSS, in relation to wastewater, means the total suspended solids.

(2) For the purposes of the definition of open ocean, if the outfall pipe includes a diffuser (as defined in regulation 57(6)), the point of discharge is the point—

(a) at which the diffuser is attached to the outfall pipe; or

(b) if the diffuser is attached at more than 1 point, the point that is closest to the mean high-water springs.

Exceptions

43 General exceptions for discharging treated wastewater

(1) Despite anything in these regulations, the standards specified in this Part do not apply to the discharge of treated wastewater in any of the following circumstances:

(a) discharge into an aquifer, a cave or karst system, or geothermal water:

(b) discharge from a point of discharge less than 1,000 metres upstream from a registered drinking water abstraction point in a river:

(c) discharge from a point of discharge less than 100 metres downstream from a registered drinking water abstraction point in a river:

(d) discharge from a point of discharge less than 500 metres from a registered drinking water abstraction point in a lake:

(e) discharge from a point of discharge into a tributary if—

(i) the point of discharge is less than 1,000 metres upstream from where the tributary flows into a lake; and

(ii) the tributary flows into the lake less than 500 metres from a registered drinking water abstraction point in the lake:

(f) discharge from a bypass from a wastewater treatment plant:

(g) discharge into a water body that—

(i) meets the attributes of band A in each table in Appendix 2A of the NPSFM; or

(ii) meets the attributes referred to in subparagraph (i) except for any that the water body does not meet as a result of a naturally occurring process:

(h) discharge into a wetland that is not used as part of the wastewater treatment process.

(2) In this regulation,—

attribute has the meaning set out in clause 1.4(1) of the NPSFM

NPSFM means the National Policy Statement for Freshwater Management 2020.

44 Further exceptions for discharging treated wastewater

Despite anything in these regulations,—

(a) the discharge concentration limits for total nitrogen (*see* regulations 49 to 55 and 71) do not apply to discharging treated wastewater into a water body that, due to naturally occurring processes, contains sufficient nitrogen for the discharge not to cause any adverse effects; and

(b) the discharge concentration limits for total phosphorus (*see* regulations 49 to 55 and 71) do not apply to discharging treated wastewater into a water body that, due to naturally occurring processes, contains sufficient phosphorus for the discharge not to cause any adverse effects.

45 Requirement for resource consent

A person must not discharge wastewater from a wastewater treatment plant into water except in accordance with a resource consent.

Application for resource consent must include information relating to river, lake, or coastal marine area

46 Application for resource consent to discharge into river, lake, or coastal marine area

(1) An application for resource consent to discharge treated wastewater from a wastewater treatment plant into a river, lake, or coastal marine area must specify the discharge concentration limit that applies at the point at which the wastewater would be discharged.

(2) The discharge concentration limit must be determined in accordance with regulations 47 to 57.

Discharge concentration limits for rivers

47 Classification of rivers into dilution ratio classes

(1) If an application under regulation 46 is to discharge wastewater into a river, the application must specify the river's dilution ratio class.

(2) The dilution ratio class must be one of the following:

(a) high dilution:

(b) moderate dilution:

(c) low dilution:

(d) very low dilution.

(3) The applicant must use the relevant dilution ratio class to determine the discharge concentration limit under regulation 49.

(4) The dilution ratio class must be determined at the point at which the wastewater treatment plant discharges the wastewater into the river.

(5) For the purposes of subclause (2),—

high dilution means that the dilution ratio of freshwater to wastewater at the point of discharge is 250:1 or greater

low dilution means that the dilution ratio of freshwater to wastewater at the point of discharge is less than 50:1 but greater than or equal to 10:1

moderate dilution means that the dilution ratio of freshwater to wastewater at the point of discharge is less than 250:1 but greater than or equal to 50:1

very low dilution means that the dilution ratio of freshwater to wastewater at the point of discharge is less than 10:1.

48 Calculation of dilution ratio classes

(1) For the purposes of regulation 47, the applicant must calculate the dilution ratio class for a river using the following formula:

(Qeffluent + Qmean annual low flow) ÷ Qeffluent

where—

Qeffluent	is the figure determined in accordance with the process specified in subclause (2)
Qmean annual low flow	is the figure determined in accordance with the process specified in subclause (3).

(2) To calculate Qeffluent, the applicant must,—

(a) first, for each year covered by the requested resource consent, determine the median daily discharge volume of treated wastewater in cubic metres:

(b) second, identify the highest annual median from all the annual medians determined under paragraph (a).

(3) To calculate Qmean annual low flow, the applicant must,—

(a) first, identify the actual or estimated low flow data for the river for each day in the previous 5 or more years:

(b) second, from that low flow data, calculate the rolling average low flow in the river for each period of 7 consecutive days in the year or years to which the flow data relates:

(c) third, add together the rolling averages calculated under paragraph (b) and calculate the mean rolling average.

(4) In subclause (3), **low flow data** means data showing the lowest flow of the river.

49 Discharge concentration limits: rivers

(1) This regulation specifies the discharge concentration limits for wastewater that is discharged into a river.

Very low dilution

(2) The concentration limits for discharge into a river that is classified under regulation 47 as having very low dilution are as follows:

(a) the annual median concentration of cBOD5 must not exceed 5 milligrams per litre of wastewater:

(b) the concentration of cBOD5 must not exceed 10 milligrams per litre of wastewater, measured as a 90th percentile:

(c) the annual median concentration of TSS must not exceed 5 milligrams per litre of wastewater:

(d) the concentration of TSS must not exceed 10 milligrams per litre of wastewater, measured as a 90th percentile:

(e) the concentration of ammoniacal nitrogen must not exceed 1 milligram per litre of wastewater, measured as a 90th percentile:

(f) the annual median concentration of total nitrogen must not exceed 4 milligrams per litre of wastewater:

(g) the annual median concentration of total phosphorus must not exceed 0.5 milligram per litre of wastewater:

(h) the concentration of *E coli* must not exceed 130 cfu per 100 millilitres of wastewater, measured as a 90th percentile.

Low dilution

(3) The concentration limits for discharge into a river that is classified under regulation 47 as having low dilution are as follows:

(a) the annual median concentration of cBOD5 must not exceed 10 milligrams per litre of wastewater:

(b) the concentration of cBOD5 must not exceed 20 milligrams per litre of wastewater, measured as a 90th percentile:

(c) the annual median concentration of TSS must not exceed 10 milligrams per litre of wastewater:

(d) the concentration of TSS must not exceed 20 milligrams per litre of wastewater, measured as a 90th percentile:

(e) the concentration of ammoniacal nitrogen must not exceed 1 milligram per litre of wastewater, measured as a 90th percentile:

(f) the annual median concentration of total nitrogen must not exceed 5 milligrams per litre of wastewater:

(g) the annual median concentration of total phosphorus must not exceed 1 milligram per litre of wastewater:

(h) the concentration of *E coli* must not exceed 650 cfu per 100 millilitres of wastewater, measured as a 90th percentile.

Moderate dilution

(4) The concentration limits for discharge into a river that is classified under regulation 47 as having moderate dilution are as follows:

(a) the annual median concentration of cBOD5 must not exceed 15 milligrams per litre of wastewater:

(b) the concentration of cBOD5 must not exceed 30 milligrams per litre of wastewater, measured as a 90th percentile:

(c) the annual median concentration of TSS must not exceed 15 milligrams per litre of wastewater:

(d) the concentration of TSS must not exceed 30 milligrams per litre of wastewater, measured as a 90th percentile:

(e) the concentration of ammoniacal nitrogen must not exceed 3 milligrams per litre of wastewater, measured as a 90th percentile:

(f) the annual median concentration of total nitrogen must not exceed 10 milligrams per litre of wastewater:

(g) the annual median concentration of total phosphorus must not exceed 5 milligrams per litre of wastewater:

(h) the concentration of *E coli* must not exceed 3,250 cfu per 100 millilitres of wastewater, measured as a 90th percentile.

High dilution

(5) The concentration limits for discharge into a river that is classified under regulation 47 as having high dilution are as follows:

(a) the annual median concentration of cBOD5 must not exceed 20 milligrams per litre of wastewater:

(b) the concentration of cBOD5 must not exceed 40 milligrams per litre of wastewater, measured as a 90th percentile:

(c) the annual median concentration of TSS must not exceed 30 milligrams per litre of wastewater:

(d) the concentration of TSS must not exceed 60 milligrams per litre of wastewater, measured as a 90th percentile:

(e) the concentration of ammoniacal nitrogen must not exceed 25 milligrams per litre of wastewater, measured as a 90th percentile:

(f) the annual median concentration of total nitrogen must not exceed 35 milligrams per litre of wastewater:

(g) the annual median concentration of total phosphorus must not exceed 10 milligrams per litre of wastewater:

(h) the concentration of *E coli* must not exceed 16,250 cfu per 100 millilitres of wastewater, measured as a 90th percentile.

Discharge concentration limits for lakes

50 Discharge concentration limits: lakes

The discharge concentration limits for wastewater that is discharged into a lake are as follows:

(a) the annual median concentration of cBOD5 must not exceed 15 milligrams per litre of wastewater:

(b) the concentration of cBOD5 must not exceed 30 milligrams per litre of wastewater, measured as a 90th percentile:

(c) the annual median concentration of TSS must not exceed 15 milligrams per litre of wastewater:

(d) the concentration of TSS must not exceed 30 milligrams per litre of wastewater, measured as a 90th percentile:

(e) the concentration of ammoniacal nitrogen must not exceed 3 milligrams per litre of wastewater, measured as a 90th percentile:

(f) the annual median concentration of total nitrogen must not exceed 10 milligrams per litre of wastewater:

(g) the annual median concentration of total phosphorus must not exceed 3 milligrams per litre of wastewater:

(h) the concentration of *E coli* must not exceed 3,250 cfu per 100 millilitres of wastewater, measured as a 90th percentile.

Discharge concentration limits for coastal marine areas

51 Classification of coastal marine area

(1) If an application under regulation 46 is for resource consent to discharge wastewater into the coastal marine area, the application must specify whether the discharge will be into an estuary, low-energy coastal water, high-energy coastal water, or the open ocean.

(2) The discharge concentration limits for wastewater that is discharged into an estuary, low-energy coastal water, high-energy coastal water, or the open ocean are specified in regulations 52 to 55.

52 Discharge concentration limits: estuaries

The discharge concentration limits for wastewater that is discharged into an estuary are as follows:

(a) the annual median concentration of cBOD5 must not exceed 20 milligrams per litre of wastewater:

(b) the concentration of cBOD5 must not exceed 40 milligrams per litre of wastewater, measured as a 90th percentile:

(c) the annual median concentration of TSS must not exceed 25 milligrams per litre of wastewater:

(d) the concentration of TSS must not exceed 50 milligrams per litre of wastewater, measured as a 90th percentile:

(e) the concentration of ammoniacal nitrogen must not exceed 15 milligrams per litre of wastewater, measured as a 90th percentile:

(f) the annual median concentration of total nitrogen must not exceed 10 milligrams per litre of wastewater:

(g) the annual median concentration of total phosphorus must not exceed 10 milligrams per litre of wastewater:

(h) the concentration of enterococci must not exceed 2,000 cfu per 100 millilitres of wastewater, measured as a 90th percentile.

53 Discharge concentration limits: low-energy coastal water

The discharge concentration limits for wastewater that is discharged into low-energy coastal water are as follows:

(a) the annual median concentration of cBOD5 must not exceed 30 milligrams per litre of wastewater:

(b) the concentration of cBOD5 must not exceed 60 milligrams per litre of wastewater, measured as a 90th percentile:

(c) the annual median concentration of TSS must not exceed 30 milligrams per litre of wastewater:

(d) the concentration of TSS must not exceed 60 milligrams per litre of wastewater, measured as a 90th percentile:

(e) the concentration of ammoniacal nitrogen must not exceed 20 milligrams per litre of wastewater, measured as a 90th percentile:

(f) the annual median concentration of total nitrogen must not exceed 10 milligrams per litre of wastewater:

(g) the annual median concentration of total phosphorus must not exceed 10 milligrams per litre of wastewater:

(h) the concentration of enterococci must not exceed 4,000 cfu per 100 millilitres of wastewater, measured as a 90th percentile.

54 Discharge concentration limits: high-energy coastal water

(1) The discharge concentration limits for wastewater that is discharged into high-energy coastal water are as follows:

(a) the annual median concentration of cBOD5 must not exceed 50 milligrams per litre of wastewater:

(b) the concentration of cBOD5 must not exceed 80 milligrams per litre of wastewater, measured as a 90th percentile:

(c) the annual median concentration of TSS must not exceed 50 milligrams per litre of wastewater:

(d) the concentration of TSS must not exceed 80 milligrams per litre of wastewater, measured as a 90th percentile:

(e) the concentration of ammoniacal nitrogen must not exceed 35 milligrams per litre of wastewater, measured as a 90th percentile:

(f) the annual median concentration of total nitrogen must not exceed 50 milligrams per litre of wastewater:

(g) the concentration of enterococci must not exceed 8,000 cfu per 100 millilitres of wastewater, measured as a 90th percentile.

(2) Despite subclause (1) not including a limit for total phosphorus, a resource consent for wastewater that is discharged into high-energy coastal water must not include a discharge concentration limit for total phosphorus.

55 Discharge concentration limits: open ocean

(1) The discharge concentration limits for wastewater that is discharged into the open ocean are as follows:

(a) the annual median concentration of TSS must not exceed 100 milligrams per litre of wastewater:

(b) the concentration of TSS must not exceed 150 milligrams per litre of wastewater, measured as a 90th percentile:

(c) the concentration of ammoniacal nitrogen must not exceed 50 milligrams per litre of wastewater, measured as a 90th percentile:

(d) the concentration of enterococci must not exceed 40,000 cfu per 100 millilitres of wastewater, measured as a 90th percentile.

(2) Despite subclause (1) not including a limit for cBOD5, total nitrogen, or total phosphorus, a resource consent for wastewater that is discharged into the open ocean must not include a discharge concentration limit for cBOD5, total nitrogen, or total phosphorus.

Method for assessing wastewater

56 Method for assessing wastewater under regulations 49 to 55

To determine whether wastewater is within a discharge concentration limit under regulations 49 to 55, the specified concentration must be assessed—

(a) after the wastewater has been treated; but

(b) before the wastewater is mixed with any other discharge or water.

Additional standards relating to environments receiving wastewater

57 Additional standards relating to discharge of treated wastewater

Discharge into lakes

(1) The following standards apply in relation to discharging treated wastewater into a lake:

(a) the point of discharge must be fitted with a diffuser:

(b) the point of discharge must be located beyond the littoral zone of the lake:

(c) the discharge must achieve a minimum centreline dilution of the plume of 1 part wastewater to 20 parts freshwater at 100 metres from the diffuser in slack water conditions.

Discharge into estuaries

(2) The following standards apply in relation to discharging treated wastewater into an estuary:

(a) the point of discharge must be fitted with a diffuser:

(b) the point of discharge must be in a part of the estuary where the water is affected by tidal conditions:

(c) the discharge must achieve a minimum centreline dilution of the plume of 1 part wastewater to 20 parts freshwater at 100 metres from the diffuser in slack water conditions.

Discharge into low-energy coastal water

(3) The following standards apply in relation to discharging treated wastewater into low-energy coastal water:

(a) the point of discharge must be fitted with a diffuser:

(b) the discharge must achieve a minimum centreline dilution of the plume of 1 part wastewater to 20 parts freshwater at 100 metres from the diffuser in slack water conditions.

Discharge into high-energy coastal water

(4) The following standards apply in relation to discharging treated wastewater into high-energy coastal water:

(a) the point of discharge must be fitted with a diffuser:

(b) the discharge must achieve a minimum centreline dilution of the plume of 1 part wastewater to 20 parts freshwater at 100 metres from the diffuser in slack water conditions.

Discharge into open ocean

(5) The following standards apply in relation to discharging treated wastewater into the open ocean:

(a) the point of discharge must be fitted with a diffuser:

(b) the discharge must achieve a minimum centreline dilution of the plume of 1 part wastewater to 100 parts freshwater at 100 metres from the diffuser in slack water conditions.

(6) In this regulation,—

depth-averaged water velocity, in relation to a channel or flow path, means the average velocity of water flowing across the entire depth of the channel or flow path

diffuser means a device that—

(a) comprises multiple ports or nozzles; and

(b) is part of, or affixed to, a wastewater outfall pipe; and

(c) is used to disperse, dilute, or mix wastewater into the receiving environment at the point of discharge

slack water conditions,—

(a) in relation to a lake, means that the water in the lake is moving at the greater of—

(i) a depth-averaged water velocity of 0.01 metres per second; and

(ii) a depth-averaged water velocity that is exceeded 90% of the time:

(b) in relation to an estuary, low-energy coastal water, high-energy coastal water, or the open ocean, means that the water in the estuary, low-energy coastal water, high-energy coastal water, or the open ocean is moving at the greater of—

(i) a depth-averaged water velocity of 0.02 metres per second; and

(ii) a depth-averaged water velocity that is exceeded 90% of the time.

Small wastewater treatment plants

58 Criteria to determine if plant is small wastewater treatment plant

(1) A wastewater treatment plant is a **small wastewater treatment plant** if it existed on 19 December 2025 and—

(a) the plant takes in a daily average load of cBOD5 of less than 85 kilograms; or

(b) the consent authority believes that—

(i) the plant services wastewater from no more than 1,000 people; and

(ii) the plant does not service a significant volume of industrial and trade waste.

(2) For the purposes of subclause (1)(a), the daily average load of cBOD5 must be determined before the wastewater has undergone primary treatment.

(3) For the purposes of subclause (1)(b)(i), the consent authority must determine the number of people—

(a) as an average over an annual period; and

(b) by having regard to—

(i) the number of connections to the relevant wastewater network; and

(ii) the estimated number of people serviced by each connection to the relevant wastewater network; and

(iii) any seasonal variation in the number of people serviced by each connection to the relevant wastewater network.

(4) The consent holder for a small wastewater treatment plant must, for each 12-month period, provide the consent authority with information to demonstrate whether the plant still meets the criteria for being a small wastewater treatment plant.

59 Small wastewater treatment plants: discharge concentration limits

The discharge concentration limits specified in regulations 49 to 55 apply to the discharge from a small wastewater treatment plant except that—

(a) the discharge concentration limits for total nitrogen and total phosphorus do not apply; and

(b) a discharge concentration limit that is required under those regulations to be measured as a 90th percentile—

(i) must not be measured as a 90th percentile; but

(ii) must be measured as a 75th percentile.

60 Small wastewater treatment plants with oxidation ponds

(1) The consent holder for a small wastewater treatment plant that has an oxidation pond must—

(a) survey the oxidation pond at least once every 3 years to determine the level and volume of sludge in the pond; and

(b) provide the results of the survey to the relevant consent authority.

(2) The consent holder must provide the survey results under subclause (1)(b) within 3 months after completing the survey.

(3) A consent authority that grants a resource consent to a small wastewater treatment plant that has an oxidation pond must include a requirement that sludge must be removed from the pond at specified intervals or in specified circumstances.

(4) In this regulation, **sludge** means a residual semi-solid or solid material resulting from a wastewater treatment process.

61 When small wastewater treatment plant ceases to be small

(1) Subsection (2) applies to a small wastewater treatment plant—

(a) whose consent holder provides information under regulation 58(4) that demonstrates that the plant no longer meets the criteria specified in regulation 58(1) for being a small wastewater treatment plant; or

(b) that, for any other reason, no longer meets the criteria specified in regulation 58(1).

(2) The consent holder for a wastewater treatment plant described in subclause (1) must,—

(a) at least once a month for a period of 12 months, sample the wastewater before it undergoes primary treatment to determine whether the plant takes in a daily average load of cBOD5 of less than 85 kilograms; and

(b) keep a record of those samples.

(3) A wastewater treatment plant described in subclause (1)—

(a) remains a small wastewater treatment plant if the samples taken under subclause (2) demonstrate that, during the 12-month period, the plant took in a daily average load of cBOD5 of less than 85 kilograms (determined before the wastewater has undergone primary treatment); or

(b) in all other circumstances, ceases to be a small wastewater treatment plant at the end of the 12-month period, and subclause (4) applies.

(4) If a small wastewater treatment plant ceases to be a small wastewater treatment plant under subclause (3)(b),—

(a) the plant must continue to be treated as if it were a small wastewater treatment plant under these regulations until the date that is 3 years after the end of the 12-month period (the **cessation date**); and

(b) on and from the cessation date,—

(i) the plant ceases to be treated as if it were a small wastewater treatment plant; and

(ii) the relevant discharge concentration limits in regulations 49 to 55 apply to the plant.

(5) A resource consent that is granted for a small wastewater treatment plant must specify the implications, specified in this regulation, of the plant ceasing to be a small wastewater treatment plant.

Standards that apply close to shellfish gathering areas

62 Application

(1) The standards in regulations 63 to 65 apply to a wastewater treatment plant that has a point of discharge that is close to a shellfish gathering area.

(2) For the purposes of subclause (1), **close** means that the point of discharge—

(a) is no more than 4 kilometres from a shellfish gathering area in a lake or the coastal marine area; or

(b) is no more than 4 kilometres upstream from a shellfish gathering area in a river.

63 Application must include quantitative microbial risk assessment

(1) The applicant for a resource consent for a wastewater treatment plant described in regulation 62 must—

(a) ensure that a suitably qualified and experienced person completes a quantitative microbial risk assessment that complies with regulation 64; and

(b) include the results of the assessment with the application.

(2) The consent authority considering the application must consider the results of the assessment when deciding whether to grant the resource consent.

64 Quantitative microbial risk assessment

(1) A quantitative microbial risk assessment must include the following steps:

(a) engagement with local communities:

(b) identification of the concentration or likely concentration of pathogens in treated wastewater to be discharged by the wastewater treatment plant, after considering—

(i) influent flow volumes and flow rates; and

(ii) whether the influent wastewater contains any pathogens that would be particularly harmful to humans; and

(iii) the reduction of pathogens as a result of the wastewater being treated:

(c) identification of the concentration or likely concentration of pathogens in the environment after receiving the treated wastewater, after considering—

(i) the location of shellfish beds; and

(ii) effluent flow volumes and flow rates; and

(iii) the expected dilution of the wastewater in the water at the shellfish beds; and

(iv) the expected concentration of pathogens remaining in the water after taking into account the natural inactivation or die-off of the pathogens:

(d) quantification of the likely rates of human exposure to pathogens in the treated wastewater by ingesting shellfish, including by quantifying—

(i) the shellfish gathered from the shellfish beds for human ingestion; and

(ii) the bioaccumulation of pathogens in the shellfish:

(e) determination of the risk of humans becoming ill as a result of being exposed to pathogens, including by—

(i) modelling the risk of humans becoming ill; and

(ii) summarising the risk of humans becoming ill; and

(iii) comparing the risk modelling under subparagraph (i) with an acceptable level of risk.

(2) The results of a quantitative microbial risk assessment must include—

(a) an assessment of the **mean individual illness risk**, which is an assessment of the risk of illness from ingesting shellfish from each shellfish gathering area that is close (as defined in regulation 62(2)) to the point of discharge; and

(b) a summary report, which may include any recommendations to mitigate any risks to public health.

(3) For the purposes of subclause (1)(e)(iii), an **acceptable level of risk** means that the mean individual illness risk (as described in subclause (2)(a)) is less than 1%.

65 Discharge concentration limits: discharge close to shellfish gathering area

(1) If a consent authority decides to grant a resource consent to a wastewater treatment plant described in regulation 62, the consent,—

(a) if the point of discharge is into—

(i) a lake or river, must include a discharge concentration limit for *E coli*; or

(ii) the coastal marine area, must include a discharge concentration limit for enterococci; and

(b) may include a condition requiring the consent holder to avoid, remedy, or mitigate the effect of any pathogen identified in the quantitative microbial risk assessment.

(2) To avoid doubt, a discharge concentration limit included under subclause (1)(a) need not be the same as a discharge concentration limit specified in regulations 49 to 55.

Standards relating to discharge into hard-bottomed river

66 Application

(1) The standards set out in regulations 67 to 71 apply only to a wastewater treatment plant, other than a small wastewater treatment plant, that discharges wastewater into a hard-bottomed river.

(2) For the purposes of regulations 67 to 71,—

hard-bottomed river means a river in which, within 100 metres from a point of discharge, more than half of the substrate is made up of particles that are the same size as, or larger than, gravel

substrate means the material that makes up the bed of the river (for example, sand, silt, gravel, cobbles, boulders, or bedrock).

67 Alternative nitrogen and phosphorus discharge concentration limits apply

For a wastewater treatment plant described in regulation 66(1),—

(a) the discharge concentration limits relating to total nitrogen and total phosphorus specified in regulations 49 to 55 do not apply; but

(b) a resource consent granted to the plant must include a condition that the alternative discharge concentration limits specified in regulation 71 apply to the discharge from the plant.

68 Application for resource consent must include periphyton risk assessment

(1) An application for a resource consent to discharge wastewater from a wastewater treatment plant described in regulation 66(1) must include a periphyton risk assessment.

(2) The periphyton risk assessment must be carried out by a suitably qualified and experienced person (the **first person**).

(3) After the first person carries out the periphyton risk assessment, a second, independent, suitably qualified and experienced person (the **second person**) must—

(a) review the assessment carried out by the first person; and

(b) certify whether the second person agrees with the assessment; and

(c) if they do not agree with the assessment, provide reasons for disagreeing.

(4) The application for a resource consent must include—

(a) the second person's certification under subclause (3)(b); and

(b) if the second person disagrees with the first person's assessment, the second person's reasons for disagreeing.

(5) A consent authority that receives an application under subclause (1) must review the periphyton risk assessment as part of deciding whether to grant the resource consent.

69 Periphyton risk assessment: mandatory considerations

(1) When completing a periphyton risk assessment, a suitably qualified and experienced person or consent authority must take into account the following considerations:

(a) the effects of shade or shadow on the river:

(b) when the wastewater will be discharged into the river, including the time of day, the season, and the duration of the discharge:

(c) the effects of the water in the river being naturally flushed:

(d) the dilution ratio class at the point of discharge, determined under regulation 47:

(e) how the following factors contribute to, or inhibit, the establishment or growth of periphyton in the river:

(i) the climate:

(ii) the source of the water in the river:

(iii) the physical and chemical characteristics of the riverbed:

(iv) any action that would, if it were imposed as a condition of the resource consent, avoid, remedy, or mitigate the risk or extent of

periphyton growth or the effects of the periphyton on the environment (*see* subclause (2) for examples).

(2) Examples of actions that could be imposed as a condition under subclause (1)(e)(iv) include the following:

(a) planting vegetation beside the river to increase shade or shadow:

(b) altering the flow or volume of the discharge:

(c) improving the habitat in the river for organisms that feed on periphyton.

(3) The person or consent authority must ensure that they take the considerations into account before—

(a) first, determining the overall risk of excess periphyton establishment and growth; and

(b) second, based on that overall risk, determining the overall periphyton risk category under regulation 70.

70 Periphyton risk categories

The person or consent authority preparing the periphyton risk assessment must determine that the overall periphyton risk category is one of the following:

(a) low risk:

(b) medium risk:

(c) high risk:

(d) very high risk.

71 Alternative nitrogen and phosphorus discharge concentration limits

(1) The alternative discharge concentration limits that apply to the discharge from a wastewater treatment plant described in regulation 66(1) are specified in subclauses (2) to (5).

(2) If the river's dilution ratio class under regulation 47 is very low dilution, the discharge concentration limits are as follows:

(a) if the discharge is classified as low risk,—

(i) the annual median concentration of total nitrogen must not exceed 4 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 0.5 milligram per litre of wastewater:

(b) if the discharge is classified as medium risk,—

(i) the annual median concentration of total nitrogen must not exceed 4 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 0.3 milligram per litre of wastewater:

(c) if the discharge is classified as high risk or very high risk,—

(i) the annual median concentration of total nitrogen must not exceed 4 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 0.25 milligram per litre of wastewater.

(3) If the river's dilution ratio class under regulation 47 is low dilution, the discharge concentration limits are as follows:

(a) if the discharge is classified as low risk,—

(i) the annual median concentration of total nitrogen must not exceed 5 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 1 milligram per litre of wastewater:

(b) if the discharge is classified as medium risk,—

(i) the annual median concentration of total nitrogen must not exceed 4 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 0.7 milligram per litre of wastewater:

(c) if the discharge is classified as high risk,—

(i) the annual median concentration of total nitrogen must not exceed 4 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 0.5 milligram per litre of wastewater:

(d) if the discharge is classified as very high risk,—

(i) the annual median concentration of total nitrogen must not exceed 4 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 0.25 milligram per litre of wastewater.

(4) If the river's dilution ratio class under regulation 47 is moderate dilution, the discharge concentration limits are as follows:

(a) if the discharge is classified as low risk,—

(i) the annual median concentration of total nitrogen must not exceed 10 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 3 milligrams per litre of wastewater:

(b) if the discharge is classified as medium risk,—

(i) the annual median concentration of total nitrogen must not exceed 7 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 1 milligram per litre of wastewater:

(c) if the discharge is classified as high risk,—

(i) the annual median concentration of total nitrogen must not exceed 4 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 0.5 milligram per litre of wastewater:

(d) if the discharge is classified as very high risk,—

(i) the annual median concentration of total nitrogen must not exceed 4 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 0.25 milligram per litre of wastewater.

(5) If the river's dilution ratio class under regulation 47 is high dilution, the discharge concentration limits are as follows:

(a) if the discharge is classified as low risk,—

(i) the annual median concentration of total nitrogen must not exceed 35 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 10 milligrams per litre of wastewater:

(b) if the discharge is classified as medium risk,—

(i) the annual median concentration of total nitrogen must not exceed 20 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 5 milligrams per litre of wastewater:

(c) if the discharge is classified as high risk,—

(i) the annual median concentration of total nitrogen must not exceed 10 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 1 milligram per litre of wastewater:

(d) if the discharge is classified as very high risk,—

(i) the annual median concentration of total nitrogen must not exceed 4 milligrams per litre of wastewater; and

(ii) the annual median concentration of total phosphorus must not exceed 0.25 milligram per litre of wastewater.

Mixed discharge schemes

72 Application of regulations 73 to 76

The standards set out in regulations 73 to 76 apply to the discharge of treated wastewater from a wastewater treatment plant that is part of a wastewater network if—

(a) the wastewater is discharged into a river (including a hard-bottomed river) in certain circumstances; but

(b) when those circumstances do not apply, the wastewater is discharged to land, stored, or managed in another way.

73 Requirement for resource consent

A person must not discharge wastewater in the circumstances set out in regulation 72 except in accordance with a resource consent.

74 Application for resource consent

(1) An application for a resource consent to discharge wastewater in the circumstances set out in regulation 72 must—

(a) be for a consent under which the consent holder would be permitted to discharge wastewater into a river only during a time period specified in the consent, but at all other times would be required to discharge the wastewater to land, store the wastewater, or manage it in another way (a **time-based consent**); and

(b) specify the river's dilution ratio.

(2) For the purposes of subclause (1)(b), the applicant—

(a) must not calculate the dilution ratio class under regulation 48; but

(b) must calculate the dilution ratio class under regulation 75.

(3) Except as specified in subclause (2), all other relevant standards in these regulations apply to the discharge of wastewater in the circumstances set out in regulation 72.

75 Calculation of dilution ratio class

(1) An application under regulation 74 must use the following formula to calculate the dilution ratio class:

$$(Q_{effluent} + Q_{mean\ low\ flow}) \div Q_{effluent}$$

where—

$Q_{effluent}$	is the figure determined in accordance with the process specified in subclause (2)
$Q_{mean\ low\ flow}$	is the figure determined in accordance with the process specified in subclause (3).

(2) To calculate $Q_{effluent}$, the applicant must, for the period during which wastewater will be discharged into a river (the **relevant period**),—

(a) first, for the relevant period of each year covered by the application, determine the median daily discharge volume of treated wastewater in cubic metres:

(b) second, from all of the years' medians determined under paragraph (a), identify the highest median daily discharge volume.

(3) To calculate Qmean low flow, the applicant must, for the relevant period,—

(a) first, identify the actual or estimated low flow data for the river for each day in the relevant period of the previous 5 or more years:

(b) second, from that low flow data, calculate the rolling average low flow in the river for each period of 7 consecutive days in the relevant period in the year or years to which the flow data relates:

(c) third, add together the rolling averages calculated under paragraph (b) and calculate the mean rolling average.

76 Condition specified in resource consent

A resource consent that is granted to discharge wastewater in the circumstances set out in regulation 72 must include a condition that wastewater be discharged into a river only during the period used to calculate the dilution ratio class under regulation 75(1).

Sampling, testing, and record-keeping

77 Sampling, testing, and record-keeping for wastewater treatment plants

A wastewater treatment plant must comply with the following sampling, testing, and record-keeping requirements:

(a) if the plant is not a small wastewater treatment plant and it services a community of 10,000 or more people, it must implement a system to ensure that,—

(i) at least once each day, it samples the treated wastewater; and

(ii) it tests the sample to determine whether it complies with the discharge concentration limits specified in regulations 49 to 55 and 71 (as applicable); and

(iii) it keeps a record of each sample and each test:

(b) if the plant is not a small wastewater treatment plant and it services a community of fewer than 10,000 people, it must implement a system to ensure that,—

(i) at least once every 2 weeks, it samples the treated wastewater; and

(ii) it tests the sample to determine whether it complies with the discharge concentration limits specified in regulations 49 to 55 and 71 (as applicable); and

(iii) it keeps a record of each sample and each test:

(c) if the plant is a small wastewater treatment plant, it must implement a system to ensure that,—

(i) at least once every 3 months, it samples the treated wastewater; and

(ii) it tests the sample to determine whether it complies with the discharge concentration limits under regulation 59; and

(iii) it keeps a record of each sample and each test.

78 Consent authority may impose conditions relating to sampling and testing

A consent authority that grants a resource consent may impose a condition on the resource consent relating to—

(a) how to take a sample of wastewater under regulation 77:

(b) how to test a sample of wastewater under regulation 77.

79 Testing of samples

All testing of samples carried out under regulation 77 must be undertaken—

(a) by a laboratory that is certified by International Accreditation New Zealand; or

(b) by any other method specified by the consent authority in the resource consent.

80 Retention of sampling records

A wastewater treatment plant must retain the sampling records required under regulation 77—

(a) for a minimum period of 10 years; and

(b) in a form that is easily retrievable.

Requirements if discharge concentration limit exceeded

81 Resource consent may specify conditions if discharge exceeds concentration limit

(1) A resource consent for a wastewater treatment plant must specify, as conditions of the consent, the following actions that the plant must take if it exceeds a relevant discharge concentration limit specified in regulations 49 to 55 and 71 (as applicable):

(a) the consent holder must notify the regional council in whose region the treatment plant is located of having exceeded the limit:

(b) the consent holder must investigate the reason for exceeding the limit:

(c) the consent holder must take any actions specified in the resource consent to avoid, remedy, or mitigate the risk of exceeding the limit in the future.

(2) A resource consent for a wastewater treatment plant may specify, as a condition of the consent, any actions that the consent holder must take to avoid, remedy,

or mitigate the effects of exceeding a relevant discharge concentration limit specified in regulations 49 to 55 and 71 (as applicable) on the environment and public health.

Reporting requirements

82 Reporting requirements: wastewater treatment plants

(1) The consent holder for a wastewater treatment plant must publish,—

(a) if the wastewater treatment plant is a small wastewater treatment plant, a quarterly report; and

(b) if the wastewater treatment plant is not a small wastewater treatment plant, a monthly report; and

(c) an annual report.

(2) The information listed in subclause (3) must be included,—

(a) in a monthly report, in relation to the month preceding the date of the report:

(b) in a quarterly report, in relation to the quarter preceding the date of the report:

(c) in an annual report, in relation to the year preceding the date of the report.

(3) The following information must be included in a monthly, quarterly, or annual report:

(a) data relating to each discharge concentration for each contaminant specified in these regulations:

(b) the results of all sampling and testing carried out under this Part during the relevant period:

(c) a summary of the plant's compliance with all relevant discharge concentration limits under this Part:

(d) details of the time and duration of each instance when the plant's discharge exceeded the discharge concentration limit under regulations 49 to 55, 59, 65, and 71:

(e) for each instance described in paragraph (d) of exceeding a discharge concentration limit,—

(i) the reason for exceeding the limit if the consent holder knows the reason; and

(ii) the action taken by the consent holder in response to exceeding the limit:

(f) any compliance or enforcement action taken against the consent holder in relation to an instance described in paragraph (d).

(4) The consent holder for the wastewater treatment plant must—

(a) ensure that each monthly, quarterly, or annual report is published on an internet site that is publicly available free of charge; and

(b) provide a copy of each report under this regulation to—

(i) the Water Services Authority; and

(ii) the regional council in whose region the wastewater treatment plant is located.

(5) The consent holder must ensure that an annual report—

(a) is reviewed by an independent and suitably qualified person; and

(b) includes a statement from that person verifying the contents of the report.

Upgrading or building infrastructure to comply with standards

83 Upgrading or building infrastructure to comply with standards: small wastewater treatment plants

(1) A resource consent for a small wastewater treatment plant must include a condition that will apply if the plant—

(a) ceases to be a small wastewater treatment plant under regulation 61; and

(b) does not meet a discharge concentration limit (*see* regulations 49 to 55 and 71 (as applicable)).

(2) The condition is that, if any infrastructure is required to be upgraded or built for the plant to meet the discharge concentration limit, the consent holder must upgrade or build the infrastructure no later than 3 years after the date on which the plant ceases to be a small wastewater treatment plant.

84 Upgrading or building infrastructure to comply with standards: all wastewater treatment plants

(1) A resource consent for a wastewater treatment plant to discharge wastewater into water must include a condition that—

(a) applies if any infrastructure in the wastewater treatment plant is required to be upgraded or built for the plant to meet a discharge concentration limit; but

(b) does not apply in the circumstances specified in regulation 83.

(2) The condition is that the consent holder must upgrade or build the infrastructure by the date specified by the consent authority, which must be no later than 5 years after the date on which the consent is issued.

(3) Subclause (4) applies during the period between—

(a) the date on which the consent holder issues the consent; and

(b) the date that the consent authority specifies under subclause (2).

(4) A consent authority may specify alternative discharge concentration limits that replace the discharge concentration limits set out in regulations 49 to 55 and 71.

Part 4
Discharge from wastewater treatment plants to land

85 Interpretation

In this Part, unless the context otherwise requires,—

annual hydraulic load means the total amount of treated wastewater applied to the discharge site in a 12-month period

discharge site or **site** means the area of land to which the treated wastewater is discharged

discharge-to-land scheme or **scheme**—

(a) means a scheme for the discharge of treated wastewater to land under these regulations; and

(b) includes any systems, processes, infrastructure, and equipment used in connection with discharging treated wastewater to land

groundwater mounding means a localised, temporary rising of groundwater above the water table

management plan means a management plan under regulations 113 to 116

operations and maintenance manual means an operations and maintenance manual under regulations 98 to 101

rapid-infiltration discharge means the discharge of treated wastewater to land at a rate that results in the land receiving an annual hydraulic load of 6 metres or more

site assessment means a site assessment carried out under regulation 90

slow-infiltration discharge means the discharge of treated wastewater to land at a rate that results in the land receiving an annual hydraulic load of less than 6 metres

unsaturated zone means the part of a discharge site that is between the ground level and the water table.

86 Application of this Part

(1) This Part prescribes standards that apply only to—

(a) the discharge of treated wastewater to land from a publicly owned wastewater treatment plant that is part of a publicly owned wastewater network:

(b) the effects of the contaminants in that discharge on the environment and public health.

(2) However, the standards set out in this Part—

(a) relate only to managing levels of nitrogen, phosphorus, and pathogens; and

(b) do not apply—

(i) to the discharge of treated wastewater if the wastewater is sourced only from producers of industrial and trade waste; or

(ii) if 1 or more of the exceptions set out in regulation 87 apply.

87 Exceptions

Despite anything in these regulations, the standards specified in this Part do not apply to the discharge of treated wastewater in any of the following circumstances:

(a) discharge to land that is assigned to land class 4 under regulation 90:

(b) discharge from a bypass:

(c) discharge into a wetland that is not used as part of the wastewater treatment process:

(d) discharge that has an adverse effect on a site of cultural significance:

(e) discharge to land for the purpose of irrigating pastoral, horticultural, or arable crops that are grown for human consumption:

(f) discharge to land from an oxidation pond.

Subpart 1—Operational requirements

Resource consents

88 Requirement to hold resource consent

A person must not discharge wastewater from a wastewater treatment plant to land except in accordance with a resource consent.

89 Resource consent applications

(1) An application for resource consent to discharge treated wastewater from a wastewater treatment plant to land must—

(a) include a site assessment; and

(b) specify the discharge concentration limits that apply.

(2) The discharge concentration limits must be determined in accordance with regulations 96, 97, and 108.

(3) The application may propose that the resource consent be granted subject to conditions that will alter the risk assessment or site classification undertaken for the purposes of the site assessment carried out under regulation 90.

Site assessments

90 Site assessments

(1) A site assessment must assign a land class to a site for the purpose of determining the discharge limits for the site under the standards set out in this Part (*see* regulations 96 and 102).

(2) If 2 or more sites are contiguous, the site assessment may—

(a) relate to 1 or more of the sites; and

(b) assign more than 1 land class to the sites.

(3) A site assessment must assign a land class to a site in accordance with the procedure specified in regulation 91.

(4) A site assessment must be carried out by a suitably qualified and experienced person.

91 Procedure for assigning land class to site

(1) To assign a land class to a site, the person carrying out the site assessment must—

(a) determine the risk assessment category (*see* regulation 92) and site classification category (*see* regulation 93) for the site; and

(b) assign the land class in accordance with the table in subclause (2).

(2) The land class for a site with a risk assessment category listed in the first column of the following table is the land class specified in the column for the site classification category for the site in the corresponding row:

	Site classification category 1	**Site classification category 2**	**Site classification category 3**	**Site classification category 4**	**Site classification category 5**
Risk assessment category 1	Land class 1	Land class 1	Land class 2	Land class 3	Land class 4
Risk assessment category 2	Land class 1	Land class 2	Land class 2	Land class 3	Land class 4
Risk assessment category 3	Land class 2	Land class 2	Land class 2	Land class 3	Land class 4
Risk assessment category 4	Land class 2	Land class 2	Land class 3	Land class 4	Land class 4

92 Determination of risk assessment category

(1) The person carrying out a site assessment must determine the risk assessment category for the site in accordance with this regulation.

(2) The person must determine the risk assessment category in relation to the full duration of the resource consent.

(3) To determine the risk assessment category, the person must assess the following risks:

Environmental risks

(a) toxicity resulting from nitrogen or nitrogen compounds entering water:

(b) eutrophication resulting from nitrogen or phosphorus entering water:

(c) accumulation of phosphorus in the soil:

(d) the release of nitrogen or phosphorus from the soil:

Public health risks

(e) a drinking water supply protection area becoming subject to a public health warning due to the presence of a nitrate or pathogen:

(f) a source of drinking water becoming subject to a public health warning due to the presence of a nitrate or a pathogen:

(g) the public being exposed to any pathogen as a result of having access to a discharge site:

(h) illness due to the public being exposed to a pathogen:

Other risks

(i) any other risk that the person identifies as posing a significant risk to the environment or to public health.

(4) The person must assess the likelihood of each risk specified in subclause (3) occurring and allocate it to one of the following categories:

(a) certain or almost certain:

(b) likely:

(c) possible:

(d) unlikely:

(e) rare:

(f) nil.

(5) The person must assess the severity of the effects of each risk specified in subclause (3) and allocate it to one of the following categories:

(a) negligible:

(b) minor:

(c) moderate:

(d) significant:

(e) extreme.

(6) After assessing the likelihood and severity of each risk, the person must determine the risk factor for each risk.

(7) A risk with a risk likelihood specified in the first column of the following table has the risk factor specified in the column for the risk severity category for the risk in the corresponding row:

	Severity of effects				
Likelihood	**Negligible**	**Minor**	**Moderate**	**Significant**	**Extreme**
Certain or almost certain	Low	Medium	High	Critical	Critical
Likely	Low	Medium	High	Critical	Critical
Possible	Low	Medium	Medium	High	Critical
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	High
Nil	Low	Low	Low	Low	Low

(8) For the purposes of assigning a land class to a site, the risk assessment category for a site is as follows:

(a) if each risk assessed for the site has a low risk factor, the site is in risk assessment category 1:

(b) if 1 risk assessed for the site has a medium risk factor but all other risks have a low risk factor, the site is in risk assessment category 2:

(c) if 2 or more risks assessed for the site have a medium risk factor but all other risks have a low risk factor, the site is in risk assessment category 3:

(d) if 1 risk assessed for the site has a high risk factor but all other risks have a medium or low risk factor, the site is in risk assessment category 3:

(e) if 2 or more risks assessed for the site have a high risk factor but all other risks have a medium or low risk factor, the site is in risk assessment category 4:

(f) if 1 or more risks assessed for the site have a critical risk factor, the site is in risk assessment category 4.

93 Determination of site classification category: slow-infiltration discharge

(1) The person carrying out a site assessment must determine the site classification category for a site with slow-infiltration discharge in accordance with this regulation.

(2) To determine the site classification, the person must assess the following characteristics of the site:

(a) drainage:

(b) soil type and suitability:

(c) climate and soil moisture attributes:

(d) nutrient uptake from land use on the site:

(e) slope:

(f) depth to groundwater level.

(3) After assessing the site drainage under subclause (2)(a), the person must categorise the site as follows:

(a) if the site is well drained and free of any drainage impediments in an unsaturated zone, the site is in site classification category 1:

(b) if the site is moderately well drained and free of any drainage impediments in an unsaturated zone, the site is in site classification category 2:

(c) if the site is imperfectly drained and free of any drainage impediments in an unsaturated zone, the site is in site classification category 3:

(d) if the site is poorly drained or there are minor drainage impediments in an unsaturated zone, the site is in site classification category 4:

(e) if the site is very poorly drained or there are extensive drainage impediments in an unsaturated zone, the site is in site classification category 5.

(4) After assessing the site soil type and suitability under subclause (2)(b), the person must categorise the site as follows:

(a) if the soil is fine sand, loamy sand, sandy loam, loam, or silt loam, the site is in classification category 1:

(b) if the soil is fine-grained clay loam or silty clay loam, the site is in classification category 3:

(c) if the soil is coarse granular soil, the site is in classification category 4:

(d) if the soil is light or heavy clay or peat soil, the site is in classification category 5.

(5) After assessing the site climate and soil moisture attributes under subclause (2)(c), the person must categorise the site as follows:

(a) if the soil remains below field capacity year-round with irrigation, the site is in classification category 1:

(b) if irrigation brings the soil above field capacity but the soil never reaches field saturation, the site is in classification category 2:

(c) if irrigation occasionally brings the soil to field saturation in winter, the site is in classification category 3:

(d) if the soil occasionally reaches field saturation in winter without irrigation, the site is in classification category 4:

(e) if the soil reaches soil saturation for prolonged periods in winter without irrigation, the site is in classification category 5.

(6) After assessing the nutrient uptake from land use on the site under subclause (2)(d), the person must categorise the site as follows:

(a) if nutrient uptake from pasture or crops on the site is 400 kilograms or more per hectare per year, the site is in classification category 1:

(b) if nutrient uptake from pasture or crops on the site is more than 100 kilograms per hectare per year but less than 400 kilograms per hectare per year, the site is in classification category 3:

(c) if nutrient uptake from pasture or crops on the site is 100 kilograms or less per hectare per year but more than negligible, the site is in classification category 4:

(d) if nutrient uptake from pasture or crops on the site is negligible or 0 kilograms per hectare per year, the site is in classification category 5.

(7) After assessing the slope of the site under subclause (2)(e), the person must categorise the site as follows:

(a) if the slope is less than 10 degrees, the site is in classification category 1:

(b) if the slope is 10 degrees or more but less than 17 degrees, the site is in classification category 3:

(c) if the slope is 17 degrees or more, the site is in classification category 5.

(8) After assessing the depth to groundwater level under subclause (2)(f), the person must categorise the site as follows:

(a) if the shallowest depth to groundwater level (including groundwater mounding) is 5 metres or more, the site is in classification category 1:

(b) if the shallowest depth to groundwater level (including groundwater mounding) is 3 metres or more but less than 5 metres, the site is in classification category 2:

(c) if the shallowest depth to groundwater level (including groundwater mounding) is 1.5 metres or more but less than 3 metres, the site is in classification category 3:

(d) if the shallowest depth to groundwater level (including groundwater mounding) is 1 metre or more but less than 1.5 metres, the site is in classification category 4:

(e) if the shallowest depth to groundwater level (including groundwater mounding) is less than 1 metre, the site is in classification category 5.

(9) For the purpose of assigning a land class to a site under regulation 90, the site classification category for the site is the highest classification category determined under subclauses (2) to (8).

(10) In this regulation, **field capacity** means the maximum amount of water that soil can retain after any excess water has drained away.

94 Determination of site classification category: rapid-infiltration discharge

(1) The person carrying out a site assessment must determine the site classification category for a site with rapid-infiltration discharge in accordance with this regulation.

(2) To determine the site classification, the person must assess the following characteristics of the site:

(a) drainage:

(b) soil type and suitability:

(c) slope:

(d) depth to groundwater level.

(3) After assessing the site drainage under subclause (2)(a), the person must categorise the site as follows:

(a) if the site is very well drained and free of any drainage impediments in an unsaturated zone, the site is in site classification category 1:

(b) if the site is well drained and free of any drainage impediments in an unsaturated zone, the site is in site classification category 2:

(c) if the site is moderately drained and free of any drainage impediments in an unsaturated zone, the site is in site classification category 3:

(d) if the site is imperfectly drained, the site is in site classification category 4:

(e) if the site is poorly drained, the site is in site classification category 5.

(4) After assessing the site soil type and suitability under subclause (2)(b), the person must categorise the site as follows:

(a) if the site soil is well-graded sand, sandy gravel, or gravel cobbles (with limited silt, clay, or pumice), the site is in classification category 1:

(b) if the site soil is fine sand, loamy sand, or sandy loam, the site is in classification category 2:

(c) if the site soil is clay loam or silty clay loam with adequate structural development, the site is in classification category 3:

(d) if the site soil is heavy textured clay or silty clay with limited structural development, the site is in classification category 4:

(e) if the site soil is heavy clay, peat, or water-repellent soil, the site is in classification category 5.

(5) After assessing the slope of the site under subclause (2)(c), the person must categorise the site as follows:

(a) if the site is flat, the site is in classification category 1:

(b) if the slope of the site is less than 5 degrees, the site is in classification category 2:

(c) if the slope of the site is 5 degrees or more but less than 10 degrees, the site is in classification category 3:

(d) if the slope of the site is 10 degrees or more but less than 15 degrees, the site is in classification category 4:

(e) if the slope of the site is 15 degrees or more, the site is in classification category 5.

(6) After assessing the depth to groundwater level under subclause (2)(d), the person must categorise the site as follows:

(a) if the shallowest depth to groundwater level (including groundwater mounding) is 5 metres or more, the site is in classification category 1:

(b) if the shallowest depth to groundwater level (including groundwater mounding) is 3 metres or more but less than 5 metres, the site is in classification category 2:

(c) if the shallowest depth to groundwater level (including groundwater mounding) is 1.5 metres or more but less than 3 metres, the site is in classification category 3:

(d) if the shallowest depth to groundwater level (including groundwater mounding) is 1 metre or more but less than 1.5 metres, the site is in classification category 4:

(e) if the shallowest depth to groundwater level (including groundwater mounding) is less than 1 metre, the site is in classification category 5.

(7) For the purpose of assigning a land class to a site under regulation 90, the site classification category for the site is the highest classification category determined under subclauses (3) to (6).

95 Consent authority need not accept applicant's site assessment

(1) This regulation applies if a consent authority receives an application for a resource consent to discharge treated wastewater under the standards set out in this Part.

(2) The consent authority must—

(a) review the site assessment included with the application; and

(b) decide whether to accept all or part of the site assessment.

(3) If a consent authority decides not to accept all or part of a site assessment, it must itself assign a land class to the site, in accordance with regulation 91.

Discharge concentration limits

96 Discharge concentration limits: slow-infiltration discharges

(1) The discharge concentration limits for a slow-infiltration discharge are as follows:

(a) for a land class 1 site,—

(i) the total nitrogen applied to the site must not exceed 550 kilograms per hectare per year; and

(ii) the total phosphorus applied to the site must not exceed 110 kilograms per hectare each year; and

(iii) if there is public access to the site and the discharge is above ground, the concentration of *E coli* must not exceed 1 cfu per 100 millilitres of wastewater, measured as a 90th percentile:

(b) for a land class 2 site,—

(i) the total nitrogen applied to the site must not exceed 250 kilograms per hectare per year; and

(ii) the total phosphorus applied to the site must not exceed 50 kilograms per hectare per year; and

(iii) if there is no public access to the site or the discharge is underground, the concentration of *E coli* must not exceed 10,000 cfu per 100 millilitres of wastewater, measured as a 90th percentile; and

(iv) if there is public access to the site and the discharge is above ground, the concentration of *E coli* must not exceed 1 cfu per 100 millilitres of wastewater, measured as a 90th percentile:

(c) for a land class 3 site,—

(i) the total nitrogen applied to the site must not exceed 150 kilograms per hectare per year; and

(ii) the total phosphorus applied to the site must not exceed 30 kilograms per hectare per year; and

(iii) if there is no public access to the site or the discharge is underground, the concentration of *E coli* must not exceed 1,000 cfu per 100 millilitres of wastewater, measured as a 90th percentile; and

(iv) if there is public access to the site and the discharge is above ground, the concentration of *E coli* must not exceed 1 cfu per 100 millilitres of wastewater, measured as a 90th percentile:

(d) for a land class 4 site, regulation 87 applies.

(2) Despite subclause (1)(a) not including a limit for *E coli*, a resource consent for a slow-infiltration discharge under this Part must not include a discharge concentration limit for *E coli* for a land class 1 site to which there is no public access.

(3) In this regulation and regulation 97, **measured as a 90th percentile** means that 90% of the samples taken during the previous 365-day period do not exceed the specified concentration.

97 Discharge concentration limits: rapid-infiltration discharges

The discharge concentration limits for a rapid-infiltration discharge are as follows:

(a) for a land class 1 site,—

(i) the total nitrogen applied to the site must not exceed 20,000 kilograms per hectare per year; and

(ii) the total phosphorus applied to the site must not exceed 7,000 kilograms per hectare per year; and

(iii) the concentration of *E coli* must not exceed 100,000 cfu per 100 millilitres of wastewater, measured as a 90th percentile:

(b) for a land class 2 site,—

(i) the total nitrogen applied to the site must not exceed 10,000 kilograms per hectare per year; and

(ii) the total phosphorus applied to the site must not exceed 3,000 kilograms per hectare per year; and

(iii) the concentration of *E coli* must not exceed 10,000 cfu per 100 millilitres of wastewater, measured as a 90th percentile:

(c) for a land class 3 site,—

(i) the total nitrogen applied to the site must not exceed 4,000 kilograms per hectare per year; and

(ii) the total phosphorus applied to the site must not exceed 1,000 kilograms per hectare per year; and

(iii) the concentration of *E coli* must not exceed 1,000 cfu per 100 millilitres of wastewater, measured as a 90th percentile:

(d) for a land class 4 site, regulation 87 applies.

Operations and maintenance manual

98 Purposes of operations and maintenance manual

The purposes of an operations and maintenance manual prepared under this subpart are—

(a) to describe and regulate the operation and maintenance of the systems, infrastructure, and equipment used in the discharge-to-land scheme; and

(b) to promote—

(i) avoiding, remedying, or mitigating the effects of a discharge-to-land scheme on the environment and on public health; and

(ii) the efficiency and effectiveness of a discharge-to-land scheme; and

(iii) the safety of a discharge-to-land scheme.

99 Resource consent must require operations and maintenance manual

(1) A resource consent for the discharge of treated wastewater that is covered by the standards set out in this Part must include a condition requiring the consent holder to prepare and maintain an operations and maintenance manual.

(2) The consent holder must comply with any requirements specified in the operations and maintenance manual.

100 Application for resource consent must include draft operations and maintenance manual

(1) An application for a resource consent to discharge treated wastewater that is covered by the standards set out in this Part must include a draft operations and maintenance manual.

(2) The draft operations and maintenance manual must include the proposed content for each category of information required under regulation 101.

(3) When considering the application, the consent authority—

(a) must, taking into account the purposes of the operations and maintenance manual, confirm all or any part of the draft operations and maintenance manual; and

(b) to the extent that it does not confirm any part of the draft manual, or considers that the draft manual is incomplete, may itself determine the content for any category of information required under regulation 101.

101 Contents of operations and maintenance manual

(1) An operations and maintenance manual must include all of the following information:

(a) how the consent holder will monitor the discharge-to-land scheme:

(b) the actions that the consent holder will take if the scheme breaches the discharge concentration limits specified in regulations 96 and 97:

(c) all safety plans and procedures for the scheme:

(d) all emergency response plans and procedures for the scheme:

(e) a description of, and technical specifications (including drawings and schematics) for, the systems, infrastructure, and equipment used in the scheme:

(f) the operating instructions for the scheme, including manufacturer service manuals and contacts for the systems, infrastructure, and equipment used in the scheme:

(g) the inspection, maintenance, testing, and replacement requirements for the systems, infrastructure, and equipment used in the scheme:

(h) who will be the suppliers and service providers for the operation and maintenance of the scheme:

(i) record-keeping requirements for the operation and maintenance of the systems, infrastructure, and equipment used in the scheme.

(2) To avoid doubt, a record-keeping requirement included under subclause (1)(i)—

(a) applies in addition to the record-keeping requirements specified elsewhere in these regulations; and

(b) must relate to the purposes of the manual specified in regulation 98.

Time frame for upgrading infrastructure

102 Upgrading or building infrastructure to comply with standards

(1) A resource consent for a wastewater treatment plant to discharge wastewater to land must include a condition that applies if any infrastructure in the wastewater treatment plant is required to be upgraded or built for the plant to meet a discharge concentration limit.

(2) The condition is that the consent holder must upgrade or build the infrastructure by the date specified by the consent authority, which must be no later than 5 years after the date on which the consent is issued.

(3) Subclause (4) applies during the period between—

(a) the date on which the consent holder issues the consent; and

(b) the date that the consent authority specifies under subclause (2).

(4) A consent authority may specify alternative discharge concentration limits for total nitrogen, total phosphorus, or *E coli* that replace the discharge concentration limits set out in regulations 96 and 97.

(5) To avoid doubt, an alternative discharge concentration limit may be more or less stringent than the corresponding limit set out in regulation 96 or 97.

Exceeding discharge concentration limits

103 Conditions if discharge exceeds concentration limit

(1) A resource consent for the discharge of treated wastewater that is covered by the standards set out in this Part must specify, as conditions of the consent, the following actions that the consent holder must take if it exceeds a relevant discharge concentration limit specified in regulation 96 or 97 (as applicable):

(a) the consent holder must notify the regional council in whose region the treatment plant is located of having exceeded the limit:

(b) the consent holder must investigate the reason for exceeding the limit:

(c) the consent holder must take any actions specified in the resource consent to avoid, remedy, or mitigate the risk of exceeding the limit in the future.

(2) A resource consent for the discharge of treated wastewater that is covered by the standards set out in this Part may specify, as a condition of the consent, any actions that the consent holder must take to avoid, remedy, or mitigate the effects of exceeding a relevant discharge concentration limit specified in regulation 96 or 97 (as applicable) on the environment and public health.

(3) However, a consent authority may comply with subclause (1) or (2) by including the conditions in the management plan that the consent holder must prepare and maintain under regulation 114.

Subpart 2—Monitoring, record-keeping, reporting, and planning

104 Resource consent must include monitoring and record-keeping requirements

(1) A resource consent to discharge treated wastewater under this Part must include conditions that require the consent holder to meet the requirements specified in regulations 105 to 116.

(2) However, the resource consent,—

(a) in addition to the requirements specified in regulations 106 to 109, may include monitoring requirements that are additional to those requirements; and

(b) may include monitoring requirements that are stricter than those requirements.

(3) Additional or stricter requirements may include, for example,—

(a) requirements in relation to contaminants other than those addressed in the standards set out in this Part:

(b) additional or stricter requirements for the frequency of monitoring:

(c) additional methodological requirements.

105 Samples must be tested by accredited laboratory

A consent holder must ensure that samples taken for the purposes of this Part are tested by a laboratory that holds an appropriate accreditation from International Accreditation New Zealand.

Monitoring

106 Discharge and site monitoring requirements

(1) For the purpose of monitoring compliance with the standards specified in this Part for discharging treated wastewater, a consent holder must—

(a) record the total volume of treated wastewater that is discharged each day, measured in cubic metres; and

(b) test the treated wastewater, at intervals determined by the consent authority, to determine—

(i) the concentration of total nitrogen in the treated wastewater (in milligrams per litre); and

(ii) the concentration of total phosphorus in the treated wastewater (in milligrams per litre); and

(iii) the total concentration of *E coli* in the treated wastewater (in cfu per 100 millilitre); and

(c) record the exact area of land on which the treated wastewater has been discharged each day.

(2) A test of treated wastewater under subclause (1)(b) must be performed after the treatment of the wastewater is completed, but before the wastewater is discharged to land.

107 Groundwater monitoring requirements

(1) For the purpose of monitoring compliance with the standards specified in this Part for discharging treated wastewater, a consent holder must monitor groundwater to identify any effects of the discharge.

(2) The consent holder must—

(a) maintain a monitoring bore in a location that is downgradient from the discharge site; and

(b) where practicable, maintain a monitoring bore in a location that is upgradient from the discharge site; and

(c) monitor the following at the discharge site:

(i) groundwater levels:

(ii) water levels in any wells and bores; and

(d) test the groundwater, at intervals determined by the consent authority, to determine—

(i) the total nitrogen (in milligrams per litre); and

(ii) the total phosphorus (in milligrams per litre); and

(iii) the total concentration of *E coli* (in cfu per 100 millilitre).

108 Determining compliance with discharge concentration limits: nitrogen and phosphorus

(1) To determine whether a discharge of wastewater to land complies with the discharge concentration limit for total nitrogen or total phosphorus (*see* regulations 96 and 97), a person must consider—

(a) the volume of treated wastewater that is discharged to the land each day; and

(b) the concentrations of total nitrogen and total phosphorus in the treated wastewater; and

(c) the area of the land to which the wastewater is regularly discharged, measured in hectares.

(2) However, for the purposes of a determination under subclause (1), if the area of the land under subclause (1)(c) is less than 1 hectare, the area of the land must be treated as being 1 hectare.

(3) When determining whether the discharge complies with the discharge concentration limit—

(a) for total nitrogen, the determination must include all sources of nitrogen entering the site and all processes for removing nitrogen from the site:

(b) for total phosphorus, the determination must include all sources of phosphorus entering the site and all processes for removing phosphorus from the site.

(4) For the purposes of subclause (3),—

(a) **sources of nitrogen or phosphorus** include, for example, fertiliser or livestock; and

(b) **processes for removing nitrogen or phosphorus** include, for example, the growth of plants on, and subsequent removal from, the site.

Record-keeping

109 Record-keeping

A consent holder must retain the result of a test performed under regulation 106 or 107 for at least 10 years after the date on which the test is performed.

Reporting

110 Reporting

(1) A resource consent to discharge treated wastewater under this Part must include conditions that require the consent holder to meet the requirements specified in regulations 111 and 112.

(2) However, the resource consent,—

(a) may include reporting requirements that are additional to the requirements specified in regulations 111 and 112; and

(b) may include reporting requirements that are stricter than those requirements.

(3) Additional or stricter requirements may include, for example,—

(a) providing information in addition to that required by regulations 111 and 112:

(b) more frequent reporting.

111 Quarterly reports

(1) A consent holder must publish quarterly reports on an internet site that is publicly available free of charge.

(2) A quarterly report must contain the following information for the quarter to which the report relates:

(a) the results of all sampling required by these regulations or by the consent holder's resource consent:

(b) the flow rate and total volume of the treated wastewater:

(c) the total amount of nitrogen applied to the site from discharging treated wastewater:

(d) the total amount of nitrogen applied to the site from all sources:

(e) the total amount of phosphorus applied to the site from discharging treated wastewater:

(f) the total amount of phosphorus applied to the site from all sources:

(g) the total concentrations of *E coli* in the treated wastewater that was discharged to the site:

(h) a summary of the information provided under paragraphs (a) to (g).

(3) The consent holder must publish each quarterly report no later than 30 working days after the end of the quarter to which the report relates.

(4) When publishing a quarterly report, the consent holder must also provide a copy to—

(a) the consent authority that granted the resource consent; and

(b) if the consent authority is not the regional council, the regional council; and

(c) the Water Services Authority.

(5) The first quarterly report required by this clause is for the quarter ending on a date specified by the consent authority.

112 Annual reports

(1) A consent holder must publish annual reports on an internet site that is publicly available free of charge.

(2) An annual report must contain the following information for the year to which the report relates:

(a) the results of all sampling required by these regulations or by the consent holder's resource consent:

(b) the flow rate and total volume of the treated wastewater:

(c) the total nitrogen applied to the site from discharging treated wastewater:

(d) the total nitrogen applied to the site from all sources:

(e) the total phosphorus applied to the site from discharging treated wastewater:

(f) the total phosphorus applied to the site from all sources:

(g) the total concentrations of *E coli* in the treated wastewater that was discharged to the site:

(h) a summary of the information provided under paragraphs (a) to (g):

(i) a description of any compliance or enforcement action taken by the regional council in whose district the discharge takes place in relation to the discharge.

(3) The consent holder must—

(a) provide the information required under subclause (2) to an independent and suitably qualified and experienced person to be audited; and

(b) include a report from the person that verifies the information in the annual report.

(4) The consent holder must publish each annual report no later than 60 working days after the end of the year to which it relates.

(5) When publishing an annual report, the consent holder must also provide a copy to—

(a) the consent authority that granted the resource consent; and

(b) if the consent authority is not the regional council, the regional council; and

(c) the Water Services Authority.

Management plans

113 Purposes of management plan

The purposes of a management plan prepared under this subpart are—

(a) to describe and regulate the planning, administration, and management of a discharge-to-land scheme; and

(b) to promote—

(i) avoiding, remedying, or mitigating the effects of a discharge-to-land scheme on the environment and on public health; and

(ii) the efficiency and effectiveness of a discharge-to-land scheme; and

(iii) the safety of a discharge-to-land scheme.

114 Resource consent must require management plan

(1) A resource consent to discharge treated wastewater under this Part must include conditions that require the consent holder to prepare and maintain a management plan.

(2) The consent holder must comply with any requirements specified in the management plan.

115 Application for resource consent must include draft management plan

(1) An application for a resource consent to discharge treated wastewater that is covered by the standards set out in this Part must include a draft management plan.

(2) The draft management plan must include the proposed content for each category of information required under regulation 116.

(3) When considering the application, the consent authority—

(a) must, taking into account the purposes of the management plan, confirm all of any part of the draft management plan; and

(b) to the extent that it does not confirm any part of the draft plan or considers that the draft plan is incomplete, may itself determine the content for any category of information required under regulation 116.

116 Contents of management plan

A management plan must include all of the following information:

(a) the objectives of the discharge-to-land scheme:

(b) a description of the discharge-to-land scheme:

(c) a description of who manages the scheme:

(d) how the scheme will be monitored:

(e) the actions that the consent holder will take if it breaches, or forecasts that it will breach, the discharge concentration limits specified in regulations 96 and 97:

(f) how any environmental effects of the scheme will be managed, and by whom:

(g) the auditing requirements for the scheme:

(h) a procedure for making complaints about the scheme:

(i) any other regulatory compliance documents for the scheme (including any permits, consents, or documents required under any other enactment):

(j) a description of when the management plan will be reviewed, and by whom.

Schedule 1
Transitional, savings, and related provisions

r 9

Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Schedule 2
Biosolids

r 11

Part 1
Biosolids: contaminant grades

1 Contaminant grade 1 biosolids

(1) A biosolid is a **contaminant grade 1 biosolid** if it—

(a) contains less than 2% nitrogen, calculated by volume; and

(b) contains contaminants at a concentration level at or below the level specified in the table in subclause (2).

(2) For each contaminant listed in the first column of the following table, the maximum contaminant level is specified in the second column in the corresponding row (shown as milligrams of contaminant for each kilogram of dry biosolid):

Contaminant	Maximum level of contaminant (mg/kg)
Arsenic (As)	30
Cadmium (Cd)	6.5
Chromium (Cr)	1,500
Copper (Cu)	750
Lead (Pb)	300
Mercury (Hg)	7.5
Nickel (Ni)	135
Perfluorooctane sulfonate (PFOS) and Perfluorohexane sulfonic acid (PFHxS) (combined)	0.031
Perfluorooctanoic acid (PFOA)	0.081
Zinc (Zn)	1,250

2 Contaminant grade 2 biosolids

A biosolid is a **contaminant grade 2 biosolid** if it is not a contaminant grade 1 biosolid.

Part 2
Biosolids: stabilisation grades

3 Interpretation

In this Part,—

pathogen-reduction process means a process that is designed to reduce or eliminate bacteria, viruses, or other micro-organisms that cause disease from biosolids, for example, a process that applies heat to biosolids, composts biosolids, or controls the pH levels of biosolids

pest-reduction method means a method that reduces or eliminates the likelihood of pests or vermin being attracted to biosolids, for example, by heating, cooling, or drying the biosolids, or by incorporating soil with the biosolids.

4 Stabilisation grade A biosolids

A biosolid is a **stablisation grade A biosolid** if,—

(a) as part of processing the biosolid, it has been subjected to—

(i) at least 1 pest-reduction method; and

(ii) at least 1 pathogen-reduction process; and

(b) after processing, the biosolid does not exceed a pathogen standard specified in clause 6.

5 Stabilisation grade B biosolids

A biosolid is a **stabilisation grade B biosolid** if,—

(a) as part of processing the biosolid,—

(i) it has been subjected to at least 1 pest-reduction method; but

(ii) it has not been subjected to a pathogen-reduction process; and

(b) after processing, the biosolid exceeds a pathogen standard specified in clause 6.

6 Pathogen standards

(1) For the purpose of determining whether a biosolid is a stabilisation grade A biosolid or a stabilisation grade B biosolid, this clause specifies the maximum pathogen level for the biosolid.

(2) The maximum level of a pathogen listed in the first column of the following table is the standard specified in the second column of the corresponding row:

Pathogen	Standard
E coli	100 most probable number per gram of biosolid
Campylobacter	1 most probable number per 25 grams of biosolid
Salmonella	2 most probable number per gram of biosolid
Human adenovirus	1 plaque-forming unit per 0.25 grams of biosolid
Helminth ova	1 egg per 4 grams of biosolid

Schedule 3
Estuaries

r 42

Regional/Unitary Council	Estuary
Northland Regional Council	Awahoa Bay
	Awapoko River
	Bland Bay
	Deep Water Cove
	Helena Bay
	Herekino Harbour
	Hokianga Harbour System
	Horahora River
	Houhora Harbour
	Kaipara Harbour System
	Mahinepua Bay
	Manawaora Bay
	Mangawhai Harbour
	Mangōnui Harbour
	Matai Bay
	Matapouri Bay System (including Matapouri Bay and Matapouri Estuary)
	Mimiwhangata Bay
	Ngunguru River
	Oke Bay
	Ōpua Inlet System
	Parekura Bay
	Pārengarenga Harbour System
	Paroa Bay
	Pataua River
	Rangaunu Harbour
	Ruakākā River
	Taemaro Bay
	Tahoranui River
	Taiharuru River
	Taipa River
	Takerau Bay
	Tākou River
	Tanutanu Stream
	Tapotupotu Bay
	Tapuaetahi Creek
	Te Puna /Kerikeri Inlet System
	Tutukaka Harbour
	Waiatua Stream
	Waimahana Bay
	Waimauku River

Regional/Unitary Council	Estuary
	Waipoua River
	Waipu River
	Waitahora Stream
	Waitangi Stream
	Whananaki Inlet
	Whangaihe Bay
	Whangamumu Harbour
	Whangapē Harbour System
	Whangarei Harbour System
	Whangaroa Harbour
	Whangaruru Harbour
Auckland Council	Awaawaroa Bay
	Bon Accord Harbour
	Firth of Thames System
	Gardiner Gap
	Hobbs Bay (Gulf Harbour)
	Huruhi Bay
	Islington Bay
	Kaipara Harbour System
	Lucas Creek
	Mahurangi Harbour System
	Manukau Harbour System (including Pahurehure Inlet and Puhinui Creek)
	Matakana River
	Mātiatia Bay
	Mawhitipana Bay
	Millon Bay
	North Cove
	Ōkoromai Bay
	Ōkura River
	Omaha Cove
	Oneroa Bay
	Ōrewa River
	Ōwhanake Bay
	Pākiri River
	Pūhoi River
	Pūtiki Bay
	Rocky Bay
	South Cove Harbour
	Tāmaki River
	Te Matuku Bay
	Te Muri-O-Tarariki Stream
	Wairoa River
	Waitākere River (Bethells Beach)
	Waitematā Harbour System

Regional/Unitary Council	Estuary
	Waiwera River
	Weiti River
	Whangateau Harbour
	Whitford Embayment System (including Mangemangeroa Estuary, Tūranga Creek, and Waikōpua Creek)
Waikato Regional Council	Aotea Harbour System
	Awakino River
	Colville Bay
	Coromandel Harbour
	Firth of Thames
	Kāwhia Harbour System (including Kaitawa Inlet, Rakaunui Inlet, Awaroa River, Ōpārau River, Mangaora Inlet, Te Wharu Bay, and Kawhia Inlet)
	Kauaeranga River
	Kennedy Bay System (including Kennedy Bay Estuary)
	Kerikeri/Waingaro Arm
	Kirita Bay
	Manaia Harbour
	Marokopa River
	Mercury Bay System (including Whitianga Harbour)
	Mōkau River
	Miranda Stream
	Otahu River
	Piako River
	Ponganui/Paihere Creeks
	Port Charles
	Purangi River
	Raglan Harbour System (including Opotoru River, Waitetuna Creek, and Raglan Inlet)
	Stony Bay
	Tairua Harbour
	Te Kouma Harbour
	Waiaro Estuary
	Waiharakeke Stream
	Waihōu River
	Waikato River
	Waikawau Estuary
	Waitakaruru River
	Whangamatā Harbour
	Whangapoua Harbour
	Wharekawa Harbour
Bay of Plenty Regional Council	Maketu Estuary

Regional/Unitary Council	Estuary
	Ōhiwa Harbour
	Tauranga Harbour System
	Waiaua River
	Waihi Estuary
	Waioeka River
	Waiotahe River
	Waitahanui Stream
	Whakatāne River
	Whangaparāoa River
Gisborne District Council	Karakatūwhero River
	Maraetaha River
	Maungawhio Lagoon
	Pakarae River
	Pouawa River
	Tūranganui River
	Ūawa River (Tolaga Bay)
	Waiomoko River
	Waipaoa River
	Wharekahika River
	Wherowhero Lagoon
Hawke's Bay Regional Council	Aropaoanui River
	Ahuriri Estuary
	Mangakuri River
	Ngaruroro River
	Nūhaka River
	Ohuia Lagoon
	Pōrangahau River
	Pourerere Stream
	Tahaenui River
	Te Paeroa Lagoon
	Waihua River
	Waikari River
	Wairoa River
	Wairau Lagoon
	Whakaki Lagoon
Taranaki Regional Council	Mimi River
	Mōhakatino River
	Mōkau River
	Onaero River
	Pātea River
	Tongapōrutu River
	Urenui River
	Waiongana Stream
	Waitara River

Regional/Unitary Council	Estuary
	Waitōtara River
	Waiwakaiho River
	Wanganui River
	Whenuakura River
Manawatū-Whanganui Regional Council	Ākitio River
	Manawatū River
	Ōhau River
	Owahanga River
	Rangitīkei River
	Turakina River
	Whangaehu River
Wellington Regional Council	Awhea River
	Lake Kohangapiripiri
	Lake Kohangatera
	Lake Ōnoke/Tūranganui River
	Lyall Bay
	Motuwaireka Stream
	Ohariu Bay
	Ōhau Bay
	Ōkupe Lagoon
	Ōtaki River
	Ōterei River
	Pāhaoa River
	Patanui Stream
	Te Awarua-o-Porirua Harbour
	Te Ikaamaru Bay
	Tītahi Bay
	Waikanae River
	Waikawa Stream
	Wainuiomata River
	Wellington Harbour/Port Nicholson
	Whareama River
Tasman District Council	Anatori River
	Anaweka River
	Awaroa Inlet
	Bark Bay
	Big River
	Ferrer Creek
	Frenchman Bay
	Green Hills Stream
	Kaiteriteri Estuary
	Ligar Bay
	Mārahau River
	Moutere Inlet

Regional/Unitary Council	Estuary
	Motueka Estuary North
	Motueka Estuary South
	Motupipi River
	Ōnahau River
	Onekaka Inlet
	Otūwhero Inlet
	Pākawau Inlet
	Parapara Inlet
	Paturau River
	Port Pūponga
	Rākauroa/Torrent Bay
	Ruataniwha Inlet
	Sandfly Bay
	Tākaka Estuary
	Tōtaranui Stream
	Turimawiwi River
	Waikato Estuary
	Waimea Inlet
	Wainui Inlet
	Whanganui Inlet
Nelson City Council	Delaware Estuary
	Nelson Haven
	Tāhunanui Estuary
	Whangamoa River
Marlborough District Council	Admiralty Bay
	Awatere River
	Catherine Cove
	Croisilles Harbour
	Greville Harbour/Whararikі
	Lake Grassmere/Kapara Te Hau
	Manuhakapakapa Bay
	Otū Bay
	Pelorous Sound/Te Hoiere/Kenepuru Sound
	Port Hardy
	Queen Charlotte Sound/Tōtaranui
	Te Anamāhanga/Port Gore
	Te Whanganui/Port Underwood
	Wairau River
West Coast Regional Council	Buller River
	Cascade River
	Deverys Creek
	Duffers Creek/Te Rahotaiepa River
	Grey River
	Heaphy River

Regional/Unitary Council	Estuary
	Jones Creek
	Karamea River
	Little Wanganui River
	Mahitahi River
	Makawhio River (Jacobs River)
	Manakaiaua River
	Mikonui River
	Moeraki (Blue) River
	Mōkihinui River
	Ngākawau River
	Ohinemaka River
	Ohinetamatatea River
	Ōkari Lagoon
	Ōkārito Lagoon
	Okuru River
	Ōpārara River
	Orowaiti Lagoon
	Paringa River
	Poerua River (Hikimutu Lagoon)
	Pororari River
	Punakaiki River
	Saltwater Creek/New River/Kaimata
	Saltwater Lagoon
	Taramakau River
	Three Mile Lagoon
	Tōtara River
	Waiatoto River
	Waita River
	Waitaha River
	Waitakere River (Nile River)
Canterbury Regional Council	Akaroa Harbour
	Ashburton River/Hakatere
	Ashley River/Rakahuri
	Avon-Heathcote River
	Blind Bay/Big Bay
	Damons Bay
	Decanter Bay
	Horseshoe Bay
	Hurunui River
	Island Bay
	Lake Ellesmere/Te Waihora
	Lake Forsyth (Te Roto o Wairewa)
	Lavericks Bay
	Le Bons Bay

Regional/Unitary Council	Estuary
	Little Akaloa Bay
	Long Bay
	Lyttelton Harbour/Whakaraupō
	Menzies Bay
	Okains Bay
	Ōpihi River
	Otanerito Bay
	Peraki Bay
	Pigeon Bay
	Pōhatu/Flea Bay
	Port Levy/Koukourarata
	Rakaia River
	Rangitata River
	Saltwater Creek
	Scrubby Bay
	Sleepy Bay
	Stony Bay
	Te Oka Bay
	Tumbledown Bay
	Waiau Uwha River
	Waihao River
	Waimakariri River
	Wainono Lagoon
	Waipara River
	Waitaki River
	Washdyke Lagoon
Otago Regional Council	Akatore Creek
	Blueskin Bay
	Catlins River
	Clutha River/Mata-Au
	Hawksbury Lagoon
	Hoopers Inlet
	Kaikorai Stream
	Kakanui River
	Orore Creek
	Otago Harbour
	Papanui Inlet
	Pleasant River
	Pūrākaunui Inlet
	Stony Creek
	Tahakopa River
	Taieri River
	Tautuku River
	Tokomairaro River

Regional/Unitary Council	Estuary
	Tomahawk Lagoon
	Waihemo/Shag River
	Waikouaiti River
	Waipati Estuary
Southland Regional Council	Awarua River
	Big River (Lake Hakapoua)
	Bluff Harbour
	Catseye Bay
	Coal River
	Doubtful Sound/Patoa
	Haldane Estuary
	Hāwea/Bligh Sound
	Hinenui/Nancy Sound
	Hollyford River/Whakatipu Kā Tuka
	Jacobs River (Riverton) Estuary
	Lake Brunton
	Looking Glass Bay
	Milford Sound/Piopiotahi
	New River (Oreti) Estuary
	Poison Bay
	Rakituma/Preservation Inlet
	Taiari/Chalky Inlet
	Taiporoporo/Charles Sound
	Taitetimu/Caswell Sound
	Tamatea/Dusky Sound
	Te Awa-o-Tū/Thompson Sound
	Te Hāpua/Sutherland Sound
	Te Houhou/George Sound
	Te Puaitaha/Breaksea Sound
	Te Rā/Dagg Sound
	Toetoes Harbour
	Two Thumb Bay
	Waiau River
	Waikawa Harbour
	Waituna Lagoon

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations come into force on 19 December 2025, except for regulation 8 and Part 2, which come into force on 19 December 2028. The regulations set the standards that apply to discharging wastewater in New Zealand.

Part 1 of the regulations relates to discharging biosolids to land. It specifies conditions that must be met (including attributes of the land and attributes of the discharge), requires a biosolids application management plan and other reporting and record-keeping requirements, and sets out maximum contaminant levels for soil to which a biosolid may be discharged.

Part 2 of the regulations relates to overflows and bypasses of untreated or partially treated wastewater. It specifies conditions that must be met and sets out risk assessment requirements.

Part 3 of the regulations relates to discharging treated wastewater into water. It requires that this must be done only under a resource consent. It sets out the requirements for resource consents, including specifying discharge concentration limits for different types of water bodies. It also specifies standards to manage the effects of pathogens in shellfish gathering areas and specifies standards specifically for small wastewater treatment plants, mixed discharge schemes, and for discharging wastewater into hard-bottomed rivers (including a requirement for a periphyton risk assessment).

Part 4 of the regulations relates to discharging treated wastewater to land. This also requires a resource consent. An application for a resource consent under this Part must include a site assessment. *Part 4* also sets out discharge concentration limits, requires an operations and maintenance manual, and sets out various monitoring, record-keeping, and planning requirements.

Regulatory impact statement

The Department of Internal Affairs produced regulatory impact statements on 10 February 2025 and 13 October 2025 to help inform the decisions taken by the Government relating to the contents of this instrument.

Copies of these regulatory impact statements can be found at—

- https://www.taumataarowai.govt.nz/assets/Uploads/Wastewater-consultation/Wastewater-standards-interim-regulatory-impact-statement.pdf
- https://www.regulation.govt.nz/our-work/regulatory-impact-statements/

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