

Compliance Order under section 120 of the Water Services Act 2021

To Clutha District Council
1 Rosebank Terrace,
Balclutha 9230

This compliance order is issued under section 120 of the Water Services Act 2021 (the Act) by *Steve Taylor* Head of Regulatory of Taumata Arowai.

Reasons for order

The reasons for this order are:

- The DWSP for Milton Version 6 dated 09/05/2023 does not comply with the requirements of section 31 of the Act and does not demonstrate compliance of the supply with all legislative requirements as communicated to Clutha District Council by email on 27 September 2023.
- The monitoring, reporting and record keeping does not meet the requirements of the DWQAR for the purpose of ensuring that safe drinking water is being supplied to consumers in accordance with section 21 of the Act.
- The practice of recycling waste stream including Clean In Place (CIP) waste without appropriate controls creates a serious risk to public health that relates to drinking water supplied from the Milton drinking water supply.
- Taumata Arowai considers that the treatment barriers are not operating effectively in the Milton drinking water supply. Treatment barriers must be effective to ensure that a multi-barrier approach is in place in accordance with section 31(1)(h) of the Act.
- For the purposes of section 120(1)(b)(i) and (ii) of the Act, I believe, on reasonable grounds that the actions required by this compliance order will:
 - ensure the supply and the DWSP complies with the legislative requirements.
 - prevent, reduce or eliminate any serious risk to public health that relates to the Milton drinking water supply.

Requirements of order

This compliance order requires you, or someone of your behalf, to:

1. Install, commission and operate a second chlorine analyser to meet the requirements of rules T3.1, 3.2, 3.3 and 3.4 of the Drinking Water Quality Assurance Rules 2022 (DWQAR) by 29 March 2024.
2. In relation to the recycled waste stream:
 - a. commence monitoring the recycled waste stream in accordance with Table 29 of DWQAR by 31 January 2024; and
 - b. identify any hazards, assess associated risks and implement measures including standard operating procedures to manage, control or eliminate risks relating to recycling of waste stream by 31 January 2025.

3. Comply with all applicable rules in the DWQAR:
 - a. assess compliance with all rules in the DWQAR that are applicable to this supply by 31 January 2024;
 - b. identify remedial actions required to remedy non-compliance with the DWQAR and establish timeframes for undertaking remedial actions by 29 March 2024; and
 - c. ensure all remedial actions are undertaken to comply with the DWQAR according to timeframes established above and no later than 31 January 2025.
4. Develop and implement systems to keep and maintain accurate records in accordance with section 37 of the Act by 29 March 2024.
5. Ensure staff are trained and competent in the operation of the Milton drinking water supply to the reasonable satisfaction of Taumata Arowai by 31 January 2025.

Directions or conditions relating to order

This compliance order is made subject to the following directions/conditions under section 120(2) of the Act:

- (A) Review, amend and implement the Drinking Water Safety Plan (DWSP) for Milton to reflect completed and planned changes to the supply in accordance with the above requirements and sections 30 and 31 of the Act and lodge updated copies of the DWSP with Taumata Arowai:
 - (i) by 29 March 2024; and
 - (ii) by 31 January 2025.

Timeframe of order

The period within which the action must be taken or must cease starts when this order is served and is:

- Requirements (2)(a) and (3)(a) must be completed by 5:00pm on 31 January 2024
- Requirements (1), (3)(b), (4) and direction (A)(i) must be completed by 5:00pm on 29 March 2024
- Requirements (2)(b), (3)(c), (5) and direction (A)(ii) must be completed by 5:00pm on 31 January 2025

Contact information

The name of the person serving this order is:

Name: Steve Taylor
Email address: info@taumataarowai.govt.nz

Taumata Arowai: Head of Regulatory, Steve Taylor
PO Box 628, Wellington 6140
info@taumataarowai.govt.nz



Dated at Balclutha this day of 24/11 2023

Rachel East
Regulatory Operations Team Leader - Ōtepoti
Taumata Arowai

Explanatory notes

Appeal rights

You have the right to appeal to a District Court against the whole or any part of this order (see sections 93 to 96 of the Water Services Act 2021). The appeal must be lodged within 20 working days after the compliance order was served on you.

On an appeal the District Court can:

- confirm or vary the compliance order
- set aside the decision or cancel the compliance order
- cancel the compliance order and substitute a new compliance order
- refer the compliance order back to the decision-maker with the Court's opinion, together with any directions as to how the matter should be dealt with

There are further rights of appeal to higher courts on questions of law only.

Non-compliance with order

If you do not comply with this order, and have not lodged an appeal against it, you may be liable to be prosecuted for an offence under section 183 of the Water Services Act 2021 (for failing to comply with the terms of a compliance order issued under section 120 of the Act).

Alternatively, if you refuse or fail to comply with a compliance order or contravene the terms of the order, the District Court can make an order on the application of the chief executive of Taumata Arowai:

- compelling you to comply with a compliance order, where you have refused or failed to comply with a compliance order
- preventing you from contravening a compliance order