



General implementation materials



Table of contents

| | |
|--|----------|
| Overview | 3 |
| Transitional arrangements | 4 |
| When do wastewater arrangements need to comply with the standards? | 4 |
| Application of standards on current consent applications | 4 |
| Restrictions on operating on section 124 of the RMA | 5 |
| Consents expiring between 27 August 2025 and 27 August 2028 ('extant consents') | 5 |
| Plants requiring upgrades to comply with new performance standards | 6 |
| Where do the wastewater standards apply? | 6 |
| Standards don't apply to specific wastewater systems | 6 |
| Standards apply unless there are inconsistencies with specific Treaty settlement obligations | 6 |
| Standards are implemented through the consenting process | 7 |
| Discharge to land and water standards | 7 |
| Overflows and bypasses standard | 9 |
| Reuse of biosolids standard | 9 |

Overview

The Water Services Act 2021 empowers the Water Services Authority – Taumata Arowai (the Authority) to develop national wastewater environmental performance standards (the standards), made through Order in Council on the recommendation of the Minister of Local Government.

Nationally consistent standards are a foundation for protecting the health of the public and the environment while providing public wastewater network operators with the certainty they need to plan and deliver essential infrastructure upgrades.

The standards may include limits, conditions or prohibitions on a broad range of activities associated with wastewater networks, such as discharges to air, water or land, energy use and waste introduced by third parties (e.g. trade waste).

The standards override conflicting provisions¹ in regional and district plans, national policy statements, and certain sections of the Resource Management Act 1991 (the RMA).

The first set of standards developed by the Authority, summarised in the table below, covers four areas.

- Discharge of biosolids to land.
- Wastewater network overflows and bypasses
- Discharges from wastewater treatment plants to water.
- Discharges from wastewater treatment plants to land.

| Standard | Core elements |
|---|--|
| Discharge of biosolids to land | <ul style="list-style-type: none"> • Based on the Guidelines for the Safe Application of Biosolids to Land in New Zealand. • Provides a grading system for biosolids products dependent on their pathogen and chemical contaminant composition. • Establishes a national consenting pathway (activity status and rules) for the reuse of biosolids, dependent on their grade. • Implemented through resource consents granted by consenting authorities under the standard (if an operator elects to reuse biosolids rather than dispose of them in landfill). |
| Wastewater network overflows and bypasses | <ul style="list-style-type: none"> • Establishes a national consenting pathway (activity status and rules) for existing overflows and bypasses. • Requires network operators to map and undertake a risk-based assessment of all network overflows as part of the consenting process. • Requires nationally consistent monitoring and reporting of network overflows and bypasses, dependant on the risk of the activity. • Implemented through resource consents granted by consenting authorities under the standard. |
| Discharge to water | <ul style="list-style-type: none"> • Sets concentration limits for common contaminants in treated wastewater, tailored to the sensitivity of receiving environments. • Requires nationally consistent monitoring and reporting of wastewater treatment plant performance, dependent on the size of the plant. • Has tailored requirements for facilities that qualify as small wastewater treatment plants. • Implemented by consenting authorities as conditions for granting new or renewal consents. |
| Discharge to land | <ul style="list-style-type: none"> • Establishes a nationally consistent risk-based framework to determine what types of land treated wastewater may be discharged to. • Sets loading and concentration limits for common contaminants in treated wastewater, dependent on the ability of the land to receive discharges. • Requires nationally consistent monitoring and reporting of wastewater treatment plant performance. • Requires operators to develop management plans and operations and maintenance plans for all discharge to land schemes. • Implemented by consenting authorities as conditions for granting new or renewal consents. |

¹ [RMA s 58JA\(1\)-\(8\)](#), [RMA s 58JB](#), [RMA s 104\(2D\)\(a\),\(b\) & s 104\(2DA\)](#), [RMA s 105\(3\)](#), [RMA s 107\(4\)](#), [RMA s 95A\(5\)](#) and [95B\(6\)](#), [RMA s 123\(1\)](#)

Transitional arrangements

All public wastewater network operators will, in time, need to comply with these standards when seeking consents for new wastewater treatment networks or renewal consents for existing facilities.

Once the standards are in force, regional councils will not be able to issue consents that are contrary to the standards unless specific scenarios apply.

When do wastewater arrangements need to comply with the standards?

The deadline for existing wastewater treatment facilities to comply with the standards depends on:

- whether a resource consent application is in progress and, if so, the status of the application
- whether the facility is currently relying on section 124 of the RMA (operating on an expired consent) or when current consents expire
- the upgrades required to achieve compliance with standards.

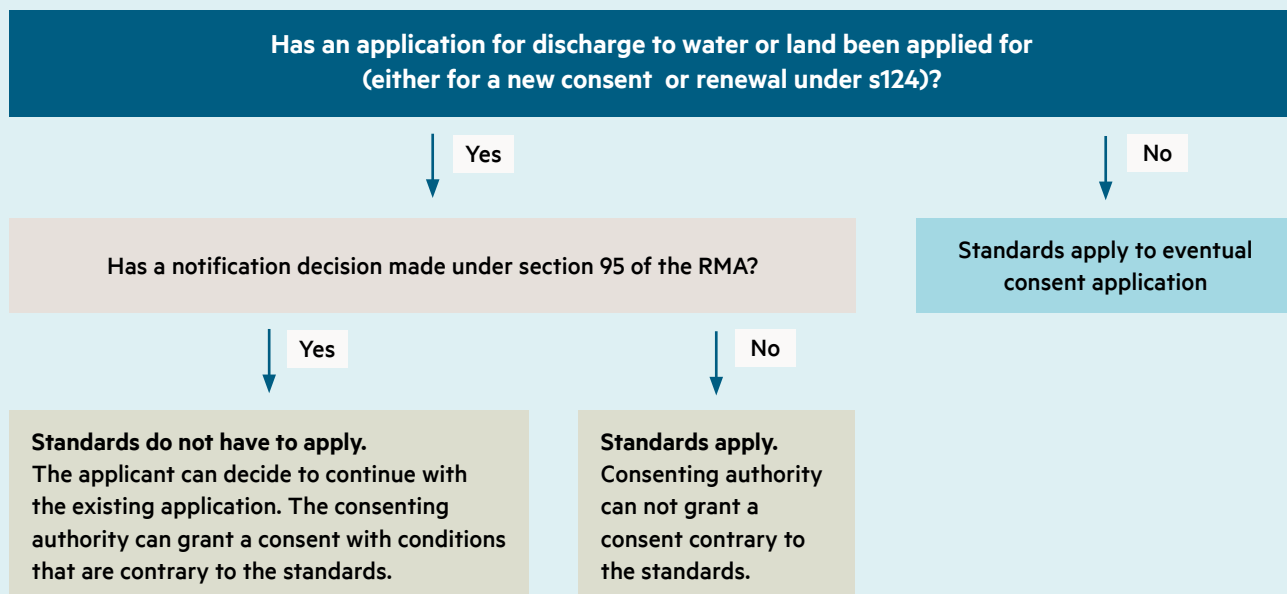
Application of standards on current consent applications

The standards may or may not apply to current consent applications. This depends on whether a notification decision has been made under section 95 of the RMA.

- **Scenario 1** – If a current application has been made and accepted by the consenting authority and a notification decision has been made under section 95 of the RMA, then the standards do not have to apply to the application. This means that, should the applicant decide not to amend the application, the consenting authority can grant the consent with conditions contrary to the standards.
- **Scenario 2** – If a current application has been made and accepted by the consenting authority but a notification decision is yet to be made under section 95 of the RMA, then the standards apply to the application. This means the consenting authority cannot grant a consent with conditions contrary to the standards.

In either scenario, if a plant is operating under section 124 of the RMA the applicant may withdraw their current application and prepare a new one that complies with the Standards. They may continue to operate under section 124 of the RMA if they submit the new application within six months of withdrawing the original one.

Applicability of wastewater environmental performance standards on current resource consent applications

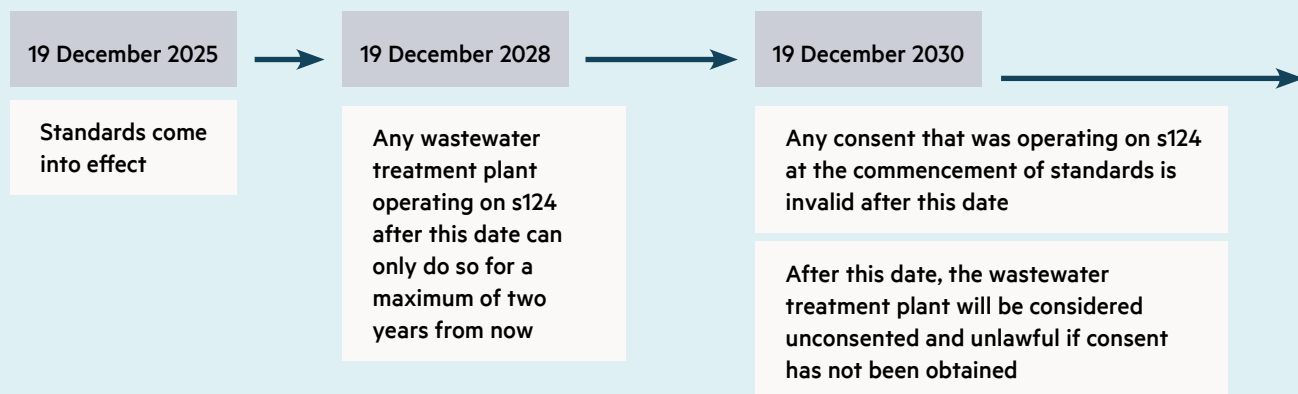


Restrictions on operating on section 124 of the RMA

The standards impose a maximum time limit of two years on a wastewater treatment plant operating on an expired consent under section 124 of the RMA. However, this provision comes into force three years after the rest of the standards (10 December 2028), giving those plants operating on expired consents time to plan for and fund the necessary upgrades. In practice, this means:

- any plant currently operating under section 124 of the RMA, or that goes onto section 124 of the RMA before 19 December 2028, can rely on section 124 of the RMA only until 19 December 2030
- any plant that goes onto section 124 of the RMA after 19 December 2028 may rely on section 124 of the RMA for only two years from the point of going onto it.

Restrictions for operating on s124



Consents expiring between 27 August 2025 and 27 August 2028 ('extant consents')

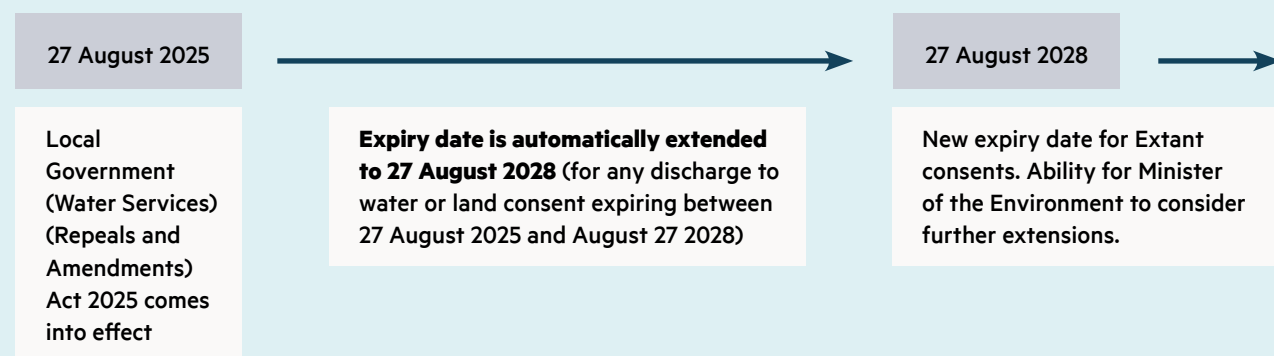
Sections 139B to 139F of the RMA specify arrangements for wastewater network consents that expire in the years immediately following commencement of the Local Government (Water Services) (Repeals and Amendments) Act 2025. Consents expiring within the three-year period following commencement of section 139B² ('extant' consents) are automatically extended to expire three years after commencement.

This means discharge consents that expire between 27 August 2025 and 27 August 2028 are automatically extended to 27 August 2028.

This gives wastewater providers time to plan for and fund any infrastructure upgrades necessitated by the standards and obtain consents for their plants.

The Minister for the Environment has discretion to further extend the expiry date of an extant consent beyond 27 August 2028. Applications must be made within 30 months after 27 August 2025. The expiry date may be extended to no more than 35 months after this date.

Extensions for discharge consents that expire within three years of Local Government (Water Services) (Repeals and Amendments) Act coming into force (Extant consents)



² Sections 139B to 139F of the RMA were inserted by the Local Government (Water Services) (Repeals and Amendments) Act 2025 which commenced on 27 August 2025.

Plants requiring upgrades to comply with new performance standards

Some plants will need to upgrade infrastructure to comply with the requirements of the standards. The requirements apply as new or renewal consents are granted. The discharge to water and land standards empower consenting authorities to give network operators up to five years to complete any necessary infrastructure upgrades.

During this period, the consenting authority can impose interim requirements that depart from the standards (e.g. different concentration limits) as conditions of the consent.

Where do the wastewater standards apply?

The standards apply to all publicly owned wastewater treatment plants and networks. These facilities are predominantly owned and operated by councils and council-controlled organisations. However, several exceptions are provided for in primary and secondary legislation.

Standards don't apply to specific wastewater systems

Further, the standards do not apply to private wastewater networks or on-site networks as detailed below.

| Exceptions | Description |
|--|--|
| Private wastewater treatment plants and networks | Privately owned networks are not covered by the standards. Discharges from these plants are still required to obtain resource consents under the existing RMA framework. |
| On-site systems covered by Australian / New Zealand Standard AS/NZS 1547: 2012 Onsite domestic wastewater management | The standards do not apply to discharges from wastewater treatment plants that are within the scope of AS/NZS 1547: 2012 (e.g. campground wastewater systems). Discharges from such plants are still required to obtain resource consents under the existing RMA framework. |

The discharge to water and land standards do not apply to wastewater that is exclusively sourced from industrial and trade waste producers. Requirements in these standards have not been developed for these types of wastewater. Tailored requirements may be developed in future.

Standards apply unless there are inconsistencies with specific Treaty settlement obligations

The Authority has specific Treaty settlement obligations within the Waikato-Waipā, Whanganui, and Whangaehu river catchments under the Water Services Authority – Taumata Arowai Act 2020 and the Water Services Act 2021. These relate to the following settlement Acts.

| Treaty settlement Act | Section creating obligations on the Authority |
|--|---|
| Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 | 12 |
| Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 | 13 |
| Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 | 15 |
| Ngāti Rangi Claims Settlement Act 2019 | 109(2) |

Any inconsistencies identified prior to or during the consent application process need to be addressed in partnership with relevant iwi authority, network operators and consenting authority. Where inconsistencies exist, activities usually governed by the standards can be provided for in other ways.

The following mechanisms have been established to uphold these specific Treaty obligations. These are detailed below.

| River catchment | How the obligations are being upheld |
|-----------------|---|
| Waikato - Waipā | Sections 12 and 13 detail the requirements relating to the vision and strategy of the Waikato river and standards. These should be viewed in line with sections' 58JA(5) , 58JA(8) , 58JC(6) , and 104DA of the Resource Management Act 1991. |
| Whanganui | The standards give effect to section 15 . |
| Whangaehu | The standards give effect to section 109(2) . |

The Authority is exploring how affected iwi can be involved in the development of guidance on the relationship between Treaty settlements and the standards.

Standards are implemented through the consenting process

The standards manage activities in different ways – from establishing consenting pathways for overflows and the reuse of biosolids, to integrating into existing consenting pathways for discharges of wastewater to water or land.

In all cases except a Permitted Activity reuse of biosolids, the standards will be implemented through the granting of new or renewal consents by regional councils.

Discharge to land and water standards

The standards do not create new activity statuses or consenting pathways for discharges of treated wastewater to land or water. Consents for such discharges will still need to be sought under the applicable regional plan rules from the relevant regional council and meet any other requirements of the consent.

However, the standards prescribe requirements that consenting authorities must impose as conditions of consent. These include:

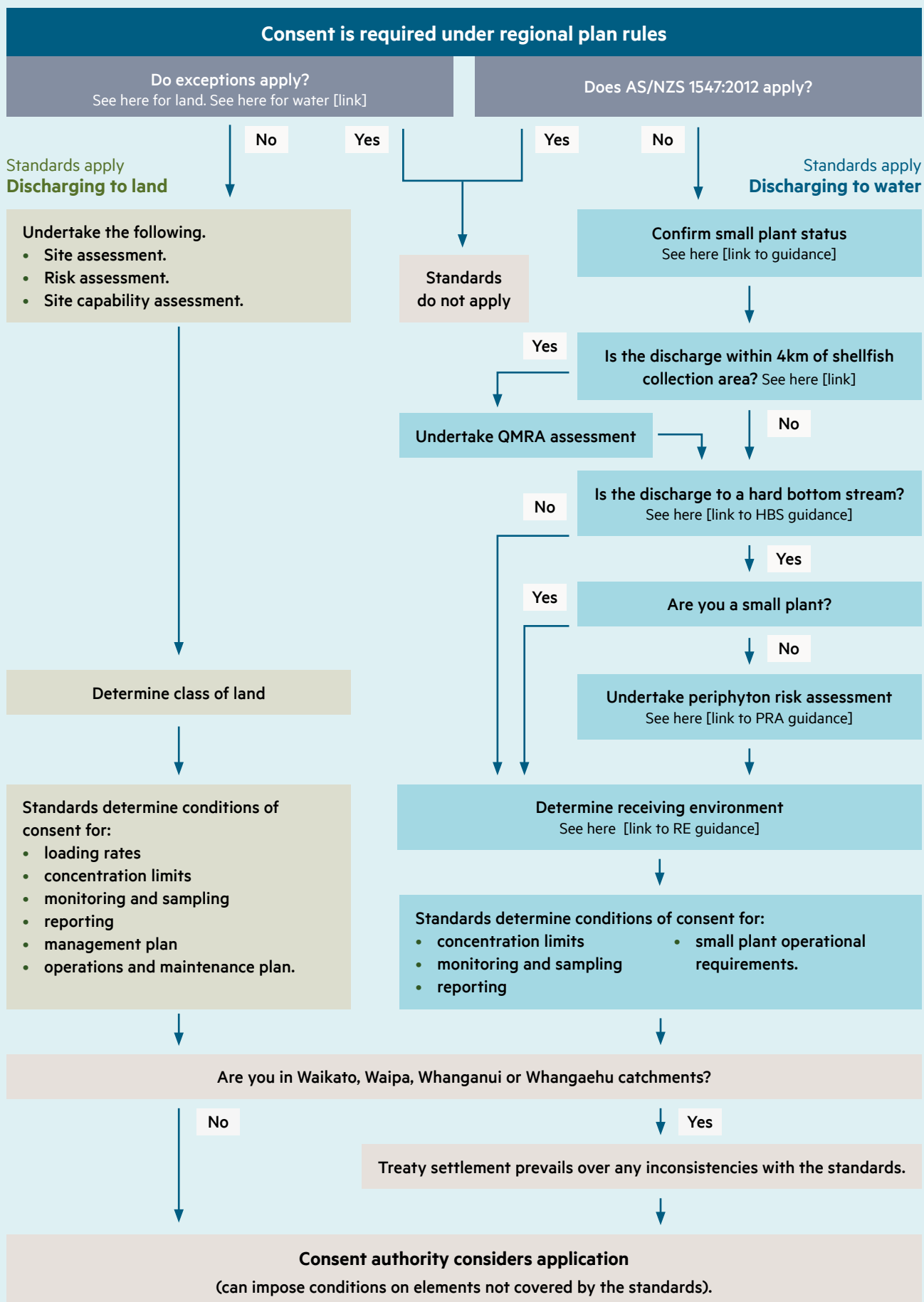
- end-of-pipe concentration limits for cBOD_5 , Total Nitrogen, Total Phosphorus, Ammoniacal Nitrogen, Total Suspended Solids, and either *E. coli* or Enterococci

- specific monitoring and testing requirements for these contaminants, the frequency of which is dependent on the population served by the wastewater treatment plant
- specific reporting requirements, including information that must be provided to the relevant consenting authority and the Authority at specified intervals
- operational requirements associated with desludging oxidation ponds that apply to small wastewater treatment plants that discharge to water
- requirements for discharge to land schemes to develop and operate in accordance with a management plan and an operations and maintenance plan.

Consent authorities maintain discretion to manage elements of the discharge that are outside the scope of the standards, such as other contaminants or the location and volume of the discharge. These elements may still be managed and provided for under a single consent (alongside requirements relating to the standards).



How a publicly owned wastewater treatment plant will implement the standards



Overflows and bypasses standard

The overflow and bypasses standard establishes a national controlled activity consenting pathway for:

- overflows from existing engineered overflow points
- overflows from uncontrolled overflow points
- bypass discharges from wastewater treatment plants.

Rules and requirements defined by the standard prevail over existing regional plans and create a nationally consistent approach to the consenting of these activities. If a regional plan contains duplicate or contrary provisions, they will need to be amended. Consents for these activities sought under the standard will still be considered and granted by the relevant regional council.

The standard prescribes minimum information requirements for consent applications, matters of control for consent authorities and some mandatory conditions of consent relating to monitoring and reporting.

The standard does not establish a national consenting pathway for overflow discharges from new engineered overflow points. New engineered overflow points will continue to be regulated by the applicable rules in existing regional plans. However, the standard prescribes some mandatory consent conditions relating to monitoring and reporting that must be imposed by the consenting authority.

Reuse of biosolids standard

The reuse of biosolids standard establishes national consenting pathways for the application of biosolids to land, depending on the quality of the biosolid product and risks to the environment, as outlined below.

- Grade A1 biosolids may be applied as a Permitted Activity, subject to meeting Permitted Activity conditions.
- Grade A1 biosolids not meeting Permitted Activity standards, or the application of Grade B1 biosolids that does meet the Permitted Activity standards, require consent as a Controlled Activity.
- Grade B1 biosolids that does not meet the Permitted Activity standards, or Grade A2 or B2 biosolids, require consent as a Discretionary Activity.

These rules and requirements prevail over existing regional plans and create a nationally consistent consenting approach for these activities. If a regional plan contains duplicate or contrary provisions, they will need to be amended. Consents for these activities sought under the standards will still be considered and granted by the relevant regional council.