



Monitoring your consent

Resource Consents



Environment Canterbury regional council works with the people of Canterbury to manage the region's air, water and land. We are committed to the sustainable management of our environment while promoting the region's economic, social and cultural well-being.

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What is compliance monitoring?

When a resource consent is granted, conditions are set to control the environmental effects of the activity. We monitor conditions to ensure that the activity complies fully with the consent and that the adverse effects on the environment are no more than anticipated.

When does monitoring start?

Monitoring of your consent begins when your resource consent activity begins, which is called “exercising your consent”. The frequency of monitoring is determined by the level of risk to the environment by the activity. Some consents, such as septic tanks and bores, may not require site visits, whereas other consents, such as discharges into water, may be monitored frequently to check the health of the affected waterway.

How is my consent monitored?

Who monitors my consent?

Environmental Protection Officers from Environment Canterbury will be responsible for monitoring compliance with your resource consent. They are the people to talk to if you have any questions regarding monitoring of or compliance with the consent. Your Environmental Protection Officer will develop a monitoring programme.

What is a monitoring programme?

The officer assigned to your consent will compile a monitoring programme setting out how often your consent will be monitored, what method will be used, and what information you need to supply to show that the activity complies with the resource consent. The monitoring programme may include site visits or desktop monitoring.

Site visits

An Environmental Protection Officer may visit your site to assess whether the conditions of the consent are being complied with. Some site visits are pre-arranged, whereas others are not. Site visits will typically be made during business hours.

When they arrive, the Environmental Protection Officer will usually speak to the owner or manager of the site. If there are no representatives of the resource consent holder at the site at the time of the inspection, then the Environmental Protection Officer may continue with the site inspection, or may postpone the inspection until a later time. Following the visit the officer will notify you to tell you they have been on site.

Monitoring staff will typically take notes and photographs, and sometimes they will collect samples.



Do all consents involve site visits?

Some consents may be monitored exclusively through desktop monitoring (see below.) For example, consents to discharge household wastewater require an installation certificate and maintenance records to be submitted to monitoring staff, but seldom need site visits. Staff may visit the site if there is a complaint about smell, or if they are carrying out random checks.

How frequent are site visits?

Some consents can be monitored as frequently as weekly, others once a year. This will be based on the risk and scale of the activity and the possible consequences of non-compliance.

The number of site visits depends on the level of compliance. For example, if you are typically fully compliant with the resource consent conditions, the Environmental Protection Officer may reduce the number of visits to a minimum for that activity. On the other hand, if you have a poor compliance record, Environmental Protection Officers will visit more often in an attempt to resolve this.

Desktop monitoring

Environmental Protection Officers may carry out resource consent monitoring from their desk, using information that has been supplied by you as the consent holder or by your consultant.

Below are examples of information that resource consent conditions typically may require to be sent to Environment Canterbury:

- Notification that the consent holder has started using the consent
- Groundwater or surface water samples
- Management plans
- Maintenance records
- Installation certificates for on-site wastewater systems
- Gravel returns stating the amount of gravel extracted
- Design plans for stormwater treatment systems
- Bore completion reports
- Water usage data
- Results of sampling of material being discharged.

How will I know when to send in the information?

The consent will state when specific information must be sent to Environment Canterbury. For example, the conditions may require that you send a management plan within one month of receiving the consent, or you may need to supply groundwater monitoring data twice a year.

Incident reporting

If an incident occurs which breaches your consent conditions, please contact us immediately. We can work with you to take steps to limit the environmental impact. The earlier the incident is reported, the faster we can respond to limit the damage to the environment.

Occasionally, we get reports from members of the public about a possible breach of consent conditions. If a member of the public calls us on the Environment Canterbury Pollution Hotline about your consent, we may make an unscheduled site visit and investigate possible non-compliance.

To report an incident, phone: 03 366 4663 or 0800 Pollution (765 588).

Compliance

How will I know if I'm complying with the conditions of my consent?

If your consent is monitored, either through a site visit or receipt of information from you, monitoring staff will send out a Compliance Monitoring Report. This report will tell you if you are complying with your consent conditions. The level of compliance for each resource consent condition is graded (see below). The report may request specific action(s) be carried out to ensure compliance. Please read your Compliance Monitoring Report carefully and act on any requests.

Non-compliance – what happens next?

If you are found not to be complying with your consent, the Environmental Protection Officer will make you aware of this either in writing or by phone. The graded level of non-compliance is dependent on the environmental risk of the condition and the scale and/or the persistence of the breach. Repeated minor non-compliance may become significant if requests from an Environmental Protection Officer do not result in compliance being achieved.

You should contact the Environmental Protection Officer monitoring your resource consent immediately to find out how you can achieve compliance. Failure to comply with consent conditions may result in an enforcement action being taken.

In most circumstances, a further site inspection will be carried out to determine whether the non-compliance has been remedied.

(For a list of the types of enforcement action that may be taken, refer to the Compliance Monitoring and Enforcement Policy 2006, pages 12–16).

Non-compliance and possible enforcement action

Grade	Description	Action	Examples
1	Full compliance.	None.	
2	Minor non-compliance (no or minor short term adverse environmental effects).	Action by the consent holder with a routine follow-up by Environment Canterbury staff.	Failure to supply information and to keep adequate records. Failure to have adequate maintenance carried out. First time breach of consent condition where there has been no adverse impact. Minor water wastage. Minor ponding of effluent. Occasionally minor exceedence of discharge quantities. Non-installation of water meter/data logger.
3	Significant non-compliance, or repeated minor non-compliance. (Adverse environmental effects – actual or potential – moderate).	Requires immediate action by the consent holder with a non-routine follow-up by Environment Canterbury staff.	Repeated grade 2 breach of same condition and failure to respond to requests for compliance. Breach of quality limit of discharge. Exceeding maximum rate of take. Significant ponding of agricultural effluent. Continued failure to provide information such as a management plan.
4	Major and/or persistent non-compliance. (Adverse environmental effects – actual or potential – serious or persistent).	Requires immediate action by the consent holder and non-routine follow-up, with legal action if no improvement.	Persistent grade 3 breach of same condition and failure to respond to requests for compliance. Un-consented discharge from consented site where adverse impact is significant. Discharging agricultural effluent direct to watercourse. Persistent long-term failure to provide information returns. The discharge results in actual or potential immediate risk to the environment and/or human health.
5	Not Monitored or unable to determine compliance.	None – May require consent holder to confirm compliance.	Condition may require that maintenance be carried out at specified intervals. This may have been unable to be monitored while the Environmental Protection Officer was on site and so records may be requested to confirm compliance.

Grade	Description	Action	Examples
6	Not Operational.	None – May require consent holder to confirm compliance.	A permit authorising the discharge of contaminants to air may allow two or more discharges, for example from a spray booth and diesel boiler. At the time of the Environmental Protection Officer's visit the spray booth may not be operating so all conditions relating to the discharge from the non-operating booth will be graded Non-Operational.
7	Not Given Effect To.	Reminder given to consent holder of lapsing period for resource consent.	When activity consented has not commenced.
8	Not Being Exercised.	None – consent can be cancelled after consent has not been exercised for a period of 5 years or more.	When consent is consistently not exercised the Environmental Protection Officer can track the time period and effect cancellation if appropriate. Also applied where the resource consent has previously been exercised but has not been used recently.
9	Enforcement Action Recommended.	None.	Graded when enforcement action has been recommended to management for approval.
10	Enforcement Action Taken.	Action to be undertaken as directed by type of enforcement pursued: Abatement Notice, Infringement Notice, Enforcement Order, Interim Enforcement Order or Prosecution.	Enforcement action is not taken lightly but will be pursued for high culpability, high adverse environmental effect, or repeated non-compliance. This grading applies when recommended enforcement action (Grade 9) has been approved by management.

Compliance monitoring services

Compliance monitoring is necessary to ensure consent holders meet the conditions of their consent. This in turn safeguards our environment. The charging approach, introduced in July 2009, is more equitable, spreading costs of compliance monitoring across all consent holders.

The annual fixed charge costs cover services such as providing certain information and guidance about your consent; systems to capture and store consent data; the maintenance of records, implementing new government regulations and administration of consent monitoring charges. The hourly monitoring charge covers site visits and inspections, preparing correspondence and reporting, assessing effects of non-compliance, testing and analysing samples, and reviewing information for consent holders.

These charges are set in accordance with section 36 of the Resource Management Act 1991, and shall be paid to the Regional Council for the carrying out of its functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under section 35 of the Act.



Working with you

Environmental Protection Officers want to maintain a positive working relationship with consent holders while ensuring that the effects on the environment are within the limits expected by the resource consent.

Where non-compliance is identified, Environmental Protection Officers will endeavour to communicate the issues clearly and in a timely way, so that issues can be resolved as quickly as possible.

We are always looking for ways to improve our service. Please contact our Customer Services team on 0800 EC INFO (0800 324 636).



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