Action for healthy waterways – A discussion document on national direction for our essential freshwater, Ministry for the Environment

Submission by Climate Justice Taranaki, 17 October 2019

Introduction

1. Climate Justice Taranaki Inc. is a community group committed to justice, action and true solutions to our climate crisis. Our core members include scientists, anthropologists, health professionals, home and market gardeners, farmers, musicians, artists, community organisers and researchers. Most of us are parents or grandparents. Several of our members and supporters are tangata whenua. We raise awareness on social justice issues around climate change which impact disproportionately heavily on the under-privileged and on future generations. We advocate for policies and decisions that alleviate the impacts and empower communities. We support communities in building climate resilience.

Te Mana o te Wai

2. We fully support Te Mana o te Wai hierarchy of obligations, that the first priority is the health of the water, the second being provision of essential human health needs, such as drinking water, and third being other consumption and use.

3. It is not clear how regional councils, tangata whenua and communities would be able to work productively and effectively towards this goal.

4. It will be essential for tangata whenua to be supported to ensure that they have adequate resources to lead, drive and contribute to this goal. Additional time and resources would also be needed to facilitate understanding and active participation of the communities at large.

5. Greater input from scientific and research institutions and specialists would aid the integration of science and mātauranga to frame policies and assess outcomes in a more robust and independent manner beyond the capacity of regional and district councils.

6. We are concerned about the current legal system and the way some councils operate and treat the public. It is our experience in Taranaki that community groups and individuals who are willing to challenge councils on their plans and decisions, for the sake of protecting the environment and human safety[1,2], are treated as enemies, wrongly labelled "vexatious" and in the case of members of the Friends of the Waitara River, threatened with bankruptcy and made to pay a significant fine and legal costs[3]. The Waitara River is in a poor state, subject to various point and diffuse pollution sources.

7. There needs to be systemic support for Māori and the community at large, in terms of legal, technical and/or financial resources, for their effective participation in shaping policies and

[1] https://www.stuff.co.nz/business/industries/102388952/trial-underway-for-activist-groups-appeal-over-councils-drilling-rules
[2] https://www.environmentcourt.govt.nz/assets/Documents/Publications/2018-NZEnvC-227-Taranaki-Energy-Watch-Incorporated-v-South-Taranaki-District-Council.pdf
[3] https://www.stuff.co.nz/taranaki-daily-news/news/77388539/taranaki-regional-council-files-bankrupcy-proceedings-against-friends-of-waitara-river

decision-making to achieve what's being proposed in the action plan. There also needs to be a genuine change in attitude within some councils to allow active participation and collaboration with communities to truly work.

8. We do not support a blanket exemption for the six largest hydro-electricity schemes. Any consideration of exemption must first go through comprehensive assessment of causes, effects and management options.

Raising the bar on ecosystem health

Reporting on ecosystem health

9. We agree with the inclusion of new attributes, especially suspended sediment and nutrients. We also agree with the requirements for regional councils to measure, monitor and proactively manage land and water use towards targets that are set to ensure water quality is maintained or improved. As proposed in the action plan, all attributes for ecosystem health must be compulsory and have bottom lines set out in the NPS-FM.

Water quality – nutrient pollution

10. We support a more stringent bottom line for nutrients, especially nitrates, to protect aquatic ecosystem health and reduce greenhouse gas emissions. There does, however, need to be consideration of regional differences related, for example, to different soil types.

Water quality – for swimming and mahinga kai

11. We support the requirement on councils to increase their efforts to improve water quality, notably *E. coli*, where people swim and collect kai. Warning against swimming and collection of shellfish due to faecal contamination is sadly common in many rivers across Taranaki[4, 5], linked to wastewater[6] discharges and/or livestock. At the Waiwhakaiho River mouth near to the New Plymouth Wastewater Treatment Plant outfall, for example, there is an ongoing warning against shellfish gathering[7]. However, the public is not always notified in good time following accidental discharge, as in a recent case, when 1.5 million litres of raw sewage was discharged into the Mangati Stream in Bell Block[8].

12. Cyanobacteria in Taranaki's lakes and river mouths such as Lake Rotomanu, Rotokare and the Kaupokonui River pose another serious threat to humans and animals[9].

Monitoring and responding

13. Whatever attributes and bottom lines are being set, they will only be meaningful when accompanied by robust monitoring regimes, transparent reporting, effective enforcement, thorough investigation and adequate intervention where needed.

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[4] https://www.rnz.co.nz/news/national/380079/taranaki-swimming-hole-contamination-dismays-health-officer
[5] https://www.rnz.co.nz/news/national/380941/more-taranaki-swimming-spots-closed-because-of-bacteria-contamination
[6] https://www.stuff.co.nz/taranaki-daily-news/news/78486472/new-plymouth-mayor-makes-public-apology-for-series-of-waitara-sewage-leaks
[7] https://www.newplymouthnz.com/Residents/Your-Property/Wastewater/Wastewater-Overflow-Alerts
[8] https://www.stuff.co.nz/national/110223869/council-should-have-told-public-about-massive-raw-sewage-spill-at-taranaki-stream-mayor-says
[9] https://www.rnz.co.nz/news/national/398057/poor-summer-for-taranaki-freshwater-swimming-holes

14. The quality of Taranaki Regional Council's water monitoring programme has been criticised by water scientists and community groups as inadequate. For instance, on 1 February 2018, 1300 parts of *E. coli* per 100mL was recorded at King Edward Park on the Patea River - well over double the Ministry for the Environment's "unacceptable risk" level. The "action level" has been exceeded six times since 4 December and signs warning people not to swim, drink from or fish in the Patea River went up later that month. DNA testing had found cows were the source of the *E. coli*. Teacher and environmentalist Sarah Roberts pointed out, "*The signs went up late December but right from early on when they were testing there were high E coli spikes and big gaps in the testing*." Council acknowledged that no testing was done between 8 December and 10 January[10].

15. Moreover, results on Taranaki Regional Council's macroinvertebrate monitoring at 59 sites in Taranaki are open to broad interpretation and questioning. In July 2019, iwi representative Emily Bailey pointed out the mismatch between the language used by council and the Ministry for the Environment which made Taranaki streams sound less polluted[11]. Council spends a lot of money on PR in media that would be better used in monitoring and reporting.

Aquatic life – threatened species recovery

16. We fully support any proposal and action that would strengthen the protection of threatened indigenous species, including the new compulsory national value. We ask that this goal be extended to **enhancing the recovery of threatened species** as required under the UN Convention of Biological Diversity (UNCBD). Article 8[12] of the UNCBD lists a useful range of in-situ conservation efforts for implementation. Our recent submission (September 2019)[13] to the Department of Conservation on their Proposal for New Zealand's next Biodiversity Strategy expressed in detail our views and recommendations on biodiversity.

Habitat – protection and restoration of wetlands and streams

17. Ban all further drainage and destruction of wetlands, without exemption for agriculture, forestry, residential or industrial developments. Implement this rigorously for all wetlands of all sizes including those on private land. Under section 5.6, revise so it reads, "*Through the NPS-FM, regional councils would be required to identify all existing natural inland **and coastal** wetlands, monitor their health, set policies to protect them, and **initiate or support restoration efforts**"* rather than limiting the requirement to inland wetlands and "*… think about how to make restoration easier."*

18. Ban all infilling of streams and rivers, except in cases of emergency to protect human life and/or crucial infrastructure. There should be no exemption for forestry, agriculture, residential and industrial developments.

Water quantity – minimum flows

19. We agree strongly that there needs to be improvement in the collection of data on water take, reporting and evaluation to ensure the maintenance of healthy flows in waterways and integrity of groundwater.

20. Much greater transparency is needed for proper auditing, reporting and analyses of water use. As an example, we have had great difficulties in finding out from regional and district councils the

[10] https://www.rnz.co.nz/national/programmes/checkpoint/audio/2018630805/cows-blamed-for-closure-of-popular-swimming-holes
[11] https://www.rnz.co.nz/news/national/395028/questions-remain-over-freshwater-quality-in-taranaki-region
[12] https://www.cbd.int/convention/articles/default.shtml?a=cbd-08
[13] https://climatejusticetaranaki.files.wordpress.com/2019/09/cjt-submission-on-doc-proposal-on-biodiversity-strategy-21sept19-final.pdf

quantity of water used by oil and gas companies in their drilling, fracking and production activities. The issues seem to be due to complexity in water sources used in these operations (e.g. permitted take from stream or pond, consented ground and surface water take, trucked in from municipal supply) and the many parties involved (e.g. regional and district councils, landowners, oil companies, trucking companies). There needs to be a clear system in place despite the complexity.

Safe drinking water

Agricultural and industrial contaminants

21. We support strengthening the obligations on regional councils and territorial authorities for managing risks to source waters through amendments to the Drinking Water NES. We are extremely concerned about the demonstrated link between nitrate and bowel cancer[14].

22. We wish to emphasize that in addition to nitrate-nitrogen, the detection and monitoring of selected contaminants from agriculture and other industries are critical to ensure safe drinking water supply and healthy ecosystems.

23. One case in point, the detection of **the fungicide difenoconazole** in a test bore near Okato in August 2015 was alarming. "*The NZDWS contains no reference to difenoconazole, but these results exceed the EU drinking water standards Maximum Allowable Concentration of 0.1 ug/l (or 0.0001 gm/m^3)*" (Geosearch Limited, 2015)[15]. The Kaitake Community Board (2018)[16] raised their concern, "*The Okato community has lived with serious water supply issues for a number of years resulting in having to endure stringent water restrictions. Due to this current, insufficient water supply Council did embark on an exploratory investigation for a new water source. A site was found, but the identified water source was concluded to be unsuitable for public consumption due to contamination, so the investigation was stopped*", yet it was never made clear to the public what, if any, follow up action was taken.

24. In the case of contaminants from the oil and gas industry in Taranaki, it was not until a local environmentalist raised the alarm bell over soil and groundwater contamination that screening for the volatile organic compounds BTEX (benzene, toluene, ethylbenzene, xylene) was conducted in South Taranaki's drinking water supply[17].

25. Equally worrying is the accumulation of fire-fighting foam chemicals in mahinga kai. Elevated levels of perfluorooctanesulphonate (PFOS) chemicals used by Shell and other companies have been found in eels in at least two streams in Taranaki, despite the chemicals having been banned over a decade ago[18, 19].

Improving farm practices

Intensification and conversion

26. We support tightly restricting further intensification of rural land for pastoral, arable and horticultural production.

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[14] https://www.rnz.co.nz/news/national/395386/health-expert-renews-call-for-study-on-nitrates-in-drinking-water
[15] Geosearch Limited, September 2015. Okato water supply production bore A & B drilling and testing completion report. Prepared for New Plymouth District Council by Karl Browne BSc, MSc.
[16] Kaitake Community Board Extraordinary Agenda 9 May 2018.
[17] http://www.stuff.co.nz/taranaki-daily-news/7728858/Council-rejects-water-worry
[18] https://www.rnz.co.nz/national/programmes/checkpoint/audio/2018657414/toxic-chemicals-found-in-eels-after-shell-admits-contaminat
[19] https://www.rnz.co.nz/news/national/363889/firefighting-foam-multinational-won-t-release-results

27. We call for a total ban for further land conversion to dairy or dairy-support, to protect soil and water quality, reduce greenhouse gas emissions and enhance agricultural diversity and resilience, to better cope with our climate crisis.

28. We also raise the issue of 'shifting baseline'. Federated Farmers, Taranaki Regional Council and others regularly compare water quality today to the 1950s, claiming improvements. But the baseline had already shifted, with massive deterioration by 1950s. A more appropriate baseline would have be prior to the extensive clearing for animal agriculture.

Intensive winter grazing

29. We do not support intensive winter grazing for animal health and welfare reasons[20, 21], given the demonstrable damage to soil, the pollution load from animal wastes, the need to reduce greenhouse gas emissions from animal agriculture, and the environmental and social impacts often associated with imported supplementary feeds.

Farm planning

30. We support integrated farm planning but are unsure about a certification scheme which is likely to be costly, bureaucratic and prone to misuse. We support the new farmer-to-farmer programmes for Māori land owner groups. We propose a similar peer-to-peer learning system for non-Māori farmers, by identifying and supporting 'champion' farmers to share their expertise, knowledge and experience in environmental farm planning with fellow farmers.

Immediate action to reduce nitrogen loss

31. We support option 3 which requires farmers in catchments with high nitrate-nitrogen levels to rapidly reduce nitrogen leaching and audit their progress.

32. We call for a nationwide ban on the use of urea, especially fossil-fuel derived urea, to reduce nitrate leaching directly and indirectly through destocking.

33. We also support an immediate ban on all import of phosphate fertilisers from Western Sahara, as requested by the Western Sahara government[22] and communities[23], as well as Aotearoa campaigners[24]. New Zealand is now the only western country that imports 'conflict' or 'blood' phosphate as Ravensdown and Ballance Agri-nutrients remain adamant to continue with this trade.

Excluding stock from waterways

34. Definitely stock must be kept away from waterways, and not just streams that are 'deeper than a red band gumboot and wider than a stride'. Smaller streams all carry pollutants into larger streams, so stock needs to be kept out of them, even just temporarily or using 'virtual' fencing.

35. Stock need to be kept far enough from stream edges to have an effect on limiting erosion and pollution. A setback of 15 meters would be far better than 5 meters. Riparian planting, preferably with native species and food trees, is critical to help reduce run-off.

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[20] https://www.nzva.org.nz/page/wintergrazing

[21] https://www.stuff.co.nz/southland-times/southland-top-stories/115392487/environmentalist-claims-hes-being-harassed-in-southland?fbclid=IwAR0dnRQqy1OkFcS7-38iblgwU3ETCm9WE9Mx0PxM-GmI261SQm_DX45iolY

[22] https://www.rnz.co.nz/news/business/401076/western-sahara-delegate-urges-halt-on-phosphate-imports

[23] https://www.odt.co.nz/news/dunedin/phosphate-importers-called-out?fbclid=IwAR09LMZNH8Fy3quiSP4zwkWM9pwH7k2w5f3ByKMuwxB6RSpQ00g9nGAmXRk

[24] https://www.rnz.co.nz/news/national/398186/group-protests-import-of-blood-phosphate-in-dunedin

36. In some catchments, stock may need to be excluded altogether to protect freshwater habitats, water quality and allow for recovery. Different forms of landuse that protect waterways and soil, enhance biodiversity, sequester carbon and provide alternative incomes need to be encouraged and supported.

Benefits and costs

37. We are aware of the pressure on some farm owners and workers, and deeply concerned about the disproportionately high and climbing suicide rate in farming communities[25, 26, 27]. Large farming groups, such as Fonterra, Federated Farmers, fertiliser and agrichemical companies have long pushed for input-heavy, industrial-scaled, export-dependent agriculture. They are the main cause of the environmental and social problems in our rural regions and should take responsibility and contribute to most of the immediate costs associated with the freshwater proposals. This is consistent with the growing calls for ecocide[28] to be recognised as a criminal offense.

38. It is crucial to recognise that the benefits of the proposals, if implemented effectively, far outweigh the costs, environmentally, socially and economically, especially in the long term.

39. Protecting and restoring the health of our waterways are critical to Aotearoa's wellbeing. Shifting our industrial agriculture from polluting and input-heavy to diversified, low-input, regenerative farming[29, 30], agroforestry incorporating tree crops[31], food, fibre, native species, free-range poultry, apiculture and native ecosystems, will greatly increase our resilience socially and economically, and help us in our attempt to navigate the escalating climate crisis.

[25] https://www.stuff.co.nz/business/farming/99964077/farmer-suicides-highlight-vulnerability-as-official-figures-rise-for-past-year
[26] https://www.stuff.co.nz/national/107767562/farmingrelated-suicides-increase-in-the-south
[27] https://www.stuff.co.nz/taranaki-daily-news/news/106587306/taranaki-suicide-numbers-drop--but-still-too-high
[28] https://www.stopecocide.earth/
[29] https://pureadvantage.org/news/2018/11/07/regenerative-farming-enhances-finances-the-environment-and-farmer-mental-health/
[30] http://kotarevillage.org.nz/regenerative-agriculture/
[31] https://treecrops.org.nz/about-nztca/about-treecrops/