

BEFORE THE CANTERBURY REGIONAL COUNCIL

UNDER THE

Resource Management Act 1991

AND

IN THE MATTER

of application CRC190445 by the Christchurch City Council for a comprehensive resource consent to discharge stormwater from within the Christchurch City area and Banks Peninsula settlements on or into land, into water and into coastal environments

**REBUTTAL EVIDENCE OF
JULIA VALIGORE FOR CHRISTCHURCH CITY COUNCIL**

Dated 30 October 2018

CHRISTCHURCH CITY COUNCIL
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INTRODUCTION

1. My full name is Julia Marie Valigore. I here provide rebuttal evidence for the Christchurch City Council (**Council**) in relation to the evidence of other experts on the Council's application for a comprehensive stormwater network discharge consent (**Application**).
2. My qualifications and experience are as stated in my evidence in chief (**EIC**) dated 15 October 2018.
3. I again confirm that I have read and agree to comply with the Code of Conduct for expert witnesses contained in the Environment Court Practice Note (dated 1 December 2014). I confirm that the issues addressed in the statement of evidence are within my area of expertise. I have not knowingly omitted to consider facts or information that might alter or detract from the opinions expressed. The Council as my employer has agreed to me giving this evidence on its behalf.

EVIDENCE RESPONDED TO IN THIS REBUTTAL EVIDENCE

4. I here respond to evidence submitted by Peter Hay (Ravensdown), Anna Wilkes (Ravensdown), and Andrew Purves (Lyttelton Port Company). I have limited my rebuttal to the points that were raised related to the Industrial Stormwater Audit (**ISA**) programme.

RAVENSDOWN – PETER HAY'S AND ANNA WILKES' EVIDENCE

5. I agree with Mr Hay that stormwater management at Ravensdown is challenging (paragraph 6.2), and that Ravensdown has been making improvements as summarised by Mr Hay (paragraph 4.1) to reduce its risk to Haytons Stream. I also acknowledge that communication and coordination could be improved between Environment Canterbury and Council as suggested (Mr Hay in paragraph 6.1 and Ms Wilkes in paragraphs 3.3-3.6) regarding sites that Council audits as part of the ISA programme in order to clarify expectations for

sites. As part of my newly established role, I am working towards improving communication and coordination I between Environment Canterbury and Council to better delineate the follow-up related to audited industrial sites.

6. Ms Wilkes recommends changes to the ISA reporting process (paragraph 3.7), particularly around identifying an opportunity for discussion to occur between Council and sites regarding actions, timeframes, and monitoring. I consider that this is already occurring where requested. The ISA team discusses its audit findings with site managers at their request and also accommodates timeline extensions where justified. Changes to a site's stormwater risk mitigation action list are currently considered as indicated in the Industrial Stormwater Audit Report template letter (Appendix C of my EIC). *We acknowledge that you may have other ideas that would work better for your site. If so, you will need to notify us promptly of any variations that you will use to achieve equivalent or better environmental outcomes.* Monitoring requirements, if any, are often elucidated at a later date following initial sampling by Council so it is not usually appropriate to identify them in the action list as suggested by Ms Wilkes (paragraph 3.7).
7. Ms Wilkes was unclear of Council's trigger values and how they were established (paragraph 3.9). Council has established a set of trigger values for point source stormwater discharges based on LWRP receiving water standards (paragraph 34 of my EIC). These trigger values identify concentrations of concern and provide a consistent basis for determining whether follow on monitoring and/or improvement of GMPs are required. For those sites that exceed the trigger values, I consider that site-specific approvals, if granted, should take into account any risk mitigation actions undertaken through the ISA programme as well as the site's size, location, topography, ground cover, and activities occurring on-site when setting conditions such as maximum discharge limits, maintenance regimes, and sampling requirements as appropriate for improved management of these risks. Mr Norton suggests another process that Ravensdown could trigger to gain further clarification on the exact conditions required for discharge as discussed in his rebuttal evidence.
8. For those existing stormwater quality risks that are actually certain (i.e. observed and repeated occurrences of contamination) rather than potential

events, measureable improvements in stormwater discharges are expected through the ISA process. However, I do agree with Mr Hay (paragraph 6.3) that it's still possible that stormwater quality data trends and measureable improvements may not be evident before and after capital works due to factors including frequency, duration, and intensity of precipitation adding to the uncertainty. Nonetheless, another critical objective of the ISA programme is to reduce future risks to the stormwater network by having the infrastructure and other controls available to more adequately manage any spills and separate clean rainwater from contaminated runoff.

9. Ms Wilkes opposes the non-transferability of site-specific approvals for stormwater discharge (paragraph 3.10). In my EIC, I was referring to site-specific approvals from the perspective of the Water Supply, Wastewater and Stormwater Bylaw (2014), which may or may not have been the understanding of Ms Wilkes. I do not consider that these approvals should be transferable if the site owner changes because new site operators could manage their sites differently (i.e. in terms of site practices) resulting in changes to the quality and quantity of stormwater discharged into the network.
10. Ms Wilkes opposes delegation of enforcement powers from Environment Canterbury to Council (paragraph 3.11). However, I remain of the view that a delegation would be beneficial **if** Council is no longer able to exclude sites from its consent. This power is particularly relevant and warranted for any sites that Council re-audits and those sites that have already been thoroughly advised regarding unacceptable practices.

LYTTELTON PORT COMPANY – ANDREW PURVES' EVIDENCE

11. Mr Purves has requested changes to the proposed conditions in order to improve clarity related to the management of industrial sites. In particular, Mr Purves suggests in paragraph 45 of his evidence that the ISA methodology should be attached to the consent. I do not, however, consider that this adds clarity to the consent conditions, so I do not support the change. I agree with Ms West that the ISA methodology should be kept separate from the conditions of this consent because Council and Environment Canterbury staff agree on

changes to the methodology which would then be easier to implement without prompting a Variation to the consent.

12. Mr Purves has suggested that Environment Canterbury make the ultimate decision on whether a site is an unacceptably high risk following an audit whereby the site would be registered as a high risk HAIL site. However, I do not support that change as it would still be Council's decision whether or not to exclude the site from its consent until 2025. I do not consider that this change would assist the Council in meeting its environmental objectives under this Application.
13. I agree with Mr Purves' view (paragraph 55) that considerations such as environmental management practices, inspections, staff training evidence, and compliance history should be taken into account when determining what standards (if any) should be imposed on a HAIL site in addition to those considerations in paragraph 7 above, and that the standards could be amended following changes in site management or stormwater characteristics. I do not consider that changes to the proposed conditions are necessary to achieve this outcome.

JULIA VALIGORE

30 October 2018