



# Enforcement 2007/08

## Key points:

- Four prosecutions resolved, of which only one was fully defended.
- Two enforcement orders made.
- 20% increase in the number of infringement notices issued from 2006/07 to 2007/08.
- 186% increase in the number of abatement notices issued from 2006/07 to 2007/08.
- 113% increase in the number of warning letters issued from 2006/07 to 2007/08.

## Introduction

Breaches of the Resource Management Act 1991 (RMA) are identified during response to an environmental incident (see Incident Response 2007/08), or as a result of visits to consented sites by consents and compliance officers (see Compliance 2007/08). This card covers enforcement action taken in 2007/08 in response to non-compliance observed by Greater Wellington officers.

Of all incidents reported to the Environmental Hotline during 2007/08, 40% involved non-compliance with Greater Wellington’s regional rules or the Resource Management Act 1991 (RMA) or a resource consent (see Incident Response 2007/08). In addition, 14% of all consented sites’ compliance inspections received a ‘non-complying’ rating and a further 11% of inspections were either ‘partially’ or ‘mainly’ compliant.

Environmental regulation staff have a range of tools available to deal with non-compliance, depending on factors such as the severity of environmental effects, compliance history, efforts to remediate and likelihood of reoffending.

When non-compliance with resource consents is identified during compliance inspections, warning letters may be issued, or the non-compliance addressed through the routine reporting process. However, where non-compliance involves further breaches of regional plan rules and the RMA, more formal enforcement action is likely to be taken. Figure 1 shows a summary of total regulatory action taken by Greater Wellington in 2007/08.

Type of action	2007–08	2006–07	2005–06	2004–05
ADVISORY NOTICES	60	48	58	61
INFRINGEMENT NOTICES	49	41	44	21
ABATEMENT NOTICES	83	29	24	26
ENFORCEMENT ORDERS	2	4	0	2
PROSECUTIONS	4	7	0	0
WARNING LETTER	85	40	15	2

Figure 1: Summary of action taken for non-compliant activities

## Informal Action

### Advisory notices

In 2007/08 sixty advisory notices were issued, directing the recipients to cease or take certain actions. Advisory notices continue to be an effective way of ensuring minor non-compliance is resolved quickly in order to avoid negative environmental impacts. The number of advisory notices issued has not changed significantly over the past four years (see Fig 1).

## Formal Action

The most frequently used tools for taking formal enforcement action are written warnings, abatement notices and infringement notices.

## Warning letters

In 2007/08, 85 warning letters were issued. They are an effective means of making people aware of the consequences of further non-compliance, bringing non-compliance to the attention of (multiple) key people in an organisation, and of documenting non-compliance history.

## Abatement notices

In 2007/08, 83 abatement notices were issued by Greater Wellington, of which at least 19% represented a breach of consent conditions. Abatement notices are a formal instruction issued to resolve an environmental problem and/or require compliance with regulatory requirements. They can be issued as a result of breaches of one or a combination of many, sections of the RMA.

In 2007/08, over half of all abatement notices were issued for offences involving discharges of contaminants to the environment (under section 15 of the RMA).

## Infringement notices

Infringement notices are issued under the RMA to punish offenders for minor offences, and carry a maximum penalty of \$1000. Unlike abatement notices, an infringement can only be issued for a single offence.

In 2007/08, 49 infringement notices were issued, with a combined value of approximately \$26,000. Of the 49 notices issued, 20% represented a breach of resource consent.

Similarly to abatement notices, around half (25) of all infringement offences in 2007/08 involved discharges of contaminants to the environment (RMA s 15).

## Enforcement orders

Enforcement orders are made by the Environment Court instructing a person to comply with the provisions of the RMA, a rule in a regional plan, or the terms and conditions of a resource consent.

Two enforcement orders were made in 2007/08, including one against Alan Hobb, Te Kamaru Station Ltd and Terawhiti Farming Co Ltd for the disposal of chicken waste into a gully in Makara. The order required mitigation and remedial action for the discharges, and required the payment of \$5,000 costs.

The other enforcement order was made against Maymorn Contractors Ltd and John F Gabites on 22 February 2008 as a result of discharges of pig effluent and unauthorised earthworks in Mangaroa Valley. The order required monitoring of nutrient levels in surface and groundwater.

## Prosecutions

On 14 November 2007 Goodman Contractors Limited (GCL) pleaded guilty to charges involving an unconsented discharge of sediment into a tributary of the Pauatahanui Stream. GCL offered \$10,000 for restoration/enhancement work in Pauatahanui Stream catchment and \$5,000 towards costs.

On 11 February 2008 Capital Egg Company Ltd was convicted of disposing of chicken waste at Terawhiti Station which subsequently affected a tributary of the Oteranga Stream. Capital Egg Co Ltd agreed to pay restitution of \$12,500 and costs of \$5,000.

On 11 April 2008 Cardno TCB Ltd pleaded guilty to charges laid after they failed to implement a plan (required by their resource consent) to minimise adverse environmental effects from streamworks in a tributary of Duck Creek, Pauatahanui. Cardno TCB offered to pay \$6,000 restitution and \$4,000 costs.

On 6 June 2008 Exide Technologies were fined \$30,000 for an excessive discharge of lead-borne dust across the Southern boundary of their plant in Petone. The discharge exceeded the threshold set in their resource consent.

## Enforcement History

Figure 2 illustrates that the range of tools for enforcement, and the frequency with which they are used has increased 1999. These increases are attributed to improved officer training in enforcement procedures and the streamlining of administrative procedures.

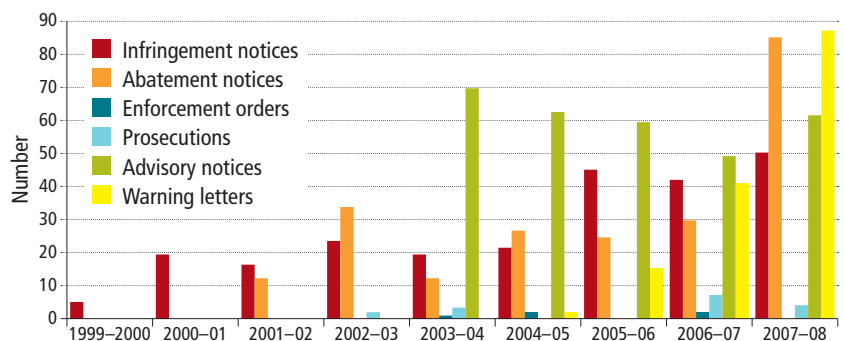


Figure 2: Enforcement action from 1999 – 2008

## Cost Recovery

It is Greater Wellington's policy to recover costs associated with incident response. In 2007/08 cost recovery notices were issued to the value of nearly \$7000, which is consistent with the previous financial year.

## What can you do?

If you notice an environmental incident or an activity you think may have adverse environmental effects, please call Greater Wellington's Environment Hotline on 0800 496 734. This is a 24-hour service and our duty officer will respond within an hour on most occasions.



Figure 3: Discharges of contaminants into the environment from earthworks activities

## More information

For more information on enforcement action taken by Greater Wellington, please contact the Environmental Helpdesk on 04 802 0355 or the Wairarapa office on 06 378 2484.

For more information on Greater Wellington's environmental regulation activities please visit our website at [www.gw.govt.nz](http://www.gw.govt.nz)