

Submission to Horizons Regional Council

DB Breweries Ltd. Resource Consent Applications Permits for discharges from Tui Brewery Site in Tararua District

31 July 2009

Regarding Resource Consent Application Numbers 104758, 104759, 104760, 104761

We recommend that each of the four consents be Declined until such time as the points raised in this submission have been satisfactorily addressed with regards to environmental sustainability.

We wish to be heard in support of this submission.

Submitter Details

Palmerston North City Environmental Trust
PO Box 1271
Palmerston North
Attn: The Secretary

pncet.info@gmail.com

Submission prepared, in consultation with Trust members, by Brent Barrett, Chair
Contact Phone 021 793 361

Addresses for Service of Submission

Consenting Authority:
Horizons Regional Council, P Bag 11025, Palmerston North 4442

Applicant:
DB Breweries Ltd., c/- Good Earth Matters Consulting Ltd., PO Box 1268, Palmerston North,
Attn: David Bridges.

David Bridges contacts
06 353 7560 or david.bridges@goodearthmatters.com

Submitter Profile

The Trust is comprised of up to 12 Members, drawn from community, business, and academic circles in the Palmerston North Community and representing a balance of environmental sustainability awareness and expertise. Currently the Trust has 11 members. Our mandate is community wide, and reflects our origins in 1991 as a PNCC sanctioned descendent of the Palmerston North Civic Trust, and our current constructive relationship with PNCC and the community.

Our vision is that Palmerston North becomes a more environmentally sustainable and vibrant community. Our mission statement includes reference to 'Palmerston North becoming a more environmentally sustainable and vibrant city through stimulating and supporting activities that contribute to achieving this aim, and working to generate awareness and deliver principled and effective advocacy for the environment.'

Polluted rivers contribute negatively to environmental sustainability.

Polluted rivers undermine vibrancy.

Our Trust Terms of Reference are provided by PNCC. There are four of these which are of direct relevance to this series of applications

1. To act as advocate on environmental issues, to appropriate organizations for the good of the community (ie Regional Council, Central Government, Select Committees, Conservation Boards and commercial organizations).
2. To assist in enhancing the natural, physical and cultural features which give the City its character.
3. To help maintain and enhance access to the public and private open space within the City.
4. To assist with the promotion of heritage values, including the preservation of historic places and Waahi Tapu and to encourage the exercise of Kaitiakitanga which includes an Ethic of Stewardship within the City.

General Context

It is the view of the Trust that implementation of policy and practices leading to healthy rivers must be a cultural norm in a modern and civilized society. By healthy we mean an absolute minimum of pollution, supporting of a high diversity of life forms representative of clean waterways, and consistent suitability for an array of recreational and cultural uses. There is a substantial evidentiary basis for high and increasing levels community support for healthy rivers in New Zealand, and an expectation that elected representatives at all levels deliver policy and practice outcomes, including consents, consent monitoring, and enforcement that lead to improved health of our waterways through a reduction in point source pollution loading of the same.

Four Resource Consent Applications have been made by DB Breweries Ltd. to Horizons Regional Council, all are renewals, some are for reduced volumes. Each is for a 21 year duration, effective from 1 July 09 to 30 June 2030.

The considered view of the Trust is that the four Applications as presented on behalf of DB Breweries Ltd. and their owners, should they be approved, will contribute directly and substantially to the pollution of the Mangitainoka River and cumulative effects at points downstream, thereby undermining the environmental sustainability of the Manawatu catchment and areas influenced by that catchment. They further contribute directly to the pollution of land adjacent to the manufacturing site through liquid and solid discharges.

It is our further view that since the operation has been running for 120 years at this location, and given their access to international networks and best practice through their owners and their owners, that there is real scope for marked enhancement of their environmental performance today, and for steady and significant improvements with time. Yet their request is for a range of practices that specify a stagnation in environmental performance to the year 2030, and which will individually and cumulatively have substantial negative impact on waterways.

We note also that despite a vibrant financial bottom line and access to global industrial expertise networks, that DB Breweries at this site have a long track record of non-compliance with the current consent conditions.

Another 21 years of the status quo with reference to consenting and with reference to protracted and significant non-compliance is not acceptable.

The brewery business of DB Breweries Ltd. is 100% owned and controlled by overseas interests. Currently with five of six board members reside offshore. Both the New Zealand entity and the foreign parent entity are highly profitable even in the most recent times of dull

economic performance in most manufacturing sectors. The extraction of profits from New Zealand to overseas directly damages the New Zealand balance of trade by millions of dollars per annum. So in proposing to continue current practice, the owners are proposing to further ruining our balance of trade while further polluting our rivers. A lose lose scenario for this region. Effectively a foreign entity is breaching New Zealand's sovereign border and undermining our clean and green image by issuing corporate policy that has a direct and quantifiable negative impact on our natural and cultural values by polluting our local environment and damaging our waterways.

With appropriate incentives and effective environmental management, the current lose lose situation can become a win win.

In is our view that the portion of profit extraction necessary to achieve increased and increasing environmental performance should be invested to implement leading edge environmental practices in brewery processes to significantly reduce the pollution loading of this waterway. Along the way, this will have the fringe benefit of improving our balance of trade and creating jobs in New Zealand for skilled trades workers undertaking the work to improve environmental performance at this site.

We note the recent marked improvements as evidenced by a reduction DRP pollution achieved by an innovation in manufacturing process and inputs, and commend the site owners and managers on this achievement. This, and examples elsewhere in this industry, are tangible evidence that improvements can be made within the context of an improved, innovative, triple bottom line savvy and sustainable enterprise.

Proper incentives will give the Applicants the opportunity to increase their environmental performance to the level that they are no longer actively undermining the river's health.

River Context

The basic characteristics of the upstream river at this location are:

- A relatively healthy waterway (by Manawatu catchment standards)
- Situated close to the source in the north eastern Tararua Forest Park
- A small waterway compared to the volumes and loadings of discharge proposed
- Flows are highly variable, but go as low as 57K cubic meters per day, mean annual low flow is 136K cubic metres per day, and median flow is 769K cubic metres per day
- With a reduced pollution loading, the waterway would make a greater contribution to the environmental sustainability and vibrancy of the region

Regulatory Context

A range of regulatory policy and guidelines at the local, national, and international level support prevention of river pollution leading to positive outcomes including healthy rivers. These include aspects of the Manawatu Catchment Water Quality Region Plan, the Proposed One Plan, proposed National Policy Statement for Freshwater Management, and globally recognised pollution abatement guidelines.

International guidelines address both quality of discharge, and impact on receiving waters. We recommend that the Consents not only reflect international leading practices in environmental pollution mitigation and resource recovery, but that given New Zealand's clean and green aspirations that the Consents go beyond those practices to be in line with our national tourism brand and society values.

Submission Detail on each of the four Consent Applications

Note

The application documents as supplied to the submitters by the Consenting Authority on behalf of the Applicant do not align application numbers with application specifications. For clarity, the submissions below refer to the application specifications as presented in those documents.

Consent Application for Discharge of Cooling Water to the River (2 million litres per day at up to 30°C)

After consideration of the Application, AEE, and supporting data presented, the Trust recommends that this application be declined on the basis of

1. Duration of the consent
2. Volume of the discharge (up to 3% of river volume at low flow)
3. Maximum temperature is too high, especially at low flows.
4. Effects at Low Flow are not adequately considered
5. Insufficiency of monitoring data as presented
6. Did not adequately consider alternatives
7. Does not specify monitoring frequency and the availability of that data to stakeholders
8. Stagnation of environmental performance, the Consent needs to require reduction in thermal impact with time.
9. Should a consent be granted, it should specify a maximum instantaneous thermal impact at highest consented temperature which is proportional to flow and that is of no substantial negative impact on the waterway.

Consent Application for Discharge of Solid Waste to the Land (60,000 litres per month of primarily diatomaceous earth)

After consideration of the Application, AEE, and supporting data presented, the Trust recommends that this application be declined on the basis of

1. We oppose this on the basis that by authorizing what is essentially a freelance landfill operation on conveniently adjacent land it sets a poor precedent, subsidizing DB Breweries while penalizing the majority of businesses and other entities in New Zealand that are required by law and regulatory statute to make use of proper disposal in a proper (lined, capped, controlled etc.) landfill. This application should be denied and the applicant told to use a proper landfill. Action on this point would negate the need for consideration of points 2 – 10 below.
2. Duration of the consent
3. Insufficiency of data presented on discharge composition (e.g. Chemical Composition, Bioactives, Antibiotics).
4. Insufficiency of monitoring data presented on effects to date.
5. Insufficiency of data on design and implementation of the planned activities.
6. The fact that the limited data presented by the Applicant (Appendix C) demonstrate a negative effect on waterways in the vicinity.
7. The Applicant did not adequately consider alternatives
8. Needs better control over composition of discharge and impacts.
9. Does not specify monitoring frequency and the availability of that data to stakeholders
10. Stagnation of environmental performance, any Consent granted needs to require reduction in pollution with time.

Consent Application for Discharge of Liquid Waste to Land and River, specifically

A/ Discharge of Activated Sludge to Land (224,000 litres per day)

After consideration of the Application, AEE, and supporting data presented, the Trust recommends that this application be declined on the basis of

1. Duration of the consent
2. Volume (discharge markedly exceeds the upper recommended limit)
3. Lack of maximum application rate specified
4. Lack of integrated management with other land use activities (currently farming)
5. Insufficient assessment of composition of discharge
6. Insufficient control over composition of discharge
7. Insufficient consideration of options including but not limited to optimising current land use, acquiring additional land, lease of additional land, energy capture from sludge)
8. Needs cost benefit analysis of the few options considered

9. Needs requirements for riparian management of discharge receiving areas.
10. Needs consideration of differential rates during times when soil is dry versus times when soil profile is saturated
11. Stagnation of environmental performance, any Consent granted needs to require reduction in pollution with time.
12. Does not specify monitoring frequency and the availability of that data to stakeholders
13. Stagnation of environmental performance, the Consent needs to require reduction in pollution with time.

and

B/ Discharge of Clarifier Overflow to River (900,000 litres per day and up to 900g DRP)

After consideration of the Application, AEE, and supporting data presented, the Trust recommends that this application be declined on the basis of

1. Duration of the consent
2. Evidence of negative impacts on waterway in the vicinity
3. Volume (>1% of river volume at low flow)
4. Insufficient data on quality of discharge
5. Insufficient limits on quality (biological and chemical, bioactives, etc.) of discharge
6. Partial data available suggest the discharge fails (on some measures badly) in meeting internationally recognized guidelines for discharge to rivers from industrial brewing facilities.
7. Insufficient data on impact of discharge (e.g. DO readings at mid-day when of course there is oxygen, the crux is pre-dawn when Oxygen is at the low point)
8. Clear track record of pollution having negative impact on waterway (e.g. EPT values in bio indicators dataset)
9. Reduction in overall quality of waterways in the Manawatu Catchment, including contribution to cumulative decline.
10. Effect of polluted waterways at points downstream including the Manawatu River Estuary and Coastal Marine Environment
11. Lack of consideration for increased impacts of pollution loadings at low flow
12. Insufficient consideration of alternatives.
13. No specification of maximum instantaneous rate. If granted, a consent should specify a maximum pollution loading per unit river flow.
14. The discharge will not meet a 900g DRP per day limit at consent application volume, as evidenced by recent (post-innovation) data presented
15. Does not specify monitoring frequency and the availability of that data to stakeholders
16. Stagnation of environmental performance, any Consent granted needs to require reduction in pollution with time.

Consent Application for Discharge of Stormwater (1.43 million litres per day).

After consideration of the Application, AEE, and supporting data presented, the Trust recommends that this application be declined on the basis of

1. Duration
2. Lack of monitoring data on pollution load of the stormwater runoff
3. Lack of control on pollution load of the same
4. Does not specify monitoring frequency and the availability of that data to stakeholders
5. Stagnation of environmental performance, any Consent granted needs to require reduction in pollution with time.

We wish to reiterate that proper incentives will give the Applicant the opportunity to increase their environmental performance to the level that they are no longer actively undermining the river's health, turning a lose lose scenario into a win win.

ENDS