Version
as at 15 November 2021

Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007

(SR 2007/396)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 17th day of December 2007

Present:
His Excellency the Governor-General in Council

Pursuant to section 43 of the Resource Management Act 1991, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council (given on the recommendation of the Minister for the Environment after consultation in accordance with section 44 of that Act), makes the following regulations.

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The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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Regulations

1 Title

These regulations are the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.

2 Commencement

These regulations come into force 6 months after the date of their notification in the *Gazette*.

3 Interpretation

(1) In these regulations, unless the context requires another meaning,—

abstraction point means a place at which water in the environment is abstracted for use in a registered drinking-water supply (for example, the place at which water is abstracted from a river, stream, or lake or from a groundwater source)

Act means the Resource Management Act 1991

activity includes a proposed activity

aesthetic determinand means an aesthetic determinand described in table A2.1 in Appendix 2 of the Drinking-water Standard

determinand means a determinand described in table 2.1, 2.2, 2.3, or 2.4 of the Drinking-water Standard

distribution system means the trunk main and the storage and other components of a registered drinking-water supply that relate to its distribution

does not meet the health quality criteria, in relation to drinking water, has the meaning set out in regulation 5

drinking water—

(a) means water intended to be used for human consumption; and

(b) includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene

Drinking-water Standard means—

(a) the *Drinking-water Standards for New Zealand 2005* continued by the Water Services Act 2021, as amended under that Act; and

(b) if the *Drinking-water Standards for New Zealand 2005* are revoked under the Water Services Act 2021, any drinking water standards made under that Act

existing treatment means the treatment process in respect of a registered drinking-water supply at the time an application for resource consent is made or a proposal to include or amend a rule in a regional plan is notified, as the case may be

guideline value, in relation to an aesthetic determinand, means the value for the determinand stated in the column headed GV in table A2.1 in Appendix 2 of the Drinking-water Standard (being the value for the aesthetic determinand that, if exceeded, may render the drinking water concerned unattractive to a consumer)

maximum acceptable value, in relation to a determinand, means the concentration of the determinand stated in the column headed MAV in table 2.1, 2.2, 2.3, or 2.4, as the case may be, of the Drinking-water Standard (being the concentration below which the presence of the determinand concerned does not result in any significant risk to a consumer over a lifetime of consumption)

meets the health quality criteria, in relation to drinking water, has the meaning set out in regulation 4

registered drinking-water supply means a drinking water supply that is listed in the register of drinking water supplies kept and maintained by Taumata Arowai under section 55 of the Water Services Act 2021

treatment process—

(a) means a chemical, biological, or physical process carried out after water is abstracted from an abstraction point to enhance its quality before it enters the distribution system concerned; and

(b) includes merely abstracting water from the abstraction point without further chemical, biological, or physical processing before it enters the distribution system, if the water does not contain or exhibit 1 or more determinands exceeding their maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard

upstream, in relation to an abstraction point, means—

(a) in the case of surface water (other than a lake), upstream of the abstraction point:

(b) in the case of groundwater, up-gradient of the abstraction point:

(c) in the case of a lake,—

(i) anywhere within the lake that could affect the water quality at the abstraction point (in the lake):

(ii) upstream of any river that could affect the water quality at the abstraction point (in the lake):

(iii) up-gradient of any groundwater that could affect the water quality at the abstraction point (in the lake).

(2) Unless the context requires another meaning, any term used but not defined in these regulations, but defined in the Act, has the same meaning as in the Act.

Regulation 3(1) **Drinking-water Standard**: replaced, on 15 November 2021, by section 206(2) of the Water Services Act 2021 (2021 No 36).

Regulation 3(1) **registered drinking-water supply**: replaced, on 15 November 2021, by section 206(2) of the Water Services Act 2021 (2021 No 36).

4 Meaning of meets the health quality criteria

(1) In these regulations, in relation to drinking water, **meets the health quality criteria** means drinking water that—

(a) is tested for determinands—

(i) at the point where the drinking water leaves the treatment process concerned but has not yet entered the distribution system concerned; or

(ii) at some point in the distribution system, if any particular determinand is not tested at the point referred to in subparagraph (i); and

(b) is tested in accordance with the compliance monitoring requirements in the Drinking-water Standard; and

(c) when analysed, does not contain or exhibit 1 or more determinands exceeding their maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard.

(2) For the purposes of subclause (1)(c), the most recent complete annual results for the drinking water contained in the Water Information New Zealand database maintained on behalf of the Ministry of Health must be used.

5 Meaning of does not meet the health quality criteria

(1) In these regulations, in relation to drinking water, **does not meet the health quality criteria** means drinking water that—

(a) is tested for determinands—

(i) at the point where the drinking water leaves the treatment process concerned but has not yet entered the distribution system concerned; or

(ii) at some point in the distribution system, if any particular determinand is not tested at the point referred to in subparagraph (i); and

(b) is tested in accordance with the compliance monitoring requirements in the Drinking-water Standard; and

(c) when analysed, contains or exhibits 1 or more determinands exceeding their maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard.

(2) For the purposes of subclause (1)(c), the most recent complete annual results for the drinking water contained in the Water Information New Zealand database maintained on behalf of the Ministry of Health must be used.

Water and discharge permits in respect of activities with potential to affect certain drinking-water supplies

6 Type of activity to which regulations 7 and 8 apply

Regulations 7 and 8 only apply to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 501 people with drinking water for not less than 60 days each calendar year.

7 Granting of water permit or discharge permit upstream of abstraction point where drinking water meets health quality criteria

A regional council must not grant a water permit or discharge permit for an activity that will occur upstream of an abstraction point where the drinking water concerned meets the health quality criteria if the activity is likely to—

(a) introduce or increase the concentration of any determinands in the drinking water, so that, after existing treatment, it no longer meets the health quality criteria; or

(b) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

8 Granting of water permit or discharge permit upstream of abstraction point where drinking water not tested or does not meet health quality criteria

(1) A regional council must not grant a water permit or discharge permit for an activity that will occur upstream of an abstraction point where the drinking water concerned is not tested in accordance with the compliance monitoring procedures in the Drinking-water Standard if the activity is likely to—

(a) increase the concentration of any determinands in the water at the abstraction point by more than a minor amount; or

(b) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

(2) A regional council must not grant a water permit or discharge permit for an activity that will occur upstream of an abstraction point where the drinking water concerned does not meet the health quality criteria if the activity is likely to—

(a) increase, by more than a minor amount, the concentration of any determinands in the water at the abstraction point that in the drinking water already exceed the maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard; or

(b) increase the concentration of any determinands in the water at the abstraction point that in the drinking water do not exceed the maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard to the extent that the drinking water, after existing treatment, exceeds the maximum acceptable values for more than the allowable number of times as set out in the table in relation to those determinands; or

(c) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

Permitted activity rules in respect of activities with potential to affect certain drinking-water supplies

9 Type of activity to which regulation 10 applies

Regulation 10 only applies to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 501 people with drinking water for not less than 60 days each calendar year.

10 Limitations on permitted activity rules for activities upstream of abstraction points

(1) A regional council must not include a rule or amend a rule in its regional plan to allow a permitted activity, under section 9, 13, 14, or 15 of the Act, upstream of an abstraction point where the drinking water concerned meets the health quality criteria unless satisfied that the activity is not likely to—

(a) introduce or increase the concentration of any determinands in the drinking water so that, after existing treatment, it no longer meets the health quality criteria; or

(b) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

(2) A regional council must not include a rule or amend a rule in its regional plan to allow a permitted activity, under section 9, 13, 14, or 15 of the Act, upstream of an abstraction point where the drinking water concerned is not tested in accordance with the compliance monitoring procedures in the Drinking-water Standard unless satisfied that the activity is not likely to—

(a) increase the concentration of any determinands in the water at the abstraction point by more than a minor amount; or

(b) introduce or increase the concentration of any aesthetic determinands in the drinking water, so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

(3) A regional council must not include a rule or amend a rule in its regional plan to allow a permitted activity, under section 9, 13, 14, or 15 of the Act, upstream of an abstraction point where the drinking water concerned does not meet the health quality criteria unless satisfied that the activity is not likely to—

(a) increase, by more than a minor amount, the concentration of any determinands in the water at the abstraction point that in the drinking water already exceed the maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard; or

(b) increase the concentration of any determinands in the water at the abstraction point that in the drinking water do not exceed the maximum acceptable values for more than the allowable number of times as set out in table A1.3 in Appendix 1 of the Drinking-water Standard to the extent that the drinking water, after existing treatment, exceeds the maximum acceptable values for more than the allowable number of times as set out in the table in relation to those determinands; or

(c) introduce or increase the concentration of any aesthetic determinands in the drinking water so that, after existing treatment, it contains aesthetic determinands at values exceeding the guideline values.

Resource consents in respect of activities with potential to affect certain drinking-water supplies

11 Type of activity to which regulation 12 applies

Regulation 12 only applies to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 25 people with drinking water for not less than 60 days each calendar year.

12 Condition on resource consent if activity may significantly adversely affect registered drinking-water supply

(1) When considering a resource consent application, a consent authority must consider whether the activity to which the application relates may—

(a) itself lead to an event occurring (for example, the spillage of chemicals) that may have a significant adverse effect on the quality of the water at any abstraction point; or

(b) as a consequence of an event (for example, an unusually heavy rainfall) have a significant adverse effect on the quality of the water at any abstraction point.

(2) If the consent authority considers that the circumstances in subclause (1) apply, and it grants the application, it must impose a condition on the consent.

(3) The condition must require the consent holder to notify, as soon as reasonably practicable, the registered drinking-water supply operators concerned and the consent authority, if an event of the type described in subclause (1) occurs that may have a significant adverse effect on the quality of the water at the abstraction point.

Consent authority requirements may be more stringent than regulation requirements

13 Consent authority may impose requirements more stringent than requirements in these regulations

A consent authority may do either or both of the following:

(a) make or amend rules in a regional plan that are more stringent than the requirements of these regulations:

(b) impose conditions on resource consents that are more stringent than the requirements of these regulations.

Transitional provisions

14 Regional council not required to immediately amend rules in plan

A regional council is not required to amend an existing rule in a plan that does not comply with regulation 10 until the earlier of the following:

(a) a scheduled review of the plan; or

(b) a plan change or variation that relates to the existing rule is introduced.

15 Proposed plan not affected by these regulations if submissions already closed

(1) A regional council is not required to amend a rule in a proposed plan that does not comply with regulation 10 if the closing date for submissions on the plan has passed before the commencement of these regulations.

(2) This regulation applies whether the proposed plan is a new plan or an amendment to an existing plan.

(3) In this regulation, **closing date** means the date referred to in clause 7(1) of Schedule 1 of the Act.

Rebecca Kitteridge,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007. The regulations are made under the Resource Management Act 1991 and come into force 6 months after the date of their notification in the *Gazette*.

The purpose of the regulations is to reduce the risk of contamination of drinking-water sources by requiring regional councils to consider the effects of certain activities on drinking-water sources when—

- granting water permits or discharge permits (*regulations 7 and 8*); and
- including or amending rules in a regional plan in relation to permitted activities (*regulation 10*).

The regulations also require regional councils and territorial authorities to impose a notification requirement on certain resource consents in the circumstances where an event occurs that may have a significant adverse effect on a drinking-water source (*regulation 12*).

Under the regulations, different criteria apply for granting resource consents or writing permitted activity rules depending on whether the drinking water concerned currently meets the health quality criteria or does not meet the health quality criteria. These terms are defined in *regulations 4 and 5* with reference to the *Drinking-water Standards for New Zealand 2005*, a Ministry of Health publication, and the Water Information New Zealand database maintained on behalf of the Ministry of Health (currently by ESR (Environmental Science and Research)).

The circumstances in which the regulations apply also vary depending on—

- the number of people that are supplied with drinking water; and
- the number of days in each calender year that the people are supplied with the drinking water.

Regulation 13 authorises a consent authority to impose requirements in relation to rules in a plan or resource consents that are more stringent than the requirements in the regulations.

Regulations 14 and 15 are transitional provisions and set out when a regional council must comply with *regulation 10* (which relates to rules for permitted activities).

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 20 December 2007.

Notes

1 General

This is a consolidation of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Water Services Act 2021 (2021 No 36): section 206(2)

Wellington, New Zealand:
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