

# 1 Introduction

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## 1.1 Title

This regional air quality plan is known as the 'Regional Air Quality Plan for Taranaki' (the 'Plan').

## 1.2 Purpose

The purpose of this Plan is to assist the Taranaki Regional Council to carry out its functions under the Act to promote the sustainable management of the air resource of the Taranaki region.

## 1.3 Operative date

This Regional Air Quality Plan is the second regional policy statement to be prepared by the Taranaki Regional Council and became operative on 25 July 2011. The Regional Air Quality Plan will be fully reviewed not later than 10 years from the date this Plan became operative. A five-year interim review will be undertaken of the results of monitoring the efficiency and effectiveness of the policies and methods in the Regional Air Quality Plan.

## 1.4 Area of effect

This plan has effect over the Taranaki Region, shown on SO Plan No. 13043 deposited with the Chief Surveyor of the Taranaki Land District, but does not have effect over the coastal marine area of the Taranaki Region.<sup>1</sup>

## 1.5 Statutory restrictions on activities

Section 15 of the Resource Management Act 1991 restricts the discharge of contaminants into the environment, including discharges of contaminants into air. Those restrictions are outlined here for the benefit of plan users.

### 15. Discharge of contaminants into environment

- (1) No person may discharge any -
  - a) Contaminant or water into water; or
  - b) Contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or
  - c) Contaminant from any industrial or trade premises into air; or
  - d) Contaminant from any industrial or trade premises onto or into land -

unless the discharge is expressly allowed by a rule in a regional plan and in any relevant proposed regional plan, a resource consent, or regulations.

- (2) No person may discharge any contaminant into the air, or into or onto land, from-
  - a) Any place; or
  - b) Any other source, whether moveable or not -

in a manner that contravenes a rule in a regional plan or proposed regional plan unless the discharge is expressly allowed by a resource consent or allowed by Section 20A (certain existing lawful activities allowed).

- (3) This section shall not apply to anything to which section 15A or section 15B applies.

The effect of Section 15(1) of the Act is that if the discharge of contaminants to air is from any industrial or trade premises (defined in Section 2.0 of this plan) then the discharge is allowed only if it is authorised by a resource consent obtained from the Taranaki Regional Council or by a rule in a regional plan or proposed regional plan, or by regulations.

Section 15(2) of the Act provides that discharges to air from any other source are regulated only if covered by a rule in this plan. This means that discharges to air from places that are not industrial or trade premises (including farmland, residential properties and all moveable sources) are allowed, unless a rule in a regional plan or proposed regional plan provides otherwise.

Notwithstanding section 15(2) of the Act, section 15A(1)(b) of the Act addresses incineration of waste in the coastal marine area, and section 15B of the Act addresses the discharge of harmful substances from ships or offshore installations. As stated in section 1.4 of this Plan, this Plan does not have effect over the coastal marine area, so it does not cover discharges under sections 15A and 15B.

### 1.5.1 National Environmental Standards

National Environmental Standards (NES) are regulations issued under Section 43 and 44 of the Resource Management Act 1991 by the Government. NES's prescribe technical standards, methods or requirements for environment matters.

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<sup>1</sup> The Regional Coastal Plan for Taranaki (1997), prepared and administered by the Taranaki Regional Council has effect in the coastal marine area of the Taranaki region.

## Resource Management (National Environmental Standards [for Air Quality]) Regulations 2004<sup>2</sup>

The Resource Management (National Environmental Standards [for Air Quality]) Regulations 2004 were applied nationally from 8 October 2004 - meaning that in regard to ambient air quality, each local authority must enforce the same minimum standards.

14 standards were introduced. They are:

- Seven activity standards that ban various activities that discharge unacceptable quantities of dioxins and other toxics into the air. The activities are listed below:
  - landfill fires
  - burning of tyres in the open
  - bitumen burning for road maintenance
  - burning of coated wire in the open
  - burning of oil in the open
  - high temperature hazardous waste incinerators (**note:** this does not apply if the incinerator is a crematorium or located at 89 Paritutu Road New Plymouth)<sup>3</sup>
  - school/healthcare incinerators unless resource consent obtained.
- Five ambient air quality standards for carbon monoxide (CO), fine particles (PM<sub>10</sub>), nitrogen dioxide (NO<sub>2</sub>), sulphur dioxide (SO<sub>2</sub>) and ozone (O<sub>3</sub>).

The standards require the following:

- an ambient air quality concentration of 10 mg/m<sup>3</sup> (eight-hour average) for carbon monoxide (CO). One exceedance allowed in a 12-month period.
- an ambient air quality concentration limit of 200 µg/m<sup>3</sup> (one-hour average) for NO<sub>2</sub>. Nine exceedances allowed in a 12-month period.
- an ambient air quality concentration limit of 150 µg/m<sup>3</sup> (one-hour average) for O<sub>3</sub>. The standard must be met for 100 per cent of the time with no allowable exceedances.
- an ambient air quality concentration limit of 50 µg/m<sup>3</sup> for fine particles (PM<sub>10</sub>) as a 24-hour average. One exceedance allowed in a 12-month period.

<sup>2</sup> The title of these Regulations, previously "Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004" was amended, as from 1 June 2011, by reg 4(1)(a) Resource Management (National Environmental Standards for Air Quality) Amendment Regulations 2011 (SR 2011/103) by substituting "for Air Quality" for "Relating to Certain Air Pollutants, Dioxins, and Other Toxics".

<sup>3</sup> There are also an additional two locations outside of Taranaki that the ban does not apply to (refer to NES).

- an ambient air quality concentration limit of 350 µg/m<sup>3</sup> (one-hour average) for SO<sub>2</sub>. Nine exceedances allowed in a 12-month period.
- a maximum ambient air quality concentration limit of 570 µg/m<sup>3</sup> (one-hour average) for SO<sub>2</sub>. This must be met for 100 per cent of the time with no allowable exceedances.
- A design standard for new small-scale domestic wood-burning appliances, and the discharge from certain open fires prohibited.
- A requirement for landfills over 1 million tonnes of refuse to collect greenhouse gas emissions.

The requirements of the NES are in addition to those given in this Plan.

Users of the Plan should also check for the existence of any new NES's relating to air quality.

## Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (the NES) were applied nationally from 14 January 2010.

The NES sets out a national framework of permissions and consent requirements for activities on existing transmission lines. Activities include the operation, maintenance and upgrading of existing lines.

The NES:

- specifies that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment
- specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

The NES only applies to existing high voltage electricity transmission lines. It does not apply to the construction of new transmission lines, nor to substations.

The requirements of the NES are in addition to those given in this Plan. The NES contains rules that apply to Electricity Transmission Activities and in these cases, the relevant rules in this Plan do not apply. This is indicated in the appropriate place in the rule table in section 4.3 of this Plan. The relevant rules from the NES are included in Appendix I of the Plan.

Users of the Plan should also check for the existence of any new NES's relating to air quality.

## 1.6 Role of the Medical Officers of Health/Health Protection Officers

The Taranaki District Health Board is able to contribute to air quality objectives set out in this Plan through the provisions of the Health Act 1956, and the Hazardous Substances and New Organisms (HSNO) Act 1996.

Under section 123 of the Health Act the District Health Board is the default agency to conduct any sanitary work pursuant to this Act, if the local authority fails to start or complete this work.

In Schedule 2 of the Health Act, there is a responsibility to notify the Medical Officer of Health (MOH) of any infectious/communicable disease, this includes a chemical poisoning incident. A chemical poisoning incident can be a public health issue that has occurred during a agrichemical spraying operation. Close liaison is maintained with the Environmental Risk Management Authority (ERMA), Department of Labour (DOL) and the Taranaki Regional Council to determine if the 'chemical' is classified as a hazardous substance, and if the issue is to be referred to another agency, if appropriate.

**Note:** as outlined in Section 4.2.3 of the Plan, it is ERMA that considers applications to introduce hazardous substances and new organisms.

## 1.7 Other plans and resource consents

The rules contained in this Plan only relate to the discharge of contaminants to air. They do not cover other aspects of an activity or operation such as the discharge of contaminants or wastes to land or to water. The rules in this plan do not preclude the need to comply with other regional plans prepared by the Taranaki Regional Council or district plans prepared by the New Plymouth, Stratford or South Taranaki District Councils. There may be a need to apply for other resource consents from either the Taranaki Regional Council or the New Plymouth, Stratford or South Taranaki District Councils.

## 1.8 Other statutes and regulations

The provisions of this Plan do not replace other legislation, regulations or bylaws relating to air quality. These may include legislative requirements, regulations or bylaws made by the New Plymouth, Stratford or South Taranaki District Councils under the Local Government Act 1974, Local Government Act 2002, Health Act 1956, Forest and Rural Fires Act 1977 or legislation dealing with hazardous substances. Those responsible for discharges of contaminants to air should ensure their compliance with all other relevant legislation, regulations or bylaws.

## 1.9 Structure

The structure of this plan is based upon the requirements for a regional plan as set out in Section 67(1) of the Resource Management Act. Section 2.0 contains the interpretation of terms used in this plan.

Section 3.0 provides a brief overview of the air quality issues of the region, the objectives for air quality in the region, the policies to implement the objectives and methods (other than rules) to be used to implement the policies.

Section 4.0 contains the details of regional rules which are used to implement the policies in Section 3.0.

Section 5.0 sets out the information to be submitted with an application for a discharge to air permit. In addition, that section explains the requirements for an assessment of environmental effects and the circumstances in which the Council may require further information relating to an application for a discharge permit.

Section 6.0 sets out the circumstances in which a financial contribution may be required, the method for calculating the amount of that contribution and the general purposes for which the contribution may be used.

Section 7.0 sets out administrative procedures for dealing with cross-boundary issues, monitoring the effectiveness of the plan, and for reviewing the plan.

