

4 Regional rules

4.1 Introduction

Section 3.0 of this plan states that regional rules will be used to control the discharge of contaminants to air. This section contains the detail of the regional rules to give effect to the policies in this plan.

Section 15(1)(c) of the Act provides that discharges to air from any industrial or trade premises, are allowed only if authorised by a resource consent or by a rule in this plan or by regulations. This means that unless a specific rule in this section of the plan provides otherwise, then it will be necessary for any discharge to air from a particular industrial or trade premises to be authorised by a resource consent obtained through the full application and assessment process set out within Part VI of the Act.

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

4.2 Rule tables

This section contains tables which set out the regional rules applying to the discharge of contaminants to air. Sections 4.2.1 and 4.2.2 explain how the rules are arranged and how the rule tables are formatted.

4.2.1 Arrangement of rules

The regional rules are arranged under seven categories reflecting the source of the discharge to air or an activity discharging to air. The seven categories are then divided into particular sources or activities as shown in Table 1.

Table 1 shows for each activity the rule number which applies to the activity, the classification of the activity (i.e. permitted, controlled, restricted discretionary) and the page number where the relevant rule or rules can be found.

Table 1: Arrangement of rules according to discharge source and activity

CATEGORY	RULE NUMBER AND TITLE	CLASSIFICATION	PAGE	
DISCHARGES FROM INDUSTRIAL OR TRADE PREMISES OR INDUSTRIAL OR TRADE PROCESSES (EXCLUDING WASTE MANAGEMENT PROCESSES)	Discharges from industrial or trade premises or industrial or trade processes (excluding waste management processes)			
	Discharges of products of combustion – specified fuel types – whether on industrial or trade premises or on production land			
	Rule 1	Small scale combustion of natural gas or liquefied petroleum gas	Permitted	61
	Rule 2	Small scale combustion of natural gas or liquefied petroleum gas producing visible smoke	Controlled	61
	Rule 3	Mid scale combustion of natural gas or liquefied petroleum gas	Permitted	61
	Rule 4	Mid scale combustion of natural gas or liquefied petroleum gas producing visible smoke	Controlled	62
	Rule 5	Small scale combustion of specified fuels not covered by Rules 1 and 2	Permitted	62
	Rule 6	Mid scale combustion of specified fuels not covered by Rules 3 and 4	Permitted	62
	Rule 7	Combustion of specified fuels that cannot comply with Rules 5 and 6	Controlled	63
	Discharges from the combustion of materials containing metals			
	Rule 8	Combustion of materials containing metals (whether ferrous or non ferrous)	Prohibited	64
	Discharges from hydrocarbon well sites or gas treatment or production plants			
	Rule 9	Discharges from hydrocarbon exploration well sites	Controlled	64
	Rule 10	Discharges from hydrocarbon exploration well sites that do not comply with Rule 9	Restricted	65
	Rule 11	Discharges from gas treatment or production plants	Controlled	66
	Rule 12	Discharges from hydrocarbon producing well head or well sites	Restricted Discretionary	67
	Discharges of contaminants incidental to trade processes			
	Rule 13	Minor discharges from commercial, retail or industrial or trade premises	Permitted	69
	Rule 14	Discharges from hydrocarbon distribution and transmission networks	Permitted	70
	Rule 15	Discharges from power stations, electrical substations or switchyards not covered by Rules 1 to 54 and/or Rules 56 to 63	Permitted	70
	Rule 16	Discharges from recreational or trade processes	Permitted	71
	Discharges from abrasive blasting processes			
	Rule 17	Wet abrasive blasting	Permitted	71
Rule 18	Abrasive blasting – fixed source	Controlled	72	
Rule 19	Abrasive blasting – moveable source	Controlled	73	
Rule 20	Moveable abrasive blasting that does not comply with Rule 19	Restricted	73	
Rule 21	Use of high-silica sands in dry abrasive blasting	Discretionary Prohibited	74	
Discharges from other moveable or fixed industrial sources				
Rule 22	Moveable road burners	Prohibited	75	
Rule 23	Moveable or permanent asphalt/bitumen plants	Discretionary	75	

CATEGORY	RULE NUMBER AND TITLE	CLASSIFICATION	PAGE
	Discharge of heat or water vapour-based plumes from fixed sources Rule 24 Air cooled heat exchanges Rule 25 Small-scale discharges to air from water-based cooling systems Rule 26 Large-scale discharges to air from water-based cooling systems Rule 27 Discharges of steam Rule 28 Discharges from cooling towers that do not comply with Rules 25 or 26 Fumigation Rule 29 Fumigation	Permitted Permitted Permitted Permitted Restricted Discretionary Permitted	75 75 75 76 76 77
DISCHARGES FROM INDUSTRIAL OR TRADE PREMISES OR OTHER PLACES OR SOURCES	DISCHARGES FROM WASTE MANAGEMENT PROCESSES Discharge from waste management processes – combustion Rule 30 Combustion of specific waste material other than in an incinerator Rule 31 Combustion of industrial or trade waste in an incinerator Rule 32 Combustion of industrial or trade waste in a high temperature hazardous waste incinerator Rule 33 On-farm solid waste disposal by combustion Rule 34 Residential waste disposal by combustion Discharges from waste management processes – disposal of solid wastes to land Rule 35 On-farm solid waste disposal to land Rule 36 Composting or disposal to land of waste material - residential areas Rule 37 Active landfills Rule 38 Closed landfills Rule 39 Cleanfills Discharges from waste management processes – liquid contaminants Rule 40 On-farm liquid waste management processes Rule 41 Sewage treatment	Prohibited Restricted Discretionary Restricted Discretionary Permitted Prohibited Permitted Permitted Controlled Permitted Permitted Permitted Permitted	81 81 82 82 83 84 84 84 85 85 86 86
DISCHARGES FROM LAND: SITE DEVELOPMENT, EARTHWORKS OR THE APPLICATION OF SOIL CONDITIONERS	Discharges from site development Rule 42 Site development and landscaping Discharges from earthworks Rule 43 Small-scale earthworks Rule 44 Large-scale earthworks Discharges from the application of fertiliser or other soil conditioners Rule 45 Fertilisers or other soil conditioners	Permitted Permitted Controlled Permitted	89 89 90 90
DISCHARGES FROM AQUACULTURE OR INTENSIVE FARMING PROCESSES	Aquaculture processes Rule 46 Aquaculture processes Intensive pig farming processes Rule 47 Small intensive pig farming processes Rule 48 Existing intensive pig farming processes	Permitted Permitted Restricted	93 93 93

CATEGORY	RULE NUMBER AND TITLE	CLASSIFICATION	PAGE
	Rule 49 New large intensive pig farming processes	Discretionary Restricted	94
	Rule 50 Intensive pig farming processes that do not comply with Rules 47 , 48 or 49	Discretionary Discretionary	94
	Intensive poultry farming processes		
	Rule 51 Small intensive poultry farming processes	Permitted Restricted	94 94
	Rule 52 Existing poultry farming processes	Discretionary Restricted	95
	Rule 53 New large intensive poultry farming processes	Discretionary Discretionary	95
	Rule 54 Intensive poultry farming processes that do not comply with Rules 51, 52 or 53	Discretionary	95
DISCHARGES NOT PROVIDED FOR BY RULES 1 - 54	Discharges from any industrial or trade premises, production land, waste management process, site development, earthworks, the application of soil conditioners, aquaculture or intensive farming processes not provided for in Rules 1 to 54		
	Rule 55 Discharges to air that cannot comply with Rules 1 to 54	Discretionary	99
DISCHARGE OF AGRICHEMICALS INTO THE AIR	Discharge of agrichemicals		
	Rule 56 Discharges of agrichemicals – production land	Permitted	103
	Rule 57 Discharge of agrichemicals – public amenity areas or roadside or railside verges	Permitted	105
	Rule 58 Discharge of agrichemicals that do not comply with Rules 56 or 57	Restricted Discretionary	107
BURNING	Burning of vegetation on production land or forested land		
	Rule 59 Burning of vegetation on production land or forested land	Permitted	111
	Rule 60 Burning of vegetation that does not comply with Rule 59	Controlled	111
	Burning of tyres or untreated used oil		
	Rule 61 Burning of tyres or untreated used oil	Prohibited	112
	Fire Training Activities or Fire Safety Research or Education Purposes		
	Rule 62 Fire training activities	Permitted	112
	Rule 63 Fire training activities that do not comply with Rule 62	Controlled	113

4.2.2 How the tables are formatted

Each table contains seven columns headed:

- activity;
- rule;
- standards/terms/conditions;
- classification;
- notification;
- control/discretion; and
- policy reference.

Activity

The activity column describes the type of activity to be, or being, undertaken. For the activity to come within and continue to comply with the rule, the activity must come within the description contained in the 'activity' column and meet any standards/terms/conditions in the 'standards/terms/conditions' column (see below).

Rule

The column headed 'rule' contains the rule number, for reference purposes and a brief description of the rule.

Standards/Terms/Conditions

The column contains:

- standards and terms for controlled, restricted discretionary and discretionary activities; and
- conditions for permitted activities.

Classification

The activity is classified as permitted, controlled, restricted discretionary, discretionary, or prohibited.

How the classifications are used:

A **permitted activity** can be carried out without a resource consent, provided that all conditions in the 'standards/terms/conditions' column are met. The rule is complete in itself.

A **controlled activity** may be carried out only if a discharge permit is obtained for that activity. However, the Council must grant the permit and may only include conditions on the permit in relation to the matters set out in the 'control/discretion' column. The Council will consider the application and any conditions, in accordance with Section 104 of the Act including consideration of the objective and policies in the Plan.

A **restricted discretionary activity** may be carried out only if a discharge permit is obtained. The Council may decline or grant a discharge permit for this type of discretionary activity. The Council will exercise its discretion in accordance with Section 104 of the Act including consideration of the objectives and policies in the Plan.

However, the Council's power to decline a resource consent and to include conditions are restricted to the matters to which the Council has restricted the exercise of its discretion as set out in the 'control/discretion' column.

A **discretionary activity** may be carried out only if a discharge permit is obtained. The Council may

decline or grant a discharge permit for this type of discretionary activity. The Council will exercise its discretion in accordance with Section 104 of the Act including consideration of the objectives and policies in the Plan. The Council may consider any matter allowed under Section 104, including all effects on the environment. If the discharge to air permit is granted, the Council may include any conditions on the permit that fall within the Council's powers under Section 108 of the Act.

No consent may be granted for a **prohibited activity** and such activities cannot be carried out under any circumstances.

Note: an activity or premises may involve more than one type of discharge to air. Different rules and classifications may apply to each type of discharge. All rules relating to particular activities or premises must be complied with.

Notification

The Taranaki Regional Council may process a resource consent application for a discharge permit as a notified application, limited notified, or as a non-notified application. The Council's powers are set out in Sections 95A and 95B of the Resource Management Act 1991. The test to be applied by the Council will depend on whether the proposed activity is a controlled, restricted discretionary, discretionary or non-complying activity. However, an application for any type of activity must be publicly notified if the Council decides that special circumstances exist in relation to the application (Section 95A(4)) or if the applicant has requested notification.(Section 95A(2)(b)).

In summary, the notification requirements are as follows:

Controlled activities

- a) If the plan includes a rule that requires notification, the application must be notified.
- b) If the plan includes a rule waiving service of the application, the application will be processed as non-notified.
- c) If the plan is silent on notification and service (i.e. the Notification column is blank), the Council will assess whether there are any affected persons.
 - i. If there are no affected persons, the application will be processed as non-notified.
 - ii. If there are affected persons, and written approval has been obtained from every person who, in the Council's opinion, may be adversely affected by the activity, the application will be processed as non-notified.
 - iii. If there are some affected persons who have not given their written approval, the Council must serve notice of the application on all affected persons (limited notification).

Restricted discretionary activities

- a) If a rule in the plan waives notification (but not service), or a rule requiring the service of the application, the Council will assess whether there are any affected persons. The application will be served on all persons who, in the opinion of the Council, may be adversely affected by the activity, unless all of those persons have given their written approval to the activity.
- b) If a rule in the plan waives both notification and service of the application, the application will be processed as non-notified.
- c) If a rule in the plan is silent on notification and service (i.e. the Notification column is blank), the Council will assess whether the adverse effects of the activity will be minor. If the Council considers that the adverse effects of the activity will be more than minor, the application will be publicly notified. If the Council considers that the adverse effects of the activity will be minor, the application will not be publicly notified but will be served on all persons who, in the opinion of the Council, may be adversely affected by the activity, unless all of those persons have given their written approval to the activity (as above in (a)).
- d) If an applicant requests notification, or if the Council considers that special circumstances exist, the application will be notified and served, regardless of whether the rule waives notification or service.

Discretionary and non-complying activities

- a) All applications for discretionary and non-complying activities must be notified unless the Council is satisfied that the adverse effects of the activity will be minor.
- b) If the Council considers that the adverse effects of the activity will be minor, the Council will assess whether there are any affected persons (as above).

In the table of rules, the **Notification** column will generally be blank. However, for intensive farming processes the column may contain the words “applications will be publicly notified unless the Taranaki Regional Council is satisfied that the adverse effects of the activity on the environment will not be more than minor. If the Taranaki Regional Council is satisfied that the adverse effects of the activity on the environment will not be more than minor, the Council will serve notice of applications on the owners and the occupiers of any off site dwellinghouse located within the buffer distances specified in [either Table 1 of Appendix IV (if any) or Table 1 of Appendix V (if any) of the Plan], at the time this Plan became operative, or the time the activity was first established¹², whichever was the earlier, who have not otherwise given written approval for the activity.

In addition, for hydrocarbon exploration processes the column may contain the words “applications will be

¹² ‘Activity first established’ means the date an air discharge consent was first issued by the Taranaki Regional Council.

publicly notified unless the Taranaki Regional Council is satisfied that the adverse effects of the activity on the environment will not be more than minor. If the Taranaki Regional Council is satisfied that the adverse effects of the activity will not be more than minor, the Council will serve notice of applications on the owners and occupiers of any dwellinghouse located within 300 metres of the flare or incinerator point at the time this Plan became operative or the time the activity was first established¹³, whichever was the earlier, who have not otherwise given written approval for the activity.

For the avoidance of doubt, a written approval given by an owner or occupier when an activity was first established shall remain applicable to, and be deemed to also be written approval for, the re-consenting of that activity, if the following conditions are met:

- (a) a new consent is being applied for to replace or renew an existing consent; and
- (b) the nature, scale and extent of activity and its effects (other than duration of flaring) are the same as or less than that authorised by the existing consent being replaced or renewed; and
- (c) the approval states that it is given irrespective of the duration of the flaring activity”.

Control/Discretion

This column states the matters over which the Council reserves control (in relation to a controlled activity) or to which it has restricted the exercise of its discretion (in relation to a discretionary activity). The Council is limited to these matters when considering the environmental effects of the activity and when setting conditions on a resource consent.

When the column is blank, one of three situations applies:

- The activity is a permitted activity, and by definition no control or discretion can be reserved.
- The activity is a prohibited activity, and by definition no control or discretion can be reserved.
- The activity is a discretionary activity for which the Council has retained full discretion, which will be exercised in accordance with the objectives and policies of the plan and the matters to be considered in Section 104 of the Act.

Policy References

The ‘policy references’ column cross-references the policies in Section 3.0 of this Plan that are **generally** relevant to the type of activity governed by that rule.

Policy references are included as a guide to all plan users, including the Council, as to the policies that the Council will consider when deciding a discharge permit application and the conditions that may be placed on a discharge permit.

¹³ ‘Activity first established’ means the date an air discharge consent was first issued by the Taranaki Regional Council for the activity.

4.2.3 Interpretation of Noxious, Toxic, Hazardous, Dangerous, Offensive and Objectionable Effects

Several rules in this Plan use the terms 'noxious', 'dangerous', 'toxic', 'hazardous', 'offensive' and 'objectionable'. The terms 'dangerous', 'hazardous', 'offensive' and 'objectionable' are also included in Section 17 of the Act. Whether an activity is 'noxious', 'dangerous', 'toxic', 'hazardous', 'offensive' or 'objectionable' depends upon an objective assessment.

Reference to the terms 'noxious', 'dangerous', 'toxic', 'hazardous', 'offensive' or 'objectionable' are made in the definition section of this Plan. The definitions refer Plan users to this section. There is no standard definition to these terms because of the need to take account of case law precedent as it develops – that is, the Plan cannot override interpretation decided by the judiciary. However, the following notes are intended to provide some guidance for interpreting these terms:

a) NOXIOUS, TOXIC, HAZARDOUS, DANGEROUS -

Definitions of these terms can be found in the dictionary – for example (from the Concise Oxford Dictionary, 10th Edition, 2001):

- noxious means – “harmful, poisonous, or very unpleasant”
- toxic means – “poisonous; of, relating to, or caused by poison”
- hazardous means – “risky, dangerous”
- dangerous means – “able or likely to cause harm or injury”.

Dangerous is defined as “involving or causing exposure to harm”. Dangerous discharges include those that are likely to cause adverse physical health effects, such as discharges containing toxic concentrations of chemicals.

In determining whether a discharge causes any noxious, toxic, hazardous or dangerous levels of contaminants, a Council enforcement officer may consider:

- the Workplace Exposure Standards (Occupational Safety and Health Service, 1994): as a guide, the concentration of any contaminant specified in the Workplace Exposure Standards should not exceed one thirtieth of the time-weighted average for the short-term exposure standard on adjacent properties or on public land;
- the Ambient Air Quality Guidelines (Ministry for the Environment 2002) as they relate to hazardous substances;
- the frequency, intensity, duration and location of exposure;

- the sensitivity of the receiving environment;
- relevant provisions under the Hazardous Substances and New Organisms Act 1996; and
- advice provided by Taranaki District Health Boards' Medical Officer of Health/Health Protection Officers and Territorial Authority (TA) environmental health officers.

Primary reference for determining compliance or otherwise with noxious, toxic, hazardous or dangerous effects are National Environmental Standards for air quality that may be set by the Government of New Zealand from time to time, and 'Workplace Exposure Standards effective from 2002', Department of Labour, with the application of additional safety factors (usually a reduction to 30 times lower than the Workplace Exposure Standards).

Note: it is ERMA that consider applications to introduce hazardous substances and new organisms. ERMA New Zealand is responsible for monitoring compliance with conditions attached to approved applications. ERMA also monitor enforcement and the general effectiveness of the Hazardous Substances and New Organisms (HSNO) Act 1996.

b) OFFENSIVE, OBJECTIONABLE -

'Offensive' is defined as “giving or meant to give offence.....disgusting, foul-smelling, nauseous, repulsive”. 'Objectionable' is defined as “open to objection, unpleasant, offensive”. Case law has established that what may be offensive or objectionable under the Resource Management Act cannot be defined or prescribed except in the most general terms. Each case will depend upon its own circumstances. Key considerations include:

- (i) Location of an activity and sensitivity of the receiving environment** - For example, what may be considered offensive or objectionable in an urban area, may not necessarily be considered offensive or objectionable in a rural area.
- (ii) Reasonableness** – Whether or not an activity is offensive or objectionable should be determined by an ordinary person who is representative of the community at large and neither hypersensitive nor insensitive, in deciding whether the activity is disgusting, nauseous, repulsive or otherwise objectionable.
- (iii) Existing uses** – It is important to consider what lawfully established activities exist in an area, i.e. if a new activity requires a permit, the effect of existing discharges of contaminants into air should be considered.

Each investigation of a complaint concerning offensive or objectionable discharges will depend upon the specific circumstances. However, for odour and dust, the approach will be as follows:

- a) An assessment of the situation will be made by a Council enforcement officer who has experience in odour complaints and has had his/her nose 'calibrated' (for sensitivity to odour). This assessment will take into account the FIDOL factors – Frequency, Intensity, Duration, Offensiveness, Location – and those matters identified as key considerations in Section 4.2.3 (b) (i), (ii) and (iii).

For dust the approach will be as follows:

An assessment of the situation will be made by a Council enforcement officer who has experience in dust complaints. This assessment will take into account similar factors as for odour – the frequency, intensity, duration, offensiveness, and location of the event. In terms of the **intensity** of a dust event being deemed offensive or objectionable, it can be noted that in situations involving exposure by the general public, the experience of the Council is that a deposition rate of more than 0.13 grams per square metre per day can lead to justified complaints. For suspended dust, an ambient concentration of around 3 mg per cubic metre is the point at which dust becomes visible as a cloud, and is typically applied as a boundary condition for activities emitting dust. The values are not necessarily universally applicable.

In terms of **offensiveness** of dust, this is normally correlated with the nature of the dust. Inert dust such as soil or sand is generally considered less offensive than dusts derived from organic sources such as chicken litter, milk powder, or ground (milled) animal wastes.

- b) If the discharge is deemed to be offensive or objectionable by the Council enforcement officer, the discharger will be asked to take whatever action is necessary to avoid, remedy or mitigate the effects of the discharge.
- c) If the discharger disputes the Council enforcement officer's assessment or the problems are ongoing, then a number of approaches may be taken, including one or more of the following:
- (i) Assessments by more council enforcement officers;
 - (ii) Asking people living and working in the subject area to keep a diary which notes details of any offensive or objectionable odours;
 - (iii) Promoting the use of community working groups and other means of consultation between the affected community and the discharger;
 - (iv) using the services of the council's enforcement officers who have had their noses calibrated;
 - (v) undertaking an odour assessment using an olfactometer, or other appropriate technology;

- (vii) taking the matter to the Environment Court for determination.

- d) If the discharge is found to be offensive or objectionable, then enforcement action may be taken. This could be in the form of an abatement notice, infringement notice, enforcement order or prosecution, pursuant to the Resource Management Act 1991. In the case of a permitted activity, failure to comply with the conditions would also mean that the activity was no longer permitted, and would thus require a resource consent application to be lodged, if it were to continue.

Note: As part of the manufacture of agrichemicals a substance that creates an odour may be added that then acts as an indicator as to where an agrichemical has been used. This odour is not a matter over which the user or applicator has any control as it is an integral component of the substance. The odorous substance has a health and safety purpose; in that it indicates the presence of the product.

4.3 Listing and explanation of rules

Discharges from industrial or trade premises or trade processes (excluding waste management processes)¹⁴

It should be noted at the onset: Under the Resource Management Act 1991, **all** discharges from industrial or trade premises are prohibited unless: expressly provided for in a plan or proposed plan; authorised by a resource consent obtained from the Taranaki Regional Council; or by regulations (refer to section 1.5 of the Plan).

Discharges of products of combustion – specified fuel types

Rule 1: Small-scale combustion of natural gas or liquefied petroleum gas

Activity classification: Permitted

This Rule relates to the discharge of contaminants to air from small scale enclosed combustion systems (such as boilers or gas-fired heating units), whether on industrial or trade premises or on production land.

The Rule does not cover the discharge of contaminants to air from direct heating processes. Direct heating processes are defined in Section 2 of the Plan.

Rule 1 permits the discharge of contaminants to air from individual combustion chambers with a generation capacity of up to 1 MW where natural gas or liquefied petroleum gas is used as a fuel, subject to the stated conditions.

¹⁴ Note: Rules 1 to 7 provide for discharges whether on industrial or trade premises or on production land.

Because the gas when properly used in the combustion process is a very 'clean' fuel, the Council has decided to rely on the maximum heat release rate rather than an emission standard for the permitted rule.

Rule 2: Small-scale combustion of natural gas or liquefied petroleum gas producing visible smoke

Activity classification: Controlled

This Rule relates to the discharge of contaminants to air from small scale enclosed combustion systems (such as boilers or gas fired heating units), whether on industrial or trade premises or on production land, when the discharge does not satisfy condition (b) of Rule 1. Condition (b) of Rule 1 requires the discharge to be free of visible smoke.

The Rule does not cover the discharge of contaminants to air from direct heating. Direct heating processes are defined in Section 2 of the Plan.

Rule 2 permits the discharge of contaminants to air from individual combustion chambers with a generation capacity of up to 1 MW where natural gas or liquefied petroleum gas is used as a fuel, subject to the stated conditions.

The Rule recognises that in some instances, it is not a viable option to require the user of a system to immediately upgrade to new equipment that complies with modern emission standards to satisfy the requirements of condition (b) of Rule 1.

The Council has designed this Rule to enable this type of minor departure from accepted standards, whilst retaining the ability to increase the level of compliance via the conditions that it can apply to the discharge. This method of management is considered to be preferable to requiring applicants to undertake the full resource consent process.

Rule 3: Mid-scale combustion of natural gas or liquefied petroleum gas

Activity classification: Permitted

This Rule relates to the discharge of contaminants to air from mid-scale enclosed combustion systems (such as boilers or gas-fired units), whether on industrial or trade premises or on production land.

The Rule does not cover the discharge of contaminants from direct heating processes. Direct heating processes are defined in Section 2 of the Plan.

Rule 3 provides for the discharge of contaminants to air from individual combustion chambers with a generation capacity that exceeds 1 MW but is less than 10 MW and a combined generation capacity of up to 30 MW for the premises, subject to stated conditions.

The size of these sources means that it is cost effective to adopt conditions relating to the height of the discharge stack and efflux velocity to further reduce emissions.

Rule 4: Mid-scale combustion of natural gas or liquefied petroleum gas producing visible smoke

Activity classification: Controlled

This Rule relates to the discharge of contaminants to air from mid-scale enclosed combustion systems (such as boilers or gas fired-heating units), whether on industrial or trade premises or on production land, when the discharge does not satisfy one or more of conditions (b) to (g) of Rule 3.

The Rule does not cover the discharge of contaminants to air from direct heating. Direct heating processes are defined in Section 2 of the Plan.

Rule 4 provides for the discharge of contaminants to air from individual combustion chambers with a generation capacity that exceeds 1 MW but is less than 10 MW and a combined generation capacity of up to 30 MW for the premises.

The reasons for adopting Rule 4 are the same as those for Rule 2.

Rule 5: Small-scale combustion of specified fuels not covered by Rules 1 and 2

Activity classification: Permitted

This Rule relates to the discharge of contaminants to air from small scale enclosed combustion systems (such as boilers, stationary engines), whether on industrial or trade premises or on production land.

The Rule does not cover the discharge of contaminants to air from direct heating. Direct heating processes are defined in Section 2 of the Plan.

Rule 5 provides for the discharge of contaminants to air from the combustion of specified fuels (i.e. wood, diesel, kerosene, petroleum), not covered by Rules 1 to 2, subject to the stated conditions.

As with Rules 1 to 4, the intention of this rule is to manage the effects of the discharge of contaminants from combustion on industrial and trade premises or/and on production land. The fuels that are included here have been dealt with separately to the combustion of natural gas and liquefied petroleum gas due to the nature of their emissions. These fuels produce more particulate matter than gas combustion, and are therefore considered to warrant a greater level of control on the Council's part. It should be noted that the fuels that are included in the 'activity' column have been selected to minimise as far as possible the emission of harmful substances.

Rule 6: Mid-scale combustion of specified fuels not covered by Rules 3 and 4

Activity classification: Permitted

This Rule applies to the discharge of contaminants to air from mid-scale enclosed combustion systems (such as boilers, stationary engines), whether on industrial or trade premises or on production land.

The Rule does not cover the discharge of contaminants to air from direct heating. Direct heating processes are defined in Section 2 of the Plan.

Rule 6 provides for the combustion of specified fuels (i.e. wood, diesel, kerosene, petroleum), not covered by Rules 3 and 4.

This Rule deals with larger processes than those that are covered by Rule 5. As such, it is considered that a greater degree of control is required than in Rule 5. This control has been provided by conditions relating to the height of the discharge stack, efflux velocity and servicing of burners.

Rule 7: Combustion of specified fuels that cannot comply with Rules 5 and 6

Activity classification: Controlled

This Rule relates to the discharge of contaminants to air of enclosed combustion chambers, whether on industrial or trade premises or on production land, where the combustion process does not meet one or more of the conditions (b) to (e) of Rule 5 or one or more of the conditions (b) to (g) of Rule 6.

The Rule does not cover the discharge of contaminants to air from direct heating. Direct heating processes are defined in Section 2 of the Plan.

The Rule applies to the discharge of contaminants from individual combustion chambers with a generation capacity of up to 5 MW and a combined generation capacity of up to 10 MW for the premises.

Rule 7 is intended as a catchall rule that is the equivalent of Rules 2 and 4. A greater degree of control has been maintained than under Rules 5 and 6 due to the potentially greater level of adverse environmental effects arising from the activity that does not meet one or more of the conditions (b) to (e) of Rule 5 or one or more of the conditions (b) to (g) of Rule 6.

The control over the discharge is achieved by means of the matters set out in the 'control/discretion' column which may be imposed as conditions on a resource consent. These conditions include monitoring and review, duration of the consent, specifications of stack height and efflux velocity and the use of best practicable option.

The combustion of certain types of material listed in the last three conditions of Rules 5 and 6 are specifically excluded from Rule 7.

Discharges from the combustion of materials containing metals

Rule 8: Combustion of materials containing metals (whether ferrous or non ferrous)

Activity classification: Prohibited

The fumes and products of combustion of materials containing metals are toxic and carcinogenic. It also has a deleterious effect on amenity values (for example, black smoke plumes, soiling of other properties and odour). Unless combustion is properly regulated in an incinerator designed to operate at the correct combustion conditions and with adequate after-burner scrubbing of emissions, combustion of the materials listed in Rule 8 are prohibited as a danger to health.

Note: the Resource Management (National Environmental Standards [for Air Quality]) Regulations 2004 prohibits the burning of coated wire in the open.

Discharges from hydrocarbon well sites or gas treatment and production plants

Rule 9: Hydrocarbon exploration well sites

Activity classification: Controlled

This rule applies to discharges of contaminants to air from hydrocarbon exploration well sites, including combustion involving flaring or incineration of petroleum recovered from natural deposits, in association with well development or redevelopment and the testing or enhancement of well head production flows.

The Council has noted through experience in dealing with petroleum exploration that there are a number of adverse effects on the environment (especially on people) from the discharge of contaminants to air from the activity, specifically from flaring, that justify the Council in retaining control over the activities.

The Council has therefore designed Rule 9 which facilitates exploration activities in areas away from dwelling houses and limits the time per zone of flaring to be carried out.

A time limit of 15 days, per zone to be appraised, for the discharge from the flare, has been adopted to cover the range of reservoir conditions in Taranaki and ensure that adequate production performance information is able to be gained from well testing, while at the same time protecting the environment.

If the activity cannot comply with the conditions of Rule 9 or Rule 10, Rule 55 applies.

Rule 10: Hydrocarbon exploration well sites

Activity classification: Restricted Discretionary

This Rule applies to discharges of contaminants to air from hydrocarbon exploration well sites, including combustion involving flaring or incineration of petroleum recovered from natural deposits, in association with well development or redevelopment and the testing or enhancement of well head production flows, where one or more of the conditions (a) to (b) of Rule 9 cannot be met.

In certain situations the flare or incinerator point may not be able to be at least 300 metres from any dwellinghouse and/or the discharge from the flare may need to last longer than 15 days per zone. This Rule is designed to enable discharges from hydrocarbon exploration well sites to continue whilst retaining sufficient control.

The Council will be guided by the relevant policies in the Plan. However, the Council's power to decline a resource consent and to impose conditions are restricted to the matters to which the Council has restricted the exercise of its discretion, noted in the 'control/discretion' column of the Rule in the Plan.

The notification requirements, when the Council is satisfied that the adverse effects of the activity will not be more than minor, are restricted to those that were located within the buffer, at the time this Plan became operative or the time the activity was first established¹⁵, whichever was the earlier. The notification requirements also provide for those situations where previous sign-off for the activity has been obtained and the nature of the activity is otherwise unchanged and the sign-off specifies that it applies or is given irrespective of the duration of the activity.

This approach has been designed to acknowledge the issues that are currently being faced by hydrocarbon exploration operations, that is, new developments are establishing near lawfully established hydrocarbon exploration operations, that have addressed off site effects as far as is practicable and reasonable, and are now becoming constrained by the emergence of new and often incompatible land uses in the neighbourhood, especially at the time of consent renewal or consent replacement.

If the activity cannot comply with the conditions of Rule 10, Rule 55 applies.

Rule 11: All discharges from gas treatment or production plants

Activity classification: Controlled

This Rule applies to all discharges from gas treatment or production plants, including the flaring of petroleum, the operation of glycol regeneration units, and the maintenance and inspection work of tanks and other facilities that store petroleum products.

The Rule specifically excludes any activities associated with plant establishment, such as earthworks and the installation of structures, buildings and equipment. For activities associated with plant establishment, refer to Rules 42, 43 and 44.

The Council has noted through experience in dealing with gas treatment and production plants that there are a number of adverse effects on the environment (especially on people) from their operation (specifically from the flaring of petroleum) that justify the Council in retaining control over the activities.

The Council has therefore designed Rule 11 which facilitates the flare or incinerator point away from dwelling houses.

The Council also retains control over all other discharges from the plants via the conditions that it can apply on the consent as listed in the 'control/discretion' column of the Plan.

If the activity cannot comply with the conditions of Rule 11, Rule 55 applies.

Rule 12: Hydrocarbon producing well head and well sites

Activity classification: Restricted Discretionary

This Rule applies to the discharge of contaminants to air from hydrocarbon producing well head or well sites that arise as part of hydrocarbon production activities.

The Rule provides for such activities as the flaring or incineration of petroleum produced in association with the production, recovery, refining, purification or reforming of hydrocarbons including the recovery of hydrocarbons.

The same considerations arise here as under Rules 9, 10 and 11. The major difference is that there is a greater degree of permanence associated with the sources here. This has led to the Council deciding to retain the discretion to grant or decline consent for the activity. However, the Council's ability to grant or decline a consent is restricted by those matters which are listed in the 'control/discretion' column of the Rule in the Plan. This offers the applicant greater certainty, to the outcome of the consent process as they are aware of the matters that will be considered by the Council when granting or declining consents.

Discharge of contaminants incidental to trade processes

Rule 13: Minor discharges from commercial, retail, industrial or trade premises

Activity classification: Permitted

This Rule applies to the minor discharges of contaminants to air incidental to commercial, retail, industrial or trade processes.

There are a large number of commercial premises that are obliged by Section 15(1) of the Act to obtain resource consent.

Commercial and institutional kitchens, including hotels, restaurants, and fast food outlets, are sources of various odours. To some people, the aromas would be attractive, while to others, such as those continually exposed to them by working or living nearby, the odour could become tiresome. Other operations that are covered by this Rule are generally less favourably judged. Various commercial filters are readily available and design of collection hooding and ducting and the use of extractor fans are straightforward. The technical methods to achieve control of odours are routine. In the experience of the Taranaki Regional Council, very few of these processes cause offence to neighbours and if they do, they can be addressed on a case-by-case basis using the various enforcement options available in the Act.

Rule 13 defines those categories of commercial, retail, industrial or trade service activities discharging contaminants to air that are included within the Rule and sets out performance conditions to ensure they operate without significant adverse environmental effects.

¹⁵ 'Activity first established' means the date an air discharge consent was first issued by the Taranaki Regional Council for the activity.

Rule 14: Incidental discharge from hydrocarbon distribution and transmission networks

Activity classification: Permitted

Rule 14 applies to the discharge of contaminants to air from hydrocarbon distribution and transmission networks, other than as provided for in Rules 1, 2, 3 and 4, subject to the stated conditions.

From time to time pipelines, tanks, and other facilities used for the transportation and storage of hydrocarbons must be opened for inspection and maintenance. Under such circumstances, there may be residual fumes present. The level of fumes would be low (because of safety requirements for workers) and such events would be infrequent and perhaps unscheduled. The Council therefore proposes to make such activities permitted, subject to conditions.

Rule 15: Discharges from power stations, electrical substations or switchyards not covered by Rules 1 to 54 and/or Rules 56 to 63

Activity classification: Permitted

This Rule applies to discharges of contaminants to air from power stations, electrical substations or switchyards other than as provided for in Rules 1 to 54 and/or Rules 56 to 63.

The Rule provides for the minor discharge of contaminants to air from power stations, electrical substations or switchyards. The discharges should be permitted provided the stated conditions are met.

Rule 16: Discharges from recreational or trade processes

Activity classification: Permitted

This Rule applies to discharges to air from mineral extraction and processing activities, or training and race courses, show grounds, arenas or premises pertaining to the transport (including the storage in transit and the loading and unloading) of fertiliser, grains, berries, animal feed, coal, coke, wood chip, sawdust, wood shavings, bark, soil, aggregate, sand and cement.

The recreational areas and trade processes covered by Rule 16 have the potential to generate odours or dust that may be offensive or objectionable to neighbours or present a risk of fire or explosion. The activities listed are permitted, provided conditions to avoid offensive, objectionable or dangerous effects are met.

Discharges from abrasive blasting processes

Rule 17: Wet abrasive blasting

Activity classification: Permitted

This Rule applies to the discharge of contaminants to air from wet abrasive blasting processes (as defined in Section 2 of the Plan) whether mobile or in permanent facilities.

The use of wet abrasive blasting methods significantly reduces the amount of contaminants emitted to air and their effects on the environment (when compared to dry abrasive blasting).

However, wet abrasive blasting processes do produce dust and mists which may drift into neighbouring properties. The sprays used in wet abrasive blasting processes may also contain chemical additives. The Rule permits wet abrasive blasting whether in mobile or permanent facilities subject to compliance with the specified conditions.

Rule 18: Dry abrasive blasting – fixed source

Activity classification: Controlled

This Rule applies to the discharge of contaminants to air from both dry and wet abrasive blasting that occurs inside permanent facilities and when one or more of the conditions of Rule 17 cannot be met.

The Council is concerned about the potentially significant effects that may arise from both dry and wet abrasive blasting inside permanent facilities when one or more of the conditions of Rule 17 cannot be met.

There are a large number of these operations throughout the region that cannot meet one or more of the conditions of Rule 17. A rule making these activities a controlled activity is both an efficient and effective means of dealing with these concerns. As a controlled activity the Council retains the freedom to deal with these operations on a case-by-case basis.

Rule 19: Abrasive blasting – moveable source

Activity classification: Controlled

This Rule applies to discharges to air from both dry and wet movable abrasive blasting processes that do not meet one or more of the conditions of Rule 17.

There is significant usage of mobile abrasive blasting units in Taranaki for maintenance activities, due largely to the effects of salt spray on structures, the large number of industrial processing facilities and the amount of farm equipment in the region.

Abrasive blasting processes release contaminants to air, particularly when carried out in the open with no emission control equipment. The potential adverse effects of the activity include objectionable effects of particulate matter and adverse effects on human health from exposure to fine particulate matter.

However, provided the standards and terms contained in the Rule can be met there will be no significant adverse effects on the environment. In such cases the discharge is a controlled activity.

Rule 20: Moveable abrasive blasting that does not comply with Rule 19

Activity classification: Restricted Discretionary

This Rule applies to both dry and wet moveable abrasive blasting processes that do not meet one or more of the conditions (c) to (e) of Rule 19.

Mobile abrasive blasting operations that cannot meet one or more of the conditions of Rule 19 present an increased risk of adverse environmental effects.

This has therefore led the Council to decide to retain the discretion to grant or decline consent for the activity, dependent on the nature and scale of effects

and as restricted by the matters listed in the 'control/discretion' column of the Rule.

Rule 21: Use of high-silica sands in dry abrasive blasting

Activity classification: Prohibited

This Rule applies to the discharge of contaminants to air from the use of high-silica sands from moveable dry abrasive blasting processes.

The use of high silica sands is associated with the disease of silicosis, leading to lung cancer. Alternative sands and other blasting media are readily available. The use of high-silica sand is unnecessary and dangerous and therefore the activity should be prohibited.

The maximum of 2% free silica has been adopted as this is the lowest level which can be detected by current analytical methods and is the percentage recommended by the Department of Labour (Occupational Safety and Health).

Discharges from other moveable or fixed industrial sources

Rule 22: Discharges to air from the burning of bitumen on roads

Activity classification: Prohibited

This activity is prohibited by the Resource Management (National Environmental Standards [for Air Quality] Regulations 2004.

Rule 23: Discharge from a mobile or permanent asphalt/bitumen plant

Activity classification: Discretionary

This Rule applies to the discharge of contaminants to air from movable or permanent plants for the manufacture of hot-mix asphalt/bitumen paving mixes.

A mobile asphalt manufacturing plant has the potential for releasing significant quantities of dust, steam, and odour. This Rule has been designed to allow the Council the opportunity to evaluate each proposal on its merits.

Discharges of heat or water vapour-based plumes from fixed sources

Rule 24: Air-cooled heat exchangers

Activity classification: Permitted

This Rule applies to discharges of heat or water vapour to air from air-cooled heat exchangers (air conditioning units).

Many commercial, retail, trade or industrial premises use air-conditioning units for the comfort of customers and employees. In the Council's experience the effects of discharges to air from such units are negligible and therefore should be permitted.

Rule 25: Small-scale discharges to air from water-based cooling systems

Activity classification: Permitted

This Rule applies to discharges of heat or water vapour to air from small-scale water based cooling systems that are less than 10 MW maximum capacity per cooling tower or 30 MW per premises.

Small evaporative water-based systems include air conditioning units in shopping centres, office buildings and the like. In the Council's experience the effects of these units are very localised and minor and therefore the Council proposes that they be a permitted activity.

Rule 26: Large-scale discharges to air from water-based cooling systems

Activity classification: Permitted

This Rule applies to discharges of heat or water vapour to air from large-scale water based cooling systems that are over 10 MW capacity per cooling tower or 30 MW per premises, subject to the stated conditions.

The effects from larger water based cooling systems are limited to amenity effects and shading of other properties by vapour cloud. Rule 26 permits discharges from these systems provided conditions that ensure that environmental effects are minimised, can be met.

Rule 27: Discharges of steam

Activity classification: Permitted

This Rule applies to discharges of steam to air other than from an evaporative water-based cooling system, subject to the stated conditions.

The same considerations as apply for Rule 25 and 26 apply for Rule 27, with steam discharges releasing less water vapour and resulting in limited environmental effects.

The Council therefore proposes that this activity is permitted, subject to the stated condition.

Rule 28: Discharges of water vapour that do not satisfy Rule 25 or Rule 26

Activity classification: Restricted Discretionary

This Rule applies to all discharges of water vapour and steam that do not comply with Rules 25 or 26. It includes activities such as the Methanex cooling towers and the discharge of steam from the gas purification process at Kapuni. These discharges warrant a degree of control due to their localised effects. The Rule limits the exercise of the Council's discretion to those matters listed in the 'control/discretion' column of the Rule in the Plan.

Fumigation

Rule 29: Fumigation

Activity classification: Permitted

This Rule applies to discharges to air of contaminants from fumigation carried out on industrial and trade premises.

The Rule excludes the use of fumigants subject to the Hazardous Substances and New Organisms (HSNO) Act 1996¹⁶.

Discharges to air from the use of fumigants are widespread at industry and trade premises (particularly at the Port in Taranaki). If conducted properly, the environmental effects of such discharges are minor. Rule 29 permits such discharges provided certain conditions can be met.

Discharges from industrial or trade premises or other places or sources:

Waste management processes

Discharges of products of combustion – waste management

Rule 30: Combustion of certain waste materials other than in an incinerator

Activity classification: Prohibited

The reasons for this Rule are similar to those for Rules 8 and 61. The Taranaki Regional Council wishes to establish that certain combustion activities are unacceptable. If wastes other than those identified as acceptable in Rule 30 are to be combusted then it must be within a properly designed and operated incinerator, assessed and approved by the Council through the normal consent processes.

Rule 31: Waste incineration on site

Activity classification: Restricted Discretionary

This Rule applies to discharges of contaminants to air from the disposal by combustion of industrial and trade waste, where the waste material is generated on the premises and the activity occurs in an incinerator.

A number of institutions use incineration for on site disposal of wastes. This practice is convenient and inexpensive. However, it needs to be properly conducted, and some particular combustion processes need to be controlled on an individual basis because of specific wastes.

The Rule limits the exercise of the Council's discretion to those matters listed in the 'control/discretion' column.

Rule 32: Combustion of industrial or trade waste in a high temperature hazardous waste incinerator

Activity classification: Restricted Discretionary

This Rule applies to the discharge of contaminants to air from the disposal by combustion of industrial or

trade waste in a high temperature hazardous waste incinerator. The Rule limits the exercise of the Council's discretion to those matters listed in the 'control/discretion' column.

A 'high temperature hazardous waste incinerator' is defined in the Section 2 of the Plan.

The Resource Management (National Environmental Standards [for Air Quality]) Regulations 2004 prohibits the operation of all high-temperature hazardous waste incinerators in Taranaki, except for the operation of an incinerator located at 89 Paritutu Road, New Plymouth and for crematoria. The discharge of contaminants to air from crematoria is dealt with in Rule 55 of this Plan.

The matters for discretion in this Rule are considered to appropriately address the potential to generate adverse environmental effects from the combustion of waste (whether generated on the premises or another premises) in the high temperature hazardous waste incinerator located at 89 Paritutu Road.

Rule 33: Combustion of waste material generated on production land

Activity classification: Permitted

This Rule applies to discharges to air from the combustion of certain waste generated on production land, subject to stated conditions being met.

The burning of waste materials in open incinerators (i.e. 44 gallon drum) or open fires is a major source of dioxins, as well as a number of other toxic substances such as carbon monoxide, benzene, styrene, formaldehyde, other aldehydes, hydrochloric acid and heavy metals (especially zinc and copper).

The burning of waste in open incinerators or open fires results in localised degraded air quality, odour and health issues and should therefore be controlled by the Council.

However, given the lack of practical alternatives for waste disposal in rural areas and the dispersed nature of dwellings in the rural area the Council has designed Rule 33 which allows the burning of specified waste materials (i.e. wood or sawdust, non-chlorinated plastics (i.e. silage wrap), paper, cardboard or like materials). The specified waste has been selected to reduce the level of contaminants produced as a result of combustion.

The human health risk in the rural area is much lower than in built-up areas due to the dispersed nature of the population.

The Council will continue to promote, educate and inform the rural community about the advantages of other waste disposal techniques.

The Council considers that provided the stated conditions can be met, the burning of waste materials generated on the farm is an appropriate waste process. As noted above the Rule provides for the burning of such wastes as haylage and silage wrap, paper and cardboard, but excludes other materials such as wood or sawdust treated with arsenic or organochlorines.

¹⁶ Under the HSNO Act, anyone who manufactures, sells, uses or stores the following: 1,3-dichloropropene liquid; 1-3-dichloropropene and chloropicrin liquid; Chloropicrin liquid; Hydrocyanic acid discoid; Methyl bromide gas; Methyl bromide and chloropicrin; Phosphine gas; Aluminum phosphide pellets (> 3 kg); and Magnesium phosphide pellets (> 3 kg) must hold a Controlled Substances Licence. These fumigants are therefore not controlled under this Plan.

Rule 34: Combustion of waste material in defined urban areas

Activity classification: Prohibited

This Rule applies to backyard burning in defined urban areas (as shown in Appendix II of the Plan) on allotments less than 0.5 hectares, and that are used primarily for residential purposes (as defined in Section 2 of the Plan) and are serviced by a weekly municipal refuse collection service. The Rule only bans burning for the purpose of waste disposal, not for cooking purposes (e.g. bbqs or hangi) or heating purposes (e.g. brazier).

Backyard burning causes localised degraded air quality, odour and health issues and is a nuisance issue and is a major source of dioxins, as well as a number of other toxic substances such as carbon monoxide, benzene, styrene, formaldehyde, and other toxic substances such as aldehydes, hydrochloric acid and heavy metals (especially zinc and copper).

With kerbside collection of recyclables established, and refuse and green waste collections in urban areas throughout the region, there are practicable alternatives readily available and therefore the burning of backyard waste in urban areas (that meets the stated criteria), should be prohibited.

Discharges from waste management processes – disposal of solid wastes to land

Rule 35: Emissions from on-farm solid waste materials disposal into land

Activity classification: Permitted

This Rule relates to the disposal of waste materials to land, (excluding the accumulation of stockpiling of animal bedding litter or manure), arising from the use of land as production land, subject to the stated conditions.

Disposal of waste materials into offal pits or farm trenches is a common waste disposal technique on farms in Taranaki. Emissions will occur due to the decomposition of wastes, and should be managed in a way that reduces air emissions.

However, given the large number (in excess of 2000) farms in Taranaki and the lack of off-property effects, a requirement for an air discharge permit for every farm dump in Taranaki is not appropriate. Rule 35 therefore limits the nature of wastes, in order to limit effects, and sets an environmental performance standard in order to ensure no off site effects.

Note: the cleaning out of calf sheds, stables or animal hospital/husbandry areas are regarded as activities that are de minimis and are therefore not regulated by this Rule or the Plan. However, the activities still have to comply with section 17 of the Act.

Rule 36: Emissions from waste disposal on residential land

Activity classification: Permitted

This Rule applies to composting or disposal to land of any waste materials on a residential property, subject to the stated conditions.

Composting and the disposal of domestic waste to land is a common waste disposal technique on residential properties. Emissions will occur due to the decomposition of wastes, and should be managed in a way that reduces air emissions.

Due to the large number of properties that carry out this activity, a requirement for an air discharge permit is not appropriate. Rule 36 therefore, limits the nature of wastes, in order to limit effects, and sets an environmental performance standard in order to ensure no off site effects.

Provided the waste materials are generated only from household activities on the property and the discharge does not result in offensive or objectionable odour or dust at or beyond the boundary of the property, then the discharge to air is permitted.

Rule 37: Discharges from active landfills

Activity classification: Controlled

This Rule applies to discharges to air of contaminants from active landfills, subject to the stated conditions.

The Rule excludes the discharge of contaminants to air from the disposal of sludges derived from the treatment of human sewage.

The discharges to air from landfill operations should be a controlled activity provided the stated conditions can be met. The matters listed in the Rule are those that the Council will retain control over, and those which affect the release of contaminants into the air from landfills. This will include control over matters contained in a landfill management plan. Other matters, such as proximity to neighbouring properties, are addressed by other means, such as the land use consent process, where there is full public involvement.

Rule 38: Emissions from closed municipal landfills

Activity classification: Permitted

This Rule applies to discharges of contaminants to air from land having been used for the disposal of waste in the past, but which is no longer used for such disposal but which may continue to contain waste materials.

Provided there is no offensive or objectionable odour or dust, or noxious or dangerous levels of gases at or beyond the boundary of the property, discharges from closed landfills should be permitted.

Rule 39: Discharges to air from land used for the disposal of cleanfill

Activity classification: Permitted

This Rule applies to discharges of contaminants to air from land used for the disposal of cleanfill. Cleanfill materials are defined in Section 2 of the Plan. In the absence of effects and if good practice is applied, such activities remain exempt from a consenting obligation.

However, this Rule will be applied to clearly define when a breach of the Plan is occurring and

enforcement and/or a consenting obligation can be required.

Discharges from waste management processes – Liquid contaminants

Rule 40: On-farm liquid waste management processes

Activity classification: Permitted

This Rule applies to the discharge of contaminants to air from on-farm waste management processes for liquid contaminants, including but not limited to anaerobic-aerobic pond processes, overland flow or spray irrigation processes, holding sumps, or feed pad effluent management where the liquid contaminants arise from the use of land as production land or from intensive farming on the property, subject to the stated conditions.

The Taranaki Regional Council controls the operation of liquid effluent treatment processes through water discharge permits. The potential for the release of odour can therefore be managed by ensuring that treatment processes are operated correctly. Should odours occur, they would represent a failure of waste treatment systems and can be addressed primarily via enforcement of the water discharge consent.

However, rather than simply having a reactive policy, the Council favours a proactive policy that establishes a number of controls or conditions that are to be adhered to in order to prevent the emissions of odours in the first place. Given that the water discharge regime is the primary means of managing these systems, the Council considers that the most efficient and effective means of managing odour emissions is by classifying the activity as permitted with certain conditions to be adhered to.

Rule 41: Emissions from sewage treatment systems, excluding sludge management

Activity classification: Permitted

This Rule applies to discharges of contaminants to air from municipal sewage collection and treatment systems, including all treatment and conveyance processes.

The same approach as is adopted for Rule 40 applies to Rule 41.

The Rule excludes sludge management or removal processes. The treatment and disposal of sewage sludge needs to be placed in a different category, as the potential for odour release is much higher. As there are only a few facilities in Taranaki to which this Rule applies it is more efficient, flexible and effective to address these situations by way of individual resource consents.

Discharges from land: site development, earthworks or the application of soil conditioners

Rule 42: Site development and landscaping

Activity classification: Permitted

This Rule applies to discharges of contaminants to air from the development, maintenance, repair or

demolition of industrial or trade premises, or residential or commercial sites which are not otherwise provided for by the rules in this Plan (excluding Rule 55). The activity includes site development, landscaping, weed and pest control and the installation, construction, maintenance or demolition on the premises of roads, paved areas, buildings, structures or equipment other than as provided for in Rules 43 or 44 of the Plan.

These minor activities are permitted provided the stated conditions can be met.

Discharges from earthworks

Rule 43: Small scale earthworks

Activity classification: Permitted

This Rule applies to discharges of contaminants to air from earthworks that exposes a contiguous area of soil of 4 hectares or less, at any one time.

The Rule excludes land used for production purposes.

The Rule provides for the minor discharge of contaminants to air from carrying out earthworks on residential, commercial or industrial or trade premises. The discharge should be permitted provided the stated conditions are met.

Rule 44: Large scale earthworks

Activity classification: Controlled

This Rule applies to discharges of contaminants to air from earthworks that exposes a contiguous area of soil of more than 4 hectares, at any one time.

The Rule excludes land used for production purposes.

This Rule provides for discharges from larger scale earthworks than the activity provided for in Rule 43. Discharges to air from this type of activity should be a controlled activity provided the stated conditions can be met. The matters listed in the Rule are those that the Council will retain control over, and those which affect the release of contaminants into the air from large scale earthworks. This will include control over matters contained in the dust control management plan.

In the Council's experience an open area of greater than 4 hectares is difficult to control dust using unsophisticated methods of dust control (i.e. water carts). An open area of greater than 4 hectares needs to be controlled by other means such as dust suppressants and/or hydroseeding, and a comprehensive dust control management plan.

Discharges from the application of fertiliser and other soil conditioners

Rule 45: Discharges to air from material used to increase soil productivity

Activity classification: Permitted

This Rule applies to discharges of contaminants to air arising incidentally from the discharge to land of materials that increase soil productivity, such as fertiliser and soil conditioners (e.g. Osflo).

The Rule allows the use of fertilisers and soil conditioners as a legitimate activity, especially in rural areas where issues of reverse sensitivity might arise, when due care is taken.

The Council has proposed this Rule to acknowledge that the use of fertilisers and soil conditioners are a legitimate activity, especially in rural areas, provided the stated conditions can be met.

Discharges from aquaculture or intensive farming processes

Discharges from aquaculture processes

Rule 46: Emissions from aquaculture processes, other than agrichemicals

Activity classification: Permitted

This Rule applies to discharges to air of contaminants from aquaculture processes.

The Rule excludes discharges from the application of agrichemicals. The discharge of agrichemicals is dealt with in Rules 56 to 58 of the Plan.

In the Council's experience discharges to air from aquaculture processes are minor, provided that the conditions in Rule 46 are met, and therefore the activity should be permitted.

Problems from odour may arise from this type of activity, generally because incompatible land uses are located near each other.

The Council has designed this Rule to acknowledge that these activities, when appropriately managed, will not result in offensive or objectionable odour at or beyond the boundary of the property.

Discharges from intensive pig farming processes

Rule 47: Discharges from small intensive pig farming processes

Activity classification: Permitted

This Rule applies to discharges of contaminants to air from small scale intensive pig farming operations of fewer than 25 pigs.

The Rule allows for the activity to occur without the need for a resource consent, provided there is no offensive or objectionable odour or dust at or beyond the boundary of the property. This is considered to be an appropriate level of control for this scale of operation.

Problems from odour may arise from this type of activity because incompatible land uses are located near each other. This has occurred in the Taranaki region, particularly where residential development has occurred adjacent to already established intensive farming operations.

The Council has designed this Rule to acknowledge that these activities, when appropriately managed, will not result in offensive or objectionable odour or dust at or beyond the boundary of the property.

Rule 48: Discharges from existing intensive pig farming processes

Activity classification: Restricted Discretionary

This Rule applies to discharges of contaminants to air from larger scale existing intensive pig farming operations when a new consent is being applied for to replace or renew an existing consent. Provided the nature and scale of the effects of the activity are unchanged a consent may be granted as a restricted discretionary activity.

The Council will be guided by the relevant policies in the Plan and the good management practice guidelines contained in Appendix IV of the Plan. However, the Council's power to decline a resource consent and to impose conditions are restricted to the matters to which the Council has restricted the exercise of its discretion, noted in the 'control/discretion' column of the Rule in the Plan and includes such matters as effects relating to odour and dust and loss of amenity.

The notification requirements, when the Council is satisfied that the adverse effects of the activity will not be more than minor, are restricted to those that were located within the buffer (refer to Table 1 Appendix IV), at the time this Plan became operative or the time the activity was first established¹⁷, whichever was the earlier.

This approach has been proposed to acknowledge the issues that are currently being faced by intensive farming operations, that is, new developments are establishing near lawfully established intensive farming operations, that have addressed off site effects as far as is practicable and reasonable, and are now becoming constrained by the emergence of new and often incompatible land uses in the neighbourhood, especially at the time of consent renewal or consent replacement.

Rule 49: Discharges from new large intensive pig farming processes

Activity classification: Restricted Discretionary

This Rule applies to discharges of contaminants to air from new large scale intensive pig farming operations when a consent is being applied for the new operation.

Provided conditions relating to separation distances from places of public assembly, off site dwellinghouses, roads and other sensitive land uses, can be met, the consent can be applied for as a restricted discretionary activity.

The Council will be guided by the relevant policies in the Plan and the good management practice guidelines contained in Appendix IV of the Plan. The Council's power to decline a resource consent and to impose conditions are restricted to the matters which the Council has restricted the exercise of its discretion, noted in the 'control/discretion' column of the rule table and includes such matters as effects relating to odour and loss of amenity.

¹⁷ 'Activity first established' means the date an air discharge consent was first issued by the Taranaki Regional Council for the activity.

Rule 50: Discharges from intensive pig farming processes that do not satisfy Rule 47, Rule 48 or Rule 49

Activity classification: Discretionary

This Rule applies to any discharges to air of contaminants from intensive pig farming where the discharge is not listed in Rules 47, 48 or 49 or does not meet the conditions in Rules 47, 48 or 49.

Discharges to air from intensive pig farming operations can have significant adverse environmental effects. Where the discharge is not listed in Rules 47, 48 or 49 or the conditions of Rules 47, 48 or 49 cannot be met, the Council will consider the discharge on a case-by-case basis as a discretionary activity.

The Council will be guided by the relevant policies in the Plan and by the good management practice guidelines contained in Appendix IV of the Plan, when considering discharge permit applications under Rule 50.

Discharges from intensive poultry farming processes

Rule 51: Discharges from small intensive poultry farming processes

Activity classification: Permitted

This Rule applies to discharges to air from intensive poultry farming when no more than 30 000 poultry are kept at any one time.

The Rule allows for the activity to occur without the need for a resource consent, provided there is no offensive or objectionable odour or dust at or beyond the boundary of the property. This is considered to be an appropriate level of control for this scale of operation.

Problems from odour may arise from this type of activity because incompatible land uses are located near each other. This has occurred in the Taranaki region, particularly where residential development has occurred adjacent to already established intensive farming operations.

The Council has designed this Rule to acknowledge that these activities when appropriately managed will not result in offensive or objectionable odour or dust at or beyond the boundary of the property.

Rule 52: Discharges from existing poultry farming processes

Activity classification: Restricted Discretionary

This Rule applies to discharges of contaminants to air from larger scale existing intensive poultry farming operations when a new consent is being applied for to replace or renew an existing consent. Provided the nature and scale of the effects of the activity are unchanged a consent may be granted as a restricted discretionary activity.

The Council will be guided by the relevant policies in the Plan and the good management practice guidelines contained in Appendix V of the Plan. However, the Council's power to decline a resource

consent and to impose conditions are restricted to the matters to which the Council has restricted the exercise of its discretion, noted in the 'control/discretion' column of the rule table and includes such matters as effects relating to odour and loss of amenity.

The notification requirements, when the Council is satisfied that the adverse effects of the activity will not be more than minor, are restricted to those that were located within the buffer (refer to Table 1 Appendix V), at the time this Plan became operative or the time the activity was first established¹⁸, whichever is the earlier.

This approach has been designed to acknowledge the issues that are currently being faced by intensive farming operations, that is, new developments are establishing near lawfully established intensive farming operations, that have addressed off site effects as far as is practicable and reasonable, and are now becoming constrained by the emergence of new and often incompatible land uses in the neighbourhood, especially at the time of consent renewal or consent replacement.

Rule 53: Discharges from new large intensive poultry farming processes

Activity classification: Restricted Discretionary

This Rule applies to discharges of contaminants to air from new large scale intensive poultry farming processes when a consent is being applied for the new operation.

Provided conditions relating to separation distances from places of public assembly, off site dwellinghouses, roads and other sensitive land uses, can be met, the consent can be applied for as a restricted discretionary activity.

The Council will be guided by the relevant policies in the Plan and the good management practice guidelines contained in Appendix V of the plan. The Council's power to decline a resource consent and to impose conditions are restricted to the matters which the Council has restricted the exercise of its discretion, noted in the 'control/discretion' column of the rule table and includes such matters as effects relating to odour and loss of amenity.

Rule 54: Discharges from intensive poultry farming processes that do not satisfy Rule 51, Rule 52 or Rule 53

Activity classification: Discretionary

This Rule applies to discharges to air of contaminants from intensive poultry farming where the discharge is not listed in Rules 51, 52 or 53 or does not meet the conditions in Rules 51, 52 or 53.

Discharges to air from intensive poultry farming operations can have significant adverse environmental effects. Where the discharge is not listed in Rules 51, 52 or 53 or the conditions of Rules 51, 52 or 53 cannot be met, the Council will consider

¹⁸ 'Activity first established' means the date an air discharge consent was first issued by the Taranaki Regional Council for the activity.

the discharge on a case-by-case basis as a discretionary activity.

The Council will be guided by the relevant policies in the Plan and by the good management practice guidelines contained in Appendix V of the Plan when considering discharge permit applications under Rule 54.

Discharges not provided for by Rules 1 – 54

Discharges from any industrial or trade premises, production land, waste management process, site development, earthworks, the application of soil conditioners, aquaculture or intensive farming process not provided for in other rules

Rule 55: Discharges to air that cannot comply with Rules 1 - 54

Activity classification: Discretionary

This Rule applies to any discharge of contaminants into the air from any industrial or trade premises not listed in any other rule or where the activity is listed in a rule but the conditions for that rule cannot be met **OR**

any discharge from production land, waste management processes, site development, earthworks, the application of soil conditioners, aquaculture or intensive farming processes where the activity is listed in a rule but the conditions for that rule cannot be met.

Section 15(1) of the Act contains a presumption that, unless a regulation or a rule in a plan provides to the contrary, all discharges to air from industrial and trade premises require a resource consent. Rules 1 to 29 deal with discharges from industrial or trade premises, and in the case of Rules 1 to 7 discharges from production land, and provide different levels of controls on the various discharges depending on the effect of those discharges. Rules 30 to 41 deal with discharges from waste management processes. Rules 42 to 45 provide for site development, earthworks, and the application of soil conditioners on industrial or trade premises, residential and commercial properties, and farmland. Rules 46 to 54 apply to aquaculture or intensive farming activities.

Rules 30 to 54 apply to activities which are fundamental to: a) farming and commercial operations within Taranaki; and b) waste management processes. Rules 30 to 54 are activities which can result in significant adverse effects, specifically with regard to odour and dust, and therefore should be controlled by the Council. Rules 30 to 54 provide different levels of controls on the various discharges depending on the effect of those discharges.

Rule 55 applies to all discharges that do not come within the scope of the preceding rules. By classifying Rule 55 as a discretionary activity, the Council retains the ability to grant or decline a consent in accordance with the principles and objectives that are contained in the Act and the plan. This approach is considered to

provide the maximum amount of flexibility for the Council in managing discharges from industrial and trade premises, production land, other places or sources, site development, earthworks, the application of soil conditioners, aquaculture and intensive farming, while retaining sufficient certainty and operational efficiency for resource users.

Discharges of agrichemicals into the air

Rule 56: Discharge of agrichemicals from farmland

Activity classification: Permitted

This Rule applies to the discharge of contaminants to air from the spraying of agrichemicals on production land.

Section 15 of the Act provides that discharges to air from places that are not industrial or trade premises (including farmland, residential properties and all moveable sources) are allowed, excluding discharges from waste management processes, unless a rule in a regional plan or proposed regional plan provides otherwise.

Rule 56 permits the discharge of agrichemicals to air on production land, provided that the conditions set out in the Rule are met. The conditions are to avoid or minimise any adverse effects of the spraying activity on neighbouring landowners and on other non-target areas. If these conditions can be met, no further restrictions or controls apply under this Plan. If these conditions cannot be met, a resource consent from Taranaki Regional Council is required (Rule 58) and specific conditions may be placed on the activity to prevent potential problems arising from spray drift. The Rule applies only to agrichemical spraying activities on production land. It does not apply to agrichemical spraying activities on residential properties, industrial sites or other properties which are not being used as production land. The distinction between production land users and other users has been made because of the higher levels and frequent agrichemical usage by production land users and the potential for more significant off site effects, compared to non-production land usage. In residential areas for example, only small volumes of agrichemicals are involved and these are applied infrequently at low pressures by hand-held equipment. To regulate the spray application of agrichemicals on all residential properties by way of rules in the Plan is not justified on the basis of actual and potential effects and would be administratively cumbersome requiring constant monitoring and possible enforcement. In these situations, the Council prefers an approach based on education and advice or the use of enforcement action when necessary.

Rule 56 includes a requirement that before spraying occurs, the landowner or occupier notifies people in occupied dwellinghouses and places of public assembly (such as schools) that are within a set distance of the area to be sprayed, that spraying is to take place. This ensures that where there is a realistic potential risk to human health or wellbeing due to the close proximity of houses or schools etc, the occupants are aware of the risk and can themselves take necessary precautions. However, conditions

applying to the 'permitted' activity classification, that there be no spray drift across the boundary, still apply.

Rule 57: Discharge of agrichemicals from public amenity areas

Activity classification: Permitted

This Rule applies to the discharge of contaminants to air from the spraying of agrichemicals on public amenity areas or roadside or railside verges.

Rule 57 contains similar provisions to Rule 56 but for public amenity areas such as public parks and reserves, playgrounds and pedestrian walkways. Rule 57 continues to permit the spray discharge of agrichemicals to air from public amenity areas or roadside or railside verges provided the specified conditions are met. These conditions are to avoid or minimise adverse effects on neighbours or on people using these areas. Because of the open and generally unrestricted access to public parks and reserves, a condition requiring public notification of an intention to spray and the placement of signs when spraying are included in Rule 57. For spraying within public places and along road frontages, individual notification of all neighbours is considered to be unnecessary and impractical. Appropriate signage at places of public access to parks etc and along roads provides an additional and effective means of public notice of spraying. Conditions requiring signage are included in the Rule.

Rule 58: Discharge of agrichemicals that do not comply with Rules 56 or 57

Activity classification: Restricted Discretionary

This Rule applies to the discharges of contaminants to air from the spraying of agrichemicals on production land or on public amenity areas or roadside or railside verges where the discharge does not satisfy the conditions in Rule 56 or Rule 57.

This Rule is designed as a catchall for those discharges that do not satisfy the conditions in Rules 56 or 57. A restricted discretionary classification is used to enable the Council to retain the option of declining consent for operations that have significant actual or potential effects. However, the Council's ability to decline a consent is restricted to those matters which are listed in the 'control/discretion' column of the Rule.

The Taranaki Regional Council has included within Appendix VII of the plan, a guideline on good spray management practice. This guideline provides an indication of the general nature of conditions that may be attached to a resource consent as well as providing guidance on the best practicable option to avoid adverse effects, from the application of agrichemicals.

Burning

Burning of vegetation on production or forested land

Rule 59: Burning of vegetation on production land or on forested land

Activity classification: Permitted

This Rule applies to the discharge of contaminants to air from the combustion of vegetation on production land or on forested land, subject to the stated conditions.

Burnoffs of scrub, gorse and dead plant material are a useful and efficient way of clearing production and forested land. However, significant adverse effects on air quality can occur if burning is not carried out or controlled in a proper manner. The intention of this Rule is to enable this practice to be continued in a manner that does not adversely affect the environment and neighbouring properties. The Taranaki Regional Council has included in Appendix IX of the Plan, a guideline on good management practice to prevent or minimise the discharge of smoke from burning vegetation to assist farmers and others to avoid, remedy or mitigate the discharge of smoke from burning vegetation.

Rule 60: Burning of vegetation on production land or on forested land that does not comply with Rule 59

Activity classification: Controlled

This Rule applies to the burning of vegetation that does not comply with Rule 59.

In certain situations, land owners may consider that it is necessary to undertake burnoffs of greater proportions than are permitted under Rule 59. In other situations, prevailing winds or weather conditions may mean that the nuisance conditions are unlikely to be complied with. This rule is designed to enable these activities to continue whilst retaining sufficient control. The desire to retain control of the effects of burnoffs is reflected in the conditions that are contained in the 'control/discretion' column.

Burning of tyres or untreated used oil

Rule 61: Burning of tyres and used oil other than in an incinerator

Activity classification: Prohibited

This Rule applies to the burning of tyres or untreated used oil (other than as a result of fire training activities)¹⁹, where the activity does not occur in a purpose built incinerator.

The fumes and products of combustion when tyres, rubber or untreated used oil are burned are toxic and carcinogenic. It also has a deleterious effect on amenity values (for example, black smoke plumes, soiling of other properties and odour). Unless combustion is properly regulated in an incinerator designed to operate at the right combustion conditions and with adequate after-burner scrubbing of emissions, it is prohibited by Rule 61.

¹⁹ Rules 62 and 63 apply to fire training activities.

Note: the NES prohibits the burning of tyres in the open and the burning of oil in the open.

Discharges from fire training activities or fire safety research or education purposes

Rule 62: Fire training activities

Activity classification: Permitted

This Rule applies to the discharge of contaminants to air from fire training activities or fire safety research or education purposes by or under the supervision of the New Zealand Fire Service Commission or a member of a recognised legitimate fire fighting organisation or by any persons employed for (amongst other things) the purpose of fire fighting, subject to the stated conditions.

Fire training activities are undertaken on a frequent basis to enable organisations/individuals to respond in a safe, effective and efficient manner to fire fighting incidents in the region. However, significant adverse effects on air quality can occur if the activity is not carried out or controlled in a proper manner. The intention of this Rule is to enable this activity to occur in a manner that does not adversely affect the environment and neighbouring properties.

Rule 63: Fire training activities that do not comply with Rule 62

Activity classification: Controlled

This Rule applies to fire training activities that do not comply with Rule 62.

In certain situations, prevailing winds or weather conditions may mean that the nuisance conditions of Rule 62 are unlikely to be complied with. This Rule is designed to enable these activities to continue whilst retaining sufficient control. The desire to retain control of the effects of fire training activities is reflected in the conditions that are contained in the 'control/discretion' column.