

Policy AQL9 Applying Regional Ambient Air Quality Targets (RAAQT) ## 03-028 28 00

8 <i>(point 1)</i>	Primary Producers Co-Operative Society Ltd, Christchurch	Delete reference to the Regional Ambient Air Quality Targets.
8 <i>(point 2)</i>	Primary Producers Co-Operative Society Ltd, Christchurch	As an alternative amend reference to the Regional Ambient Air Quality Targets to only apply to urban airshed management, but not to individual discharges.
18	R. Vore	Support.
52	S. A. Corry	Reword Policy AQL9 or add a new policy or objective, to set a more absolute, quantifiable and measurable ambient air quality standard for the whole region, with a policy statement being that if monitoring finds this minimum standard is not being met, action will be taken to address it.
89	J. McSweeney	Support policy AQL9.
120	Christchurch City Council, Fendalton Service Centre	Support policy AQL9.
136	Association For Independent Research (AIR)	Clarify Policy AQL9 by referring to the powers granted under sections 368 and 369 of the RMA.
200	J. Ponsonby	Set sustainable air emission targets which enable and encourage innovation and technological improvements to meet standards or targets over time rather than prescribing the method of achieving such targets.
285 <i>(point 1)</i>	Alliance Group Ltd	Delete reference to the Regional Ambient Air Quality Targets.
285 <i>(point 2)</i>	Alliance Group Ltd	As an alternative amend reference to the Regional Ambient Air Quality Targets to only apply to urban airshed management, but not to individual discharges.
338	Transit New Zealand, Christchurch	Delete Policy AQL9, or amend the policy to clarify that it does not apply to the construction and operation of State highways, and to ensure that it recognises the current environment where road controlling authorities are not responsible for the discharge of emissions from vehicles and to ensure that the policy does not imply a de facto responsibility for their effects. If it cannot be satisfactorily clarified, delete Policy AQL9.

371	NZMP Ltd	Provide clarification on the economic impacts on business of implementing the policy. The policy is opposed because of economic impacts on businesses and the poor s32 analysis in that regard.
372	New Zealand Post	Provide clarification on the economic impacts on business of having to comply with Policy AQL9.
374	New Zealand Institute For Crop & Food Research Ltd	Provide an economic analysis on how Policy AQL9 will affect research organisations.
379	Christchurch City Council, Civic Offices	Specifying the percentage of Regional Ambient Air Quality Targets that design ground level concentrations may reach; remove Environment Canterbury's ability to consider modelling results on a case-by-case basis, and change the policy over time as further guidance becomes available. The policy should be consistent with guidance currently being prepared by MfE for the assessment of dispersion modelling results.
391 (point 1)	Carter Holt Harvey Panels MDF Ltd	Amend so that the Proposed Ambient Air Quality Guidelines 2000 are not used - they should be as guidelines, not as set standards on which rules are based.
391 (point 2)	Carter Holt Harvey Panels MDF Ltd	Amend or delete Policy AQL9.
411 (point 1)	NZMP Ltd	Delete reference to the Regional Ambient Air Quality Targets.
411 (point 2)	NZMP Ltd	As an alternative amend reference to the Regional Ambient Air Quality Targets to only apply to urban airshed management, but not to individual discharges.
416 (point 1)	NZMP Ltd	Delete reference to the Regional Ambient Air Quality Targets. Make other changes necessary to give effect to this submission.
416 (point 2)	NZMP Ltd	As an alternative amend reference to the Regional Ambient Air Quality Targets to only apply to urban airshed management, but not to individual discharges.
419	G L Bowron & Co Ltd	Clarify Policy AQL 9, and make it clear that Policy AQL9 is not intended to set the limits for maximum contaminant concentrations for individual consent applications.

424	Kennedys Bush Road Neighbourhood Association	Support policy AQL9.
F347	Federated Farmers of New Zealand	Support submission 374.
F435 (point 1)	Tegel Foods Ltd	Oppose submission 52.
F435 (point 2)	Tegel Foods Ltd	Support submission 391 (point 2).

Consideration

Submissions 8 (points 1 and 2), 52, 200, 285 (points 1 and 2), 338, 371, 372, 374, 379, 391 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2), 419, F347, F435 (points 1 and 2)

These various submitters express several concerns relating primarily to Policy AQL9(a). The primary concerns are summarised as follows:

- The policy is too prescriptive and stringent, and it does not allow sufficient flexibility to consider the merits of each individual case.
- The guideline values set by the policy may be suitable for assessing area-wide air quality, but they are not appropriate for the assessment of individual discharges.
- Design Ground Level Concentrations (“DGLC’s”) have not been defined and they will vary significantly according to the modelling approach adopted.
- The analysis of the economic impacts of the policy, particularly in relation to individual discharges outside the urban area of Christchurch, is inadequate.
- The policy is unclear, especially in relation to the terms “in combination with other discharges” and “unless all potential interactions with other sources are not significant”.
- The scope and intent of the policy in relation to the control and operation of roads is not clear.
- A single minimum ambient air quality standard should be set for the region.
- Policy AQL9(a) seeks to define how Regional Ambient Air Quality Targets will be applied outside clean air zones to discharges of contaminants to air, and the method of application by reference to design ground level concentrations. It should not apply in the Christchurch Clean Air Zones 1 and 2.

The Commissioners share many of these concerns.

As already noted, Policy AQL9(a) only partially achieves Objective AQL2 - ## 03-026 30 00 - 03-026 31 00, 391 (point 1), F275. Policy AQL9(a)(i)(1) as notified allows for the degradation of ambient air quality, whereas Objective AQL2(a) seeks to maintain existing ambient air quality. The Commissioners have already accepted that objective AQL2(a) is appropriate. The Commissioners consider that Policy AQL9 needs to be amended to provide for the maintenance and in some cases for the improvement of existing air quality and whether it is acceptable, good or excellent. In their view this needs to be done on an area wide basis - and not on a localised basis. They do not see that a policy seeking to maintain existing ambient air quality will necessarily preclude the grant of individual air discharge permits. They recommend that the policy needs to be altered in this regard.

The Commissioners were told that Policy AQL9(a)(i) and (ii) could allow further degradation of existing ambient air quality through multiple individual discharges of contaminants that together could frustrate the achievement of Objective AQL2. It was said that this was due to the policy focusing on single discharges and their “DGLC” (Design Ground Level Concentration) rather than on the cumulative effects of all discharges in the air shed.

The Commissioners do not understand this assertion. The policy does specifically refer to the effect of individual discharges in conjunction with other discharges. In their view this is appropriate. What the policy should do is seek to maintain or improve ambient air quality regardless of the source or sources of contamination.

If the changes proposed by the Commissioners are accepted and implemented by way of a variation, then the Policy will be in rather different form. The next question becomes whether or not the prescriptive approach of referring to DLGC’s is appropriate.

To an extent the Commissioners share the submitters’ concerns that Policy AQL9 as notified is too prescriptive and stringent. The policy is concerned with ambient air quality, but it adopts a tool better suited to predicting contaminants from individual discharges which even in that context has inherent uncertainties. Moreover it does not allow sufficient flexibility within which to consider the merits of each individual case. They also agree with the submitters that the guideline values proposed are not necessarily appropriate to assess individual discharges. They accept that DGLC’s can vary considerably depending on the approach taken.

The section 32 analysis was criticised. The analysis undertaken by the Council is essentially limited to Christchurch City, yet as notified, the policy is region-wide. Unfortunately the Commissioners were not given any sufficient information on which they could satisfactorily undertake their own section 32 analysis or assess the economic impacts of the policy as proposed on a region wide basis. Nor is there any material on which the Commissioners can consider the impact of Policy AQL9 on research organisations - a matter raised by submitter 374.

In their view there is simply insufficient information or analysis to justify the rather draconian approach of using DGLC’s on a region wide basis, at least at this stage.

They note that the reporting officers accepted that the use of DGLC’s should be abandoned at this stage.

The Commissioners also agree with the submitters that Policy AQL9(a) as notified is unclear, difficult to interpret, and in some respects subjective.

Because of the complexity involved in assessing the cumulative effects of the discharge of contaminants by dispersion modelling, the Commissioners consider that it is appropriate that flexibility should be retained to permit consideration of the appropriate assessment methodology in each case and that this is best done through the resource consent process. This currently occurs and it enables the Council to take into account a number of matters including DGLC's and such guidance as is available in regard to the interpretation of dispersion modelling results.

Submitter 338 was concerned at the extent of the policy. As notified the policy extends to all areas - including roads and the state highway. Given that it is concerned with ambient air quality on a regional basis, the Commissioners consider that this is appropriate.

They recommend that Policy AQL9(a) as notified should be deleted. They are not satisfied that it is the best way of dealing with the issues raised. They do recommend that Policy AQL9(a) could be rewritten: -

- (i) to remove specific reference to DGLCs; and
- (ii) so that it seeks to prevent the degradation of existing ambient air quality in order to achieve Objective AQL2.

Consequential amendments to the explanation and principal reasons would then need to be made to reflect any amended wording contained in Policy AQL9(a) as rewritten.

In many respects the recommendations made by the Commissioners go beyond specific changes proposed by submitters. They therefore recommend that Environment Canterbury should consider a variation to consider what changes to the Policy are appropriate. Their recommendation includes a suggested replacement policy, but ultimately that will be a matter for the Council after it has undertaken the appropriate analysis.

The recommendations here made affect a large number of the submissions which follow in relation to more specific matters in Policy AQL9.

A number of other matters, eg. those raised by submitters 8, 285, 391, 411, 416, and F435 have already been dealt with above, ## 03-026 30 00 - 03-026 31 00, 8 (points 1 and 2), 285 (points 1 and 2), 391 (point 2), 411 (points 1 and 2) and 416 (points 1 and 2). That consideration is adopted.

The Commissioners recommend that submissions 8 (points 1 and 2), 285 (points 1 and 2), 338 (in part), 391 (point 1), 411 (points 1 and 2), 416 (points 1 and 2), F435 (points 1 and 2) be rejected. Submissions 52, 200, 338 (in part), 371, 372, 374, 379 (in part), 391 (point 2), 419, and F347 are recommended for acceptance, either in whole or in part.

Submission 136

The submitter requested that Policy AQL9 be clarified by making reference to the powers granted under sections 368 and 369 of the RMA.

Sections 368 and 369 of the RMA are part of the transitional provisions in the RMA. The Transitional Regional Plan provisions will be withdrawn once the NRRP becomes operative. The NRRP retains the effect of section 369(11)(b) because Environment Canterbury can continue to prohibit or authorise small scale fuel burning devices under Method AQL11(d). The Clean Air Zones contained in the Transitional Regional Plan will be withdrawn once the NRRP becomes operative and the Clean Air Zones in the NRRP

will become the relevant clean air zones under the NRRP. No change is recommended, and it is recommended that the submission is rejected.

Submissions 18, 89, 120, 424

These submitters support Policy AQL9. It is recommended that the submission be rejected due to the Commissioners' recommendations above.

Recommendations

Accept

Submissions 52, 200, 371, 372, 374, 391 (point 2), 419, F347.

Accept in part

Submissions 338, 379.

Reject

Submissions 8 (points 1 and 2), 18, 89, 120, 136, 285 (points 1 and 2), 338 (in part), 391 (point 1), 411 (points 1 and 2), 416 (points 1 and 2), 424, F435 (points 1 and 2).

Amendment Required

- a) Delete Policy AQL9(a), p. 3-28, and the associated paragraphs 1 and 2 in the 'Explanation and principal reasons', p. 3-29.
- b) The Commissioners further recommend that Environment Canterbury consider a variation to replace Policy AQL9(a) which could read as follows:
 - “(a) Avoid, remedy or mitigate the adverse effects of discharges to air, both on their own and in combination with other discharges, so that they do not cause existing ambient air quality to be degraded, and to ensure;
 - (i) that “excellent” air quality in areas where existing air quality meets the "excellent" RAAQT value as defined in Schedule AQL1 is maintained;
 - (ii) that “good” or 'acceptable' air quality in areas where existing air quality meets the “good” or 'acceptable' RAAQT value as defined in Schedule AQL1 is either maintained or improved;
 - (iii) that air quality in areas where existing air quality is within or worse than the RAAQT 'alert' category as defined in Schedule AQL1 is either maintained or improved;
 - (iv) that in all cases the adverse effects of emissions into the air are minimised or avoided insofar as shall be reasonably practicable.”

If a policy to this effect were to be adopted some amendment to the Explanation and principal reasons to Policy AQL9 would be necessary. They could be amended as follows:

“Explanation and principal reasons

Policy AQL9(a) recognises situations where existing air quality is at levels better than the good Regional Ambient Air Quality Target (RAAQT), as is the case in the majority of the region’s rural areas, Policy AQL9 seeks to maintain air quality at the existing level or to improve it to a higher level and in any event to avoid degradation of ambient air quality.

Policy AQL9(b) recognises that specific management regimes are required to improve air quality in those areas where there is poor or degraded ambient air quality, such as in Christchurch and Timaru.

Policy 1(a) of Chapter 13 of the RPS identifies that priority shall be given to improving ambient air quality in Christchurch and Timaru. The Christchurch Clean Air Zones are specifically addressed under Objective AQL3.

At a future date, it is proposed to address winter air pollution problems, of varying severity, in Timaru, Ashburton, Kaiapoi and Rangiora. It is evident so far that all these areas have a wintertime air pollution problem. However, investigations and monitoring are still progressing.

Investigations and monitoring are still to be completed in other urban areas of Canterbury. They began in Kaikoura and Waimate in 2002, in Geraldine, Fairlie and Lyttelton in 2003, and commenced in other areas from 2004.”

Policy AQL9 (a) ## 03-028 30 00

8	Primary Producers Co-Operative Society Ltd, Christchurch	Review Policy AQL 9 (a) to remove the criteria for DGLCs.
225	St George's Hospital Inc	Review policy AQL 9(a) to remove the criteria for DGLC's (Design Ground Level Concentration).
285	Alliance Group Ltd	Review Policy AQL 9 (a) to remove the criteria for DGLCs.
338	Transit New Zealand, Christchurch	As an alternative to deleting Policy AQL 9, clarify the term 'in combination' to show the area over which discharges will be combined and what discharges will be combined. If it cannot be satisfactorily clarified, delete Policy AQL 9.
372	New Zealand Post	Clarify what 'in combination' with other discharges means - will it apply to other discharges within eg 50m radius or over a suburb?

374	New Zealand Institute For Crop & Food Research Ltd	Clarify what 'in combination' with other discharges mean. Will it apply to other discharges within eg, 100m radius, zone or the whole region?
379	Christchurch City Council, Civic Offices	Review Policy AQL 9 (a) to delete the criteria for DGLCs.
407	The Christchurch Press Co. Ltd	Review policy AQL 9(a) to remove the criteria for DGLC's.
411	NZMP Ltd	Review Policy AQL 9 (a) to remove the criteria for DGLCs.
416	NZMP Ltd	Review Policy AQL 9 (a) to remove the criteria for DGLCs. Make other changes necessary to give effect to this submission.
F275 (point 1)	Ravensdown Fertiliser Co-Operative Ltd	Oppose submission 8.
F275 (point 2)	Ravensdown Fertiliser Co-Operative Ltd	Oppose submission 225.
F275 (point 3)	Ravensdown Fertiliser Co-Operative Ltd	Oppose submission 285.
F275 (point 4)	Ravensdown Fertiliser Co-Operative Ltd	Oppose submission 379.
F275 (point 5)	Ravensdown Fertiliser Co-Operative Ltd	Oppose submission 407.
F275 (point 6)	Ravensdown Fertiliser Co-Operative Ltd	Oppose submission 416.
F347	Federated Farmers of New Zealand	Support submission 374.
F435 (point 1)	Tegel Foods Ltd	Support submission 338.
F435 (point 2)	Tegel Foods Ltd	Support submission 379.

Submission Clarification

Submissions 225, 407

Submitters 225 and 407 assert that DGLC's have not been defined by the Plan and that DGLC modelling is inherently uncertain. They also considered that the policy does not adequately recognise the potential for localised effects due to plume impacts and the potential for new industry to establish in an isolated area with good air quality. The submitters suggest that the policy removes Environment Canterbury's ability to consider modelling results on a case-by-case basis and to change the policy over time as further guidance becomes available.

F275

Submitter F275 submits that while DGLCs are not a perfect tool, they give some guidance to applicants for resource consents for new and existing activities regarding the degree to which the assimilative capacity of the local environment may be captured by an individual discharge.

Consideration

Submissions 8, 225, 285, 338, 372, 374, 379, 407, 411, 416, F347, F435(points 1 and 2)

The majority of the matters raised by these submitters have been considered above - ## 03-028 28 00, 8 (points 1 and 2), 52, 200, 235 (points 1 and 2), 338, 371, 372, 374, 379, 391 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2), 419, F347 and F435 (points 1 and 2). That analysis is adopted, and the recommendation is the same - the changes there proposed are recommended, and it is recommended that the submissions are accepted insofar as they seek to remove the criteria for or references to DGLCs.

A number of the submitters also raised the issue of use of the words "in combination", and suggest that these words should be clarified. The Commissioners do not consider that that is necessary. The explanation is open ended but that is not inappropriate given the subject matter - namely ambient air quality. The RMA recognises cumulative effects, and given that Policy AQL9 is addressing the effects of the discharge of contaminants into ambient air, it is appropriate that the policy should also do so. It is not possible to define precisely what the words "in combination" will mean in any particular circumstance. It is a matter which will fall for case-by-case analysis. The overall intent is clear enough. The Commissioners do not recommend any change in this regard. They recommend that the submissions in this regard be rejected. They have however recommended that the policy be deleted.

Submission F275 (points 1, 2, 3, 4, 5, and 6)

The submitter considers that DGLCs are useful as a means of providing guidance to applicants regarding the degree to which the assimilative capacity of the local environment may be captured by an individual discharge.

The Commissioners were told that Policy AQL9(a) was formulated for this reason. However, because of the complexity involved in assessing the cumulative effects of discharges via dispersion modelling, the Commissioners consider that it is appropriate that flexibility be retained to consider the assessment methodology for each individual case via the resource consent process. Put simply the Commissioners consider the DLGC's for individual discharges are too unreliable to provide a robust basis for controlling ambient air quality. It has been recommended that Policy AQL9(a) should be deleted. It is recommended that this submission be rejected.

Recommendations

Accept

Submissions 8, 225, 285, 338 (in part), 379, 407, 411, 416, F435 (point 2).

Reject

Submissions 338 (in part), 372, 374, F275 (points 1, 2, 3, 4, 5, and 6), F347, F435 (point 1).

Amendment Required

See above, ##03-028-28-00.

Policy AQL9 (a) (i) ## 03-029 01 00

125	Waimakariri District Council	Delete (a)(i).
338	Transit New Zealand, Christchurch	Clarify the interpretation of the Policy. If it cannot be satisfactorily clarified, delete Policy AQL9.
372	New Zealand Post	Amend Policy AQL9(a)(i) to apply to discharges outside the Clean Air Zones.
F125	Waimakariri District Council	Support submission 338.
F275	Ravensdown Fertiliser Co-Operative Ltd	Oppose submission 125: Delete (a)(i).
F429	Selwyn District Council	Support in part submission 125.

Consideration

Submissions 125, 338, 372, F125, F275, F429

The matters raised by these submitters have been considered above in relation to Policy AQL9 generally (##03-028 28 00), 8 (points 1 and 2), 52, 200, 285 (points 1 and 2), 338, 371, 372, 374, 379, 391 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2), 419, F347, and F435 (points 1 and 2). The views there expressed are adopted. The recommendation is the same - changes are recommended.

There is one additional point which requires consideration. Submitter 372 sought that the Policy should be amended to apply to discharges outside the Clean Air Zones. Given the changes recommended by the Commissioners, this amendment is not necessary. If their recommendation is adopted and a variation is undertaken, it may be that the policy will be much more generalised than was previously the case. If a more specific area-by-area approach is taken, that will have to be justified by such section 32 analysis as is then undertaken.

It is recommended that the submissions be accepted (either in whole or in part), but that submission F275 be rejected.

Recommendations

Accept

Submissions 125, 338 (in part), 372, F125, F429.

Reject

Submission F275.

Amendment Required

See recommendation above, ##03-028 28 00.

Policy AQL9 (a) (i) (2) ## 03-029 04 00

275	Ravensdown Fertiliser Co-Operative Ltd	Amend Policy AQL9(a)(2) to read: "areas where the ambient air quality meets the 'good' RAAQT defined in schedule AQL1; and'.
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Consideration

Submission 275

This submitter was concerned that the meaning of the subparagraph was unclear since the air quality being referred to could be above or below the "acceptable" RAAQT. For the reasons discussed in the evaluation of submissions on Policy AQL9 (## 03-028 28 00, 8 (points 1 and 2), 52, 200, 285 (points 1 and 2), 338, 371, 372, 374, 379, 391 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2), 419, F347, and F435 (points 1 and 2). It has been recommended that Policy AQL9(a) should be amended to delete

specific reference to DGLCs, while retaining the intent of the policy to prevent the degradation of existing ambient air quality. If the Commissioners' recommendation is accepted and a variation results, this should meet the concerns expressed, albeit in a slightly different way. It is recommended that the submission is accepted in part.

Recommendation

Accept in part

Submission 275.

Amendment Required

See recommendation above, ##03-028 28 00.

Policy AQL9 (a) (i) (3) ## 03-029 06 00 - 03-029 09 00

52	S. A. Corry	Policy AQL9(a)(i)(3) is superfluous.
338	Transit New Zealand, Christchurch	As an alternative to deleting Policy AQL9, clarify what 'other sources' will be considered. If it cannot be satisfactorily clarified, delete Policy AQL9.
374	New Zealand Institute For Crop & Food Research Ltd	Clarify what other sources will be considered and how will significance be assessed?
F347	Federated Farmers of New Zealand	Support submission 374.

Consideration

Submissions 52, 338, 374, F347

Submitter 52 suggested that Policy AQL9(a)(i)(3) is superfluous - because if an activity is permitted, it is permitted and it is not subject to conditions. A rule can make an activity permitted as long as various conditions are met, but subject to this, and in the context of a resource consent application, the Commissioners agree.

The other submitters expressed concern at the subjective nature of the subparagraph as notified. Again the Commissioners agree. They refer to their evaluation of submissions on Policy AQL9 (## 03-028 28 00, 8 (points 1 and 2), 52, 200, 285 (points 1 and 2), 338, 371, 372, 374, 379, 391 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2), 419, F347, and F435 (points 1 and 2). They have recommended amendments to the policy which if accepted will address the problem commented on by the submitters. They recommend that the submissions are accepted.

Recommendations

Accept in part

Submissions 52, 338, 374, F347.

Amendment Required

See recommendation above, ##03-028 28 00.

Policy AQL9 (a) (ii) ## 03-029 10 00 - 03-029 12 00

125	Waimakariri District Council	Delete (a) ii.
275 (point 1)	Ravensdown Fertiliser Co-Operative Ltd	Amend Policy AQL(9)(ii) to read: 'ensuring that in all other cases no more than 1% of the one hour design ground level concentrations and no more than 2% of the 24 hour design ground level concentrations exceed the 'acceptable' RAAQT, multiplied by 0.75 unless all potential interations with other sources are not significant; and'
275 (point 2)	Ravensdown Fertiliser Co-Operative Ltd	Amend Policy AQL(9)(ii) to require existing ambient air quality to be considered in assessing the effects of discharges from existing plants.
372 (point 1)	New Zealand Post	Amend Policy AQL 9 (a) (ii) to apply to discharges outside the Clean Air Zones.
372 (point 2)	New Zealand Post	Clarify what other sources will be considered and how will significance be assessed?
F275	Ravensdown Fertiliser Co-Operative Ltd	Oppose submission 125.

Consideration

Submissions 125, 275 (points 1 and 2), 372 (points 1 and 2), F275

For the reasons already outlined - ##03-028 28 00, 8 (points 1 and 2), 52, 200, 285 (points 1 and 2), 338, 371, 372, 374, 379, 391 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2), 419, F347, and F435 (points 1 and 2). The Commissioners have already recommended that this subparagraph should be deleted. Their recommendations and the reasons there advanced are adopted.

Recommendations

Accept in part

Submissions 125.

Reject

Submission 275 (points 1 and 2), 372 (points 1 and 2), F275.

Amendment Required

See recommendation above, ##03-028 28 00.

Policy AQL9 (b) ## 03-029 14 00

201	Ministry For The Environment	Amend Policy AQL9(b) to read: 'Specify clean air zones and specify management regimes for improving ambient air quality in Christchurch through Policies AQL13 to AQL21 and in other townships in Canterbury where guideline values are exceeded, by 2005.'
F125	Waimakariri District Council	Support in part submission 201.
F401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Oppose submission 201.

Consideration

Submissions 201, F125, F401

Submitter 201 is seeking that Environment Canterbury should commit itself to a timeframe for undertaking the necessary plan variation(s) for those townships outside Christchurch that have ambient air quality issues in accordance with Policy AQL9(b).

That is understandable but as is obvious the date suggested - 2005 - has already passed. Legally a timeframe is not necessary as a variation or a plan change can occur at any stage in the life of a plan. In the Commissioners' view flexibility in the timing of any potential variation or plan change needs to be provided for to allow Environment Canterbury the time to undertake the appropriate investigations to determine whether or not there is a problem and then to determine, in consultation with the affected communities, the appropriate management regime for each particular area. The deadlines in effect put in place by the NES should provide sufficient incentive. It is recommended that submissions 301 and F125 be rejected, and that submission F401 be accepted.

Recommendation

Accept

Submissions F401.

Reject in part

Submissions 201 and F125.

Amendment Required

None.

Explanation and principal reasons ## 03-029 18 00

338	Transit New Zealand, Christchurch	Amend Policy AQL9 to make it clear that Policies AQL9(a)(i) and (ii) apply to design level ground concentrations for discharges outside of Clean Air Zones and state what the clean air zones are. If it cannot be satisfactorily clarified, delete Policy AQL9.
436	Coal Association Of New Zealand	Make clear that the 25% (75% of 33%) of the National Guidelines level applies only outside Clean Air Zones.

Consideration

Submissions 338, 436

The Commissioners have recommended - ## 03-028 28 00, 8 (points 1 and 2), 52, 200, 285 (points 1 and 2), 338, 371, 372, 374, 379, 391 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2), 419, F347, and F435 (points 1 and 2) - that Policy AQL9 in its notified form be deleted and that the Regional Council consider a variation to put in place an amended policy. The concerns expressed will be met if this recommendation is accepted. It is recommended that the submissions be accepted in part.

Recommendation

Accept in part

Submissions 338 and 436.

Amendment Required

See recommendation above, ##03-028 28 00.

Explanation and principal reasons - Paragraph 2 ## 03-029 25 00 - 03-029 26 00

125	Waimakariri District Council	Delete paragraph two.
348	Environment Canterbury	Amend the second paragraph to read: ' ... concentrations for discharges, except where there is a specific management regime under Policy AQL 9(b). These criteria...'
F347	Federated Farmers of New Zealand	Opposes submission 348.

Consideration

Submissions 125, 348 and F347

The submitter suggests that the second paragraph of the explanation and principal reasons should be deleted. It argued that until these investigations are undertaken it cannot be said what measures will be appropriate outside Clean Air Zones 1 and 2 in Christchurch.

The Commissioners agree. They have also recommended that the references to DLGC's should be deleted. As a consequence they agree that paragraph 2 should go. It follows that the amendment sought by submitter 348 is inappropriate. They refer to and adopt their evaluation of the submissions on Policy AQL9(a) (##03-028 28 00, 8 (points 1 and 2), 52, 200, 285 (points 1 and 2), 338, 371, 372, 374, 379, 391 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2), 419, F347, and F435 (points 1 and 2).

Recommendation

Accept

Submissions 125 and F347.

Reject

Submission 348.

Amendment Required

Delete the following paragraph:

~~Policies AQL9(a) (i) and (ii) identify design ground level concentrations for discharges outside of clean air zones. These criteria provide clear guidance for the interpretation of the results of dispersion modelling undertaken as part of resource consent applications.~~

Explanation and principal reasons - Paragraph 3 ## 03-029 28 00

348	Environment Canterbury	Amend the third paragraph to read: '...management regimes are for individual contaminants required to improve...'
F347	Federated Farmers of New Zealand	Opposes submission 348.

Consideration

Submissions 348, F347

The submitter seeks that there should be a reference to individual contaminants in specific management regimes.

The Commissioners disagree. Policy AQL9 as notified is not specific to any particular individual contaminant. If a contaminant requires a specific management regime under Policy AQL9(b) then this can be provided for, but it cannot be assumed that this will always be necessary. No change is recommended, and it is recommended that the submission is rejected. The further submission is recommended for acceptance.

Recommendation

Reject

Submission 348.

Accept

Further submission F347.

Amendment Required

None required.

Explanation and principal reasons - Paragraph 5 ## 03-029 34 00

201	Ministry For The Environment	Delete the paragraph and replace with: 'Timaru, Ashburton, Kaiapoi and Rangiora all have winter air pollution problems, of varying severity. Investigation and monitoring have been undertaken and as a priority the further work required to translate these results into an effective management regime that will improve air quality in these areas will be undertaken.'
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F125	Waimakariri District Council	Opposes submission 201.
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Consideration

Submissions 201, F125

There are specific provisions in the NRRP which seek to improve air quality in Christchurch, but none for Timaru. Similarly there are no specific provisions for improving ambient air quality in Ashburton, Kaiapoi and Rangiora and even though it is acknowledged that there are winter air pollution problems in these townships as well. There is a commitment to further investigate the extent of wintertime air pollution in these areas but there are no methods that will translate the results of such investigations into action. With the adoption of the NES (requiring that levels of PM₁₀ at 50 µg/m³ (24-hour average) are not to be exceeded more than once a year by 2013) it is considered appropriate to replace the fifth paragraph of the explanation and principal reasons to Policy AQL9 as follows:

“Timaru, Ashburton, Kaiapoi and Rangiora all have winter air pollution problems of varying severity. Investigations and monitoring have been undertaken and are still progressing in these areas as well as in other towns in the Canterbury region. Results from these investigations and monitoring will be used to determine such management regimes as are appropriate to improve air quality in these areas.”

It is recommended that submission 201 be accepted in part and that further submission F125 be rejected.

Recommendation

Accept in part

Submission 201.

Reject

Further submission F125.

Amendment Required

Delete the fifth paragraph to the explanation and principal reasons to Policy AQL9, p. 3-29, and replace it as follows:

“Timaru, Ashburton, Kaiapoi and Rangiora all have winter air pollution problems of varying severity. Investigations and monitoring have been undertaken and are still progressing in these areas as well as in other towns in the Canterbury region. Results from these investigations and monitoring will be used to determine such management regimes as are appropriate to improve air quality in these areas.”

Explanation and principal reasons - Paragraph 6 ## 03-029 37 00

238	Director General Of Conservation	Retain the provision to undertake investigations and monitoring in Kaikoura as planned in 2002.
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Consideration

Submission 238

The intent of this submission is accepted - but unfortunately the timeline has well and truly gone. The whole paragraph needs to be altered to recognise this, and the actual dates when investigation started should be inserted. This can be done as a minor amendment.

Recommendation

Accept

Submission 238.

Amendment Required

Make the appropriate minor amendments to correct the grammar and tenses used in the Explanation and principal reasons, sixth paragraph, on p. 3-29 to recognise the times when investigations commenced. An appropriate amendment is:

“Investigations and monitoring have been and still are being undertaken in other urban areas of Canterbury. They began in Kaikoura and Waimate in 2002, in Geraldine, Fairlie and Lyttelton in 2003, and in other areas in 2004.”

Methods ## 03-029 40 00

125	Waimakariri District Council	Add new method (f): "Promote liaison between Environment Canterbury, Territorial Authorities, and members of the various communities to explore options for the reduction of emissions."
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Consideration

Submission 125

The submitter is seeking a new method called “Liaison” which is intended to promote liaison between Environment Canterbury, territorial authorities, and members of the various communities so that they can explore options for the reduction of emissions.

The RMA recognises the value of non-statutory methods for obtaining desired environmental outcomes, and the Commissioners acknowledge that there are significant opportunities for working with communities to implement Policy AQL9 and to achieve Objective AQL2.

Method AQL9(a) “Investigation” highlights the steps involved under this process. Step 6 refers to the following:

“(6) determining community views on the desirable level of air quality and the options for improving it.”

A community will include not only community members, but also its representative territorial authority. It is considered that the plan already addresses the concerns of the submitter. No change is required and it is recommended that the submission is rejected.

Recommendation

Reject

Submission 125.

Amendment Required

None required.

Method AQL9(a) Investigation ## 03-029 42 00 - 03-029 43 00

201 (point 1)	Ministry For The Environment	Amend the title to: 'Investigation and Implementation'.
201 (point 2)	Ministry For The Environment	Amend to read: 'Environment Canterbury will use existing data and undertake such other investigations into the extent of wintertime air pollution in townships within Canterbury as necessary in order to implement specific clean air zones and specific management regimes for improving ambient air quality within the specified timeframes: (i) Timaru by 2004, or as soon as practicable (ii) Ashburton, Rangiora, Kaiapoi and other townships where guideline values are exceeded, by 2005, or as soon as practicable.
F125	Waimakariri District Council	Oppose submission 201 (point 2).

Consideration

Submissions 201 (points 1 and 2), F125

Method AQL9(a) “Investigation” requires Environment Canterbury to undertake investigations into air quality in various urban areas in the region. It highlights the

process steps involved under this method, including the different levels of investigation required through to the analysis of the options for improving air quality, their cost effectiveness and determining community views on the desirable level of air quality and the options for improving it.

The Commissioners agree with the submitter that the title should more appropriately read “Investigation and Implementation”. This is what is covered under the heading.

Submitter 201 is also concerned that the method does not specify what will happen with the information from the investigations or detail when something will be implemented to improve the air quality. It suggests that there needs to be specific methods for addressing air pollution problems in the other Canterbury towns and not just Christchurch.

As already noted the timelines have already gone. Work has however been done, and the Commissioners accept that the regional council will act when and as required. The NES provides a very firm incentive for it to do so.

It is considered that the method as worded covers the concerns of the submitters. No change is recommended in this regard. Submission 201 (point 1) is recommended for acceptance. Submission 201 (point 2) should be rejected, and the submission in opposition accepted.

Recommendation

Reject

Submission 201 (point 2).

Accept

Submission 201 (point 1) and F125.

Amendment Required

Amend title to Method AQL9(a) to read “Investigation and Implementation”.

Method AQL9(a) (iii) ## 03-030 03 00

201	Ministry For The Environment	Add a seventh point: '(7) implementation of specific clean air zones and specific management regimes for improving ambient air quality.'
F401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Oppose submission 201.

Consideration

Submissions 201, F401

As noted method AQL9(a) highlights the steps involved in an investigation and implementation. These include an analysis of the options and community consultation. It cannot be assumed that a clear air zone will be implemented or that specific management regimes will be put in place. These are simple options that may be available and chosen. No change is appropriate, and it is recommended that submission 201 be rejected. The further submission should be accepted.

Recommendation

Accept

Submission F401.

Reject

Submission 201.

Amendment Required

None required.

Method AQL9(a) (iii) (1) ## 03-030 05 00

125	Waimakariri District Council	Replace the words "remote areas" with "areas at the boundaries of the urban areas".
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Consideration

Submission 125

Method AQL9(a) as notified says the following:

“Method AQL9(a) Investigation

Environment Canterbury will undertake investigations into the extent of wintertime air pollution in urban townships with Canterbury in the following priority:

- (i) Timaru*
- (ii) Ashburton, Rangiora and Kaiapoi*
- (iii) other urban townships.*

This process will involve the following steps:

- (1) ongoing ambient air quality and meteorological monitoring at sites that are representative of peak, residential and remote areas;”*

The submitter suggests that it is unclear what is meant by 'remote areas'. It points out that throughout the document, and in the Section 32 Report, the focus for air monitoring is on urban areas.

The Commissioners were told, and they accept, that it is important that investigations in a range of areas should be carried out in order to determine what the existing air quality is and what management methods (if any) are needed for the different airsheds. This includes airsheds that meet the 'good' or 'excellent' RAAQT values which are likely to be found in remote areas. Parts of the region can properly be described as remote areas. The description is not unclear or inappropriate. No change is recommended, and it is recommended that the submission is rejected. As a minor point the Commissioners note the use of the word "with" on the second line of Method AQL9(a) on p 3-29. They suspect this should read "within".

Recommendation

Reject

Submission 125.

Amendment Required

Amend word "with" in line 2 of Method AQL9(a) on p 3-29 to read "within".

Method AQL9(a) (iii) (6) ## 03-030 14 00

125	Waimakariri District Council	Amend para. 6 to read "Work with communities to develop community based solutions, where practical, to improve air quality."
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Consideration

Submission 125

Point (6) in Method AQL9(a) as notified says the following:

"(6) determining community views on the desirable level of air quality and the options for improving it."

The submitter suggests that the emphasis in (6) should be on working with communities to develop community solutions to air quality problems. It notes that these could involve non-statutory initiatives, particularly in smaller urban areas where community pressure may be more likely to encourage co-operation in the use of some appliances when atmospheric conditions mean that they represent a threat to air quality.

Step 6 as notified requires Environment Canterbury to work with communities to determine views on what level of air quality the community is prepared to accept, and what options should be taken to improve it. The options could include both non-

regulatory and regulatory methods. To this extent the Commissioners do not consider that any change is necessary to meet the submitter’s concerns.

Change was recommended by the reporting officers to emphasise that the debate should not be on what is the appropriate ambient air quality target, but rather on the options to get better ambient air quality. That may or may not be appropriate but the changes suggested were beyond the scope of the submission. They are not recommended for that reason. It is recommended that the submission be rejected.

Recommendation

Reject

Submission 125.

Amendment Required

None required.

Method AQL9(c) Resource consents ## 03-030 20 00

338	Transit New Zealand, Christchurch	Retain Method AQL 9(c), as worded.
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Consideration

Submission 338

No submitter sought any alteration to Method AQL9(c). The Commissioners are not recommending any change to it. The submission can be accepted.

Recommendation

Accept

Submission 338.

Amendment Required

None required.

Method AQL9(d) Compliance and enforcement ## 03-030 36 00 - 03-030 40 00

348	Environment Canterbury	Add a new first sentence to read: 'Environment Canterbury will undertake monitoring and ensure compliance with resource consent conditions.'
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F275	Ravensdown Fertiliser Co-Operative Ltd	Support submission 348.
F347	Federated Farmers of New Zealand	Oppose submission 348.

Consideration

Submissions 348, F275, F347

Submitter 348 supported by further Submitter F275 seeks that Method AQL9(d) should be amended by adding a statement to the effect that Environment Canterbury will undertake monitoring and ensure compliance with resource consent conditions.

These submissions have been considered above, ## 03-011 35 00, 348, F347. That analysis is adopted. It is recommended that submissions 348 and F275 be rejected, and further submission F347 accepted in part.

Recommendation

Reject

Submission 348 and F275.

Accept in part

Submissions F347.

Amendment Required

None required.

Method AQL9(e) Response to complaints and enquiries ## 03-030 43 00

347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Amend Method 9(e) to signal that Ecan staff will only investigate complaints where the nuisance is (i) ongoing and (ii) arises from the effects of an Ecan consent.
378	Canterbury Growers Society Ltd	Ensure that the complaints database only contains verified complaints.
401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Ensure that the complaints database only contains verified complaints.
F347	Federated Farmers of New Zealand	Support submission 401.

Consideration

Submissions 378, 401, F347

These submissions are common to all method provisions referring to complaints and inquiries contained in Chapters 1, 2 and 3. The substance of this issue has been considered above (see ## 01-029 12 00, 378, 401 and F347). The consideration there given is adopted. Further the recommendation is the same – namely that no change be made, and that the submissions are rejected.

Submission 347

Submitter 347 sought that Environment Canterbury should only investigate complaints where the nuisance is: (i) ongoing, and (ii) arises from the effects of an Environment Canterbury consent. As part of its reasoning, the submitter asserted that it considers that only verified complaints should be logged.

In part, this issue has been considered above (see ## 01-029 12 00, 378, 401 and F347). The consideration there made is adopted. Further, the Commissioners note that section 35(2) of the RMA sets out five circumstances where Environment Canterbury must monitor and take appropriate action. Monitoring the exercise of resource consent is only one of those five matters. They accept that monitoring one-off nuisances will be relevant to assessing the effectiveness of the policies, rules and other methods in the NRRP. Nothing can be inserted into Chapter 3 that derogates from these statutory duties. No change is recommended, and it is recommended that the submission is rejected.

Recommendation

Reject

Submissions 347, 378, 401, F347.

Amendment Required

None required.