

Policy AQL12: Set emission standards for large scale fuel burning devices ## 03-033 25 00 - 03-033 27 00 - 03-033 30 00

18	R Vore	Support.
89	J McSweeney	Support.
97	Foodstuffs South Island Ltd	The use of internal combustion equipment less than 300kW should be made a permitted activity, and the use of internal combustion equipment 300kW or more be a controlled activity with appropriate conditions. Make any consequential amendments to the Plan.
112	Solid Energy New Zealand Ltd	Retain this policy.
120	Christchurch City Council, Fendalton Service Centre	This policy should be reviewed in the light of flow on effects that will occur for businesses and their economic viability.
131	M Coffey	Support.
215	Canterbury Aoraki Conservation Board	Support. Need a review of Clean Air Zones 1 & 2 in relation to this policy if Christchurch city grows in size.
275	Ravensdown Fertiliser Co-Operative Ltd	Delete policy AQL 12.
329	Lyttelton Port Company Ltd	Delete or amend Policy AQL 12, as follows: 'Large scale fuel burning outside the Christchurch Clean Air Zones 1 and 2. Where a resource consent is required, and where it is appropriate, require the adoption...' Refer also 3-33-32, 3-33-38, 3-33-41. Make any consequential amendments to the Plan as necessary.
353	Canterbury Meat Packers Ltd	Delete 'prevent or minimise' and replace with 'avoid, remedy or mitigate'. Make any consequential amendments to the plan where necessary.
370	Department of Corrections	Retain as worded.
371	NZMP	Retain as worded.
374	New Zealand Institute For Crop & Food Research Ltd	Retain as worded.

378	Canterbury Growers Society Ltd	Delete the words 'outside the Christchurch Clean Air Zones 1 and 2.
379	Christchurch City Council, Civic Offices	Support.
391	Carter Holt Harvey Panels MDF Ltd	Amend or delete Policy AQL 12. The guidelines (which are out of date) should be used as guidelines, not as set standards on which rules are based. Make any other consequential amendments to the Plan.
401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers Fed Inc.	Delete the words 'outside the Christchurch Clean Air Zones 1 and 2.
F117	TrustPower Ltd	Support submission 112
F347 (point 1)	Federated Farmers of New Zealand	Support submission 374
F347 (point 2)	Federated Farmers of New Zealand	Support submission 401
F401	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers Fed Inc.	Support submission 120

Submission Clarification

Submission 120

Submission 120 considers that the policy is too rigorous and that the flow-on effects on the economic viability of businesses may be significant.

Submission 97

Submission 97 submits that the policy and subsequent rules that relate to diesel-fired generators are too harsh and do not recognise the value of such generators for network load shedding and emergency purposes. No specific amendments to Policy AQL12 are requested.

Submission 275

Submission 275 submits that imposing emission standards for large scale fuel burning devices is unnecessary. It is considered that a more appropriate approach would be to use the RAAQTs, applied via Policy AQL9 to control the effects of discharges. It is submitted that the BPO requirement could require progressive upgrading of plant processes and emission controls.

Submission 329

Submission 329 submits that adoption of the BPO via Policy AQL12 is inappropriate because it would only apply to burners that require resource consent and because the BPO may not always be the most efficient and appropriate means of controlling adverse effects. It is requested that the policy explicitly state that it applies only to cases where resource consent is required, and where it is appropriate.

Submission 353

Submission 353 considers that the term “minimise” is inconsistent with the terminology in the RMA and should be replaced with “avoid, remedy or mitigate”.

Submissions 378, 401 and Further Submission F347

Submissions 378, 401 and F347 support the best practicable option approach to minimising discharges to air from large scale fuel burning equipment. However, they consider that this approach should apply both inside and outside the Christchurch Clean Air Zones 1 and 2. There is concern that some burners that were previously located in rural areas are now adversely affected by the spread of urban development around Christchurch.

Consideration

Submissions 18, 89, 112, 131, 215, 370, 371, 374, 379 and Further Submissions F117, F347 (point 1)

These various submissions support Policy AQL12. The BPO approach required by this policy is generally regarded by these submissions as pragmatic, while still allowing for potential adverse effects to be avoided, remedied or mitigated.

The Commissioners agree in general with these submissions, and with the approach taken in the policy. They are not recommending any changes to the policy, or that it be deleted. They recommend that the submissions be accepted.

Submissions 97, 120, 275, 329, 391 and Further Submission F401

These submitters seek either that the policy be amended, or that it be deleted.

Policy AQL12's requirement for large scale fuel burning devices to adopt the best practicable option is not considered to be overly stringent. The policy is implemented by Rules AQL22-AQL27. These rules require that the concentration of particulate matter discharged from solid fuel burning equipment be less than 500mg/m³ under standard operating conditions. It is expected that this requirement can be met by existing boilers and furnaces operated according to good practice. With regard to diesel-fired generators, the rules allow for generators (less than 300kW net output) that are not used for network load shedding as permitted activities. Thus any flow-on effects for the economic viability of businesses are not expected to be significant. It is not envisaged that upgrading of plant processes and new emission controls will be required for businesses currently operating in line with good practice. Deletion of the policy would leave a significant gap in the plan. That is not appropriate. It is recommended by the Commissioners that Policy AQL12 be retained and these various submissions are rejected.

Submission 353

The words "prevent or minimise" used in Policy AQL12 specifically relate to the adoption of the best practicable option. In other contexts the Commissioners have recommended that these words be deleted, but in this context it is considered by the Commissioners that the wording is appropriate. It is recommended that this submission be rejected.

Submissions 378, 401 and Further Submission F347 (point 2)

These submissions seek that the reference to Clean Air Zones 1 & 2 should be deleted.

The plan recognises that specific air quality management approaches are required for Christchurch where ambient air quality guidelines are regularly breached by high concentrations of fine particulate matter. Large scale fuel burning devices contribute, albeit in small part, to this problem. In the Commissioners' view it is appropriate that tighter particulate emission controls apply to burners discharging into the Christchurch airshed. There is a specific policy dealing with Christchurch Clean Air Zones 1 & 2 – policy AQL19. This policy should therefore only apply outside the Clean Airshed Zone 1 and 2. The Commissioners recommend that these submissions be rejected.

Recommendations

Accept

Submissions 18, 89, 112, 131, 215, 370, 371, 374, 379 and Further Submissions F117, F347 (point 1).

Reject

Submissions 97, 120, 275, 329, 353, 378, 391, 401 and Further Submissions F347 (point 2), F401.

Amendment Required

None required.

Explanation and principal reasons - Paragraph 1 ## 03-033 32 00 - 03-033 33 00 - 03-033 35 00

8 <i>(point 1)</i>	Primary Producers Co-Operative Society Ltd, Christchurch	Delete reference to the Regional Ambient Air Quality Target.
8 <i>(point 2)</i>	Primary Producers Co-Operative Society Ltd, Christchurch	As an alternative to the submissions made (see 3-26-31, 3-26-34, 3-27-11, 3-28-28, 3-33-33, 3-148-33, 3-178-23, 3-178-32, 3-1819, 3-211-2, 3-211-4, 3-212-2, 3-213-2, 3-217-3, 3-25-26, 3-27-11, 3-211-5 and 3.0), amend reference to the Regional Ambient Air Quality Target to only apply to urban airshed management, but not to individual discharges.
285 <i>(point 1)</i>	Alliance Group Ltd	Delete reference to the Regional Ambient Air Quality Target.
285 <i>(point 1)</i>	Alliance Group Ltd	As an alternative to the submissions made (see 3-26-31, 3-26-34, 3-27-11, 3-28-28, 3-33-33, 3-148-33, 3-178-23, 3-178-32, 3-1819, 3-211-2, 3-211-4, 3-212-2, 3-213-2, 3-217-3, 3-25-26, 3-27-11, 3-211-5 and 3.0), amend reference to the Regional Ambient Air Quality Target to only apply to urban airshed management, but not to individual discharges.
329	Lyttelton Port Company Ltd	As an alternative to deleting Policy AQL 12, delete the first paragraph of the Explanation and principal reasons - Policy AQL 12 recognises that ... fuel burning equipment.' Make any consequential amendments to the Plan as necessary.
411 <i>(point 1)</i>	NZMP	Delete reference to the Regional Ambient Air Quality Target.
411 <i>(point 2)</i>	NZMP	As an alternative to the submissions made (see 3-26-31, 3-26-34, 3-27-11, 3-28-28, 3-33-33, 3-148-33, 3-178-23, 3-178-32, 3-1819, 3-211-2, 3-211-4, 3-212-2, 3-213-2, 3-217-3, 3-25-26, 3-27-11, 3-211-5 and 3.0), amend reference to the Regional Ambient Air Quality Target to only apply to urban airshed management, but not to individual discharges.
416 <i>(point 1)</i>	NZMP	Delete reference to the Regional Ambient Air Quality Target. Make other changes necessary to give effect to this submission.

416 (point 2)	NZMP	As an alternative to the submissions made (see 3-26-31, 3-26-34, 3-27-11, 3-28-28, 3-33-33, 3-148-33, 3-178-23, 3-178-32, 3-1819, 3-211-2, 3-211-4, 3-212-2, 3-213-2, 3-217-3, 3-25-26, 3-27-11, 3-211-5 and 3.0), amend reference to the Regional Ambient Air Quality Target to only apply to urban airshed management, but not to individual discharges. Make other changes necessary to give effect to this submission.
424	Kennedys Bush Road Neighbourhood Association	Support.

Submission Clarification

Submission 329

Submission 329 seeks deletion of the first paragraph of the explanation and principal reasons for Policy AQL12.

Submissions 8 (points 1 and 2), 285 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2)

Submissions 8 (points 1 and 2), 285 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2) express general concern with the manner in which RAAQTs will be applied to industrial sites, both urban and remote.

Consideration

Submission 329

This submission seeks that the first paragraph of the explanation and principal reasons should be deleted.

The first paragraph explains why a different approach is required for large scale fuel burning devices in Christchurch, compared to similar burners in the rest of Canterbury. The explanation is helpful but it is not accurate. Policy AQL12 does not recognise the problem within Christchurch Clean Air Zones 1 & 2. In the Commissioners' view the introductory words should be deleted. The rest of this paragraph should be retained. It is recommended that this submission be accepted in part.

Submissions 8 (points 1 and 2), 285 (points 1 and 2), 411 (points 1 and 2), 416 (points 1 and 2)

The submissions challenge the reference to RAAQTs in the explanation. They suggest that RAAQT's should not apply to individual discharges.

The Commissioners do not think that they do refer to individual discharges. No change is therefore recommended by the Commissioners, and it is recommended that the submissions are rejected.

As discussed in ## 03-028 28 00 'Policy AQL9: Applying Regional Ambient Air Quality Targets (RAAQT) it is recommended that Policy AQL9(a) be amended to remove reference to DGLCs, but to maintain the general reference to RAAQTs for all discharges. These submissions are recommended for rejection.

Submission 424

The submission supports this paragraph. Change is recommended by the Commissioners; therefore the submission can be accepted in part only.

Recommendations

Reject

Submissions 8 (points 1 and 2), 285 (points 1 and 2), 329, 411 (points 1 and 2), 416 (points 1 and 2).

Accept in part

Submission 329, 424.

Amendment Required

Amend the first paragraph of the Explanation and principal reasons for Policy AQL12, p.3-33 as follows:-

~~“Policy AQL12 recognises that w~~ Within the Christchurch Clean Air Zones 1 and 2 there are already elevated concentrations of PM₁₀ above the alert target in the Regional Ambient Air Quality Targets (RAAQT). A specific management regime has therefore been adopted for the Christchurch Clean Air Zones 1 and 2. Because large-scale fuel burning equipment contributes to a small percentage of this problem, specific direction has been provided for large scale burning equipment”

Explanation and principal reasons - Paragraph 2 ## 03-033 38 00 - 03-033 39 00

329	Lyttelton Port Company Ltd	As an alternative to deleting Policy AQL12, amend the second paragraph of the Explanation and principal reasons to read: 'Outside of the Christchurch Clean Air Zones 1 and 2 it may be appropriate that discharges of PM10 from large scale fuel burning equipment, which require a resource consent, adopt the best practicable option to minimise or prevent adverse effects on the environment. Make any consequential amendments to the Plan as necessary.'
348	Environment Canterbury	Add a new first sentence into the method of compliance and enforcement to read: 'Environment Canterbury will undertake monitoring and ensure compliance with resource consents conditions.'
F347	Federated Farmers of New Zealand	Oppose submission 348: Add a new first sentence into the method of compliance and enforcement to read: 'Environment Canterbury will undertake monitoring and ensure compliance with resource consents conditions.'

Submission Clarification

Submission 329

Submission 329 requests changes to the explanation of Policy AQL12 to clarify that the policy applies only to discharges that require resource consent.

Submission 348 and Further Submission F347

Submissions 348, F347 were inappropriately summarised. They refer to Method AQL12(d) Compliance and enforcement, and are considered at location ##03-034 33 00. It is not necessary to consider them at this point.

Consideration

Submission 329

The policy applies to all discharges. In the Commissioners' view this is appropriate. All dischargers should seek to prevent or minimise adverse effects from their activities, and whether or not a resource consent is required. The explanation in the second paragraph should therefore be retained, and the Commissioners recommend that the submission is rejected.

Recommendations

Reject

Submission 329.

No recommendation required

Submission 348 and Further Submission F347.

Amendment Required

None required.

Explanation and principal reasons - Paragraph 3 ## 03-033 41 00

329	Lyttelton Port Company Ltd	As an alternative to deleting Policy AQL 12, delete the third paragraph of the Explanation and principal reasons - 'Section 70 (2) of the RMA ... minimum standards; and'
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Submission Clarification

Submission 329

Submission 329 requests that the entire third and fourth paragraphs of the explanation of Policy AQL12 is deleted and that the explanation to Policy AQL12 is clarified so that the policy applies only to discharges that require resource consent.

Consideration

Submission 329

The policy applies to all discharges. As noted above, the Commissioners consider that this is appropriate. The explanation in the third and fourth paragraphs should be retained and the Commissioners recommend that this submission be rejected.

Recommendation

Reject

Submission 329.

Amendment Required

None required.

Explanation and principal reasons - Paragraph 3, clause (a) ## 03-033 45 00

131	M Coffey	Add "when near residential zones, public input and checking on adverse effects on homes, etc."
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Submission Clarification

Submission 131

Submission 131 supports the Explanation and principal reasons, but wishes to add to paragraph “a – the nature of the discharge and the receiving environment and “when near residential zones, public input, and checking on adverse effects on homes, etc.” It is asserted that when resource consents in the past have been processed, no checking with neighbours etc has occurred.

Consideration

Submission 131

The third paragraph of the explanation for Policy AQL12 outlines the requirements of section 70(2) of the RMA. The receiving environment mentioned in point (a) of the explanation and principal reasons may include residential zones. The Commissioners were told that before including in the plan Rules AQL22 to AQL27, which control large scale fuel burning devices in the Canterbury region outside the Christchurch Clean Air Zones 1 and 2, the Council considered the receiving environment in accordance with section 70(2) of the RMA. This is endorsed in the Section 32 report. There is no need to define further the receiving environment within the explanation and principal reasons to Policy AQL12. Indeed to do so would be inappropriate as it would not accurately summarise section 70 (2) of the RMA. No change is recommended by the Commissioners, and it is recommended that the submission be rejected.

Recommendation

Reject

Submission 131.

Amendment Required

None required.

Explanation and principal reasons - Paragraph 3, clause (c) ## 03-034 01 00

329	Lyttelton Port Company Ltd	Delete the first paragraph of page 3-34 – '(c) the rule is ... contained in the Section 32 Report.'
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Submission Clarification

Submission 329

Submission 329 requests that the entire third and fourth paragraphs of the explanation of Policy AQL12 should be deleted and the explanation to Policy AQL12 clarified so that the policy applies only to discharges that require resource consent.

Consideration

Submission 329

As explained above, the policy applies to all discharges and the Commissioners consider that this is appropriate. The explanation in the third and fourth paragraphs should therefore be retained and it is recommended that this submission be rejected.

Recommendation

Reject

Submission 329.

Amendment Required

None required.

Method AQL12(a) Information and promotion ## 03-034 09 00 - 03-034 10 00

112	Solid Energy New Zealand Ltd	Retain this method.
235	Crown Public Health, Canterbury Office	Detail the organisations and persons who will receive this promotional material and the agencies whom ECan will co-ordinate with during the process.
370	Department of Corrections	Retain as worded.
F347	Federated Farmers of New Zealand	Oppose submission 235

Consideration

Submissions 112, 235, 370 and Further Submission F347

It is not considered necessary or reasonable to list all parties who will be contacted as part of the promotional process. This will need to be decided at the time the information and educational material referred to in the method is being developed. The Commissioners recommend that submission 235 be rejected, and that further submission F347 be accepted. So should submission 112 and 370.

Recommendations

Accept

Submissions 112, 370 and Further Submission F347.

Reject

Submission 235.

Amendment Required

None required.

Method AQL12(b) Regional rules ## 03-034 15 00

112	Solid Energy New Zealand Ltd	Retain this method.
370	Department of Corrections	Retain as worded.

Consideration

Submissions 112, 370

The submissions wish to retain Method AQL12(b). No submission has suggested to the contrary and therefore they can both be recommended for acceptance.

Recommendation

Accept

Submissions 112, 370.

Amendment Required

None required.

Method AQL12(c) Resource consents ## 03-034 19 00

112	Solid Energy New Zealand Ltd	Retain this method.
347	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Amend Method 12(c) 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.
370	Department of Corrections	Retain as worded.

Consideration

Submissions 112, 370

The submissions wish to retain Method AQL12(c). The Commissioners agree with the method. In their view, it is already appropriate to require resource consent in various circumstances. They are not recommending any changes to the method and therefore recommend that these submissions be accepted.

Submission 347

This issue has been considered above - see ##01-029 12 00, and ##03-030 43 00 - both 378, 401, and F347. The evaluation there given to the issue is adopted. The same recommendation is made - namely that no change be made and that the submission be rejected.

Recommendations

Accept

Submissions 112, 370.

Reject

Submission 347.

Amendment Required

None required.

Method AQL12(d) Compliance and enforcement ## 03-034 33 00

112	Solid Energy New Zealand Ltd	Retain this method.
348	Environment Canterbury	Add a new first sentence into the method of compliance and enforcement to read: 'Environment Canterbury will undertake monitoring and ensure compliance with resource consents conditions.'
370	Department of Corrections	Retain as worded.
F347	Federated Farmers of New Zealand	Oppose submission 348

Consideration

Submission 348 and Further Submission F347

Submission 348 sought Method AQL12(d) be amended by adding a statement to the effect that Environment Canterbury will undertake monitoring and ensure compliance with resource consent conditions.

Environment Canterbury is required to monitor the exercise of resource consents and take appropriate action where this is shown as necessary (Section 35(2)(d) of the Resource Management Act 1991). No change is recommended by the Commissioners. Submission 348 should be rejected and F347 accepted, notwithstanding that, there is no procedural reason why submission 348 should not have been filed and considered.

Submissions 112, 370

The submissions wish to retain Method AQL12(d). The Commissioners are not recommending change. As a result, these submissions can be recommended for acceptance.

Recommendations

Reject

Submission 348.

Accept

Submissions 112, 370 and Further Submission F347.

Amendment Required

None Required.