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Submission
011



5 April 2018

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Hamilton 3240, NZ

The Chief Executive
Bay of Plenty Regional Council
PO Box 364
Whakatāne 3158

waikatoregion.govt.nz
0800 800 401

Dear Mary-Anne

Waikato Regional Council Staff Submission on Proposed Plan Change 13 (Air Quality)

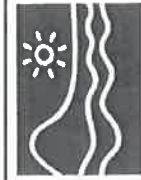
Thank you for the opportunity to make a submission on the Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan. Attached is Waikato Regional Council's submission regarding this proposed plan change. Please note this is a staff submission which has not been formally endorsed by Council. Council staff also do not wish to be heard in support of this staff submission.

Should you have any queries regarding the content of this document please contact Jonathan Caldwell on (07) 859 0999 or by email at jonathan.caldwell@waikatoregion.govt.nz.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Tracey May".

Tracey May
Director Science and Strategy



**BAY OF PLENTY
REGIONAL COUNCIL
TOI MOANA**

Submission Form

Submission Number
Office use only

011

Send your submission to reach us by 4.00 pm on **Thursday 12 April 2018**

Post: The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	or Fax: 0800 884 882	or email: air@boprc.govt.nz
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Submitter Name: Waikato Regional Council

This is a submission on **Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan**

- 1 I could not gain an advantage in trade competition through this submission.
 - (a) I am not directly affected by an effect of the subject matter of the submission that adversely affects the environment; and
 - (b) My submission does not relate to trade competition or the effects of trade competition.

The details of my submission are in the attached table.

- 2 I do not wish to be heard in support of my submission.

[Signature of person making submission or person authorised to sign on behalf of person making submission.] _____
[NOTE: A signature is not required if you make your submission by electronic means.]

_____ Date

Address for Service of Submitter:

Private Bag 3038, Waikato Mail Centre, Hamilton 3240

Telephone:

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Contact person: Jonathan Caldwell, Senior Scientist, Science and Strategy Directorate

SUBMISSION POINTS:

Page No	Reference (e.g. Policy, Rule, Method or Objective number)	Support/Oppose	Decision Sought Say what changes to the plan you would like	Give Reasons
2	AQ P5(a)	Support	Recommend that a definition of offensive and objectionable is provided in the Definition of Terms as is provided for noxious and dangerous.	Several policy objectives and rules in the proposed plan refer to noxious or dangerous, offensive or objectionable discharges and yet only the term noxious or dangerous is defined in the Definition of Terms.
3 & 9	AQ P7 & AQ R14	Support	Recommend that in order to meet the policy objective AQ P7, that the rule AQ R14 is amended to make woodburners installed after 1 September 2005, that have been refurbished, a non-complying activity from 1 February 2020.	The policy objective includes avoiding a net increase in discharges of particulate to air from solid fuel burners that have been refurbished since their installation. However, the rule AQ R14 does not fully address this issue. While this rule makes the discharges to air from a woodburner (including a refurbished burner) that was installed before 1 September 2005 a non-complying activity from 1 February 2020, it does not address woodburners that were installed after 1 September 2005 that have been refurbished.
3-4	AQ P10	Support	Table AQ1 - Emission factors and annual fuel use assumptions to be used for calculating offsets needs to be reviewed.	The emission factors are not the same as those recommended by Environet Ltd who recently (2015) reviewed emission factors for Ministry for the Environment. Recommendation is 10 g/kg for Pre-2005 woodburners and multifuel burners (wood), 4.5 g/kg for NESAQ compliant solid fuel burners, 19 g/kg for multifuel burners (coal) and 2 g/kg for Pellet burners. The fuel use assumptions of around 1 tonne per year also seem to be on the low side. Environet Ltd's recent survey results for urban North Island indicates 2.2 tonnes per year (based on NZ Pine of 500 kg/m ³ density) and 2.8 tonnes per year for Tokoroa (similar climate and locality to Rotorua).

5	AQ R2	Support	<p>Recommend that the wording of this rule is changed to make it clear.</p> <p><u>As proposed:</u> Any discharge of contaminants into air that cannot comply with any permitted activity rule, is not discretionary under any other rule, and is not otherwise a controlled or noncomplying activity under any other rule of this Air Quality chapter, is a discretionary activity.</p>	<p>While the intent of the rule is understood by WRC staff, the wording of the rule could be changed to make the intent clearer.</p> <p><u>Alternative recommendation:</u> Any discharge of contaminants into air that cannot comply with any permitted activity rule, and is not specifically addressed by any other rule of this Air Quality chapter, is a discretionary activity.</p>
9	AQ R15(1)	Support	<p>Consider including special allowance for aerial spraying of cannabis plantations by the Police.</p>	<p>There are no exemptions or recognition of police or military operations. This has recently come to light as an issue in the Waikato. Police are involved with cannabis spraying operations from helicopters from time to time where notification would not be possible.</p>
10	AQ R15(3)(b)	Support	<p>Consider providing more detail around required signage on the boundary of public amenity areas where the area of property is large and or large boundary length e.g. signage required for every 300 metres of boundary length or signage required for boundary locations where access is most likely.</p>	<p>More signage is considered necessary for large public amenity areas where there is a significant number of hectares involved and there is potential for access to the property from an extended length of boundary or several different access points.</p>
10	AQ R15(3)(c)	Support	<p>Recommend deleting AQ R15(3)(c) or redefining how this rule differs from the requirements of AQ R15(3)(b).</p>	<p>The sign requirement specified by AQ R15(3)(c) when spraying within 10 metres of any public amenity area is made redundant by the preceding rule AQ R15(3)(b) which also requires the same sign requirement when ground based spraying within 50 metres or aerial spraying within 200 metres of any public amenity area. Rule AQ R15(3)(b) would cover any lesser distance than the 50 metres ground spraying or 200 metres aerial spraying including within 10 metres.</p>
10	AQ R15(4)(d)	Support	<p>Question the need and or wording of AQ R15(4)(d) in comparison to AQ R15(4)(a)</p>	<p>AQ R15(4)(d) provides a separate rule for notification when spraying is occurring within 10 metres of a property. However, it is noted that the notification requirements are the same as specified for AQ R15(4)(a) when spraying within 50 metres (ground based) or within 200 metres (aerial based). The only difference in notification requirements for AQ R15(4)(d) is the exception provided for not having to notify if the spraying is on land managed by Regional Council for</p>

10	AQ R15(4)	Support	<p>Question whether the aerial spraying notification distance of 200 metres may cause confusion with the NZS 8409:2004 which recommends a 300 metre buffer distance for aerial application where no shelter belt is in place.</p>	<p>maintenance purposes. This exception for notification appears to only apply to spraying within 10 metres and yet the notification requirements specified under rule AQ R15(4)(a) do not include this exclusion.</p> <p>The interpretation of these two rules as they are currently proposed is that Regional Council could be undertaking ground based spraying 11 metres from a property boundary for maintenance purposes and would have to notify the occupier but if the spraying was closer than 10 metres from the boundary than Regional Council wouldn't have to notify the occupier and yet the potential for off target spray drift would be greater for the latter situation?</p> <p>Possible confusion between the 300 metre recommendation by the NZS 8409:2004 and also Western Australian EPA recommendations and the notification distance specified in this rule for aerial spraying.</p>
11	AQ R15(4)(e)	Support	<p>Recommend that the wording of rule AQ R15(4)(e) is changed to make it consistent with rule AQ R15(4)(a).</p> <p><u>As proposed:</u> Where agricultural are sprayed on public amenity areas, the owner/occupier or agent must publicly notify the agricultural spraying using an appropriate method from at least 24 hours prior, up to one week prior to the agricultural use.</p> <p><u>Alternative recommendation:</u> Where agricultural are sprayed on public amenity areas, the owner/occupier or agent must publicly notify the agricultural spraying, using an appropriate method, no earlier than one week and no later than 24 hours before the agricultural spraying.</p> <p>Recommend that the Agricultural spray rules explicitly states the requirement for commercial chemical applicators to be properly trained and registered. Also recommend considering including a requirement for landowners spraying their own</p>	<p>The wording used for the notification period is somewhat confusing and differs from the wording used earlier in AQ R15(4)(a). It is recommended that consistent wording is used as per that used in AQ R15 (4)(a).</p>
11	AQ R15(5)	Support		<p>While the advice note at the end of Rule AQ R15(5) does indicate other matters that should be considered such as certification and compliance with the NZS 8409 it is important that the requirement around training and registration/certification is made explicit.</p>

			properties to be properly certified when operating anything other than handheld/backpack applications.	
11	AQ R15(5)	Support	In addition to the requirement to prepare a Spray Risk Management Plan, it is recommended that a requirement is included for keeping and making available to the regional council, records/documentation of spraying activities i.e. a Spray diary as required by NZS 8409:2004 and making that spray diary available to regional council upon request.	Spray diaries are an important record of the details of spray activities and are considered very helpful when following up on complaints.
12	AQ R17(b)	Support	Recommend that AQ R17(b) be amended to restrict free silica content in blasting material from 5% free silica to 1% free silica which is more consistent with the percentage now provided by commercial suppliers and limits placed on blasting media internationally.	5% free silica is not consistent with industry best practice. In many countries 1% free silica is now the limit.
12	AQ R17(d)(ii)	Support	Recommend that AQ R17(d)(ii) is amended as follows: <u>As proposed:</u> all blasting material and other debris must be removed from site once the operation is completed. <u>Alternative recommendation:</u> all blasting material and other debris must be removed from site once the operation is completed and disposed of at an authorised disposal facility.	It is important to ensure that used blasting material which will contain heavy metal contaminants is disposed of appropriately.
13	AQ R18(2)(b)A.	Support	Recommend that a definition of clean oil is provided. The Definition of Terms on page 19 only provides a definition of oil which includes petroleum in any form other than gas including crude oil, fuel oil sludge, oil refuse and refined oil products (for example diesel fuel, kerosene and motor gasoline). It is unclear whether it is intended that this rule allows for equivalent controls for combustion of both refined oil products and crude/waste oil products.	The definition of oil on page 19 indicates a wide range of petroleum based products including crude oil, fuel oil sludge and oil refuse which will have higher potential to result in adverse effects as a result of discharges to air associated with its combustion compared to refined oil product. It is recommended that there should be a separate rule or conditions for combustion of crude/waste oil products.

			<p>It is also recommended that consideration be given to providing a separate rule or conditions for combustion of non-petroleum based liquid fuels such as biodiesel.</p>	
15	AQ R21(g)	Support	<p>Recommend existing crematoria to be classified as a controlled activity after a certain date in the future.</p>	<p>Discharges to air from existing crematoria can also result in adverse effects if not managed and controlled properly. They should therefore be made a controlled activity but with an appropriate lead in time to be provided to allow existing activities to prepare for obtaining resource consent.</p>
15	AQ R21(v)	Support	<p>Recommend including in addition to pyrolysis or gasification the related process of torrefaction and or provide a definition of pyrolysis, gasification and torrefaction in the Definition of Terms.</p>	<p>Torrefaction of biomass, e.g., wood or grain, is a mild form of pyrolysis at temperatures typically between 200 and 320 C. Torrefaction changes biomass properties to provide a much better fuel quality for combustion and gasification applications.</p>
19	Definition of Terms	Support	<p>Recommend providing more clarity around the definition of Noxious or dangerous as it relates to (e) damage to crops or plants. Specifically it is recommended that the term crop is defined and extended to reflect damage to household/non-commercial operations.</p>	<p>The definition of crops and plants (under Noxious and Dangerous) is not sufficiently clear. This has been a shortcoming identified in the Waikato Regional plan. It could be inferred that the term crop and market value indicates that something has been grown on a commercial scale and therefore it can be problematic to prove an offence when a domestic garden (vegetables or flowers) is affected.</p>