

Stormwater Discharge (2-year existing plant / 35-year new plant)

A resource consent:

Under section 15(1)(a) of the Resource Management Act 1991 and Rule DW R21 of the Bay of Plenty Regional Natural Resources Plan to undertake a restricted discretionary activity being to discharge stormwater to land where it may enter water.

subject to the following conditions:

Purpose

1. The purpose of this resource consent is to authorise and set conditions on the discharge of stormwater to the Tauranga City Council piped stormwater network from an existing asphalt manufacturing plant on a short-term basis, and from a new asphalt manufacturing plant on the same site once upgrades and replacement of the plant are complete.

Location

2. The activity authorised by this resource consent shall be located:
 - (a) At 54 Aerodrome Road, Mount Maunganui.
 - (b) As shown on BOPRC Consent Plan RM23-0649/01.
 - (c) At or about NZTM 1882352, 5826246.

Stormwater Management System

3. Prior to the operation of the new asphalt plant, the on-site stormwater management system shall be upgraded generally in accordance with:
 - (a) Section 4 of the Beca 'Infrastructure and Services Assessment, Aerodrome Road Asphalt Plant Upgrades', Ref: 3936244- 159207228- 1673 Rev. 1 dated 22 November 2022, and the 'Proposed Services Plan' drawing number 3936244-CA-040 Revision B.
 - (b) The Allied Asphalt - Beca Resource Consent Responses Ref: 3936244-159207228-2244 Dated 26 April 2023
 - (c) Allied Asphalt, 54 Aerodrome Rd, Mount Maunganui Stormwater and trade waste treatment solutions summary - Industrial Waters Solutions Ltd - 26 April 2023.

Discharge quantity

4. The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person.

Discharge Quality

5. The suspended solids concentration of the discharge shall not be greater than 150g/m³, except where a 10-minute duration 10% AEP storm event (10-year return period storm) is exceeded.
6. The discharge shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable materials.
7. The discharge shall not cause a conspicuous change in the colour of the receiving waters, being the Tauranga Harbour.

Operations Management

8. Any contaminants stored onsite shall meet all Hazardous Substances and New Organisms (HSNO) codes of practice and/or Health and Safety at Work Regulations 2017 storage requirements in relation to avoiding leaks or spills of these contaminants.
9. If there is a hazardous substances spills of 20 litres or more:
 - (a) The spill shall be reported to the Bay of Plenty Regional Council within 24 hours of the spill
 - (b) The stormwater system shall be inspected immediately after the spill, and cleaned or maintained to remove any hazardous substances or any other substance that may impact its effective functioning.
 - (c) Within 10 working days of a spill, the consent holder shall send a report to the Bay of Plenty Regional Council with the following information:
 - i. The clean-up response carried out;
 - ii. How the spilled hazardous substances and any other materials contaminated by the spill or used in the spill clean-up were disposed of;
 - iii. Documentation of the waste disposal from the authorised disposal facility confirming they received the spilled and contaminated materials;
 - iv. Stormwater analysis results for any stormwater discharges within five days after the spill; and
 - v. The reason that the spill occurred, and actions carried out to ensure that the spill event doesn't happen again.
10. The consent holder shall notify the Bay of Plenty Regional Council, in writing, of any upgrades, changes to the stormwater management system, stormwater sub-catchments, site imperviousness, operation and layout of the site which may cause a change in the quantity or composition of the discharges to the Tauranga City Council stormwater network.
11. The site shall be swept to remove loose debris from sealed areas at least once per week.
12. No waste material, including chemicals, washdown water or other cleaning materials shall be discharged or disposed of via the stormwater system.
13. All wastes, including chemicals, cleaning materials and all materials removed as part of the maintenance of the stormwater system such as de-sludged sediments shall be recycled or disposed of at a disposal facility authorised to accept the type of waste being disposed of.

Monitoring

14. The upgraded stormwater management system required by Condition 3 must have an easily accessible sampling point which is located prior to the outlet(s) to the Tauranga City Council stormwater network, for sampling and monitoring purposes.
15. Before the site re-development is completed, a plan showing the proposed locations where easily accessible sampling points for stormwater monitoring will be provided to the Bay of Plenty Regional Council for certification that it complies with condition (14) of this consent. If the sampling points are changed, they shall be re-certified by the Bay of Plenty Regional Council before samples are collected from them.
16. Once the stormwater system is upgraded, the consent holder shall collect samples from the certified sampling point during three rainfall events each year that cause observable run-off. Sampling is only to be undertaken if no rainfall has occurred for three days prior.

Advice note: In order to satisfy this condition, the consent holder will need to provide the Bay of Plenty Regional Council with a plan of proposed monitoring locations, so that the Council can certify that these monitoring locations will provide for representative stormwater samples.

17. ~~Once the upgrades of the site stormwater system are undertaken, stormwater samples shall be collected from the stormwater, where it leaves the site, during three events each year. The samples required in conditon 16 above, shall be representative of the stormwater discharging from the outlet and, as far as practicable, be collected within the first 30 minutes of stormwater being discharged. Sampling is only to be undertaken if no rainfall has occurred for three days prior.~~

Advice note: Capturing first flush of storm events with a Nalgene first flush sampler can provide much better representation and alleviates the need for being on site at time of an event. The alternative is setting an autosampler to capture time/flow proportional samples over an event.

18. Stormwater samples shall be analysed for the contaminants listed in [Condition 19](#). Analysis shall be carried out as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater, APHA -AWWA-WPCF, or such other method as proposed by the consent holder and certified as good sampling practice by the Bay of Plenty Regional Council. An IANZ registered laboratory shall carry out the analysis.
19. The results of the stormwater system sampling and analysis shall be compared to the following trigger levels:

Contaminant	Unit	Trigger Levels
Total suspended solids (TSS)	g/ m3	150
Dissolved Chromium (CrVI)	g/ m3	0.085
Dissolved Cadmium	g/ m3	0.036
Dissolved Copper (Cu)	g/ m3	0.008
Dissolved Nickel	g/ m3	0.560
Dissolved Zinc	g/ m3	0.043
Total Petroleum Hydrocarbons (TPH)	g/ m3	15
Benzene	g/ m3	2.0
Naphthalene	g/ m3	0.120
pH	pH units	Monitor only

20. If any water quality results exceed the trigger concentrations listed in [Condition 19](#), the consent holder shall report this to the Bay of Plenty Regional Council within one week of receiving the laboratory results, and take two further samples within three months of the exceedance result (provided there are suitable rainfall events for sampling during this time period) In the event that any of the samples from supplementary monitoring exceed the trigger levels in [Condition 19](#), then the consent holder shall identify the cause of the exceedances. If the exceedances are due to an activity on the site, the consent holder shall submit a site improvement plan to the Bay of Plenty Regional Council (within 3 months of receiving the last round of sampling results). This shall include:

- (a) a review of the data collected;
- (b) a review of the potential eco-toxicity effects from the contaminants, undertaken by a person who is suitably qualified and experienced in assessing the effects of stormwater discharges, to determine whether there is likely to be an effect that is more than minor as a result of the trigger level exceedance(s);
- (c) recommendations to remedy or mitigate any more than minor adverse eco-toxicity effect that has been identified in accordance with (b) including, but not limited to, additional

stormwater treatment or site improvements contaminant concentrations in stormwater from the site consistently meets the trigger levels in [Condition 19](#).

(d) The timeframes within which any measures set out in (c) will be put in place by the consent holder.

21. Prior to the operation of the new asphalt plant, an Operations and Maintenance Plan for the upgraded stormwater system shall be submitted to the Bay of Plenty Regional Council for certification. The Operations and Maintenance Plan shall be prepared by a stormwater engineer and as a minimum shall:

- (a) set out the intervals for inspection of the system;
- (b) programme for scheduled maintenance;
- (c) response times for remedial maintenance in the event of debris build up, blockages and erosion and scour;
- (d) provision for the consent holder to undertake any maintenance work as soon as practically possible or within two working days of a request from the Bay of Plenty Regional Council.

The consent holder shall adhere to the certified Operations and Maintenance Plan, or an updated certified version for the duration of the consent.

22. The consent holder shall maintain a record, for the duration of this consent, of the dates and details of any inspections and maintenance carried out in accordance with the Operations and Maintenance Plan required by [Condition 21](#).

~~23. The stormwater system shall be inspected and maintained immediately after a spill of 20 litres or more of hazardous substances or any other substance that may impact its effective functioning.~~

Review of Consent Conditions

24. The Bay of Plenty Regional Council may, at six-monthly intervals throughout the duration of the consent, serve notice on the consent holder of its intention to review the conditions of this consent. The purpose of such a review is to assess any unforeseen environmental effects arising from the discharge, or the need for further monitoring and treatment of stormwater, and to impose monitoring and discharge control conditions relating to these discharges, if appropriate. The fair and reasonable costs associated with any such review shall be recovered from the consent holder.

Resource Management Charges

25. The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

Term of Consent

26. This consent shall expire on [35 years sought].

The Consent

27. This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Advice Notes

1. All conditions must be fulfilled to the satisfaction of the Bay of Plenty Regional Council.
2. Reporting and notification required by conditions of this consent shall be directed (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364,

Whakatane or email compliance_data@boprc.govt.nz, this notification shall include the consent number RM22-0649.

- 3. The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
- 4. The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*

Earthworks and Contaminated soils (2-year construction)

A resource consent:

Under section 15(1)(a) and (b) of the Resource Management Act 1991 and Rule DW R35 of the Bay of Regional Natural Resources Plan to undertake a restricted discretionary activity being the discharge of contaminants to land, or to land in circumstances where they may enter water.

And

Under section 9(1)(a) of the Resource Management Act 1991 and Rule LM 4 of the Regional Natural Resources Plan to undertake a discretionary activity being disturbance of land and soil as a result of earthworks.

subject to the following conditions:

Purpose

1. The purpose of this resource consent is to authorise and set conditions on the undertaking of earthworks in association with the construction of a new asphalt manufacturing plant, and the discharge of contaminants to the environment as a result of disturbing contaminated soils during the construction of a new asphalt manufacturing plant.

Location

2. The activity authorised by this resource consent shall be located:
 - (a) At 54 Aerodrome Road, Mount Maunganui,
 - (b) As shown on BOPRC Consent Plan **[insert plan reference]**.
 - (c) At or about NZTM 1882352, 5826246.

Notification of Works

3. No less than five working days prior to the overall start of **earthworks** under this consent the consent holder shall request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council. This request shall include details of who is to be responsible for site management and compliance with consent conditions.
4. No less than five working days prior to the completion of **earthworks** under this consent, the consent holder shall notify and request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council to confirm that all relevant conditions have been complied with.

Earthworks

5. All earthworks shall be carried out generally in accordance with the 'Resource Consent Application for Asphalt Plan - Mount Maunganui' prepared for Allied Asphalt Ltd by Cogito Consulting Ltd and dated 19 December 2022.
6. Earthworks shall be limited to site preparation works not exceeding 2000m³ in volume, with the exposed area not exceeding 1 hectare.

Erosion and sediment control

7. Before the overall start of works authorised by this consent, the consent holder shall submit a final erosion and sediment control plan (ESCP) to the Bay of Plenty Regional Council for

written certification, or re-certification in the event of an update. The purpose of the certification process is to ensure that erosion and sediment controls are designed in accordance with the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1'.

8. No works shall commence until the certification of the ESCP from the Bay of Plenty Regional Council has been received in writing. If ten working days have passed and no correspondence has been received about the ESCP from the Bay of Plenty Regional Council, the ESCP shall be deemed certified.
9. The consent holder shall ensure that all sediment and erosion controls are installed before works start and shall adhere to the certified ESCP for the duration of works.
10. The consent holder shall divert uncontaminated catchment runoff away from the area of works.
11. The consent holder shall ensure that the erosion and sediment controls and associated erosion protection devices are maintained in an effective capacity and good working order at all times during works and until the site is stabilised.
12. The consent holder shall ensure that any necessary maintenance of erosion and sediment controls identified by inspection under conditions of this consent or by Bay of Plenty Regional Council staff is completed within 24 hours or as soon as is safely practicable.
13. The consent holder shall ensure that there is no tracking of soil or sediments offsite.

Disturbance of Contaminated Soils

14. The Contaminated Site Management Plan (CSMP), prepared by Beca and dated 6 April 2023, or an updated version certified by the Bay of Plenty Regional Council, shall be adhered to for the duration of works associated with the construction of the new asphalt manufacturing plant.
15. In the event that previously unidentified contaminated land is discovered, the consent holder shall immediately cease works within 5 metres of the discovered contaminant, notify the Bay of Plenty Regional Council and engage a suitably qualified and experienced practitioner (SQEP) in site contamination in accordance with the accidental discovery protocol for contaminated land in section 3.2.1 of the CSMP.
16. Any soil analysis required in regard to this consent shall be undertaken by an IANZ accredited laboratory.
17. All contaminated material removed from the site shall be disposed of at a landfill that holds a consent to accept the relevant type and level of contamination. Soils requiring offsite disposal will require testing by the SQEP. Soil analytical results from any sampling would be compared against the criteria of the classification of soil as cleanfill, managed fill or contaminated material and shall be available for Bay of Plenty Regional Council to review at any time.
18. The consent holder shall ensure that any imported material deposited on site is:
 - (a) Classified as 'cleanfill' as defined as defined by The WasteMINZ 'Technical Guidelines for Disposal to Land (2022); and
 - (b) To be solid material of an inert nature; and
 - (c) Not contain hazardous substances or contaminants above natural background levels of the receiving site.

19. A Works Completion Report (WCR) shall be prepared and submitted to the Bay of Plenty Regional Council for written certification (by a suitably qualified and experienced practitioner in site contamination), within two months of the completion of works. The WCR shall be prepared by a SQEP in site contamination in accordance with the current edition of the Ministry for the Environment Contaminated Land Management Guidelines No.5 - Site Investigation and Analysis of Soils and No.1 - Reporting on Contaminated Sites in New Zealand. The WCR shall address the following:

- (a) A summary of the works undertaken, including a statement confirming whether the works have been completed in accordance with the CSMP;
- (b) The locations and dimensions of the excavations carried out, including a relevant site plan;
- (c) Details and results of any additional soil sampling and validation sampling and interpretation of the results (if any was undertaken);
- (d) Records of any unexpected contamination encountered during the works and response actions, if applicable;
- (e) Volume of soil removed from the works area and the disposal location(s) and documentation relating to the transportation of soil disposed of off-site;
- (f) Volume of material imported to the works area, including certification documentation (if required); and
- (g) Details regarding any complaints and/or breaches of the procedures set out in the CSMP and the relevant conditions of this consent.

Dust

20. The consent holder shall comply with the principles of dust management as set out in the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/01', to prevent an offensive or objectionable discharge of dust from occurring beyond the property boundary.

Signage

21. Before the start of works under this consent, the consent holder shall erect a prominent sign adjacent to the entrance of site works and maintain it throughout the period of the works. The sign shall clearly display the following information:

- (a) The consent holder;
- (b) The main site contractor;
- (c) A 24-hour contact telephone number for the consent holder or appointed agent;
- (d) A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance resulting from the exercise of this consent.

Resource Management Charges

22. The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

Term of Consent

23. This consent shall expire on [2 years sought].

The Consent

24. This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Advice Notes

1. *Send reporting, notification and submission of plans required by conditions of this consent (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatāne or email notify@boprc.govt.nz. Please include the consent number RN22-0649.*
2. *All conditions must be fulfilled to the satisfaction of the Bay of Plenty Regional Council.*
3. *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
4. *Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*

Air Discharge (2-year existing plant)

A resource consent:

Under section 15(1)(c) and 15(2A)(b) of the Resource Management Act 1991 and Rule AIR-R15 of the Bay of Plenty Regional Natural Resources Plan to undertake a discretionary activity being the discharge contaminants to air

subject to the following conditions:

Purpose

1. The purpose of this resource consent is to authorise the discharge of contaminants to air from an existing asphalt manufacturing plant for a short-term period until a new asphalt manufacturing plant is constructed on the same site.

Location

2. The activity authorised by this resource consent shall be located:
 - (a) At 54 Aerodrome Road, Mount Maunganui,
 - (b) As shown on BOPRC Consent Plan [insert plan reference].
 - (c) At or about NZTM 1882352, 5826246.

Emission Limits and Controls

- ~~3. The plant shall be operational for no more than 5 hours between the hours of 7am and 5pm on any given day [Note — condition recommended to prevent operation beyond 'typical' production to reduce likelihood that odour levels will exceed guidelines — to be refined]~~
4. The discharge of particulate matter from the yard and aggregate stockpiles within the premises, and loading and unloading of aggregates, shall be controlled by the consent holder so that a dust nuisance does not occur beyond the boundary of the site.
5. The consent holder shall ensure that the asphalt plant stack is at least 18 metres above ground level.
6. The consent holder shall ensure that the plant is brought to a stable exhaust temperature of between 100 and 150°C within no more than 5 minutes to minimise start up smoke emissions. The consent holder shall maintain a record of plant start-up times for the duration of this consent. These records shall be kept for a minimum of three months and made available to the Bay of Plenty Regional Council on request.
7. Stack emission testing must be carried out within 6 months of commencement of this Resource Consent and annually thereafter. Testing must be done under normal plant operating conditions using USEPA, ISO or ASTM, or an equivalent method agreed with the Bay of Plenty Regional Council, by persons experienced in the use of such methods. Each sampling occasion shall comprise a minimum of three tests. The plant operating conditions during the test period must be recorded and reported. The consent holder must notify the Bay of Plenty Regional Council at least 48 hours prior to the testing taking place and shall forward the results of all emissions testing to the bay of Plenty Regional Council and mandated representatives of Ngāti Kuku hapu no later than one month after receiving the results of the testing. Any test that fails to comply must be repeated as soon as practicable and at least within 2 months of the previous test.
8. The consent holder shall ensure that the total emissions of particulate matter from the asphalt plant stack do not exceed:

- (a) 175 mg/m³ corrected to 0°C, dry gas basis, and one atmospheric pressure.
- (b) The mass discharge of particulate matter from the asphalt plant shall not exceed 2.9 kg/hr.
9. The consent holder shall maintain a sampling port on the stack of the asphalt plant to specifications to be agreed upon in writing by the Bay of Plenty Regional Council.
10. The consent holder shall take all practical measures to ensure the discharge does not result in noxious, dangerous, offensive or objectionable odour to the extent that it causes an adverse effect at or beyond the boundary of the site.
11. The only fuels permitted to be used in the asphalt plant are natural gas, automotive diesel oil, biodiesel or used lubricating oil (ULO). When ULO is burnt it must not exceed a fuel burning rate of 1000 kg/hr and it must meet the following specifications:
- (a) Contaminant Allowable level Sulphur content 5,000 ppm w/w (0.5 %) or less;
 - (b) Arsenic 5 ppm w/w or less;
 - (c) Cadmium 2 ppm w/w or less;
 - (d) Copper 100 ppm w/w;
 - (e) Chromium 10 ppm w/w or less; and
 - (f) Lead 100 ppm w/w or less.
12. The consent holder must maintain a log of the source of ULO and the volume used per annum. This log must be made available to the Bay of Plenty Regional Council at all reasonable times.
13. The consent holder must collect a representative sample of each delivery of ULO supplied and after every third delivery, combine the three samples and test the composite sample to determine compliance with [Condition 11](#). Results of the testing must be made available to the Bay of Plenty Regional Council on request at all reasonable times and forwarded to the Bay of Plenty Regional Council annually.
14. Neither mineral diesel oil nor kerosene shall be used as release agents on the trays of any vehicles, including trucks and trailers, receiving hot mix products.
15. The consent holder shall ensure the sulphur content of fuel used to heat the asphalt plant does not exceed 0.5% w/w.
16. The consent holder shall ensure the scrubber water is maintained at a pH of greater than 7.
17. The consent holder shall take all practical measures to prevent bitumen fires from occurring and shall extinguish any bitumen fires as soon as possible.
18. The consent holder shall provide access to Bay of Plenty Regional Council staff to carry out periodic inspections to ascertain compliance with the conditions of this consent.
19. There shall be no noxious, dangerous, objectionable or offensive dust to the extent that it causes an adverse effect at or beyond the boundary of the site.
20. There must be no discharge of other gaseous emissions as a result of the activities authorised by this resource consent to the extent that it causes an adverse effect at or beyond the boundary of the subject property.

Maintenance

21. The asphalt plant, including the heating burner, particulate control equipment and settling ponds for the scrubber water (including neutralising the scrubber water) shall be maintained

and operated to control the level of discharge of contaminants to air so as to not cause adverse effects from that discharge.

Air Quality Management

22. Within three months of the grant of this consent, the consent holder shall submit an Air Quality Management Plan (AQMP) to the Bay of Plenty Regional Council for certification. As a minimum the AQMP must address the following specific matters:
- (a) A description of the facilities and maintenance procedures;
 - (b) Procedures for responding to abnormal operation, in particular equipment fire;
 - (c) Procedures to monitor for scrubber failures, including pH checks, and the shutdown of the plant in the event of suspected scrubber failure.
 - (d) Methods for controlling vehicle speeds on site and the sealing of high traffic areas of the site;
 - (e) Fugitive dust management in the yard and aggregate handling areas;
 - (f) Operation of asphalt plant to minimise odour;
 - (g) Operation of ancillary activities (e.g. bitumen storage and transfer) to minimise odour;
 - (h) Bitumen tank water filter maintenance and servicing;
 - (i) Complaint response procedures and contact telephone numbers for parties who are responsible for responding to complaints;
 - (j) Individual responsibilities for staff of the consent holder, including responsibility for ensuring the effective application of the measures identified above;
 - (k) Procedures for reporting the required information to mandated representatives of Ngāti Kuku hapu; and
 - (l) Procedures for keeping the AQMP up to date.

Except where the Bay of Plenty Regional Council provides notice in writing that it refuses to certify the AQMP (or any proposed changes to it), then should certification not be provided within 20 working days, the consent holder shall regard the AQMP (or any proposed changes to it) as being deemed to have been certified.

23. Subject to any other condition of this consent the AQMP must be implemented, and all activities must be undertaken in accordance with the AQMP certified by the Bay of Plenty Regional Council.
24. As part of the preparation of the AQMP, the consent holder must provide Ngāti Kuku with a draft copy of the AQMP for review and comment at least 30 working days prior to submitting it to the Bay of Plenty Regional Council for certification.

Advice Note: Should Ngāti Kuku choose not to accept the offer to provide feedback on the draft AQMP, or do not respond to the offer within the timeframe set out above, that does not constitute a non-compliance of this consent condition.

Complaints log

25. The consent holder must maintain a log of all complaints (including those received via third parties including the Bay of Plenty Regional Council) regarding dust, odour, or other contaminants. The consent holder must notify the Bay of Plenty Regional Council of each complaint within 48 hours of receiving the complaint, unless the complaint has been received via the Bay of Plenty Regional Council. The consent holder must record the following details in the complaint log:
- (a) Time and type of complaint, including details of the alleged incident, i.e. duration, location, character, intensity and any effects noted (where known and reported by the complainant);
 - (b) Name, address and contact phone number of the complainant (if provided);

- (c) As far as practicable, the weather conditions including wind direction at the time of the alleged incident;
- (d) The likely cause of the alleged incident and the response made by the consent holder including any corrective action undertaken;
- (e) Future actions proposed as a result of the complaint; and
- (f) The response from the consent holder to the complainant.

26. The complaint log must be made available to the Bay of Plenty Regional Council at all reasonable times and a copy must be forwarded to the Bay of Plenty Regional Council annually.

Reporting

27. The consent holder must notify the Bay of Plenty Regional Council as soon as practicable, and as a minimum requirement within 24 hours, of the consent holder becoming aware of any accidental discharge, plant breakdown, or other circumstances which are likely to result in the performance standards of this resource consent being exceeded. The consent holder must, within 7 days of the incident occurring, provide a written report to the Bay of Plenty Regional Council, identifying the issue, whether an exceedance occurred, possible causes, steps undertaken to remedy the effects of the incident and measures that will be undertaken to ensure future compliance.

Resource Management Charges

28. The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

Term of Consent

29. This consent shall expire on [2 years sought].

The Consent

30. This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Advice Notes

1. *Send reporting, notification and submission of plans required by conditions of this consent (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatāne or email notify@boprc.govt.nz. Please include the consent number RN22-0649.*
2. *All conditions must be fulfilled to the satisfaction of the Bay of Plenty Regional Council.*
3. *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
4. *Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*

Air Discharge (35-year new plant)

A resource consent:

Under section 15(1)(c) and 15(2A)(b) of the Resource Management Act 1991 and Rule AIR-R15 of the Bay of Plenty Regional Natural Resources Plan to undertake a discretionary activity being the discharge contaminants to air.

subject to the following conditions:

Purpose

1. The purpose of this resource consent is to authorise and set conditions for the discharge to air from an asphalt manufacturing plant.

Location

2. The activity authorised by this resource consent shall be located:
 - (a) At 54 Aerodrome Road, Mount Maunganui,
 - (b) As shown on BOPRC Consent Plan **[insert plan reference]**.
 - (c) At or about NZTM 1882352, 5826246.

General

3. At no time shall the consent holder discharge contaminants to air under this resource consent at the same time as discharging contaminants to air under resource consent [insert reference to short term consent for existing plant] except for the purposes of testing the new plant as part of the commissioning process. Only one plant may operate at any time from the site to produce asphalt for retail sale.
4. Except as specifically provided for by other conditions of this consent, all activities to which this consent relates shall be undertaken generally in accordance with the information contained in the 'Resource Consent Application for Asphalt Plan - Mount Maunganui' prepared for Allied Asphalt Ltd by Cogito Consulting Ltd and dated 19 December 2022.

Should there be any conflict between these documents and the conditions of this consent, the conditions of the consent shall prevail.

Performance Standards

5. The consent holder must at all times operate, maintain, supervise, monitor, and control all processes on site so that emissions authorised by this consent are maintained at the minimum practicable level.
6. The discharge must not result in noxious, dangerous, offensive or objectionable odour to the extent that it causes an adverse effect beyond the boundary of the site.
7. There shall be no noxious, dangerous, objectionable or offensive dust to the extent that it causes an adverse effect beyond the boundary of the site.
8. There must be no discharge of other gaseous emissions as a result of the activities authorised by this resource consent to the extent that it causes an adverse effect beyond the boundary of the subject property.

Maximum Asphalt Production Limits

9. The asphalt plant shall not produce more than:

- (a) 3,500 tonnes of asphalt within any daily period being 12.00am to 12.00pm;
 - (b) 300,000 tonnes of asphalt within any calendar year.
10. The consent holder must maintain a record of daily production volumes at all times and provide a report on daily and annual production volumes to the Bay of Plenty Regional Council by 31 March of each calendar year.

Fuel Sources for Dryer Burner

11. The consent holder must use natural gas as the fuel source for the Dryer Burner, unless:
- (a) an alternative fuel is to be used with a lower emissions profile than natural gas; or
 - (b) natural gas is unable to be supplied to the site due to a physical restriction or interruption;
or
 - (c) the consent holder is unable, despite genuine and demonstrable efforts, to secure a contract to supply natural gas on terms that are financially viable to the consent holder;
12. In the event of (a) above, the consent holder shall provide a report on the emissions profile of the alternative fuel prepared by a suitably qualified and experienced person for certification by the BOPRC.
13. In the event of (b) above the consent holder is permitted to use diesel as an alternative fuel source until such time as the supply to the site has been restored. Prior to commencing the use of diesel, the consent holder shall notify the Bay of Plenty Regional Council and notification shall also be given when the supply reverts to natural gas.
14. In the event of (c) above the consent holder is permitted to use diesel as an alternative fuel source until such time as natural gas can be supplied on financially viable terms. Prior to commencing the use of diesel under (c) the consent holder shall notify the Bay of Plenty Regional Council and notification shall also be given when the supply reverts to natural gas.

Advice Note: To avoid doubt, any alternative fuel source to natural gas must meet all of the conditions of this consent on a continuing basis.

Contaminant Discharge Controls and Limits

15. Within three months of commissioning the new asphalt manufacturing plant, the consent holder must provide to the Bay of Plenty Regional Council a report from an independent and appropriately qualified air quality professional, which verifies that the design and installation of the plant is in accordance with conditions 16, 20 and 21.
16. Emissions from the asphalt plant shall be discharged via a stack that is at least 27.6 metres in height relative to ground level.
17. The discharge of total suspended particulate (TSP) from the asphalt plant stack must not exceed a concentration of 30 mg/m³, corrected to zero degrees Celsius and one atmosphere pressure on a dry gas basis.
18. The mass discharge of particulate matter from the asphalt plant shall not exceed 1.0 kg/hr PM10.
19. The consent holder must operate and maintain the fuel combustion equipment and the air emission control equipment in a manner that minimises, as far as practicable, the discharge of contaminants into the air from the asphalt plant stack.
20. The consent holder shall ensure:

- (a) Air from the aggregate drying drum is extracted to a baghouse filtration unit prior to discharge via the asphalt plant stack;
 - (b) Air from the mixer and mixer tower is recirculated to the combustion zone of the dryer drum burner, and
 - (c) Air from the hotmix storage bins is extracted to a bluesmoke aerosol filtration system and discharged via the asphalt plant stack.
15. The baghouse filtration unit must be fitted with differential pressure monitoring. Monitoring of the system during operation shall establish the appropriate range for the pressure drop, and alarm set points for abnormal operating conditions, and the response to alarms must be included in the air quality management plan.
16. The consent holder shall ensure that all bitumen storage tanks are not heated above 165°C, have failsafe thermostats and are vented through a water filtration system.
17. The aggregate stockpiles, yards and associated processes shall be managed in such a way as to keep fugitive dust emissions to a practicable minimum. Measures must include at least the following:
- (a) The yard surfaces must be kept clean and free of surface dust as far as practicable;
 - (b) The site shall be swept of loose debris at least once per week.
 - (c) Aggregate stockpiles liable to be dusty if dry shall be covered and/or sheltered from prevailing winds, in order to minimise emissions from this source;
 - (d) Sprinkler systems must be fitted and used to control dust;
 - (e) Vehicle speeds shall be controlled to minimise dust emissions; and
 - (f) High traffic areas of the site shall be sealed.
18. The aggregate drying drum burner must be serviced at least annually to ensure efficient operation. Servicing must include setting of the air to fuel ratios to minimise the generation of products of incomplete combustion of the fuel. Air emissions control equipment (including the baghouse and bluesmoke aerosol filter) must also be serviced at least annually. Service documentation must be made available to the Bay of Plenty Regional Council on request at all reasonable times and a copy must be forwarded to the Bay of Plenty Regional Council annually.
19. Hot mix cut-back asphalt shall not be manufactured on the site.

Advice note: Cut-back asphalt is asphalt manufactured with bitumen that is cut with kerosene or mineral diesel as a hot or high temperature process

- ~~20. The only fuels permitted to be used in the asphalt plant are natural gas, automotive diesel oil, biodiesel or used lubricating oil (ULO). When ULO is burnt it must not exceed a fuel burning rate of 1000 kg/hr and it must meet the following specifications:~~
- ~~(a) Contaminant Allowable level Sulphur content 5,000 ppm w/w (0.5 %) or less;~~
 - ~~(b) Arsenic 5 ppm w/w or less;~~
 - ~~(c) Cadmium 2 ppm w/w or less;~~
 - ~~(d) Copper 100 ppm w/w;~~
 - ~~(e) Chromium 10 ppm w/w or less; and~~
 - ~~(f) Lead 100 ppm w/w or less.~~
- ~~21. The consent holder must maintain a log of the source of ULO and the volume used per annum. This log must be made available to the Bay of Plenty Regional Council at all reasonable times.~~
- ~~22. The consent holder must collect a representative sample of each delivery of ULO supplied and after every third delivery, combine the three samples and test the composite sample to determine compliance with Condition 20. Results of the testing must be made available to the Bay of Plenty Regional Council on request at all reasonable times and forwarded to the Bay of Plenty Regional Council annually. Following no less than two years' worth of compliant~~

~~sampling results, the consent holder may submit a proposal to the Bay of Plenty Regional Council to reduce ULO monitoring frequency. Any proposed monitoring alteration must be accompanied by relevant details and justification that the reduced frequency will provide reasonable representation of the quality of waste oil. The consent holder must not implement any ULO monitoring changes until certification from the Bay of Plenty Regional Council has been provided to confirm that the monitoring frequency will provide for representative monitoring.~~

20. Neither mineral diesel oil nor kerosene shall be used as release agents on the trays of any vehicles, including trucks and trailers, receiving hot mix products.

Monitoring

21. Sampling ports must be installed and maintained to enable the testing of emissions from the asphalt plant stack. The sampling port must be an internally threaded British Standard Pipe (BSP) fitting of six inches (or greater) internal diameter (ID). As far as practicable this should be a location at least 7 duct diameters downstream and 2 duct diameters upstream of any bend, obstruction, inlet, fan, or exit. Safe access for sampling must be provided.
22. The consent holder must test stack emissions for Total Suspended Particulate annually to demonstrate compliance with [Conditions 16 and 17](#) of this consent. Testing must be done under normal plant operating conditions using USEPA, ISO or ASTM, or an equivalent method agreed with the Bay of Plenty Regional Council, by persons experienced in the use of such methods. Each sampling occasion shall comprise a minimum of three tests. The plant operating conditions during the test period must be recorded and reported. The consent holder must notify the Bay of Plenty Regional Council at least 48 hours prior to the testing taking place and shall forward the results of all emissions testing to the Bay of Plenty Regional Council and mandated representatives of Ngāti Kuku hapu no later than one month after receiving the results of the testing. Any test that fails to comply must be repeated as soon as practicable and at least within 2 months of the previous test.

~~23. Irrespective of the annual testing interval specified in Condition 25, the consent holder shall ensure that stack emission testing, in accordance with Condition 25, is undertaken on at least one occasion and within one month of the first time that waste oil is used as a fuel source for asphalt manufacture. Testing must be undertaken while ULO is being combusted.~~

Air Quality Management

24. Prior to any discharge occurring under this consent, the consent holder shall submit an Air Quality Management Plan (AQMP) to the Bay of Plenty Regional Council for certification. As a minimum the AQMP must address the following specific matters:
- A description of the facilities and maintenance procedures;
 - Procedures for responding to abnormal operation, in particular equipment fire;
 - Procedures to monitor for bag-house failures, in particular the use of differential pressure monitoring, and the shutdown of the plant in the event of suspected filter failure;
 - Methods for controlling vehicle speeds on site and the sealing of high traffic areas of the site;
 - Fugitive dust management in the yard and aggregate handling areas;
 - Operation of asphalt plant to minimise odour;
 - Operation of ancillary activities (e.g. bitumen storage and transfer) to minimise odour;
 - Bitumen tank water filter maintenance and servicing;
 - Complaint response procedures and contact telephone numbers for parties who are responsible for responding to complaints;
 - Individual responsibilities for staff of the consent holder, including responsibility for ensuring the effective application of the measures identified above;

- (k) Procedures for reporting the required information to mandated representatives of Ngāti Kuku hapu; and
- (l) Procedures for keeping the AQMP up to date.

Except where the Bay of Plenty Regional Council provides notice in writing that it refuses to certify the AQMP (or any proposed changes to it), then should certification not be provided within 20 working days, the consent holder shall regard the AQMP (or any proposed changes to it) as being deemed to have been certified.

Advice Note: The certification (or withholding of certification) shall be limited to the Council's assessment of whether Condition 24 (matters (a) through (l)) have been addressed in sufficient detail so as to ensure that the AQMP achieves the objectives of this Condition.

- 25. The AQMP must be maintained and reviewed every two years by a suitably qualified and experienced person(s) to ensure that it documents how compliance will be achieved with the conditions of this consent. The consent holder must provide a copy of any subsequent revisions of or amendments to the AQMP for certification by the Bay of Plenty Regional Council that the changes comply with the conditions of this consent.
- 26. Subject to any other condition of this consent the AQMP must be implemented, and all activities must be undertaken in accordance with the latest version of the AQMP certified by the Bay of Plenty Regional Council.
- 27. As part of the preparation of the AQMP, the consent holder must provide mandated representatives of Ngāti Kuku hapu with a draft copy of the AQMP for review and comment at least 30 working days prior to submitting it to the Bay of Plenty Regional Council for certification.

Advice Note: Should Ngāti Kuku hapu choose not to accept the offer to provide feedback on the draft AQMP, or do not respond to the offer within the timeframe set out above, that does not constitute a non-compliance of this consent condition.

Complaints log

- 28. The consent holder must maintain a log of all complaints (including those received via third parties including the Bay of Plenty Regional Council) regarding dust, odour, or other contaminants. The consent holder must notify the Bay of Plenty Regional Council of each complaint within 48 hours of receiving the complaint except for complaints received via the Bay of Plenty Regional Council. The consent holder must record the following details in the complaint log:
 - (a) Time and type of complaint, including details of the alleged incident, i.e. duration, location, character, intensity and any effects noted (where known and reported by the complainant);
 - (b) Name, address and contact phone number of the complainant (if provided);
 - (c) As far as practicable, the weather conditions including wind speed and direction at the time of the alleged incident;
 - (d) The likely cause of the alleged incident and the response made by the consent holder including any corrective action undertaken;
 - (e) Future actions proposed as a result of the complaint; and
 - (f) The response from the consent holder to the complainant.

The complaint log must be made available to the Bay of Plenty Regional Council at all reasonable times and a copy must be forwarded to the Bay of Plenty Regional Council annually.

Mātauranga Māori Environmental Monitoring Plan

29. The consent holder must prepare a Mātauranga Māori Environmental Monitoring Plan (MMEMP) prior to exercising this consent. The purpose of the MMEMP is to establish a methodology to monitor cultural values of the natural environment within and around the Site for the duration of this consent. To achieve this purpose, the MMEMP must include:
- (a) A methodology, established with Ngāti Kuku hapu to monitor the health of the environment; and
 - (b) Locations of monitoring points for site discharges.
30. The MMEMP required by [Condition 29](#) must be developed with Ngāti Kuku hapu. In this respect, the consent holder must arrange a hui to discuss the contents of the MMEMP and must provide Ngāti Kuku hapu an invitation to attend the hui no less than 30 working days ahead of the hui date. The final MMEMP must be provided to Ngāti Kuku hapu for comment at least 20 working days prior to submitting the MMEMP to the Bay of Plenty Regional Council for information. Implementation of the MMEMP must include the following:
- (a) An initial monitoring survey to be undertaken by Ngāti Kuku hapu prior to works associated with the Asphalt Plant replacement commencing; and
 - (b) Unless otherwise agreed with Ngāti Kuku hapu, ongoing monitoring survey at least every two years on average thereafter. Any changes proposed to the MMEMP, or its implementation, must be confirmed in writing by the consent holder following consultation with Ngāti Kuku hapu, prior to the implementation of any changes proposed.

Advice Note: Should Ngāti Kuku hapu choose not to take up the offer to consult with the consent holder in respect of preparing the MMEMP or attend a hui to discuss the preparation of the MMEMP, or choose not to, or is for any reason, not able to carry out the cultural monitoring set out in the MMEMP, these circumstances do not constitute non-compliances of this consent condition.

Reporting

31. The consent holder must notify the Bay of Plenty Regional Council at least 24 hours prior to the first exercise of this resource consent.
32. The consent holder must notify the Bay of Plenty Regional Council as soon as practicable, and as a minimum requirement within 24 hours, of the consent holder becoming aware of any accidental discharge, plant breakdown, or other circumstances which are likely to result in the performance standards of this resource consent being exceeded. The consent holder must, within 7 days of the incident occurring, provide a written report to the Bay of Plenty Regional Council, identifying the issue, whether there was an exceedance, possible causes, steps undertaken to remedy the effects of the incident and measures that will be undertaken to ensure future compliance.

Greenhouse Gas Emissions Plan

33. [The consent holder must implement the independently certified Greenhouse Gas \(GHG\) Emissions Plan submitted as part of the additional information dated 31 January 2024 or any independently certified amended plan that conforms to the requirements of Regulation 15 of the Resource Management \(National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat\) Regulations 2023.](#)

Review of Best Practicable Option for Minimising Discharges of Contaminants to Air

34. Once every 10 years from the granting of this consent, the consent holder must provide a report to the Bay of Plenty Regional Council, from an appropriately qualified professional, that investigates and evaluates alternative technologies to address whether the existing

systems still represent the best practicable option for minimising discharges of contaminants to air. The report shall include, but not be limited to, investigation and evaluation of:

- (a) alternative fuels used in the asphalt plant.
- (b) control techniques and stack emissions testing for NO₂, and the practicality of using these at the asphalt plant.
- (c) Compliance with any National Environmental Standard; other Regulations; and relevant Regional Plan, Regional Policy Statement or National Policy Statement promulgated under the Resource Management Act 1991 or replacement legislation.
- (d) At the final review, consideration of plant replacement options and programme for consenting.

Advice Note: The report may be independently reviewed and if it is concluded by that review that the best practicable option has been redefined, the Bay of Plenty Council may negotiate with the consent holder an appropriate time period for implementation of measures to adopt the advanced technology.

Review of consent conditions

35. The Bay of Plenty Regional Council may:

- (a) within three months of commissioning of the asphalt plant, and every two years thereafter,
- (b) or in the three-month period after the receipt of a report in accordance with Condition 32 or 34,

serve notice on the consent holder of its intention to review the conditions of this resource consent for the following purposes:

- (a) To review the effectiveness of the conditions of this consent in avoiding or mitigating any adverse effects on the environment, including cumulative effects which may arise from the exercise of the permit, and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the permit;
- (b) To review the adequacy of and the necessity for monitoring undertaken by the consent holder;
- (c) Where results from the testing undertaken to comply with Condition 18 show that the limits in Conditions 18 are being exceeded;
- (d) To respond to an analysis of the complaints register where substantiated complaints are occurring more than once per month;
- (e) To require the adoption of the best practicable option to remove or reduce any adverse effects on the environment;
- (f) Ensuring that the conditions of this consent are effective in avoiding and mitigating adverse effects;
- (g) Ensuring that the monitoring and reporting required by this consent are sufficient and necessary, in particular the need for monitoring of particulate matter or odour emissions from the asphalt plant;
- (h) If appropriate, adding to, deleting, or amending the conditions, to avoid, remedy or mitigate such effects, or adding to, deleting, or amending the monitoring and reporting conditions, or amending the timing and frequency of subsequent reviews; and
- (i) To ensure the conditions of this consent are consistent with any National Environmental Standard; other Regulations; and relevant Regional Plan, Regional Policy Statement or National Policy Statement promulgated under the Resource Management Act 1991 or replacement legislation.

Resource Management Charges

36. The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

Term of Consent

37. This consent shall expire on [35 years sought].

The Consent

38. This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.