

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 must be located:
 - (a) At 54 Aerodrome Road, Mount Maunganui.
 - (b) As shown on BOPRC Consent Plan RM22-0649/01.
 - (c) At or about NZTM 1882352, 5826246.

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Stormwater Management System

3. Prior to the operation of the new asphalt plant, the on-site stormwater management system must 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 referenced as BOPRC Consent Appendix RM22-0649/01;
 - (b) The Allied Asphalt - Beca Resource Consent Responses Ref: 3936244-159207228-2244 Dated 26 April 2023, referenced as BOPRC Consent Appendix RM22-0649/02; and
 - (c) Allied Asphalt, 54 Aerodrome Rd, Mount Maunganui Stormwater and trade waste treatment solutions summary - Industrial Waters Solutions Ltd - 26 April 2023, contained within the Beca Resource Consent Responses referenced as BOPRC Consent Appendix RM22-0649/02.

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Discharge quantity

4. The discharge must 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 must 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 must not cause the production of conspicuous oil or grease films, scums or foams, or floatable materials.
7. The discharge must not cause a conspicuous change in the colour of the receiving waters, being the Tauranga Harbour.

Operations Management

8. Any contaminants stored onsite must 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 must be reported to the Bay of Plenty Regional Council as soon as practicable and within 12 hours of the spill
 - (b) The stormwater system must 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, and.
 - (c) Within 10 working days of a spill, the consent holder must 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 avoid future hazardous substance spills.
10. The consent holder must 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 must be swept to remove loose debris from sealed areas at least once per week.
12. No waste material, including chemicals, swept loose debris, washdown water or other cleaning materials must 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 any 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 sampling locations for stormwater monitoring, in accordance with Condition 14, must be provided to the Bay of Plenty Regional Council for certification that the sampling points(s) complies with Condition 14. Any changes to the sampling point(s), including their location, must be provided to the Bay of Plenty Regional Council, for re-certification before samples are collected from them.

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16. Once the stormwater system is upgraded, the consent holder must 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.

17. The samples required by [Condition 16](#) must be representative of the stormwater discharging from the outlet(s) and, as far as practical, be collected within the first 30 minutes of stormwater being discharged.

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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 must be analysed for the contaminants listed in Condition 19. Analysis must 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 must 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 must 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 must identify the cause of the exceedances and report the results and reasons for exceedances to the Bay of Plenty Regional Council within two weeks of receiving the supplementary monitoring results. 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 supplementary round of sampling results where trigger levels were exceeded). 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 ecotoxicity 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 [Condition 20\(b\)](#) including, but not limited to, additional stormwater treatment or site improvements to ensure contaminant

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concentrations in stormwater from the site consistently meet the trigger levels in Condition 19.

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(d) The proposed timeframes and justification of these timeframes within which any measures set out in Condition 20(c) will be put in place by the consent holder.

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

- (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.

Any updates to the Operations and Maintenance Plan must be submitted to the Bay of Plenty Regional Council for certification in accordance with this condition.

22. The consent holder must adhere to the most recently certified version of the Operations and Maintenance Plan, for the duration of the consent.

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23. The consent holder must 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.

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 25 years from the date of commencement.

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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.

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Advice Notes

1. *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.*

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2. *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.*
3. *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) and 9(2)(a) 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.

Under section 9(2)(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.

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subject to the following conditions:

Purpose

1. The purpose of this resource consent is to authorise and set conditions for earthworks and the disturbance of contaminated soils and associated discharge of contaminants to the environment associated with the construction of a new asphalt manufacturing plant.

Location

2. The activity authorised by this resource consent must be located:
 - (a) At 54 Aerodrome Road, Mount Maunganui,
 - (b) As shown on BOPRC Consent Plan RM22-0649/01, and
 - (c) At or about NZTM 1882352, 5826246.

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Notification of Works

3. No less than five working days prior to the overall start of earthworks under this consent the consent holder must request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council. This request must 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 must 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 must 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, referenced as BOPRC Consent Appendix RM22-0649/03.
6. Earthworks must be limited to site preparation works not exceeding 2000m³ in volume, with the exposed area not exceeding 7,500m².
7. The consent holder must ensure that all earthworks (including stabilisation of earthworks sites to effectively prevent erosion) are completed by 31 March 2026.

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Erosion and sediment control

8. At least 10 working days prior to the start of works authorised by this consent, the consent holder must 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 certification 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'.
9. No works shall commence until the certification of the ESCP from the Bay of Plenty Regional Council has been received in writing.
10. The consent holder must ensure that all sediment and erosion controls are installed before works start and must adhere to the most recent certified ESCP for the duration of works.
11. The consent holder must divert all uncontaminated catchment runoff away from the area of works.
12. The consent holder must 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.
13. The consent holder must 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.
14. The consent holder must ensure that there is no tracking of soil or sediments offsite.
15. The consent holder must ensure that no vegetation, soil, or other debris is left in a position where the material could become mobile by stormwater during heavy rainfall.
16. Stockpiled material that is to be stored for longer than three months must be effectively isolated and stabilised, and located where it cannot become mobile by stormwater during heavy rainfall, to prevent surface erosion and sedimentation.

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Disturbance of Contaminated Soils

17. The Contaminated Site Management Plan (CSMP), prepared by Beca and dated 6 April 2023, and referenced as BOPRC Consent Appendix RM2-0649/04, or an updated version certified by the Bay of Plenty Regional Council, must be adhered to for the duration of works associated with the construction of the new asphalt manufacturing plant. The purpose of certification of any updated CSMP is to confirm it is in accordance with the Ministry for the Environment's Contaminated Land Management Guideline No. 1 - Reporting on Contaminated Sites in New Zealand, and current best practice for contaminated site management.
18. In the event that previously unidentified contaminated land is discovered, the consent holder must 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.
19. Any soil analysis required in regard to this consent must be undertaken by an IANZ accredited laboratory.
20. All contaminated material removed from the site must be disposed of at a facility authorised to accept the relevant type and level of contamination.
21. The consent holder must ensure that any imported material deposited on site is:

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- (a) Classified as 'cleanfill' as defined as defined by the WasteMINZ 'Technical Guidelines for Disposal to Land' (2022); and
- (b) Solid material of an inert nature; and
- (c) Free from hazardous substances or contaminants above natural background levels of the receiving site.

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22. A Works Completion Report (WCR) must be prepared by a SQEP in site contamination and submitted to the Bay of Plenty Regional Council for written certification that the requirements of this condition are met, within two months of the completion of works. The WCR must 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 must address the following:

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- (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

23. The consent holder must 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 site boundary.

24. If wind conditions make dust control impracticable, the consent holder must ensure that any machinery generating airborne dust stops operating until effective dust control is re-established.

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25. The consent holder must ensure that, outside of normal working hours, staff are available on-call to implement dust suppression measures.

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Signage

26. Before the start of works under this consent, the consent holder must erect a prominent sign adjacent to the entrance of site works and maintain it throughout the period of the works. The sign must 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

27. The consent holder must 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

28. This consent will expire 2 years from the date of commencement.

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The Consent

29. 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 RM22-0649.*
2. *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.*
3. *Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*

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Air Discharge (Existing Asphalt 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 must be located:
 - (a) At 54 Aerodrome Road, Mount Maunganui,
 - (b) As shown on BOPRC Consent Plan RM22-0649/01; and,
 - (c) At or about NZTM 1882352, 5826246.

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Emission Limits and Controls

3. The consent holder must take all steps in their power to minimise the period of time that the existing asphalt plant continues to operate, and must:
 - (a) Within 20 working days of the commencement of this consent provide:
 - i. A programme to the Bay of Plenty Regional Council setting out milestones for the construction and commissioning of a new asphalt manufacturing plant (as authorised by consent RM22-0649-DC.03, within an 18 month period;
 - ii. An assessment of the events that may cause the commissioning of the new asphalt plant to be more than 18 months from the commencement of this consent and the measures the consent holder will implement to mitigate the risk of those events occurring.
 - (b) Immediately advise the Bay of Plenty Regional Council in the event that the programme required by Condition 3(a) is likely to extend beyond 18 months, and the reasons for the programme extension and the anticipated extension period.
4. The consent holder must not discharge contaminants to air under this resource consent at the same time as discharging contaminants to air under resource consent, RM22-0649-DC.03.
Note: To avoid doubt, this condition does not restrict the operation of this plant during the testing of systems for commissioning of the new plant that do not use the dryer burner.
5. The plant must not produce more than 70,000 tonnes of asphalt within any calendar year.
6. The consent holder must maintain a record of production volumes at all times and provide a report on annual production volumes to the Bay of Plenty Regional Council by 31 March of each year for the previous calendar year.
7. The discharge of particulate matter from the yard and aggregate stockpiles within the premises, and loading and unloading of aggregates, must be controlled by the consent holder so that a dust nuisance does not occur beyond the boundary of the site.

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8. The consent holder must ensure that the asphalt plant stack is at least 18 metres above ground level.
9. The consent holder must ensure that the plant is brought to a stable exhaust temperature of between 100 and 150°C within no more than 5 minutes of plant start up to minimise start up smoke emissions. The consent holder must maintain a record of plant start-up times for the duration of this consent. These records must be kept for the duration of this consent and made available to the Bay of Plenty Regional Council on request.
10. Stack emission testing must be carried out within 6 months of commencement of this Resource Consent by a suitably experienced person and at least once every 12-months thereafter, subject to the following requirements:
 - (a) Testing must be done under normal plant operating conditions and when the plant is operating at greater than 50% of its maximum production capacity.
 - (b) The method of sampling and analysis of particulate matter must be ISO 9096:2003, ASTM D3685-98, USEPA Methods 5 or 17, or equivalent methods, or an equivalent method authorised in writing by the Bay of Plenty Regional Council.
 - (c) Each sampling occasion must comprise a minimum of three tests.
 - (d) The plant operating conditions during the test period, the testing method used and any assumptions made must be recorded and reported.
 - (e) Total particulate sampling results must be reported as a concentration expressed as milligrams per cubic metre adjusted to 0 degrees Celsius, 101.3 kilopascals, and on a dry gas basis, and as a mass emission rate expressed as kilograms per hour.
 - (f) The consent holder must notify the Bay of Plenty Regional Council at least 48 hours prior to the testing taking place and must forward the results of all emissions testing and the information required by Condition 10(d) to the Bay of Plenty Regional Council and mandated representatives of Ngāti Kuku hapū no later than one month after receiving the results of the testing.
 - (g) Any test that fails to comply with the above conditions must be repeated as soon as practicable and within 2 months of the previous test.
11. The consent holder must 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 must not exceed 2.9 kg/hr.
12. The consent holder must maintain a sampling port on the stack of the asphalt plant to specifications to be certified in writing by the Bay of Plenty Regional Council. The Council's certification relates to ensuring the specifications are fit for purpose.
13. The only fuels permitted to be used in the asphalt plant are natural gas, automotive diesel oil, biodiesel or used lubricating oil (ULO). As soon as practicable, but not later than 4 months after commencement of the consent, the use of ULO must cease. When ULO is burnt it must not exceed a fuel burning rate of 1000 kg/hr and it must meet the following specifications:
 - (a) 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.
14. 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 13 above. Results of the testing must be made

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available to the Bay of Plenty Regional Council within 48 hours of a request and forwarded to the Bay of Plenty Regional Council by 31 March each year.

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15. 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 within 48 hours of a request and forwarded to the Bay of Plenty Regional Council by 31 March each year.
16. The consent holder must not use either mineral diesel oil nor kerosene as release agents on the trays of any vehicles, including trucks and trailers, receiving hot mix products.
17. The consent holder must ensure the sulphur content of fuel used to heat the asphalt plant does not exceed 0.5% w/w.
18. The consent holder must ensure the scrubber water is maintained at a pH of greater than 7.
19. The consent holder must take all practical measures to prevent bitumen fires from occurring and shall extinguish any bitumen fires as soon as possible.
20. The aggregate stockpiles, yards and associated processes must 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 must be swept of loose debris as required, and at least once per week.
 - (c) Aggregate stockpiles containing fine material likely to be airborne in dry or windy conditions must be covered and/or sheltered from prevailing winds to the greatest extent practicable, in order to minimise emissions from this source;
 - (d) Sprinkler systems must be fitted and used to control dust;
 - (e) Vehicle speeds must be limited to no more than 10km/hr;
 - (f) High traffic areas of the site must be sealed;
 - (g) Adequate enclosure of dust sources (where practicable) or use of bunds and/or wind breaks;
 - (h) Implement a preventative maintenance programme to minimise equipment failure and unplanned downtime; and
 - (i) Education of staff on resource consent conditions and good dust management for achieving compliance, including good site housekeeping.
21. The consent holder must provide access to Bay of Plenty Regional Council staff to carry out periodic inspections to ascertain compliance with the conditions of this consent.
22. There shall be no noxious, dangerous, offensive or objectionable odour at or beyond the boundary of the site.
23. There shall be no discharge of noxious, dangerous, objectionable or offensive dust at or beyond the boundary of the site.
24. 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 site.
25. The Consent Holder must not use the following in the asphalt manufacturing process:
 - (a) Recycled Asphalt Pavement (RAP); and
 - (b) Diesel as a cutback agent.

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Maintenance

26. 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.

Air Quality Management

27. Within three months of the commencement of this consent, the consent holder must submit an Air Quality Management Plan (AQMP) prepared by an air quality professional, to the Bay of Plenty Regional Council for certification that the AQMP meets the requirements of this condition. As a minimum the AQMP must address the following specific matters:

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- (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) Procedures to minimise discharges of contaminants into air, including details of the inspection, maintenance, monitoring and contingency procedures in place for all emissions control equipment at the site;
- (e) An assessment of any new additives to be included in the asphalt manufacturing process to determine compliance with this consent and details of any mitigation, management, and monitoring procedures required as a result of the assessment;
- (f) Methods for controlling vehicle speeds on site and the sealing of high traffic areas of the site;
- (g) Fugitive dust management in the yard and aggregate handling areas;
- (h) Operation of asphalt plant to minimise odour;
- (i) Operation of ancillary activities (e.g. bitumen storage and transfer) to minimise odour;
- (j) Bitumen tank water filter maintenance and servicing;
- (k) Complaint response and investigation procedures and contact telephone numbers for parties who are responsible for responding to complaints;
- (l) Individual responsibilities for staff of the consent holder, including responsibility for ensuring the effective application of the measures identified above;
- (m) Procedures for reporting the required information to mandated representatives of Ngāti Kuku hapū; and
- (n) Procedures for keeping the AQMP up to date.

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28. Subject to any other condition of this consent the AQMP must be implemented, and all activities must be undertaken in accordance with the most recent AQMP certified by the Bay of Plenty Regional Council.

29. 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 with this consent condition.

Deleted: 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.

Odour Response

30. In the event of any odour discharge from the site being assessed by the Bay of Plenty Regional as being noxious, dangerous, offensive or objectionable beyond the boundary of the site, the following actions must be taken by the consent holder immediately:

- a. Determine the cause and/or source of the odour;

- b. Determine whether the cause of the odour can be immediately rectified so that the consent holder is able to demonstrate to the satisfaction of the Bay of Plenty Regional Council that they comply with Condition 22; and
- c. If the cause of the odour is unable to be immediately rectified, cease production immediately until the consent holder is able to demonstrate to the satisfaction of the Bay of Plenty Regional Council that they comply with Condition 22.

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Monitoring

31. The consent holder must install and operate a PM₁₀ air quality monitor at or near the site boundary for the purpose of confirming the effectiveness of dust management measures and identifying when additional measures may be required to avoid offensive or objectionable effects of dust, including that:

- (a) The PM₁₀ monitor must be an optical (nephelometer) monitor or reference monitor and certified as appropriate by Bay of Plenty Regional Council for its intended purpose.
- (b) The location of the monitor must take account of prevailing wind directions and the location of dust emission sources and certified as appropriate by Bay of Plenty Regional Council for its intended purpose.

If the PM₁₀ monitoring required by this condition shows an exceedance of any of the trigger levels outlined below, the cause of the exceedance must be investigated by the consent holder. If an investigation indicates that a source or sources within the site have caused the exceedance, all practicable measures must be taken by the consent holder to permanently reduce dust emissions. Investigations and remedial actions undertaken must be recorded and reported in accordance with Condition 35. The trigger levels for investigation are:

- (a) 150 micrograms per cubic metre calculated as a rolling 1-hour average concentration; and
- (b) 65 micrograms per cubic metre calculated as a rolling 12-hour average

Complaints log

32. The consent holder must maintain a log of all complaints it receives (including those received via third parties including the Bay of Plenty Regional Council) regarding dust, odour, or other contaminants discharged to air. 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 to address the issue, 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.

33. 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 within 48 hours of a request and annually by 31 March each year.

Reporting

34. 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.

35. The Consent Holder must submit an Annual Monitoring Report (AMR) to the Bay of Plenty Regional Council, and the Medical Officer of Health by 31 March each year. The reporting period must be 1 January to 31 December. As a minimum the AMR must include:

- (a) All monitoring data and reports required under the conditions of this resource consent submitted in an electronic extractable database format;
- (b) Assessment of compliance with each condition of this resource consent, including any reasons for non-compliance or difficulties in achieving compliance;
- (c) Assessment of ongoing annual compliance trends and the potential implication for ongoing compliance;
- (d) A summary of all complaints received as required Condition 32 and investigations carried out;
- (e) A summary of any incidents that resulted in non-compliance, or were otherwise of a substantial scale, and the actions taken or planned to avoid re-occurrence; and
- (f) A statement of any additional mitigation measures that have been implemented during the year should be included and the cost of those measures.

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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 2 years from the date of commencement.

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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.

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 RM22-0649.*
2. *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.*
3. *Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*

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Air Discharge (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 a new asphalt manufacturing plant.

Location

2. The activity authorised by this resource consent must be located:
 - (a) At 54 Aerodrome Road, Mount Maunganui,
 - (b) As shown on BOPRC Consent Plan RM22-0649/01; and
 - (c) At or about NZTM 1882352, 5826246.

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General

3. The discharge of contaminants to air under this resource consent must not occur at the same time as discharging contaminants to air under resource consent [RM22-0649-DC.02.](#)
Note: To avoid doubt, this condition does not restrict the testing of systems during commissioning of the new asphalt plant that do not use the dryer burner.
4. Except as specifically provided for by other conditions of this consent, all activities to which this consent relates must be undertaken generally in accordance with the information contained in the:
 - (a) Resource Consent Application for Asphalt Plant - Mount Maunganui' prepared for Allied Asphalt Ltd by Cogito Consulting Ltd and dated 19 December 2022, referenced as BOPRC Consent Appendix RM22-0649/03;
 - (b) 'Section 92 Further Information Requests and Responses' prepared for Allied Asphalt Ltd by Cogito Consulting Ltd and dated 26 April 2023, referenced as BOPRC Consent Appendix RM22-0649/05;
 - (c) Further Information prepared for Allied Asphalt Ltd by Cogito Consulting Ltd and dated 31 January 2024, referenced as BOPRC Consent Appendix RM22-0649/06;
 - (d) Updated Air Quality Assessment, prepared for Allied Asphalt Ltd by Tonkin and Taylor Ltd and dated January 2024, referenced as BOPRC Consent Appendix RM22-0649/07;
 - (e) Greenhouse Gas Emissions Reduction Plan titled Allied Asphalt Tauranga Plant ERP and dated 15.01.24, referenced as BOPRC Consent Appendix RM22-0649/08.

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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 beyond the boundary of the site.

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7. There must be no noxious, dangerous, objectionable or offensive dust 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 site.

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Maximum Asphalt Production Limits

9. The asphalt plant must not produce more than:
 - (a) 3,500 tonnes of asphalt within any single day;
 - (b) 200,000 tonnes of asphalt within any calendar year, unless an increase in production is certified by the Bay of Plenty Regional Council via the process detailed in Condition 10 and the information required by Condition 12 is provided to the Bay of Plenty Regional Council;
 - (c) No more than 15% of the annual production volume limit may be transported outside the Bay of Plenty Region.
10. The annual asphalt production volume may be increased to up to 300,000 tonnes in any calendar year where the consent holder provides information to the Bay of Plenty Regional Council demonstrating that an increase in volume is necessary to supply asphalt for the purposes specified in Condition 11 and this increase is certified by the Bay of Plenty Regional Council as being in accordance with the parameters set in Conditions 11(a) and/or (b).
11. Any proposal to increase asphalt production beyond 200,000 tonnes per annum must demonstrate that there is a need to supply the additional volume of asphalt:
 - (a) For a major capital works project in the Bay of Plenty Region that is identified as critical infrastructure in a Future Development Strategy, or equivalent spatial planning document; and / or
 - (b) To support recovery from a natural disaster.
12. The consent holder must advise the Bay of Plenty Regional Council how much additional production volume is required to support the purpose of the increase identified.
13. The consent holder must maintain a record of daily and annual production volumes and the location of asphalt product end use at all times. Records must be provided to the Bay of Plenty Regional Council within 48 hours of a request and by 31 March each year.

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Fuel Sources for Dryer Burner

14. 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, which is not deliberately caused by the consent holder, or
 - (c) the consent holder is unable, despite its best efforts, to secure a contract to supply natural gas at a cost that is financially viable. For the purpose of this consent, natural gas will not be considered "financially viable" if it is more than 150% of the cost of diesel per gigajoule.
15. If Condition 14(a) applies, the consent holder must provide a report on the emissions profile of the alternative fuel prepared by a person suitably qualified and experienced in air quality assessment for certification by the Bay of Plenty Regional Council. Certification by the Bay of Plenty Regional Council is to ensure that the emissions profile of the new fuel source is lower than natural gas. The change in fuel source must not occur until certification has been received from the Bay of Plenty Regional Council.
16. If Condition 14(b) applies, the consent holder is permitted to use diesel as an alternative fuel source until such time as the natural gas supply to the site has been restored. Prior to

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commencing the use of diesel, the consent holder must notify the Bay of Plenty Regional Council and notification must also be given when the supply reverts to natural gas.

17. If natural gas is not "financially viable" as set out in Condition 14(c):
- (a) the consent holder shall investigate whether any other lower emission fuel sources (being lower than diesel emissions profiles) are financially viable and use this fuel source if it is deemed to be financially viable. If there is no other lower emission fuel source that is financially viable the consent holder is permitted to use diesel as an alternative fuel source until such time as natural gas or another lower emission fuel source can be supplied at a cost that is financially viable; and
 - (b) prior to commencing the use of diesel the consent holder must notify the Bay of Plenty Regional Council with evidence demonstrating natural gas or another lower emission fuel source is not financially viable, and notification must also be given when the supply reverts to natural gas.

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18. Prior to commencing the use of diesel under Conditions 14(c) above, the consent holder shall:
- (a) install dryer burner equipment that is designed to ensure the lowest practicable emissions of NOx; and
 - (b) provide evidence of the installation of the dryer burner equipment required by Condition 18(a) to the Bay of Plenty Regional Council.

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19. Where the use of diesel under Conditions 14(b) or 14(c) continues for more than 12 months, the consent holder must within 3 months provide a report to the Bay of Plenty Regional Council, from an appropriately qualified air quality professional, that investigates and evaluates the best practicable option for alternative fuels to minimise discharges of contaminants to air and appropriate timeframes for the plant to transition to use the alternative fuels sources. The timeframe for transition to an alternative lower emission fuel source must be as short as reasonably practicable.

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20. Where the evaluation of fuel sources undertaken in accordance with Condition 19 identifies that another fuel source is the best practicable option, the consent holder must transition to this fuel source within the timeframe specified in the evaluation required by Condition 19.

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

21. 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 22, 23 and 24.
22. Emissions from the asphalt plant must be discharged via a stack that is at least 27.6 metres in height relative to ground level.
23. The consent holder must 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.
24. The baghouse filtration unit must be fitted with differential pressure monitoring. Monitoring of the system during operation must establish the appropriate range for the pressure drop, and

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alarm set points for abnormal operating conditions, and the response to alarms must be included in the Air Quality Management Plan referred to in condition 40.

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25. The discharge of PM₁₀ and PM_{2.5} from the asphalt plant stack must not exceed a concentration of 24 mg/m³ and 12 mg/m³ respectively, corrected to zero degrees Celsius and one atmosphere pressure on a dry gas basis.

26. The mass discharge of particulate matter from the asphalt plant must not exceed 1.0 kg/hr PM₁₀ and 0.5 kg/hr PM_{2.5}.

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27. The discharge of oxides of nitrogen (expressed as nitrogen dioxide) from the asphalt plant stack must not exceed a concentration of 100 mg/m³, corrected to zero degrees Celsius and one atmosphere pressure on a dry gas basis.

28. The mass discharge of oxides of nitrogen (expressed as nitrogen dioxide) from the asphalt plant must not exceed 3.9 kg/hr.

29. 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.

30. The consent holder must ensure that all bitumen storage tanks are not heated above 165C, have failsafe thermostats and are vented through a water filtration system.

31. The aggregate stockpiles, yards and associated processes must 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 must be swept of loose debris as required, and at least daily;

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(c) Aggregate stockpiles liable to be dusty if dry must be covered and/or sheltered from prevailing winds, in order to minimise emissions from this source;

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(d) Sprinkler systems must be fitted and used to control dust;

(e) Vehicle speeds must be limited to no more than 10km/hr;

(f) High traffic areas of the site must be sealed;

(g) Adequate enclosure of dust sources (where practicable) or use of bunds and/or wind breaks;

(h) Implement a preventative maintenance programme to minimise equipment failure and unplanned downtime; and

(i) Education of staff on resource consent conditions and good dust management for achieving compliance, including good site housekeeping.

32. 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 and included in the Annual Report required by Condition 54 of this consent.

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High traffic areas of the site must be sealed.¶

33. The Consent Holder must:

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a. Not use Recycled Asphalt Pavement (RAP) at a rate exceeding 30% by weight of the finished product in the asphalt manufacturing process;

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b. Keep records of all asphalt batches that contain RAP and include the % of RAP, by weight of finished product, included within the batch of asphalt; and

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c. Provide records of RAP use to the Bay of Plenty Regional Council upon request and by 31 March each year for the previous calendar year.

34. Hot mix cut-back asphalt must 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

35. Mineral diesel oil and kerosene must not be used as release agents on the trays of any vehicles, including trucks and trailers, receiving hot mix products.

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36. Within 6 months of the commencement of the asphalt plant operation, the consent holder must ensure field odour surveys are undertaken by an independent and appropriately qualified air quality professional to determine whether there are offensive and objectionable odours at the boundary attributable to the loadout area, under a range of meteorological conditions. If the independent and appropriately qualified air quality professional concludes there are such offensive and objectionable odours attributable to the loadout area, the consent holder must:

(a) Within 3 months of the surveys, investigate methods to enclose or partially enclose (at least 2 sides) the loadout area to reduce fugitive emissions and provide a report to the Bay of Plenty Regional Council detailing how the loadout area will be enclosed and the timeframes for implementation.

(b) As soon as practicable, ensure that the loadout area is enclosed in accordance with the report required by Condition 36(a) and emissions within this area are captured and treated in accordance with the proposed plant design and mitigation as detailed in the report required by Condition 36(a).

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(c) If partial enclosure is undertaken under Condition 36(b) the consent holder must undertake further field odour surveys within 6 months after partial enclosure has been undertaken to determine whether offensive and objectionable odours have been contained. If the results of these field odour surveys indicate that odour from the loadout area continues to be causing offensive or objectionable odour beyond the boundary of the site, the loadout area must be fully enclosed within 3 months of completing the field odour surveys.

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Monitoring

37. Within 1 month of the completion of commissioning of the asphalt plant, the consent holder must:

(a) Undertake stack testing for odour, benzene, and PAHs to confirm emissions are consistent with those assessed in the Updated Air Quality Assessment, referenced as BOPRC Consent Appendix RM22-0649/07.

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(b) Undertake stack testing for NOx, and particulate (PM₁₀ and PM_{2.5}) to ensure that they are compliant with Conditions 25, 26, 27 and 28.

(c) Undertake stack testing under normal plant operating conditions and when the plant is operating at greater than 50% of its maximum production capacity, as limited by Condition 9.

(d) Report these results to the Bay of Plenty Regional Council within 10 working days of receiving the stack emission testing results.

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(e) If the emission rates of any pollutants exceed those assessed in the Updated Air Quality Assessment (referenced as BOPRC Consent Appendix RM22-0649/07), undertake a further round of testing for the relevant pollutant(s) within 1 month of receiving the stack emission testing results.

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(f) If the second round of results also exceed the emissions assessed in the Updated Air Quality Assessment (referenced as BOPRC Consent Appendix RM22-0649/07):

i. Within 3 months of receiving the second set of stack emission testing results, investigate methods to reduce emissions so that effects are no greater than those assessed in the Updated Air Quality Assessment (referenced as BOPRC Consent Appendix RM22-0649/07) and provide a report, including recommendations, to the Bay of Plenty Regional Council.

ii. As soon as practicable, ensure that any recommended mitigation occurs in accordance with the report required by Condition 37(i).

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38. 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), or equivalent, 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.

39. The consent holder must test stack emissions for PM₁₀ and NO_x annually to demonstrate compliance with Conditions 25, 26, 27 and 28 of this consent, and for PM_{2.5} at least once every five years. 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 must 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 must forward the results of all emissions testing to the Bay of Plenty Regional Council and mandated representatives of Ngāti Kuku hapū 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 within 2 months of the previous test. The results of any repeat tests must be provided to the Bay of Plenty Regional Council and mandated representatives of Ngāti Kuku hapū within 1 month of the retesting being undertaken.

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40. The consent holder must install and operate a PM₁₀ air quality monitor at or near the site boundary for the purpose of confirming the effectiveness of dust management measures and identifying when additional measures may be required to avoid offensive or objectionable effects of dust, including that:

- (a) The PM₁₀ monitor must be an optical (nephelometer) monitor or reference monitor and certified as appropriate by Bay of Plenty Regional Council for its intended purpose.
- (b) The location of the monitor must take account of prevailing wind directions and the location of dust emission sources and certified as appropriate by Bay of Plenty Regional Council for its intended purpose.

If the PM₁₀ monitoring required by this condition shows an exceedance of any of the trigger levels outlined below, the cause of the exceedance must be investigated by the consent holder. If an investigation indicates that a source or sources within the site have caused the exceedance, all practicable measures must be taken by the consent holder to permanently reduce dust emissions. Investigations and remedial actions undertaken must be recorded and reported in accordance with Condition 54. The trigger levels for investigation are:

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- (a) 150 micrograms per cubic metre calculated as a rolling 1-hour average concentration; and
- (b) 65 micrograms per cubic metre calculated as a rolling 12-hour average

Monitoring in accordance with this condition may cease after 2-years of operation and monitoring, provided that the Bay of Plenty Regional Council has certified that either there has been compliance with the trigger levels set out above for the 2-year period or that the Regional Council is otherwise satisfied that the measures adopted by the consent holder following investigations into the causes of exceedances of those trigger levels have resolved the exceedances and offensive or objectionable dust effects beyond the boundary of the site are not likely to occur.

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Air Quality Management

41. Prior to any discharge occurring under this consent, the consent holder must submit an Air Quality Management Plan (AQMP) prepared by an air quality professional to the Bay of Plenty Regional Council for certification that the requirements of this condition have been met. 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 bag-house failures, in particular the use of differential pressure monitoring, and the shutdown of the plant in the event of suspected filter failure;
- (d) Procedures to minimise discharges of contaminants into air, including details of the inspection, maintenance, monitoring and contingency procedures in place for all emissions control equipment at the site;
- (e) An assessment of any new additives to be included in the asphalt manufacturing process to determine compliance with this consent and details of any mitigation, management, and monitoring procedures required as a result of the assessment.
- (f) Operational and monitoring procedures to comply with condition 40.
- (g) Methods for controlling vehicle speeds on site and the sealing of high traffic areas of the site;
- (h) Fugitive dust management in the yard and aggregate handling areas;
- (i) Operation of asphalt plant to minimise odour;
- (j) Operation of ancillary activities (e.g. bitumen storage and transfer) to minimise odour;
- (k) Bitumen tank water filter maintenance and servicing;
- (l) Complaint response procedures and contact telephone numbers for parties who are responsible for responding to complaints;
- (m) Individual responsibilities for staff of the consent holder, including responsibility for ensuring the effective application of the measures identified above;
- (n) Procedures for reporting the required information to mandated representatives of Ngāti Kuku hapū; and
- (o) Procedures for keeping the AQMP up to date.

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42. 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.

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43. 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.

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44. As part of the preparation of the AQMP, the consent holder must provide mandated representatives of Ngāti Kuku hapū with a draft copy of the AQMP for review and comment at least 30 working days prior to submitting the AQMP to the Bay of Plenty Regional Council for certification.

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Advice Note: If Ngāti Kuku hapū do not provide feedback on the draft AQMP within the timeframe, that does not constitute a non-compliance with this consent condition.

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Odour Response

45. In the event of any odour discharge from the site being assessed by the Bay of Plenty Regional as being noxious, dangerous, offensive or objectionable beyond the boundary of the site, the following actions must be taken by the consent holder immediately:

- a. Determine the cause and/or source of the odour;

- b. Determine whether the cause of the odour can be immediately rectified so that the consent holder is able to demonstrate to the satisfaction of the Bay of Plenty Regional Council that they comply with Condition 6; and
- c. If the cause of the odour is unable to be immediately rectified, cease production immediately until the consent holder is able to demonstrate to the satisfaction of the Bay of Plenty Regional Council that they comply with Condition 6.

Complaints log

46. The consent holder must maintain a log of all complaints (including those received via third parties including the Bay of Plenty Regional Council and Tauranga City Council) regarding dust, odour, or other contaminants discharged to air. 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 and any response back from the complainant.

The complaint log must be made available to the Bay of Plenty Regional Council at all reasonable times and submitted by 31 March each year.

Mātauranga Māori Environmental Monitoring Plan

47. 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 environment within and around the Site for the duration of this consent, which may also include consideration of stormwater and soil/ground water contamination under the stormwater and earthworks consents associated with the new asphalt plant. To achieve this purpose, the MMEMP must include:

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- (a) A methodology, established with Ngāti Kuku hapū to monitor the health of the environment; and
- (b) Locations of monitoring points for site discharges.

48. The MMEMP required by Condition 47 must be developed with Ngāti Kuku hapū. In this respect, the consent holder must arrange a hui to discuss the contents of the MMEMP prior to its development and must provide Ngāti Kuku hapū with 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 hapū for comment at least 20 working days prior to submitting the MMEMP to the Bay of Plenty Regional Council. The MMEMP must be implemented, which must include the following:

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- (a) An initial monitoring survey which Ngāti Kuku hapū must be invited to undertake prior to works authorised by this consent commencing; and
- (b) Unless otherwise agreed with Ngāti Kuku hapū, ongoing monitoring surveys at least every two years thereafter, which Ngāti Kuku hapū must be invited to undertake. Any changes proposed to the MMEMP, or its implementation, must be confirmed in writing by

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the consent holder following consultation with Ngāti Kuku hapū, prior to the implementation of any changes proposed.

49. Within 1 month of a monitoring survey under the MMEMP, the results must be reported to Ngāti Kuku hapū, along with the results of other monitoring required under the conditions of this consent, and any complaints received and responses to those complaints.
50. Within 3 months of a monitoring survey under the MMEMP being reported, the consent holder shall arrange a forum with Ngāti Kuku hapū to discuss matters arising from monitoring and reporting. The consent holder must consider and respond to matters that Ngāti Kuku hapū raise in the forum, and report those matters to the Bay of Plenty Regional Council.
51. The consent holder must reimburse Ngāti Kuku hapū for reasonable costs of time their representatives spend on the preparation of the MMEMP, undertaking any monitoring surveys, and for attendance at the forum.

Advice Note 1: Should Ngāti Kuku hapū choose not to take up the offer to participate in the preparing the MMEMP or attend a hui to discuss the preparation of the MMEMP, 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 with these consent conditions.

Advice Note 2: Should a broader mātauranga monitoring framework across industry be established with the support and agreement of Ngāti Kuku hapū and the consent holder demonstrates active and on-going commitment to the development and implementation of that framework to the satisfaction of the Bay of Plenty Regional Council, these circumstances will be deemed to be compliance with this consent condition.

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Reporting

52. The consent holder must notify the Bay of Plenty Regional Council at least 24 hours prior to the first exercise of this resource consent.
53. 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, and/or conditions of this consent not being complied with. 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 and/or non-compliance, possible causes, steps undertaken to remedy the effects of the incident and measures that will be undertaken to ensure future compliance.
54. The consent holder must:
- (a) Provide an Annual Monitoring and Compliance Report to the Bay of Plenty Regional Council, Toi te Ora reporting and Ngati Kuku Hapu by 31 March of each year, summarising:
- The volume of asphalt produced each day, and the total for the year;
 - The volume of asphalt sold outside the Bay of Plenty region;
 - The results of the stack testing;
 - The results of any NOx testing;
 - Confirmation of the burner servicing;
 - The results of monitoring PM₁₀, and PM_{2.5} when undertaken every five years;
 - A summary of complaints received, including how they were responded to;
 - A summary of the results of Mātauranga Māori monitoring undertaken, and actions taken in response to this.

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(b) Notify the Medical Officer of Health within working 5 days of any abatement or enforcement notice issued.

Greenhouse Gas Emissions Reduction Plan

55. The consent holder must implement the independently certified Greenhouse Gas Emissions Reduction Plan submitted as part of the additional information dated 31 January 2024 and referenced as BOPRC Consent Appendix RM22-0649/08, 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.

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

56. Once every 10 years from the commencement of this consent, the consent holder must provide a report to the Bay of Plenty Regional Council, from an appropriately qualified independent professional, that investigates and evaluates alternative technologies to address whether the existing systems still represent the best practicable option (BPO) for minimising discharges of contaminants to air. The report must 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 reconsenting.

57. The review report must make recommendations on the adoption of BPO to minimise any adverse effects on the environment and the programme for implementation of alternative technologies, and the consent holder must advise the Bay of Plenty Regional Council of its response to the recommendations, and reasons.

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Review of consent conditions

58. The Bay of Plenty Regional Council may:

- (a) within three months of commissioning of the asphalt plant, and every two years thereafter;
or
- (b) in the three-month period after the receipt of a report in accordance with Condition 15, 48, 53 or 54; or
- (c) within 3 months of a report on the outcomes of the monitoring survey under the Mātauranga Māori Environmental Monitoring Plan; or
- (d) within 12 months following a review or change to the Regional Natural Resources Plan becoming operative that changes the activity status of the activity authorised by the consent to become more restrictive than that which applied at the date of consent being granted; or
- (e) On the adoption of any statutory policy document requiring the retreat of industrial development and land use from land that includes the subject site, and/or any change in statutory policy/direction relating to the zoning of the site under the Tauranga City Plan.

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

- (a) Responding to surveys and/or outcomes of the Mātauranga Māori Environmental Monitoring Plan referred to in Condition 47;

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(b) Responding to the direction and outcomes in any statutory policy document in relation to the managed retreat of industrial development and/or land use in the vicinity of the Whareroa Marae;

(c) 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;

(d) To review the adequacy of and the necessity for monitoring undertaken by the consent holder;

(e) Where results from the stack testing show that the limits in Conditions 25, 26, 27 and/or 28 are being exceeded;

(f) To respond to an analysis of the complaints register where substantiated complaints are occurring more than once per month;

(g) To require the adoption of the best practicable option to remove or reduce any adverse effects on the environment;

(h) Ensuring that the conditions of this consent are effective in avoiding and mitigating adverse effects;

(i) 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;

(j) 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

(k) 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.

(l) Where the Medical Officer of Health has given notice to the Regional Council that there are adverse trends in air quality parameters giving rise to concerns that health may be harmed that need to be addressed.

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Resource Management Charges

59. The consent holder must 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

60. This consent shall expire 25 years from the date that any discharge to air under this consent commences.

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The Consent

61. 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 RM22-0649.

2. 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.

3. Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.