

Submission Template on the Proposed Amendments to the Air Quality Standards.

Name	Dave Wright
Organisation/Agency	Fonterra Cooperative Group Limited
Postal Address	Private Bag 1, Edgecumbe
Phone Number	07-3047000
Email	david.wright@fonterra.com

1. Preferred Options

<p>Option 4a</p> <p>Proposed amendments</p>	<p>Increase the permitted number of exceedances of the PM₁₀ standard from one to three exceedances per year.</p> <p>Exclude exceptional events from counting as exceedances of the PM₁₀ standard</p> <p>Extend the timeline for compliance to 2018</p> <p>Requirement mandatory offsets for new industry consents in breaching airsheds after 2018 (i.e. do not harm)</p> <p>Introduce mandatory reporting of PM₁₀ monitoring data.</p> <p>Use existing ministerial powers under the Resource Management Act 1991 (section 27)</p> <p>Establish an air quality compliance strategy.</p>
<p>Are you in favour of these amendments?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Reasons</p>	
<p>Are there any changes you would like made to these proposed amendments?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>If yes, what are these changes?</p>	

<p>Option 4b</p> <p>Proposed amendments</p>	<p>Increase the permitted number of exceedances of the PM₁₀ standard from one to three exceedances per year.</p> <p>Exclude exceptional events from counting as exceedances of the PM₁₀ standard.</p> <p>Extend the timeline for compliance to 2018.</p> <p>Remove all industry consent restrictions.</p> <p>Introduce mandatory reporting of PM₁₀ monitoring data.</p> <p>Use existing ministerial powers under the Resource Management Act 1991 (Section 27)</p> <p>Establish an air quality compliance strategy.</p>
<p>Are you in favour of these amendments?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Reason/s</p>	<p>Most non compliance with the NES standard for PM₁₀ air quality is known to be associated with either domestic heating (wood burner) emissions, vehicle emissions or general background levels of PM₁₀ associated with sea salt or normal emissions associated with people trying to provide for their wellbeing. To date the NES for air quality, while recognising these sources of air 'pollution', have unfairly targeted industry for the cost of mitigating any potential exceedance of the 50 ug/m³ PM₁₀ limit. While there have been requirements that any new wood burner domestic heating appliance must comply to new standards it is known that most emission problems are caused not by the equipment but by the quality of the wood being burnt and the operation of the wood burner. A significant number of other contributors to high ambient PM₁₀ levels (road dust, rural agricultural activities) are permitted activities and hence do not require resource consent. Therefore when industry comes to having to renew its resource consents it is unfairly targeted with having to offset its emissions against primarily the wood burner emissions. While industry needs to take an appropriate share of the air quality burden, if best technical options or best practicable options are already in place then industry has little option but to either offset emissions, relocate or cease to operate.</p> <p>The purpose of the RMA Act 1991 section 5 requires managing the use, development, and protection of natural and physical</p>

	<p>resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety – however the current NES requirements while rightfully considering the environmental effects on the air resource has not given adequate protection to existing activities that enable people and communities to provide for their economic wellbeing. As such the existing NES standards and implication of these through Regional Council plans and consent conditions does not encourage the economic prosperity of the local community or of New Zealand.</p> <p>The proposal by this option to increase the number of allowable exceedances from 1 to 3 per annum, and to exclude one off specific events is logical and in line with Australian regulations and the United Nations guidelines. For New Zealand to impose a tighter restriction that doesn't allow for natural events is unduly restrictive and also on the regulatory authority expected to police it. The government is to be commended for proposing a change to the existing NES standard.</p>
<p>Are there any changes you would like made to these proposed amendments?</p>	<p>Fonterra would like any new regulation to include some allowance for the air dispersion modelling inaccuracies. Air dispersion modelling is a recognised tool in predicting the contribution from discharges to air and the contribution these make to ambient air quality. For any dispersion model, hourly-averaged concentrations can lead to over prediction of ground level concentrations. This is partly because the wind direction is assumed constant for each hour, and pollutants therefore arrive at the same location for the full period, but there are many other factors involved. To help counter this over prediction the Ministry for the Environment has recommended that the 1 hour average 99.9th percentile value of the modelled ground level concentration be reported as the predicted maximum 1 hour average ground level concentration (MfE 2004). However for most dairy manufacturing sites there are a number of emission sources and the probability of all of these discharging continuously at maximum emission rates adds further over prediction to the highest estimated 99.9 percentile 1 hour ground level concentration. The probability of worst case meteorological conditions coinciding with worst case emission rates and hence impacting on the ambient ground level concentrations for PM₁₀ is considered to be extremely low. Fonterra recommends that the Ministry for the Environment gives consideration to evaluating the accuracy of dispersion modelling so that its use doesn't over predict actual results. Under the current regulations industry is being required to implement emission control measures for an event that might have a probability of occurring once in 100 years industry. This is considered overly restrictive.</p> <p>Regional Councils in interpreting the current NES standards are often imposing even tighter requirements than the NES standard. Councils are deeming through their plans and regional ambient air</p>

	<p>quality guidelines that acceptable levels for air quality are between 33% and 66% of the Regional Ambient Air Quality Guideline so that predicted ground level concentrations greater than 66% are considered degraded and therefore unacceptable. This equates for the PM₁₀ requirements that an application for resource consent that predicts a ground level concentration from all sources of greater than 33 ug/m³ is therefore unlikely to be granted or if granted to require significant capital investment. When best technical options are already employed for avoiding and minimising emissions Councils are being overly restrictive in their application of the NES standards. Fonterra therefore recommends MfE provide guidance to Regional Councils on the application of the NES standard.</p>
<p>If yes, what are these changes?</p>	<p>That MfE put in place the following:</p> <ol style="list-style-type: none"> 1. Research into the validation of air dispersion modelling so that this recognised tool doesn't over predict PM₁₀ ground level concentrations and use the results of this research in guidelines to both Regional Councils and air dispersion modellers. 2. A review of or advice to Regional Councils on appropriate use of the NES air quality standard that means Councils do not misinterpret the application of the Standard and apply limits to regional ambient air quality guidelines at variance to the NES standard.

2. Costs and benefits.

<p>Have we accurately reflected the range of costs and benefits arising from the proposed amendments , and who might bear the costs or receive the benefits?</p>	<p>Yes -the costs and benefits analysis appears comprehensive and recognised the serious implications to the 'natural good' by not amending the current NES requirements.</p>
<p>If no, how can the estimates be improved?</p>	
<p>Are there any costs and benefits we have overlooked?</p>	
<p>Please provide any information that you would like to see included in the cost-benefit analysis that will be carried out after the submissions are received and analysed.</p>	

3. Decision/s you wish the Minister for the Environment to make

<p>Proposed amendments</p>	<p><input checked="" type="checkbox"/> Increase the permitted number of exceedances of the PM₁₀ standard from one to three exceedances per year.</p> <p><input checked="" type="checkbox"/> Exclude exceptional events from counting as exceedances of the PM₁₀ standard.</p> <hr/> <p><input type="checkbox"/> Require mandatory offsets for new industry consents in breaching airsheds after 2018 (i.e. do no harm).</p> <p>OR</p> <p><input checked="" type="checkbox"/> Remove all industry consent restrictions.</p> <hr/> <p><input checked="" type="checkbox"/> Extend the timeline for compliance to 2018.</p> <p><input checked="" type="checkbox"/> Introduce mandatory reporting of PM₁₀ monitoring data.</p> <p><input checked="" type="checkbox"/> Use existing ministerial powers under the Resource Management Act 1991 (section 27)</p> <p><input checked="" type="checkbox"/> Establish an air quality compliance strategy.</p> <p><input checked="" type="checkbox"/> Investigate the feasibility of funding links (denial of funding in breaching airsheds).</p>
<p>Other proposed amendments you would like the minister to make.</p>	<p>That the Minister implements a review of the guidelines associated with the NES for Air Quality to stop Regional Council's effectively lowering the acceptable standard of 24 hour PM₁₀ ambient air concentration to less than 66% of the 50 ug/m³ standard.</p>