

Our Ref: 12/25/5

7 July 2010

Ministry for the Environment
PO Box 10-362
The Terrace
WELLINGTON 6143

Attention: Russell Burnard

Dear Russell

PROPOSED AMENDMENTS TO THE NATIONAL ENVIRONMENTAL STANDARDS FOR AIR QUALITY

1.0 OVERVIEW

The Hawke's Bay Regional Council (HBRC) would like to thank the Minister for the Environment for the opportunity to submit on the proposed amendments to the National Environmental Standards for Air Quality (NES). This submission has been prepared by a working group of Council staff and HBRC's elected representatives and authorised by the HBRC's Chairman and deputy Chairman.

Specific comments on the proposed amendments are detailed from section 2 below.

1.1 HBRC local context

HBRC has recently issued decisions on Plan Change 2 and Variation 2 which introduce new air quality provisions and change some existing air quality provisions in both the Regional Resource Management Plan and the Proposed Regional Coastal Environment Plan.

The new provisions will improve air quality within the region to a standard which achieves compliance with small particle concentrations required by National Environmental Standards (NES). In particular, the new provisions control the use of, and emissions from, domestic wood burners, and phase out approximately 21,000 open fires and non-complying burners by 2020. To assist homeowners in upgrading their fireplaces, the Council is operating a financial assistance scheme to ease the financial burden.

2.0 SPECIFIC COMMENTS

Specific issues that the Council wishes to comment on are detailed as follows.

2.1 The number of permitted exceedences

The Council supports the Ministry's move from one to three exceedences allowed annually in the NES.

Previous submissions by Council have requested that the number of permitted exceedences in the NES be increased to five per year. However, given that exceptional events are to be removed from the standard, three exceedences is considered a realistic and reasonable number.

2.2 The exclusion of exceptional events from being counted as an exceedence

The Council supports the exclusion of “exceptional events” from being counted as an exceedence, as these events are outside of the control of any agency.

The MfE discussion document provides a brief overview of exceptional events, however it is unclear exactly which events will be classed as ‘exceptional’ and which events will be counted as an exceedence. It is requested that this lack of clarity be addressed by MfE in any further guidance documents on the NES.

2.3 The new NES timeline of 2018

The Council strongly supports extending the deadline to meet the NES to 2018. The new deadline will give Council sufficient time to replace a large proportion of the 21,000 open fires and non-complying burners needed to meet the NES.

Investigations undertaken by Council sometime ago indicated that it was highly unlikely that 21,000 fireplaces could be replaced prior to 2013, without severe consequences for the community, such as increased price of appliances, limited choice of clean heat appliances or cold, damp homes if homeowners could not afford to buy or access an approved clean heat appliance prior to the open fire or burner phase out date.

It is important to note that while the objectives within the Air Quality Air Plan Change do not fully reflect the 2018 deadline, the management measures contained within the plan change were specifically developed to meet the NES in Napier and Hastings by 2018. A 2 year buffer was included in the plan change so Council could review and implement additional measures if, by 2018, required PM₁₀ reductions had not been achieved.

2.4 Option 4a and 4b

The Council's most preferred option is option 4b which does not require mandatory offsets.

In Hawke's Bay, it would not be fair or equitable to require mandatory offsets from new industry, when the primary source of PM₁₀ concentrations comes from domestic heating. In Napier and Hastings domestic heating contributes to around 87% of total wintertime PM₁₀ concentrations, while the industrial PM₁₀ contribution sits around 2%.

The approach in 4a would unfairly penalise new industries because of PM₁₀ emissions from the domestic sector. New industries would incur costly offsets while homeowners could continue to install solid fuel heating appliances with no NES imposed penalty.

Both industrial premises and homeowners are already encouraged to install cleaner technology through the Air Quality Plan Change. If option 4a were to proceed, a more equitable approach would be to require offsets from both the industrial and the domestic sectors in non-complying airsheds after 2018.

Council already has a robust action plan in place to reduce PM₁₀ concentrations in Napier and Hastings to NES levels by 2018. Option 4b is more equitable than option 4a and allows increased investment certainty because airshed compliance will not be reliant on performance of the domestic heating sector.

2.5 Natural sources of PM₁₀

The MfE discussion document does not address natural sources of PM₁₀.

Currently the Awatoto Airshed exceeds NES levels around 41 times a year, with a number of these exceedences being sea salt related.

Given that there is nothing Council can do to prevent exceedences from sea salt, the impact of the natural incidence of PM₁₀ (e.g. from sea spray) should be clearly provided for in the NES. Without some sort of exclusion for these events it is virtually inevitable that sea salt driven exceedences will result in the Awatoto Airshed never being able to comply with the NES.

It is therefore requested that the Minister either include exceedences clearly attributable to sea salt as "exceptional events", or provide a special exemption when natural sources are proven to be the source.

2.6 Diffuse sources of PM₁₀

The proposed amendments do not address diffuse sources of PM₁₀. This means diffuse sources of PM₁₀ are still included in the measurement, monitoring and reporting requirements of the NES.

The Whirinaki Airshed currently has one monitoring site located on the Pan Pac logyard area which exceeds numerous times each year due to airborne pulverised dust. Pan Pac's situation is considered similar to all areas of land in New Zealand located adjacent to gravel roads.

There is very little Council can do, in a cost effective manner, to minimise exceedences due to diffuse sources of PM₁₀ (e.g. from unsealed yards or roads). It is requested that the Minister provide further clarification and guidance on this issue.

3.0 SUMMARY

Once again, we would like to thank the minister for the opportunity to comment on the Proposed Amendments to the NES. We are happy to work with the Minister to investigate and resolve any of the outstanding issues we have identified.

Please do not hesitate to phone if you would like to discuss in more detail any of the comments made.

Yours faithfully



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