

7 July 2010

Ministry for the Environment
PO Box 10362
Wellington 6143

Our Reference: 205/02/02
Enquiries to: Aaron Leith
Refer Accession No:

Dear Sir

Air Quality Standards Review Submission

Thank you for the opportunity to make a submission on the above.

This submission was drafted by Environment Southland Compliance, Environmental Information, Consents and Policy and Planning Staff who are involved in air quality management in Southland on a daily basis including implementing the National Environmental Standard for air quality.

At its meeting on 7 July 2010, Council's Environmental Management Committee resolved to adopt this submission.

1. Air Quality in Southland

In general, Southland has good air quality. However in winter, levels of PM₁₀ pollution in the Invercargill and Gore airsheds can, and do, exceed national air quality standards. This pollution is mainly caused by burning wood and coal for domestic home heating.

The following table gives a summary of PM₁₀ exceedences in the Invercargill and Gore airsheds, during the last four winters:

Table 1: Summary PM₁₀ data for Invercargill and Gore airsheds (2007-2010)

| | Invercargill airshed | Gore airshed |
|---|-----------------------------|---------------------|
| Total number of NES exceedences in 2007 | 2 | 0 |
| Total number of NES exceedences in 2008 | 9 | 3 |
| Total number of NES exceedences in 2009 | 6 | 2 |
| Total number of NES exceedences in 2010 (to date) | 6 | 0 |

Environment Southland's efforts and projects to improve air quality (including reducing the amount of PM₁₀ pollution) in Southland include:

- Southland air quality monitoring programme (Invercargill, Gore and other towns);
- reporting of PM₁₀ exceedences in the Invercargill and Gore airsheds;

- Environment Southland made a financial contribution to the Southland Warm Homes Trust in the 2010/11 financial year (to assist the retrofit of clean heating appliances in the airsheds);
- policy and planning work (e.g. a review of the Southland Regional Policy Statement is currently underway, and a review of the Southland Regional Air Quality Plan is scheduled);
- consent decision requirements in the airsheds;
- environmental education work (e.g. air quality articles in community newspapers and other media);
- compliance actions relating to discharges of contaminants into air.

However, with the current level of resourcing and other environmental priorities Environment Southland is unlikely to achieve airshed compliance with the PM₁₀ air quality standard by 2013.

2. Environment Southland's submission

Environment Southland welcomes a review of the National Environmental Standard (NES) relating to PM₁₀.

The Ministry for the Environment's discussion document dated June 2010 (the "discussion document") identifies two "preferred options" 4a and 4b, on which comment is sought.

Environment Southland's preferred option is Option 4a, as follows:

Option 4a

- 1) Increase permitted exceedances from 1 to 3
- 2) Exclude exceptional events from being counted as exceedances
- 4) Extend timeline to 2018 (maximum)
- 6) Mandatory reporting (PM₁₀ monitoring data)
- 13) Use existing ministerial powers under the RMA (s27)*
- 14) Establish an air quality compliance strategy*
- 18) Introduce mandatory offsets for **new** industry consents in breaching airsheds after 2018

Number of permitted exceedances

The current regulations set an ambient standard for PM₁₀ of 50 micrograms per cubic metre, with one exceedance permitted each year.

Environment Southland recognises that the fewer exceedances there are, the better the health outcomes are likely to be. However, only allowing one exceedance is quite stringent by international standards (for example, Australia permits five exceedances and the World Health Organisation accepts 3.65 exceedances).

Environment Southland therefore seeks that the number of times that the PM₁₀ standard can be exceeded, should be increased to at least three exceedances per year. Environment Southland would alternatively support the number of times that the PM₁₀ standard can be exceeded, being increased up to five times per year, and reducing down to three exceedances over time.

Exceptional events

Under the current regulations, it is unclear whether exceedences caused by events that are outside of anyone's control would count as an exceedence.

Issues in this regard have arisen in Southland, including:

- salt spray influences, particularly in coastal townships in Southland;
- burning of derelict houses/buildings and public events involving fireworks within the Invercargill airshed;
- airborne contaminants from sources beyond the airshed boundaries (e.g. backyard burning, vegetation burning), drifting into airsheds and potentially influencing the number of exceedences;
- environmental conditions.

Environment Southland seeks that it should be made explicit in the regulations that exceedences caused by exceptional events (including those issues above) do not count as breaches of the regulations.

The target timeline

The current regulations provide that in airsheds where the PM₁₀ standard is breached after 1 September 2013, the granting of industrial air discharge consents will be prohibited.

As noted above, Environment Southland is undertaking some actions to improve air quality in the Invercargill and Gore airsheds. However, with the current level of resourcing and other environmental priorities Environment Southland is unlikely to achieve compliance with the PM₁₀ air quality standard by 2013.

Environment Southland therefore seeks that the timetable for achieving compliance with the PM₁₀ standards be extended beyond 2013.

Mandatory reporting

The discussion document proposes mandatory annual reporting of PM₁₀ monitoring data in airsheds that do not comply with the PM₁₀ standard. This reporting would provide detailed information on air pollution levels and the potential impact this air pollution is having on the public.

Environment Southland understands that this would be in addition to the mandatory air quality monitoring and reporting it already does to report PM₁₀ exceedences in the Invercargill and Gore airsheds. It is unclear what implications the proposed additional mandatory reporting would have for Environment Southland including:

- financial costs incurred by additional monitoring/reporting;
- changes needed to current data collection processes.

In terms of the proposal for regional councils to provide detailed information on "potential impacts of air pollution on the public", Environment Southland is itself not technically able to undertake such human health monitoring.

Environment Southland also notes that it has already experienced a number of technical issues with air quality data collection/reporting requirements under the current Air NES regulations for PM₁₀. If the Government is proposing to further change the Air NES

reporting framework, this would need to be accompanied by clear national guidance for regional councils, particularly around quality control of air quality monitoring equipment.

Ministerial powers/air quality compliance strategy

The discussion document notes there is proposed to be increased ministerial oversight including an active role in monitoring airshed performance, as well as preparation of an air quality compliance strategy.

Environment Southland neither supports nor opposes these aspects of the proposed amendments.

Industry consent restrictions

The current regulations provide that in airsheds where the PM standard is breached after 1 September 2013, the granting of industrial air discharge consents will be prohibited.

The discussion document seeks comment on whether or not mandatory offsets for new industry consents in breaching airsheds after 2018 should be required in the regulations.

It is noted that the main industry in the Invercargill and Gore airsheds includes hospitals, schools and some small scale industries. Industrial emissions are typically not the key source of for breaches of the PM standard, given that most of the significant industries in Southland (e.g. aluminium smelter, meatworks, dairy industry, fibreboard plant etc) are situated outside of the Invercargill and Gore airsheds.

Environment Southland considers that the current regulations have significant implications for industry situated within the Invercargill or Gore airsheds because, after 2013, regional councils cannot grant consent for discharges in over-allocated airsheds. The current regulations inappropriately penalise industry because domestic heating, not industry, is the primary source of PM₁₀ pollution in the Southland airsheds.

Environment Southland does, however, support a requirement for “mandatory offsets” for new industry consents in breaching airsheds after 2018. Such a requirement has merit because it would:

1. enable Environment Southland to grant air discharge permits for industry after 2013 (as opposed to the status quo, which requires that such consents be declined in breaching airsheds after 2013);
2. provide flexibility and enable innovation and local solutions to be reached. In particular, Environment Southland would have an opportunity to work with new industry to identify and tailor offsets that are appropriate to Southland situations, including the form of the offset, who will undertake the offset, and when and how the offset is undertaken (for example, an industry offset could include the purchase and installation of air monitoring equipment, or the replacement of xx number of coal/open fires in the airshed).

Environment Southland therefore seeks that mandatory offsets for new industry consents in breaching airsheds after 2018 be introduced into the regulations.

Other elements

There are a number of other elements which Environment Southland considers should be considered for inclusion in the package of amendments to the regulations, as follows:

- the review needs to consider the role of central government in addressing air quality problems, in particular financial assistance. The Government should be developing better linkages of central government funding for Energy Efficiency and Conservation Authority (EECA) grants towards the removal of coal/open fires and non-compliant wood burners in breaching air sheds. Those homes situated in polluted airsheds, could be a higher priority for receiving grants for home insulation/clean heat retrofits from the Government (or an equal priority with low income homes);
- backyard/open burning in polluted airsheds is a matter that should be specifically addressed in the national air quality standards;
- the Government should prepare guidance and offer to assist regional councils with developing effective domestic emission controls for airsheds that breach the standard. The main source of PM₁₀ emissions in winter within the Invercargill and Gore airsheds is from solid-fuel home heating appliances (e.g. coal/open fires and non-compliant wood burners). This would enable the main source of PM₁₀ emissions during winter to be targeted, through an appropriate balance of national assistance and regional flexibility.
- A number of other matters should also be further investigated by the Government e.g.:
 - ◆ dry wood certification schemes;
 - ◆ point of sale rules (e.g. controls on the sale of lignite, and other poor quality fuels);
 - ◆ the banning of the installation of new open solid fuel fires in new homes.

3. Decision Sought from the Minister for the Environment

Environment Southland seeks that the Minister for the Environment:

- addresses fully, all of the issues raised in this submission; and
- ensures that Environment Southland remains fully involved in the review of the NES for air quality.

If you wish to discuss this submission further, please do not hesitate to contact Aaron Leith of this office on (03) 211 5115 or email aaron.leith@es.govt.nz.

Yours sincerely

Ciaran Keogh
Chief Executive

