

Submission on Proposed Amendments to the National Environmental Standards for Ambient Air Quality

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Summary of Our Recommendations

We agree with the Minister for the Environment that the current national standards for air quality (AQNES) are inequitable and unfairly direct the consequences of non-compliance with the AQNES onto industrial discharges, which in most non-complying airsheds are not the main cause of high ambient air contaminant concentrations.

Of the proposed options presented in the discussion document, the adoption of the Preferred Option 4b would, in our opinion, achieve the objectives of the AQNES to the greatest extent and in the most equitable fashion. We endorse the proposal to increase the number of permitted exceedances for the standard from one to three in accordance with the World Health Organisation guidelines and the exclusion of exceptional events from being counted as exceedances. We also support the extension of the timeline for compliance to 2018.

A consideration of mandatory offsets is provided below. The introduction of mandatory offsets for new discharges in non-complying airsheds, as proposed in preferred option 4a, would not necessarily achieve the objectives and would place an inequitable burden on the industries that are likely to be the source of new discharges. Therefore we recommend that Preferred Option 4a is not adopted.

We further consider that Preferred Option 4b may be improved through the adoption of some of the recommendations provided for other options described in the discussion document as follows:

- Recommendation (5) in regard to placing a greater focus on education, which could assist in reducing domestic emissions and improving poorly controlled industrial emissions; and
- Recommendation (16) in regard to the introduction of guidance on domestic heating restrictions would also assist in reducing domestic emissions.

The adoption of these recommendations in the amended AQNES would further achieve the objectives of the AQNES at comparatively little cost.

The RMA allows regional plans to include rules that are more restrictive than national environmental standards but does not allow rules that are less restrictive than the standards. Since the AQNES were introduced some regional councils have revised their air plans and have included the current

NES regulations as rules in their plans. Consequently any relaxation of the regulations in the NES will not have any benefit to industries in these regions unless the air plan rules are reviewed. We therefore recommend that a requirement be adopted in the AQNES for regional plans that incorporate requirements of the current standards to be reviewed in accordance with the updated AQNES. This will allow the inequities of the current standards to be redressed throughout the country.

Our recommendation is therefore that Preferred Option 4b be adopted with the added inclusion of Recommendations (5) and (16) of the discussion document and a requirement for regional plans to be updated in accordance with the updated AQNES.

Decision We Wish the Minister to Make

Proposed amendments	<input checked="" type="checkbox"/> Increase the permitted number of exceedance of the PM ₁₀ standard from one to three exceedances per year.
	<input checked="" type="checkbox"/> Exclude exceptional events from counting as exceedances of the PM ₁₀ standard.
	<input type="checkbox"/> Require mandatory offsets for new industry consents in reaching airsheds after 2018 (ie, do no harm).
	OR
	<input checked="" type="checkbox"/> Remove all industry consent restrictions
	<input checked="" type="checkbox"/> Extend the timeline for compliance to 2018.
	<input checked="" type="checkbox"/> Introduce mandatory reporting of PM ₁₀ monitoring data.
	<input checked="" type="checkbox"/> Use existing ministerial powers under the Resource Management Act 1991 (section 27).
	<input checked="" type="checkbox"/> Establish an air quality compliance strategy.
<input checked="" type="checkbox"/> Investigate the feasibility of funding links (denial of funding in breaching airsheds).	
Other proposed amendments you would like the Minister to make.	<ul style="list-style-type: none"> ■ Adopt Recommendation (5) from the discussion document in regard to placing a greater focus on education ■ Adopt Recommendation (16) from the discussion document in regard to the introduction of guidance on domestic heating restrictions ■ Introduce a requirement for regional plans to be updated in accordance with the updated AQNES

Consideration of Mandatory Offsets

Variable Impacts of Offsets on Ambient Concentrations

A new PM₁₀ discharge for which consent is sought is likely to have a number of differences from the PM₁₀ source or sources to be modified or removed to offset the new discharge. The new and existing sources are likely to result in different impacts on ambient PM₁₀ concentrations. These differences include:

- **Temporal differences in emission rates.** Domestic wood burners are most likely to discharge in the morning and evening but an industrial discharge might only occur during working hours – this would lead to differences in impacts on diurnal ambient concentrations.
- **Spatial differences in locations.** The impact of discharges of contaminants on ambient concentrations is usually greatest in close proximity to the discharge and diminishes over distance – the replacement of one discharge with the other is unlikely to lead to the same distribution of ambient concentrations in the environment.
- **Differences in dispersion characteristics.** Discharge characteristics such as discharge heights and exhaust velocities influence the dispersion of contaminants. The dispersion characteristics of industrial discharges are usually far superior to those of residential wood burners or bus exhausts (say).

These differences are likely to mean that in most if not all cases, the offsetting of emissions is unlikely to translate directly to a reduction in ambient concentrations throughout the receiving environment. The benefits of offsets may be observed in the vicinity of the modified or removed source but not necessarily in the vicinity of the new consented discharge.

Some examples of the implementation of offsets have been provided in the review documentation however no evidence of research into the effects of offsets on ambient concentrations in the area has been provided. As such, there has been no validation of the benefits of offsets, which are highly questionable.

Offsets Likely to Target Better Controlled Discharges

The proposed mandatory offsets will apply primarily to new industries. New discharges would be expected to take advantage of current technology in implementing the best practicable option to control the discharge in accordance with the existing requirements of the Resource Management Act (RMA). As such new discharges in general are likely to have a lesser impact on ambient concentrations than existing discharges that may implement older or less effective methods of control.

Instead of targeting new discharges that are likely to have a good level of control of emissions it is suggested that direct methods are used to reduce the impacts of existing emissions on ambient contaminant concentrations. These methods may include encouraging replacement of dirty domestic heating and the review of existing consents for industrial discharges that do not implement the BPO for controlling emissions. Some regional plans already include these objectives.

It is also noted that some regional plans, such as Canterbury, already assume these effective "offsets" within their strategies for achieving the existing AQNES. Therefore finding qualifying offsets over and above those already assumed within the "straight line paths" and "curved line paths" of these regions to count as mandatory offsets under the AQNES for industries could be difficult.

Offsets for Temporary Discharges

New PM₁₀ discharges of a temporary or short-term nature would be treated in the same manner as permanent or long-term discharges with the proposed mandatory offsets, despite a significant difference in the duration of potential effects. For example, a construction project within a non-complying airshed may require the use of a temporary concrete batching plant or mobile asphalt plant. A resource consent for these discharges would be required to offset discharges as if a permanent batching plant or asphalt plant was to be located in the area (assuming offsets are permanent).

Mandatory offsets would therefore lead to an inequitable imposition on temporary discharges.

Costs and Benefits of Offsets

The cost benefit analysis has estimated the costs of implementing offsets for each new discharge in a non-complying airshed at \$400,000. This is a significant cost and in light of the lack of validated benefits to air quality, as discussed above, those costs are unwarranted.