

## 14 Discharges to Air

### 14.1A Objective

#### Objective 14-1: Air quality

The management of air quality in a manner that has regard to:

- (a) maintaining or enhancing *ambient air*\* quality in a manner that safeguards the health of the Region's community,
- (b) meeting the regional *ambient air*\* standards (Table 8.3) and *National Environmental Standards*<sup>^</sup> (Table 8.1),
- (c) managing air quality so that it is not detrimental to *amenity values*<sup>^</sup>, and
- (d) managing fine particle (*PM<sub>10</sub>*\*) levels to ensure that they are reduced in unacceptable airsheds and managed in other areas to ensure compliance with the national *ambient air*\* quality standard for *PM<sub>10</sub>*\*.

### 14.1 Policies

#### Policy 14-1: Consent decision-making for *agricultural*\*

When making decisions on *resource consent*<sup>^</sup> applications and setting consent *conditions*<sup>^</sup> for *discharges*<sup>^</sup> of *agricultural*\* that fail to meet either Rule 14-1 or Rule 14-2 (and which are therefore *discretionary activities*<sup>^</sup>), the Regional Council will have regard to:

- (a) requiring compliance with Parts 2 and 5 of the NZS 8409:2004 Management of Agricultural,
- (b) avoiding *effects*<sup>^</sup> on human health,
- (c) avoiding or mitigating any unreasonable prevention or reduction in access to adjoining *properties*\* or *public land*\* because of *agricultural*\* spraying,
- (d) avoiding damage to non-target plants or animals, and
- (e) preventing any *discharge*<sup>^</sup> that is likely to adversely affect sensitive areas including, but not limited to:
  - (i) residential buildings,
  - (ii) public places and amenity areas where people congregate,
  - (ia) education facilities,

- (iib) *public roads\**,
- (iii) *surface water bodies^*,
- (iv) *wāhi tapu\**, marae and other *sites\** of significance to *hapū\** and *iwi\**,
- (v) domestic, commercial and *public water supply\** catchments and intakes,
- (vi) *rare habitats\**, *threatened habitats\** and *at-risk habitats\**, and
- (vii) sensitive crops or farming systems (including certified organically farmed *properties\** and greenhouses).

**Policy 14-2: Consent decision-making for other discharges^ into air**

When making decisions on *resource consent^* applications and setting consent *conditions^* for *discharges^* of *contaminants^* into air, the Regional Council must have regard to:

- (a) the objectives and policies of Chapter 8 including:
  - (i) the degree of consistency with the approach set out in Policy 8-1 for implementing the *National Environmental Standards^* for *ambient air\** quality,
  - (ii) the degree of compliance with the regional standards for *ambient air\** quality set out in Policy 8-2, and
  - (iii) for *discharges^* of fine particles, the approaches for managing fine particles (*PM<sub>10</sub>\**) in Policies 8-5, 8-6 and 8-7, and the likely contribution of the proposed *discharge^* to cumulative adverse *effects^* in an unacceptable airshed or degraded area as identified under these policies,
- (b) the guidelines in Section 14.2 for managing noxious, dangerous, offensive and objectionable *effects^*,
- (c) any *national policy statements^*, *national regulations^*, or nationally-accepted guidelines or codes of practice relevant to the activity,
- (d) the location of the *discharge^* in relation to, and any associated *effects^* on, sensitive areas including, but not limited to:
  - (i) residential buildings,
  - (ii) public places and amenity areas where people congregate,
  - (iia) education facilities,
  - (iib) public roads,
  - (iii) *surface water bodies^*,
  - (iv) *wāhi tapu\**, marae and other *sites\** of significance to *hapū\** and *iwi\**,
  - (v) domestic, commercial and *public water supply\** catchments and intakes,
  - (vi) *rare habitats\**, *threatened habitats\** and *at-risk habitats\**, and
  - (vii) sensitive crops or farming systems (including certified organically farmed *properties\** and greenhouses),

- (e) effects on scenic, landscape, heritage and recreational values,
- (f) the appropriateness of adopting the *best practicable option*<sup>^</sup> to prevent or minimise adverse *effects*<sup>^</sup> in circumstances where:
  - (i) numerical guidelines or standards establishing a level of protection for a receiving *environment*<sup>^</sup> are not available or cannot easily be established,
  - (ii) insufficient monitoring data is available to establish the existing air quality with sufficient certainty, or
  - (iii) the likely adverse *effects*<sup>^</sup> are minor, and the costs associated with adopting the *best practicable option*<sup>^</sup> are small in comparison to the costs of investigating the likely *effects*<sup>^</sup> on air quality,
- (g) the need for contingency measures to avoid accidental *discharges*<sup>^</sup>, including *discharges*<sup>^</sup> arising from mechanical failure, and
- (h) adverse *effects*<sup>^</sup> on *aircraft*<sup>^</sup> safety from high velocity vertical *discharges*<sup>^</sup> to air.

**Policy 14-3: Regional Rules<sup>^</sup> for Air**

The Regional Council must regulate *discharges*<sup>^</sup> into air through regional *rules*<sup>^</sup> in accordance with Objectives 11A-1, 11A-2 and 14-1 and Policies 11A-1 to 11A-8.

## 14.2 Guidelines for Managing Noxious, Dangerous, Offensive and Objectionable Effects

Several rules in this section use the terms “noxious”, “dangerous”, “offensive” and “objectionable”. While these terms are included in s17 RMA, they are not defined. These terms are also not defined in the Glossary of this Plan because the assessment of whether an activity is noxious, dangerous, offensive or objectionable is subjective and must take account of case law precedent as it develops.

Definitions of these terms can be found in the dictionary - for example (from the Concise Oxford Dictionary, New Edition, 1978):

- **noxious** means “harmful, unwholesome”
- **dangerous** means “causing danger, unsafe”
- **offensive** means “giving or meant to give offence, disgusting, ill-smelling, nauseous, repulsive, unpleasant or disgusting to the senses, causing annoyance or anger, insulting”
- **objectionable** means “undesirable, unpleasant, offensive, disapproved of”.

### **Offensive and objectionable**

Case law has established that an odour is deemed offensive or objectionable only if a reasonable ordinary person, who is neither sensitive nor insensitive, would be offended or find it objectionable. It is not enough for a neighbour or some other person within the relevant environment to consider the activity or matter to be offensive or objectionable. In determining whether an odour is offensive or objectionable, a council enforcement officer may consider the following:

- frequency - how often an individual is exposed to odour
- intensity - the strength of the odour
- duration - the length of a particular odour event
- offensiveness/character - the character relates to the hedonic tone of the odour, which may be pleasant, neutral or unpleasant
- location - the type of land use and nature of human activities in the vicinity of an odour source
- the sensitivity of the receiving environment, including reverse sensitivity
- the Good Practice Guide for Assessing and Managing Odour in New Zealand (Ministry for the Environment, 2003).

In determining whether a discharge is resulting in any objectionable or offensive smoke, water vapour, dust, gases or airborne contaminant, a council enforcement officer may consider the following:

- frequency, intensity, duration, offensiveness/character and location of exposure
- the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions (Ministry for the Environment, September 2001)
- the sensitivity of the receiving environment, including reverse sensitivity
- adverse effects, including effects on road visibility and aircraft flight paths.

### **Noxious and dangerous**

In determining whether a discharge causes any noxious or dangerous levels of contaminants a council enforcement officer may consider:

- the Workplace Exposure Standards (Occupational Safety and Health Service, 1994 and as updated in January 2002): as a guide the concentration of any contaminant specified in the Workplace Exposure Standards should not exceed one thirtieth of the time-weighted average for the short-term exposure standard on adjacent properties or on public land
- the Ambient Air Quality Guidelines (Ministry for the Environment, 2002) as they relate to hazardous substances
- any relevant National Environmental Standards
- the frequency, intensity, duration, and location of exposure
- the sensitivity of the receiving environment
- relevant provisions under the Hazardous Substances and New Organisms Act 1996
- advice provided by Territorial Authority environmental health officers and district health boards.

### 14.3 Rules - Agrichemicals\* (Discharges into Air, Land and Water)

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
<b>14-1</b> Small-scale application of agrichemicals*	The <i>discharge</i> <sup>^</sup> of <i>agrichemicals</i> * into air or onto <i>land</i> <sup>^</sup> from the use of a <i>hand-held appliance</i> * pursuant to ss15(1) or 15(2A) RMA.	<b>Permitted</b>	<ul style="list-style-type: none"> <li>(a) The <i>discharge</i><sup>^</sup> must not <i>contravene</i><sup>^</sup> any requirement specified in the <i>agrichemical</i>* manufacturer's instructions.</li> <li>(b) There must be no adverse <i>effects</i><sup>^</sup> from off-target spray drift.</li> <li>(c) There must be no <i>discharge</i><sup>^</sup> into any <i>water body</i><sup>^</sup>.</li> <li>(d) There must be no <i>discharge</i><sup>^</sup> within any <i>rare habitat</i>*, <i>threatened habitat</i>* or <i>at-risk habitat</i>*, except for the control of a pest plant described in item (k) of the Glossary definition of <i>vegetation clearance</i>* and <i>land disturbance</i>*, or a pest animal in the Council's Regional Pest Animal Management Strategy.</li> <li>(e) Where the <i>agrichemical</i>* is used on <i>public land</i>*, the <i>discharge</i><sup>^</sup> must comply with mandatory requirements set out in Sections 2 and 5 of the NZS 8409:2004 Management of Agrichemicals.</li> </ul>	
<b>14-2</b> Widespread application of agrichemicals*	The <i>discharge</i> <sup>^</sup> of <i>agrichemicals</i> * into air, onto <i>land</i> <sup>^</sup> , or into <i>water</i> <sup>^</sup> , pursuant to ss15(1) or 15(2A) RMA, except as permitted under Rule 14-1.	<b>Permitted</b>	<ul style="list-style-type: none"> <li>(a) The <i>discharge</i><sup>^</sup> must not <i>contravene</i><sup>^</sup> any requirement specified in the <i>agrichemical</i>* manufacturer's instructions.</li> <li>(b) There must be no <i>discharge</i><sup>^</sup> within any <i>rare habitat</i>*, <i>threatened habitat</i>* or <i>at-risk habitat</i>*, except for the control of a pest plant described in item (k) of the Glossary definition of <i>vegetation clearance</i>* and <i>land disturbance</i>*, or a pest animal in the Council's Regional Pest Animal Management Strategy.</li> <li>(c) The <i>discharge</i><sup>^</sup> must not be located within 50 m of a sensitive area listed in Policy 14-1(e).</li> <li>(d) The <i>discharge</i><sup>^</sup> must be undertaken in accordance with all mandatory requirements, including notification</li> </ul>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
			<p>requirements, set out in Sections 2 and 5 of the NZS 8409:2004 Management of Agrichemicals.</p> <p>(e) Every person (other than an <i>agrchemical</i>* contractor) undertaking the ground-based application of <i>agrchemicals</i>* must hold, as a minimum, a current GROWSAFE® Introductory Certificate or be under the direct supervision of a person holding a current GROWSAFE® Applied Certificate.</p> <p>(ea) Any <i>agrchemical</i>* contractor undertaking the ground-based application of <i>agrchemicals</i>* must hold, as a minimum, a current GROWSAFE® Registered Chemical Applicator's Certificate; or a current GROWSAFE® Introductory Certificate and be under the direct supervision of a person holding a current GROWSAFE® Registered Chemical Applicator's Certificate.</p> <p>(f) Every pilot undertaking the aerial application of <i>agrchemicals</i>* must hold a Pilot's Agrichemical Rating issued by Civil Aviation Authority.</p> <p>(g) The <i>discharge</i><sup>^</sup> must not result in any <i>agrchemical</i>* being deposited on any roof or other <i>structure</i><sup>^</sup> used as a catchment for water supply other than in accordance with (h).</p> <p>(h) Where the <i>discharge</i><sup>^</sup> is into <i>water</i><sup>^</sup> for the purpose of eradicating, modifying or controlling unwanted aquatic plants:</p> <ul style="list-style-type: none"> <li>(i) only <i>agrchemicals</i>* approved for aquatic use may be used</li> <li>(ii) the application must not exceed the quantity or concentration required for that purpose</li> <li>(iii) the <i>discharge</i><sup>^</sup> must not include disposal to <i>water</i><sup>^</sup> of any <i>agrchemical</i>*</li> <li>(iv) the discharger must notify every person taking <i>water</i><sup>^</sup> for domestic supply within 1 km</li> </ul>	

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			<p>downstream of the proposed <i>discharge</i><sup>^</sup>, and every holder of a <i>resource consent</i><sup>^</sup> for the taking of <i>water</i><sup>^</sup> for <i>public water supply</i><sup>*</sup> purposes downstream of the proposed <i>discharge</i><sup>^</sup> at least one week before commencing the <i>discharge</i><sup>^</sup>.</p> <p>(i) For aerial <i>discharges</i><sup>^</sup>, reasonable measures must be taken to prevent:</p> <p>(i) any <i>discharge</i><sup>^</sup> of <i>agricultural chemicals</i><sup>*</sup> within 10 m of the <i>bed</i><sup>^</sup> of a <i>river</i><sup>^</sup> that is permanently flowing or has an active <i>bed</i><sup>^</sup> width greater than 2 m, or any <i>lake</i><sup>^</sup> or <i>wetland</i><sup>^</sup> which has an area of 1 ha or greater</p> <p>(ii) any adverse <i>effects</i><sup>^</sup> on a <i>rare habitat</i><sup>*</sup>, <i>threatened habitat</i><sup>*</sup> or <i>at-risk habitat</i><sup>*</sup>.</p> <p>Under condition (i) “reasonable measures” include the use of GPS technology, positive airflow indicators on boundaries and direct boundary supervision by qualified personnel.</p>	
<p><b>14-3</b> <b><i>Discharges</i><sup>^</sup> of <i>agricultural chemicals</i><sup>*</sup> not complying with <i>permitted activity</i><sup>^</sup> <i>rules</i><sup>^</sup></b></p>	<p>The <i>discharge</i><sup>^</sup> of <i>agricultural chemicals</i><sup>*</sup> into air, onto <i>land</i><sup>^</sup>, or into <i>water</i><sup>^</sup> pursuant to ss15(1) or 15(2A) RMA in a manner that does not comply with Rules 14-1 or 14-2.</p>	<p><b>Discretionary</b></p>		

## 14.4 Rules - Burning

**Advice Note:** In 2004 *regulations*<sup>^</sup> were introduced controlling various *discharges*<sup>^</sup> into air. The title of these *regulations*<sup>^</sup> is the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004. Relevant *regulations*<sup>^</sup> have been incorporated into the *rules*<sup>^</sup> in this section and they are referred to as the RM Regulations 2004.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
<b>14-4</b> <b>Small-scale fuel burning</b>	<p>The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> into air pursuant to ss15(1) or 15(2A) RMA from burning coal, <i>untreated wood</i><sup>*</sup>, diesel, kerosene, <i>light fuel oil</i><sup>*</sup>, <i>oil</i><sup>*</sup> (excluding <i>waste oil</i><sup>*</sup>), methane, <i>biofuels</i><sup>*</sup>, or natural or liquefied petroleum gas for the purpose of generating useful heat, steam, power or electricity and burning of green vegetative matter undertaken by New Zealand Police.</p> <p>This <i>rule</i><sup>^</sup> does not cover fuel burning in moveable sources or residential buildings, which is permitted under the RMA except to the extent that specified mobile sources are regulated under Rule 14-13B and to the extent that <i>woodburners</i><sup>*</sup> are regulated under Rule 14-6.</p>	<b>Permitted</b>	<p>(a) The burning must comply with the following combustion rates:</p> <ul style="list-style-type: none"> <li>(i) a rate not exceeding 500 kW for coal and <i>untreated wood</i><sup>*</sup></li> <li>(ii) a rate not exceeding 2.5 MW for diesel, kerosene, <i>light fuel oil</i><sup>*</sup>, <i>oil</i><sup>*</sup> and liquid <i>biofuels</i><sup>*</sup></li> <li>(iii) a rate not exceeding 5 MW for gaseous <i>biofuels</i><sup>*</sup>, methane and natural or liquefied petroleum gas.</li> </ul> <p>(b) The <i>discharge</i><sup>^</sup> must be from a <i>chimney</i><sup>*</sup> designed so that the emission is effectively dispersed upwards and is unimpeded by any <i>structure</i><sup>^</sup> on top of the <i>chimney</i><sup>*</sup>, and the <i>chimney</i><sup>*</sup> height must be at least 3 m above the highest point of the roof and any other roof within 20 m of the <i>chimney</i><sup>*</sup>.</p> <p>(c) The <i>discharge</i><sup>^</sup> must not result from the burning of <i>waste</i><sup>*</sup>, <i>waste oil</i><sup>*</sup> or solvents.</p> <p>(d) The <i>discharge</i><sup>^</sup> must not cause a breach of any of the <i>National Environmental Standards</i><sup>^</sup> for <i>ambient air</i><sup>*</sup> quality set out in Table 8.1 (in Chapter 8).</p> <p>(e) The <i>discharge</i><sup>^</sup> must not result in any offensive or objectionable odour, dust, smoke or <i>water</i><sup>^</sup> vapour beyond the boundary of the <i>property</i><sup>*</sup>.</p> <p>(f) The <i>discharge</i><sup>^</sup> must not result in any noxious or dangerous levels of gases or particulates beyond the boundary of the <i>property</i><sup>*</sup>.</p> <p>(g) The sulphur content of coal to be burned must not</p>	



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			<p>exceed 1% by weight.</p> <p>(h) The <i>discharge</i><sup>^</sup> of particulates must be no greater than 250 mg/m<sup>3</sup> of non-toxic particulates (corrected to 0°C, 12% CO<sub>2</sub>, 1 atmosphere, and a dry gas basis) except that this limit may be exceeded for a maximum of 30 minutes when starting the fuel-burning equipment from cold, providing the opacity of the <i>discharge</i><sup>^</sup> is minimised as far as practicable.</p> <p>(i) The <i>discharge</i><sup>^</sup> must not cause a reduction in visibility on any designated commercial or military flight path.</p>	
<p><b>14-5</b> <b>Outdoor burning*</b></p>	<p>The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> into air and any subsequent <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> onto <i>land</i><sup>^</sup> pursuant to ss15(1) or 15(2A) RMA from:</p> <p>(a) the <i>outdoor burning</i><sup>*</sup> of the following materials:</p> <ul style="list-style-type: none"> <li>(i) <i>untreated wood</i><sup>*</sup> or vegetative matter</li> <li>(ii) <i>waste</i><sup>*</sup> paper or cardboard</li> <li>(iii) <i>food waste</i><sup>*</sup></li> <li>(iv) <i>non-halogenated</i><sup>*</sup> plastics</li> <li>(v) animal carcasses or animal <i>waste</i><sup>*</sup> on <i>production land</i><sup>^</sup></li> </ul> <p>(b) the <i>outdoor burning</i><sup>*</sup> of the following materials in circumstances where the burning is for <i>fire training</i><sup>*</sup> purposes, or for creating special smoke and fire effects for the purpose of producing films:</p> <ul style="list-style-type: none"> <li>(i) <i>untreated wood</i><sup>*</sup> or vegetative matter</li> <li>(ii) <i>waste</i><sup>*</sup> paper or cardboard</li> <li>(iii) <i>food waste</i><sup>*</sup></li> </ul>	<p><b>Permitted</b></p>	<p>(a) The material to be burned must be sourced only from the <i>property</i><sup>*</sup> on which the burning occurs, except for:</p> <ul style="list-style-type: none"> <li>(i) <i>untreated wood</i><sup>*</sup> or vegetative matter</li> <li>(ia) materials (including vegetative matter) that are burned in barbeques, hāngi, umu and outdoor fireplaces</li> <li>(ii) materials (including vegetative matter) that are burned for <i>fire training</i><sup>*</sup> purposes or for creating special smoke and fire effects for the purpose of producing films.</li> </ul> <p>(b) The <i>discharge</i><sup>^</sup> must not result in any offensive or objectionable odour, dust, smoke or <i>water</i><sup>^</sup> vapour beyond the boundary of the <i>property</i><sup>*</sup>.</p> <p>(c) The <i>discharge</i><sup>^</sup> must not result in any noxious or dangerous levels of gases or particulates beyond the boundary of the <i>property</i><sup>*</sup>.</p> <p>(d) The <i>discharge</i><sup>^</sup> must not cause a reduction in visibility on any designated commercial or military flight path.</p>	

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	<ul style="list-style-type: none"> <li>(iv) non-<i>halogenated</i>* plastics</li> <li>(v) <i>oil</i>*</li> <li>(vi) buildings including those containing <i>halogenated</i>* materials.</li> </ul>			
<b>14-6</b> <b>Burning activities regulated by RM Regulations 2004, including woodburners*</b>	<p>(a) The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> into air pursuant to ss15(1), 15(2) or 15(2A) RMA from the lighting of fires and the burning of <i>waste</i>* at a <i>landfill</i>* is <b>prohibited</b> except where:</p> <ul style="list-style-type: none"> <li>(i) the lighting of a fire is to control gas formed at the <i>landfill</i>*, and</li> <li>(ii) the <i>landfill</i>* complies with RM Regulations 2004, regulations 25 to 27</li> </ul> <p>in which case it is a <b>discretionary activity</b><sup>^</sup> as per RM Regulations 2004, regulation 6.</p> <p>(b) The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> into air pursuant to ss15(1), 15(2) or 15(2A) RMA from the burning of tyres or wire coated with any material is <b>prohibited</b>, except where the tyres or coated wire are burnt at industrial or trade premises that have:</p> <ul style="list-style-type: none"> <li>(i) a <i>resource consent</i><sup>^</sup> for the <i>discharge</i><sup>^</sup> produced, and</li> <li>(ii) emission control equipment that is designed and operated to minimise emissions of dioxins and other toxics from the process</li> </ul> <p>in which case the activity is a <b>discretionary activity</b><sup>^</sup> as per RM Regulations 2004, regulations 5, 7</p>	As described under "Activity"		

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	<p>and 9.</p> <p>(c) The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> into air pursuant to ss15(1), 15(2) or 15(2A) RMA from the burning of bitumen on a <i>road</i><sup>^</sup> is <b>prohibited</b> as per RM Regulations 2004, regulation 8.</p> <p>(d) The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> into air pursuant to ss15(1), 15(2) or 15(2A) RMA from the burning of <i>oil</i><sup>*</sup> in the open air is <b>prohibited</b>, except where the burning is:</p> <p>(i) for creating special smoke and fire effects for the purposes of producing films, or for <i>fire training</i><sup>*</sup> purposes, in which case the <i>discharge</i><sup>^</sup> is <b>permitted</b> under Rule 14-5, or</p> <p>(ii) done by means of a flare and for the purpose of undertaking health and safety procedures in the petroleum <i>exploration</i><sup>^</sup> and production industry of the petrochemical industry, in which case the <i>discharge</i><sup>^</sup> is a <b>discretionary activity</b><sup>^</sup> as per RM Regulations 2004, regulation 10.</p> <p>(e) The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> into air pursuant to ss15(1), 15(2) or 15(2A) RMA from the <i>operation</i><sup>*</sup> of an incinerator at an education facility or a <i>health care institution</i><sup>*</sup> is <b>prohibited</b> unless a <i>resource consent</i><sup>^</sup> has been granted for the <i>discharge</i><sup>^</sup> produced, in which case the <i>discharge</i><sup>^</sup> is a</p>			

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
	<p><b>discretionary</b> activity<sup>^</sup>, as per RM Regulations 2004, regulation 11.</p> <p>(f) The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> into air pursuant to ss15(1), 15(2) or 15(2A) RMA from the <i>operation</i><sup>*</sup> of a <i>high temperature hazardous waste incinerator</i><sup>*</sup> is <b>prohibited</b>, except if the incinerator is a crematorium in which case it is a <b>discretionary</b> activity<sup>^</sup> as per RM Regulations 2004, regulation 12.</p> <p>(g) The <i>discharge</i><sup>^</sup> of particles to air pursuant to ss15(1), 15(2) or 15(2A) RMA from a <i>woodburner</i><sup>*</sup> installed after 1 September 2005 on a <i>property</i><sup>*</sup> with an <i>allotment</i><sup>^</sup> size of less than 2 ha is <b>prohibited</b>, as per RM Regulations 2004, regulation 22, except if the <i>discharge</i><sup>^</sup> complies with:</p> <p>(i) the design standard in regulation 23, and</p> <p>(ii) the thermal efficiency standard in regulation 24</p> <p>in which case the <i>discharge</i><sup>^</sup> is <b>permitted</b>.</p>			
<p><b>14-7 Prohibited burning activities</b></p>	<p>The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> to air pursuant to ss15(1) or 15(2A) RMA from the <i>outdoor burning</i><sup>*</sup> of:</p> <p>(a) <i>pathological waste</i><sup>*</sup>, animal carcasses or other animal <i>waste</i><sup>*</sup> except animal carcasses and animal <i>waste</i><sup>*</sup> on <i>production land</i><sup>^</sup> which are permitted under Rule 14-5</p> <p>(b) pitch, paint and paint residues on wood or chip board and surface</p>	<p><b>Prohibited</b></p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
	coatings (c) <i>halogenated*</i> plastic and polyvinylchloride (PVC) plastic (d) <i>halogenated*</i> organic chemicals (f) materials containing heavy metals (g) asbestos (h) <i>agricultural*</i> and <i>agricultural*</i> containers containing residues (i) <i>treated timber*</i> (j) rubber (l) hazardous materials from contaminated <i>sites*</i> and buildings (m) components of motor vehicles.			
<b>14-8</b> <b>Other burning activities</b>	The <i>discharge</i> <sup>^</sup> of <i>contaminants</i> <sup>^</sup> into air and any subsequent <i>discharge</i> <sup>^</sup> of <i>contaminants</i> <sup>^</sup> onto <i>land</i> <sup>^</sup> pursuant to ss15(1) or 15(2A) RMA from burning activities which either: (a) are located on <i>industrial or trade premises</i> <sup>^</sup> and are not addressed by any other <i>rule</i> <sup>^</sup> in this Plan, or (b) do not comply with one or more <i>conditions</i> <sup>^</sup> , standards or terms of a <i>permitted activity</i> <sup>^</sup> <i>rule</i> <sup>^</sup> , but which are not expressly classified as a <i>discretionary activity</i> <sup>^</sup> , <i>non-complying activity</i> <sup>^</sup> or <i>prohibited activity</i> <sup>^</sup> .	<b>Discretionary</b>		

## 14.5 Rules - Other Discharges to Air

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
<b>14-9</b> <b>Abrasive blasting* within an enclosure</b>	The <i>discharge</i> <sup>^</sup> of <i>contaminants</i> <sup>^</sup> into air and any subsequent <i>discharge</i> <sup>^</sup> onto <i>land</i> <sup>^</sup> pursuant to ss15(1) or 15(2A) RMA from <i>abrasive blasting</i> <sup>*</sup> within a purpose-built enclosure that is not moveable.	<b>Permitted</b>	<ul style="list-style-type: none"> <li>(a) The blasting enclosure must be fully enclosed and air must be mechanically ventilated to air pollution control equipment that is designed and maintained to achieve a particulate matter concentration of no more than 100 mg/m<sup>3</sup> (at 0°C, 1 atmosphere pressure, dry gas basis) at the point of <i>discharge</i><sup>^</sup>.</li> <li>(b) There must be no visible <i>discharge</i><sup>^</sup> of dust from the <i>abrasive blasting</i><sup>*</sup> enclosure.</li> <li>(c) The <i>discharge</i><sup>^</sup> must not result in noxious or dangerous levels of airborne <i>contaminants</i><sup>^</sup> beyond the <i>property</i><sup>*</sup> boundary.</li> <li>(d) Any abrasive media not in use must be covered and protected from <i>water</i><sup>^</sup> and wind.</li> </ul>	
<b>14-10</b> <b>Wet abrasive blasting* and water<sup>^</sup> blasting</b>	The <i>discharge</i> <sup>^</sup> of <i>contaminants</i> <sup>^</sup> into air and any subsequent <i>discharge</i> <sup>^</sup> onto <i>land</i> <sup>^</sup> or into <i>water</i> <sup>^</sup> pursuant to ss15(1) or 15(2A) RMA from <i>wet abrasive blasting</i> <sup>*</sup> or <i>water</i> <sup>^</sup> blasting.	<b>Permitted</b>	<ul style="list-style-type: none"> <li>(a) Any sand or other material used for <i>wet abrasive blasting</i><sup>*</sup> must contain less than 5% free silica on a dry weight basis.</li> <li>(b) Any <i>discharge</i><sup>^</sup> of particulate matter must not be offensive or objectionable beyond the <i>property</i><sup>*</sup> boundary.</li> <li>(c) Any abrasive media not in use must be kept covered and protected from erosion.</li> <li>(d) All material that is <i>discharged</i><sup>^</sup> to <i>land</i><sup>^</sup> from the blasting must be collected and removed from the <i>site</i><sup>*</sup> to the extent practicable after blasting has been completed. The material must be disposed of to a facility that has authorisation to accept the <i>contaminants</i><sup>^</sup> in the material.</li> <li>(e) Measures must be taken to prevent to the extent practicable the <i>discharge</i><sup>^</sup> of any hazardous particulate matter, or floatable or suspended material to any <i>water body</i><sup>^</sup>.</li> </ul>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
<b>14-11</b> <b>Dry abrasive blasting* using a moveable source</b>	The <i>discharge</i> <sup>^</sup> of <i>contaminants</i> <sup>^</sup> into air and any subsequent <i>discharge</i> <sup>^</sup> of <i>contaminants</i> <sup>^</sup> onto <i>land</i> <sup>^</sup> or into <i>water</i> <sup>^</sup> pursuant to ss15(1) or 15(2A) RMA from dry <i>abrasive blasting</i> * using a moveable source.	<b>Discretionary</b>		
<b>14-12</b> <b>Miscellaneous discharges<sup>^</sup> into air from industrial or trade premises<sup>^</sup></b>	The <i>discharge</i> <sup>^</sup> of <i>contaminants</i> <sup>^</sup> into air and any subsequent <i>discharge</i> <sup>^</sup> of <i>contaminants</i> <sup>^</sup> onto <i>land</i> <sup>^</sup> or into <i>water</i> <sup>^</sup> pursuant to ss15(1) or 15(2A) RMA from the following activities on <i>industrial or trade premises</i> <sup>^</sup> : <ul style="list-style-type: none"> <li>(a) fume cupboards</li> <li>(b) premises discharging steam, <i>water</i><sup>^</sup> vapour, energy and heat (except as a result of fuel combustion)</li> <li>(c) the retail or wholesale distribution of automotive fuels, <i>oils</i><sup>*</sup>, liquefied gases, gases, and fuels used for industrial processing and home heating</li> <li>(d) funeral parlours, chapels, and stonemasons</li> <li>(e) the manufacture of household, industrial, electrical and garden equipment and appliances, including the manufacture of concrete products, but excluding the manufacture of cement, rubber goods and processes involving the galvanising of steel</li> <li>(f) the application of surface coatings, including printing or manufacture of packaging materials, and printing of paper</li> <li>(g) the manufacture of furnishings,</li> </ul>	<b>Permitted</b>	<ul style="list-style-type: none"> <li>(a) The <i>discharge</i><sup>^</sup> must not cause a breach of any of the <i>National Environmental Standards</i><sup>^</sup> for <i>ambient air</i><sup>*</sup> quality set out in Table 8.1 (in Chapter 8).</li> <li>(b) The <i>discharge</i><sup>^</sup> must not result in any offensive or objectionable odour, dust, smoke or <i>water</i><sup>^</sup> vapour beyond the boundary of the <i>property</i><sup>*</sup>.</li> <li>(c) The <i>discharge</i><sup>^</sup> must not result in any noxious or dangerous levels of gases or particulates beyond the boundary of the <i>property</i><sup>*</sup>.</li> <li>(d) The <i>discharge</i><sup>^</sup> must not cause a reduction in visibility on any designated commercial or military flight path.</li> <li>(e) The vertical velocity of the <i>discharge</i><sup>^</sup> must not exceed 4.3 m/s, at 60 m above ground level or the <i>discharge</i><sup>^</sup> must not penetrate the obstacle limitation surface of an aerodrome.</li> <li>(f) The <i>discharge</i><sup>^</sup> of dust from the source at any <i>site</i><sup>*</sup> where minerals or aggregates are dried or heated or prepared for the manufacture of hot mix asphalt must not exceed 5 kg/hr.</li> <li>(g) Fixed asphalt plants must be equipped with temperature sensors and aggregate proximity sensors that limit and control operating temperatures within the drum.</li> <li>(h) Air pollution control equipment for fixed asphalt plants must be designed so that the <i>discharge</i><sup>^</sup> of particulates must be no greater than 50 mg/m<sup>3</sup> of particulates (corrected to 0°C, 12% CO<sub>2</sub>, 1 atmosphere, and a dry gas basis) except that this</li> </ul>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
	<p>clothing and carpets, but excluding rubber underlay</p> <p>(h) the sale, servicing, or repairs of motor vehicles, trains, trailers, boats or like equipment, including body and engine repairs, panel beating, fibre-glassing, and painting when carried out in a booth or enclosure that has been designed to contain any emission of paint overspray</p> <p>(i) joinery, including the manufacture, restoration or finishing of furniture and wood crafts, and cabinet making</p> <p>(j) the <i>operation</i>* of dry-cleaning, dyeing, laundering and cleaning facilities</p> <p>(k) the manufacture of beverages, including soft drinks, extraction of fruit juices, fermentation of wine, distillation of spirits and alcoholic beverages</p> <p>(l) food processing by deep fat frying or oil frying of any animal or vegetable matter where the processes have either singly or together a raw material capacity of less than 5 tonnes/hr</p> <p>(m) the processing or storage of food including baking, cooking, refrigeration, freezing and canning, but excluding premises used for the production of milk powders using dryers with a <i>water</i>^ evaporation capacity greater than 300 kg/hr</p> <p>(n) the storage, blending or distribution of bulk products including <i>fertiliser</i>*, <i>fertiliser</i>* mixing and the coating of existing <i>fertiliser</i>* product, animal</p>		<p>limit may be exceeded for a maximum of 30 minutes when starting the fuel-burning equipment from cold, providing the opacity of the <i>discharge</i><sup>^</sup> is minimised as far as practicable.</p>	



Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
	feeds, roading materials, gardening materials, and concrete processing materials (o) yards used to hold cattle or stock and buildings used solely for animal slaughtering (p) the drying of grain or vegetable matter (q) powder coating or spray painting (r) sawmilling (s) kiln drying (t) the extraction, processing in fixed plant (crushing and screening), storage, or distribution of aggregates (u) the development, <i>maintenance*</i> , use, <i>upgrade*</i> , or demolition of <i>industrial or trade premises^</i> and which are not otherwise provided for by <i>rules^</i> in this Plan, including <i>site*</i> development, subdivision and landscaping, and the installation, construction, <i>maintenance*</i> , use or demolition of <i>roads^</i> , paved areas, buildings, <i>structures^</i> or equipment (v) fixed asphalt plants.			
<b>14-13A</b> <b>Flaring of hydrocarbons</b>	The <i>discharge^</i> into air pursuant to ss15(1) or 15(2A) RMA of hydrocarbons from flaring on <i>land^</i> associated with petroleum <i>exploration^</i> for well-testing <i>operations*</i> .	<b>Controlled</b>	(a) The well-testing must be limited to a duration of 45 working days. (b) The flare point must comply with the following separation distances: (i) 300 m from residences, maraes, education facilities, public buildings and public recreation areas (ii) 300 m from any <i>rare habitats*</i> , <i>threatened habitats*</i> and <i>at-risk habitats*</i>	Control is reserved over: (a) the nature of the <i>contaminants^</i> to be emitted during flaring and measures to manage <i>effects^</i> including <i>effects^</i> on sensitive activities (b) duration of consent (c) compliance monitoring.  <i>Resource consent*</i> applications under this <i>rule^</i> will not be notified and written approval

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
			<ul style="list-style-type: none"> <li>(iii) 100 m from <i>bores*</i>, surface <i>water bodies</i><sup>^</sup>, public <i>roads</i><sup>^</sup> and the <i>coastal marine area</i><sup>^</sup></li> <li>(iv) 100 m from any <i>historic heritage</i><sup>^</sup> as identified in any <i>district plan</i><sup>^</sup> or <i>regional plan</i><sup>^</sup>.</li> <li>(c) No non-petroleum wellstream product is to be combusted.</li> <li>(d) There must be no objectionable odour, dust or <i>waste</i><sup>^</sup> drift beyond the <i>property*</i> boundary.</li> <li>(e) The <i>discharge</i><sup>^</sup> must not cause a reduction in visibility on any designated commercial or military flight path.</li> <li>(f) The vertical velocity of the <i>discharge</i><sup>^</sup> must not exceed 4.3 m/s at 60 m above ground level or the <i>discharge</i><sup>^</sup> must not penetrate the obstacle limitation surface of an aerodrome.</li> </ul>	of affected persons will not be required (notice of applications need not be <i>served</i> <sup>^</sup> on affected persons).
<b>14-13B Discharges<sup>^</sup> from specified mobile sources</b>	<p>The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> into air pursuant to ss15(1) or 15(2A) RMA from:</p> <ul style="list-style-type: none"> <li>(a) equipment to treat <i>road</i><sup>^</sup> surfaces by heat to remove impaired surfaces except where the burning of bitumen is involved</li> <li>(b) mobile aggregate crushing and screening plants</li> <li>(c) mobile asphalt plants</li> <li>(d) earthmoving or harvesting equipment.</li> </ul>	<b>Permitted</b>	<ul style="list-style-type: none"> <li>(a) The <i>discharge</i><sup>^</sup> must not result in offensive or objectionable odour, dust, smoke or <i>water</i><sup>^</sup> vapour at the boundary of any sensitive area as defined in Policy 14-2(d).</li> <li>(b) The <i>discharge</i><sup>^</sup> must not result in any noxious or dangerous levels of gases or particulates at the boundary of any sensitive area as defined in Policy 14-2(d).</li> <li>(c) The <i>discharge</i><sup>^</sup> of dust from the source at any <i>site*</i> where <i>minerals</i><sup>^</sup> or aggregates are dried or heated or prepared for the manufacture of hot mix asphalt must not exceed 5 kg/hr.</li> <li>(d) A mobile asphalt plant must not be located at any one <i>site*</i> or <i>property*</i> for more than 24 continuous months.</li> <li>(e) Mobile asphalt plants must be equipped with temperature sensors and aggregate proximity sensors that limit and control operating temperatures within the drum.</li> <li>(f) Air pollution control equipment for mobile asphalt plants</li> </ul>	

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
			<p>must be designed so that the <i>discharge</i><sup>^</sup> of particulates (corrected to 0°C, 12% CO<sub>2</sub>, 1 atmosphere, and a dry gas basis) is no greater than:</p> <ul style="list-style-type: none"> <li>(i) 50 mg/m<sup>3</sup> for plants established after the date of notification of this Plan (31 May 2007);</li> <li>(ii) 150 mg/m<sup>3</sup> for plants established on or before the date of notification of this Plan (31 May 2007);</li> </ul> <p>except that these limits may be exceeded for a maximum of 30 minutes when starting the fuel-burning equipment from cold, providing the opacity of the <i>discharge</i><sup>^</sup> is minimised as far as practicable.</p> <ul style="list-style-type: none"> <li>(g) The <i>discharge</i><sup>^</sup> must not cause a reduction in visibility on any designated commercial or military flight path.</li> <li>(h) The vertical velocity of the <i>discharge</i><sup>^</sup> must not exceed 4.3 m/s, at 60 m above ground level or the <i>discharge</i><sup>^</sup> does not penetrate the obstacle limitation surface of an aerodrome.</li> </ul>	
<p><b>14-13</b> <b>Other discharges<sup>^</sup></b></p>	<p>The <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> into air pursuant to ss15(1) or 15(2A) RMA and any subsequent <i>discharge</i><sup>^</sup> of <i>contaminants</i><sup>^</sup> onto <i>land</i><sup>^</sup> from activities which either:</p> <ul style="list-style-type: none"> <li>(a) are located on <i>industrial or trade premises</i><sup>^</sup> and are not addressed by any other <i>rule</i><sup>^</sup> in this Plan, or</li> <li>(b) do not comply with one or more <i>conditions</i><sup>^</sup>, standards or terms of a <i>permitted activity</i><sup>^</sup> <i>rule</i><sup>^</sup>, but which are not expressly classified as a <i>controlled activity</i><sup>^</sup>, <i>restricted discretionary activity</i><sup>^</sup>, <i>discretionary activity</i><sup>^</sup>, <i>non-complying activity</i><sup>^</sup> or <i>prohibited activity</i><sup>^</sup>.</li> </ul> <p><i>Discharges</i><sup>^</sup> that are covered by this <i>rule</i><sup>^</sup></p>	<p><b>Discretionary</b></p>		

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion, Non-Notification
	under (a) include, but are not limited to, those activities listed in the <i>rule</i> <sup>^</sup> guide following this <i>rule</i> <sup>^</sup> table.			

**Rule Guide:**

**Activities covered by Rule 14-13** - Discharges into air that are a discretionary activity under Rule 14-13(a) include but are not limited to discharges from the following industrial or trade premises or processes:

- (i) solid *waste*\* disposal, excluding farm dumps and ofal holes
- (iii) crematoria
- (iv) manufacture of
  - (a) cement
  - (b) *fertiliser*\*
  - (c) milk powder that is produced with dryers with a water evaporation capacity greater than 300 kg/hr
  - (d) other milk-derived products, or
  - (e) rubber goods
- (v) manufacture of fibre board, pulp or paper
- (vi) mechanical drying of *treated timber*\*
- (vii) rendering, tanning, fellmongering, skin or hide processing, or pet food processing
- (viii) manufacture of organic or inorganic chemicals, including pharmaceuticals
- (ix) hot dip galvanising
- (x) manufacture or disposal of radioactive substances
- (xi) use of di-isocyanates or organic plasticisers
- (xii) manufacture of aluminium, steel, fibreglass, glass or frit
- (xiii) sintering, calcining or roasting of metal ores
- (xiv) smelting of any metal or metal alloy, including scrap metal
- (xv) carbonisation, gasification, refining, purification, or reforming of natural gas, petroleum *oil*\*, shale, coal, wood, or other carbonaceous materials
- (xvi) smelting or burning of calcium or calcium-magnesium carbonates to produce calcium or magnesium oxides or hydroxides.