

1. SUBMISSIONS ON PROPOSED NATIONAL ENVIRONMENTAL STANDARDS

Officer responsible Environmental Health Policy Leader	Author Terence Moody, DDI 941-8834
--	--

The purpose of this report is to recommend that the Council prepare and make submissions to the Ministry for the Environment on the proposed National Environment Standards recently released. The closing date for submissions is 5 December 2003.

BACKGROUND

The Ministry for the Environment has recently released for comment and submissions the first package of national environment standards under the Resource Management Act 1991. The purpose of these proposed standards is stated to be to create a level playing field across New Zealand; to provide certainty and consistency; guarantee a level of protection for the health of all New Zealanders; and drive effective regional and national policies to improve air quality.¹

The legal basis for introducing national environmental standards is contained in sections 43 and 44 of the Resource Management Act 1991 as recently amended. This provides for regulations to be made to prescribe technical standards, methods, or requirements for matters referred to in sections 9, 12, 13, 14, or 15 of the Act and including contaminants, water quality and quantity, air quality, noise, or soil quality in relation to discharges and a number of matters relating to methods, processes, or technology to implement such standards. The regulations may prohibit activities, allow an activity subject to compliance with the rules in any regional or district plan, or restrict the making of a rule or the granting of resource consent. The regulations would prevail over rules or resource consents if the latter permit prohibited or not authorised activities under the national standards.

The first proposed standards that have been released for submissions are in relation to air quality. These include ambient air quality standards for priority contaminants; emission design standards for new wood and coal burning appliances in houses; banning activities that discharge harmful contaminants into the air in significant quantities; and a landfill gas collection and destruction standard. Copies of the proposals are attached.

DISCUSSION

In an earlier report² on the updated Air Quality Guidelines produced by the Ministry for the Environment it was noted that, while accepting the basis for guideline levels for PM₁₀ as being soundly argued from a health point of view, it was stated that introducing national standards on this basis for Christchurch, where the guideline levels were already exceeded, was not yet appropriate. The submission mentioned the difficulties in meeting any such standards because of the particular climatic aspects of Christchurch and the large number of existing sources adding to these levels during the winter months in particular. A similar view was expressed at a meeting with officers of the Ministry held at a later date when the matter of national standards development was discussed.

In regard to the *Proposed Air Quality Ambient Standards* the major concern, in relation to the Christchurch air shed is that for PM₁₀ where the daily level of 50 micrograms per cubic metre and the number of allowable exceedences per year cannot at present be complied with on current operations. The expectation that this should be complied with in the next three to four years falls outside the expectation of provisions of the *Proposed Canterbury Natural Resources Regional Plan Chapter 3: Air Quality*. It should be noted that the Ministry have not undertaken a costs and benefits analysis of the proposed standards but suggest this is being carried out in parallel with this consultation process.

They note, in the report³, that new industries may face additional costs, in areas where levels are exceeded, *for additional emission control equipment or may be forced to locate away from areas of existing high air pollution*. There is no indication of the social and economic costs that these actions may place on communities.

¹ Proposed National Environmental Standards for Air Quality – Air Quality Report No. 46, Ministry for the Environment, November 2003

² Proposals for Revised and New Ambient Air Quality Guidelines, Report of the Environment Committee to the Council, 22 March 2001

³ Proposed National Environmental Standards for Air Quality – Air Quality Report No. 46, op cit, page 26

The *Proposed Emission Design Standards for Wood and Coal Burning Appliances in Houses* do propose a tighter standard than currently appears in the Australia/New Zealand standard but it is still not as low emission as would be now expected for such appliances in Christchurch, and which can be met by some locally developed appliances.

The *Proposed Landfill Gas Collection and Destruction Standard* proposes requirements for landfills that accept municipal solid waste, in a number of circumstances. The standards as currently drafted would not apply to Burwood or any other closed landfills. The standard would require landfill gas collection systems and methane destruction equipment for Kate Valley, but these are already planned for.

CONCLUSION

The proposed National Environmental Standards as described above could, if adopted by the Government, have significant effects on the social and economic wellbeing of Christchurch and it is considered submissions should be made accordingly. While the Council can accept the importance of controlling air pollution in its district, and protecting the health of its citizens, it is considered these matters must be addressed in a realistic manner taking all other aspects into account.

It is considered that, given the shortness of time to make submissions, that the Council give approval for officers to prepare and send a submission covering the matters referred to above by the due date, with the submissions approved by the Mayor and the Chair of the Strategy and Finance Committee.

Staff

- Recommendation:**
1. That submissions on the proposed National Environmental Standards on air quality be forwarded to the Ministry for the Environment by 5 December 2003.
 2. That authority be delegated to the Mayor and the Chair of the Strategy and Finance Committee to approve the submission on behalf of the Council.

Chairman's

- Recommendation:** That the above recommendation be adopted.