

Our Ref: 4.22593



8 September 2021

Honorary Phil Twyford
Associate Minister for the Environment
Private Bag 18-041
Parliament Buildings
Wellington 6160

Tēna koe Minister

Application under National Environmental Standards for Air Quality: 16A - Exceptional Circumstances causing Breach of Standard

Bay of Plenty Regional Council (BOPRC) is making an application under Regulation 16A of the National Environmental Standards for Air Quality (NESAQ). Regulation 16A allows for exceedances of the ambient air quality standards to be considered on a case-by-case basis by the Minister.

BOPRC's application is to request the exclusion of two exceedances of the PM₁₀ standard recorded on 9 and 10 June 2021 at the Rata Street air quality monitoring station located within the Mount Maunganui Airshed. BOPRC's investigation indicates that both exceedances were due to an increased volume of sea salt particles originating from extreme weather conditions that combined elevated wave height with onshore winds.

BOPRC has assessed both exceedances against the five criteria specified in the NESAQ User Guide for considering exceptional circumstances. BOPRC has concluded that the exceedances were caused by an extreme weather event. Such an event is beyond the reasonable control of BOPRC, is infrequent and is not able to be reasonably predicted or planned for. Finally, due to the cause of the exceedances, there is no evidence that they were due to poor resource management of air; consequently, BOPRC has not been inconsistent with the purpose of the Resource Management Act. Therefore, these two exceedances are able to be considered as being caused by exceptional circumstances.

BOPRC has commissioned the University of Waikato to analyse filter samples from the Rata Street monitoring station for the two days in question, with the findings to be included in BOPRC's application. These samples were sent to the University in late July and, due to the Covid 19 lockdown restrictions commencing in August, the analysis has not yet been completed.

Given the impending deadline for BOPRC's application, Ministry for Environment staff have recommended that it be submitted for your consideration within Regulation 16A's three month statutory timeframe, including the most complete information the Council has available at this time, while also identifying where additional information is being obtained through testing.

Therefore, please find BOPRC's application and supporting technical information attached, which also notes the absence of the delayed filter analysis, and our undertaking to supply it as supplementary information to this application as soon as it is received by BOPRC.

If further technical information is required, please contact Shane Iremonger, Science Team Leader at BOPRC.

Thank you for your consideration in this matter.

Ngā mihi

Mark Hamilton
Senior Policy Analyst

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