



9 April 2024

OIAD-1007

9(2)a

Tēnā koe 9(2)a,

Thank you for your email of 14 March 2024 requesting the following under the Official Information Act 1982 (the Act):

1. Is it mandatory for all Class 2 landfills in New Zealand to have a gas capturing system? 2. If yes to Q1, do Class 2 landfills need to participate in the Emission Trading Scheme regulations? If so, which ones apply to it?
3. If yes to either Q1, Q2 or both, is a SWAP survey needed?
4. If there is a Class 2 landfill operating in New Zealand with a gas capturing system, what is the estimated landfill gas flowrate?

Answers to your questions are set out below.

**Is it mandatory for all Class 2 landfills in New Zealand to have a gas capturing system?**

There is no explicit national requirement for all Class 2 landfills to have a gas capturing system. However, National Environmental Standards for Air Quality require landfills that meet certain conditions to control emissions, which would apply to class 2 landfills should they meet those conditions (see Clause 25 [Resource Management \(National Environmental Standards for Air Quality\) Regulations 2004](#)). There may also be local requirements to control emissions, for example as Resource Management Act consent conditions.

**If yes to Q1, do Class 2 landfills need to participate in the Emission Trading Scheme regulations? If so, which ones apply to it?**

No, class 2 landfills do not need to participate in the Emissions Trading Scheme. Landfills are only required to be participants in the Emissions Trading Scheme if they accept household waste (among other conditions, see section 4 [Climate Change Response Act 2002](#)), and a landfill cannot be class 2 if it receives any household waste (as per [Waste Minimisation \(Calculation and Payment of Waste Disposal Levy\) Regulations 2009](#)).

**If yes to either Q1, Q2 or both, is a SWAP survey needed?**

A SWAP composition survey is not currently required to participate in the ETS. Default emissions factors for landfills may be used, or a default composition may be used in calculations of a Unique Emissions Factor based on landfill gas collection and destruction (see Clause 23C [Climate Change \(Unique Emissions Factors\) Regulations 2009](#)). SWAP composition data may optionally be used to apply for a Unique Emissions Factor based on

receiving different classes of waste with different compositions (Clause 23B Climate Change (Unique Emissions Factors) Regulations 2009).

**If there is a Class 2 landfill operating in New Zealand with a gas capturing system, what is the estimated landfill gas flowrate?**

The Ministry for the Environment (the Ministry) does not hold this information, nor do we consider it likely to be held by another government department. Accordingly, I must refuse this part of your request under section 18(g)(i) of the Act as the information requested is not held by the Ministry and we do not consider it likely to be held by another department or more closely connected with the functions of another department.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decisions relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: [ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz).

Nāku noa, nā,



**Glenn Wigley**  
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Ministry for the Environment | Manatū Mō Te Taiao