



23 April 2024

OIAD-1029

9(2)a

Tēnā koe 9(2)a ,

Thank you for your email of 27 March 2024 to the Ministry for the Environment (the Ministry) making the following request under the Official Information Act 1982 (the Act):

*I am seeking the latest approved version of Air Quality Regulations and kindly request your guidance. Based on your website, Air Quality: Regulating is Dated 2004 Title: Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (<https://environment.govt.nz/>). Can you kindly direct me to the latest Version?*

*Furthermore, I am seeking standards or regulation document related to:*

- Flare Emissions standards/Regulations
- Odour Emissions
- Biomass emissions
- Landfill
- Caustic Drain
- Boiler emissions

The Ministry has provided responses to your request below.

## **1. Air Quality Regulations**

The 'Resource Management (National Environmental Standards for Air Quality) Regulations 2004' were reprinted as at 1 September 2020, incorporating all the amendments to those regulations as at that date. The reprint incorporates all amendments since 2004 and is the latest version. It is available at the Ministry for the Environment (the Ministry) website and New Zealand Legislation website, here: [https://www.legislation.govt.nz/regulation/public/2004/0309/latest/DLM286835.html?search=ta\\_regulation\\_R\\_rc%40rinf%40rnif\\_an%40bn%40rn\\_25\\_a&p=3](https://www.legislation.govt.nz/regulation/public/2004/0309/latest/DLM286835.html?search=ta_regulation_R_rc%40rinf%40rnif_an%40bn%40rn_25_a&p=3)

## **2. Further Standards and Regulation Documents**

### **a. Flare Emission Standards/Regulations**

Regulation 27 of *Resource Management (National Environmental Standards for Air Quality) Regulations 2004* (linked above in response 1) outlines the requirements for the Flaring of gas. More information is available here:

<https://www.legislation.govt.nz/regulation/public/2004/0309/latest/DLM287035.html>

### **b. Odour Emissions**

Section 15 of the Resource Management Act 1991 ('the Act') outlines the provisions relating to the discharge of contaminants to air. The compounds that cause odour effects are air contaminants, so are covered by this section of the Act.

Resource Management Act 1991 No 69 (as at 23 December 2023), Public Act 15 Discharge of contaminants into environment – New Zealand Legislation is available here: <https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231978.html>

Further guidance about odour in New Zealand can be found in the Good Practice Guide for Assessing and Managing Odour (Ministry for the Environment, 2016), available here: <https://environment.govt.nz/assets/Publications/good-practice-guide-odour.pdf>

### **c. Biomass emissions**

Biomass emissions are covered by Section 15 of the Resource Management Act 1991 (linked above in response 2.b.) and the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (linked above in response 1).

### **d. Landfill**

Landfills require a discharge permit for any discharge of contaminants onto, or into, land unless expressly allowed for in a regional plan and any proposed regional plan, or by a resource consent or regulation (section 15(1)(d) of the RMA), linked provided in response to 2.b.

The Guide to Landfill Consent Conditions may also be of use, available here: <https://environment.govt.nz/assets/Publications/Files/landfill-consent-guide-may01.pdf>

### **e. Caustic Drain**

Section 15 of the Resource Management Act 1991 (linked above in response 2.b.) deals with the discharge of contaminants in air, water, or land. This section has the effect of restricting those discharges that are contrary to any rules in a regional plan unless they have existing use rights or have been approved by a resource consent.

### **f. Boiler emissions**

Boiler emissions are broadly regulated by the Resource Management Act 1991 (section 15) (linked above in response 2.b.) and the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (linked above in response 1).

There are also specific regulations relating to heat devices that produce industrial process heat (for example, boilers, furnaces, or engines). These regulations can be found in the *Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023*, which are available at the Ministry for the Environment website and the New Zealand Legislation website, available here: <https://www.legislation.govt.nz/regulation/public/2023/0165/latest/LMS605249.html?src=qs>

For further guidance, you can refer to the Good Practice Guide for assessing discharges to air from industry (Ministry for the Environment, 2016) available here, <https://environment.govt.nz/publications/good-practice-guide-for-assessing-discharges-to-air-from-industry/>

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision 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 for the Environment 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,

A handwritten signature in dark ink, appearing to read 'Macaela Flanagan', with a stylized flourish at the end.

**Macaela Flanagan**

Acting General Manager – System Enablement  
Ministry for the Environment | Manatū Mō Te Taiao