



THE CLEAN AIR ACT SCHEDULES ORDER 1982

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 20th day of December 1982

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 3 of the Clean Air Act 1972, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Clean Air Act Schedules Order 1982.

(2) This order shall come into force on the 14th day after the date of its notification in the *Gazette*.

2. First Schedule to Act amended—(1) The First Schedule to the Clean Air Act 1972 is hereby amended by omitting clause 5, and substituting the following clause:

“5. Dusts, and fumes, containing metallic elements; and dusts, and fumes, containing organic and inorganic materials including fertilisers, cement, coal, coke, soot, carbon, tars, wood, fibres, and pathogenic substances.”

(2) The said First Schedule is hereby further amended by omitting from clause 6 the words “and acids”, and substituting the words “sulphur oxy acids”.

(3) The said First Schedule is hereby further amended by omitting clause 8, and substituting the following clause:

“8. Fluorine, chlorine, bromine, iodine, and their compounds.”

(4) The said First Schedule is hereby further amended by inserting in clause 11, after the word “acrolein,”, the words “esters of acrylic acid,”.

3. Part A of Second Schedule to Act amended—(1) Part A of the Second Schedule to the Clean Air Act 1972 is hereby amended by omitting clause 1, and substituting the following clause:

“1. Any combustion processes (not being combustion processes for the drying of grain) involving fuel burning equipment, including flaring or incineration of trade wastes or refuse, which singly or together can be used to burn any combustible matter:

“(a) At a rate of heat release exceeding 50 MW; or

“(b) At a rate exceeding 500 kg an hour where pathological material, garbage, refuse, or trade wastes are incinerated; or

“(c) At a rate of heat release exceeding 500 kW where the products of combustion are used—

“(i) To stove enamel; or

“(ii) To bake or dry any substance that on heating releases dust or other air pollutants; or

“(iii) To maintain reducing conditions in any manufacturing process; or

“(d) At a rate, where the combustible matter is a combination of combustible materials which contains sulphur or arsenically treated wood or rubber or oil sludge or pitch or paint residues, that will incinerate in excess of 100 kg an hour of—

“(i) Sulphur; or

“(ii) Arsenically treated wood; or

“(iii) Rubber; or

“(iv) Oil sludge; or

“(v) Pitch; or

“(vi) Paint residues; or

“(e) At a rate, where the combustible matter is a combination of combustible materials which contains chemicals, plastics, or fibre in which fluorine, chlorine, phosphorous, or nitrogen has been chemically combined, that will incinerate in excess of 25 kg an hour of such chemicals, plastics, or fibre.”

(2) The said Part A is hereby further amended by omitting from clause 2 the words “including electro-chemical processes”, and substituting the words “excluding electro-plating processes”.

(3) The said Part A is hereby further amended by omitting clause 3, and substituting the following clause:

“3. Any animal or plant matter processes having singly or together a raw material capacity in excess of—

“(a) 0.5 of a tonne an hour, and being processes for rendering or reduction or drying through application of heat to animal matter (including feathers, blood, bone, hoof, skin, offal, whole fish, and fish heads and guts and like parts, and organic manures, but not including milk or milk products); or

“(b) 5 tonnes an hour, and being processes for deep fat frying, oil frying, curing by smoking, roasting of berries or grains, or where organic matter including wood is subject to such temperatures or conditions that there is partial distillation or pyrolysis.”

(4) The said Part A is hereby further amended by omitting from clause 4 (a) the words “50 tonnes” and “500 kW”, and substituting respectively the words “200 tonnes” and “2,000 kW”.

(5) The said Part A is hereby further amended by revoking clause 7, and substituting the following clause:

"7. Any process (not being the purification by distillation of dry-cleaning solvents at retail outlets) for the refining, purification, or reforming of hydrocarbons in or derived from natural gas, petroleum, shale, coal, wood, or other organic substances, and including:

- "(a) Hydrocarbon separation or recovery by distillation or absorption and desorption or removal of carbon dioxide or condensable hydrocarbons from natural or manufactured gas; or
- "(b) Reforming including viscosity breaking by thermal and catalytic cracking and hydrogenation and alkylation and like processes, including preparation of ethylene or acetylene or other feed stock for chemical synthesis; or
- "(c) Refining to reduce sulphur or to improve other qualities with the aid of any substance specified in the First Schedule to this Act or by air blowing."

(6) The said Part A is hereby further amended by omitting clause 9, and substituting the following clauses:

"9. Any use of geothermal steam at a rate of heat release exceeding 5 MW.

"10. Any industrial or trade processes involving the use of—

- "(a) Di-isocyanates at a rate exceeding 100 kg an hour; or
- "(b) Organic plasticisers at a rate exceeding 100 kg an hour.

"11. Any process for the composting of organic waste having a raw materials capacity in excess of 10 tonnes per day.

"12. Any process specified or described in Part B or Part C of this Schedule that is owned or operated by a local authority where the process is situated within the area administered by that local authority."

4. Part B of Second Schedule to Act amended—(1) Part B of the Second Schedule to the Clean Air Act 1972 is hereby amended by adding to clause 1 (b) the expression "; or".

(2) The said Part B is hereby further amended by adding to clause 1 the following paragraphs:

- "(c) At a rate exceeding 50 kg an hour, but not exceeding 500 kg an hour, where pathological material is incinerated or where garbage, refuse, or trade wastes, are incinerated; or
- "(d) At a rate, where the combustible matter is a combination of combustible materials which contains sulphur or arsenically treated wood or rubber or oil sludge or pitch or paint residues, that will incinerate in excess of 25 kg an hour but not in excess of 100 kg an hour of—
 - "(i) Sulphur; or
 - "(ii) Arsenically treated wood; or
 - "(iii) Rubber; or
 - "(iv) Oil sludge; or
 - "(v) Pitch; or
 - "(vi) Paint residues; or
- "(e) At a rate, where the combustible matter is a combination of combustible materials which contains chemicals, plastics, or fibre in which fluorine, chlorine, phosphorous, or nitrogen has been chemically combined, that will incinerate in excess of 5 kg an hour but not in excess of 25 kg an hour of such chemicals, plastics, or fibre."

(3) The said Part B is hereby further amended by omitting from clause 2 the words "blending or packaging from bulk supplies of", and substituting the words "blending, packaging, or handling of".

(4) The said Part B is hereby further amended by omitting clause 3, and substituting the following clause:

"3. Any industrial or trade animal or plant matter processes:

"(a) Described in clause 3 (a) of Part A of this Schedule, but having a raw material capacity not in excess of 0.5 of a tonne per hour; or

"(b) Described in clause 3 (b) of Part A of this Schedule, but having a raw material capacity in excess of 250 kg an hour but not in excess of 5 tonnes an hour."

(5) The said Part B is hereby further amended by omitting from clause 4 the words "50 tonnes" and "500 kW", and substituting respectively the words "200 tonnes" and "2000 kW".

(6) The said Part B is hereby further amended by adding the following clauses:

"6. Any industrial or trade process which is not otherwise specified or described in this Part of this Schedule and which involves abrasive blasting.

"7. Any industrial or trade process using di-isocyanates at a rate between 10 and 100 kg an hour for the manufacture of foam plastics."

5. Part C of Second Schedule to Act amended—(1) Part C of the Second Schedule to the Clean Air Act 1972 is hereby amended by omitting from clause 2 the words "or for dry sand or shot blasting".

(2) The said Part C is hereby further amended by omitting clauses 4 and 5.

(3) The said Part C is hereby further amended by omitting from clause 6 the words "exceeding 25 kg an hour", and substituting the words "exceeding 5 kg an hour".

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order amends the First and Second Schedules to the Clean Air Act 1972. The First Schedule to that Act sets out classes of specified air pollutants. The Second Schedule to that Act sets out the processes which are subject to licensing or which a local authority may, by bylaw, make subject to licensing.

Clause 2 (1) substitutes a new clause 5 in the First Schedule to the Clean Air Act 1972. The new clause 5 removes the uncertainty that is caused by the use of the words "other metals" in the present clause 5. The new provision refers to "metallic elements" without excluding those that are mentioned in the earlier clauses of the Schedule.

Clause 3 substitutes a new clause 1 in Part A of the Second Schedule to the Clean Air Act 1972. There are 3 changes, namely,—

(a) Combustion processes for the drying of grain are excluded from the combustion processes to which the clause applies:

(b) Local authorities are no longer referred to in paragraph (b). This has the effect of making the clause apply to the incineration, at a rate exceeding 500 kg an hour, of garbage, refuse, or trade waste by any person.

(c) Paragraphs (d) and (e) have been redrafted.

Subclause (2) excludes electro-plating processes from clause 2 of the said Part A. Other electro-chemical processes are still included in the said Part A by clauses 2 (f) and 5 (a) of that Part.

Subclause (3) substitutes a new clause 3 in the said Part A. The new clause provides, in paragraph (a), for a ten-fold reduction in the size of rendering or reduction processes that come within that paragraph. The processes described in paragraph (b) maintain the present consumption rate of 5 tonnes per hour.

Subclause (4) increases the size of the processes that come within paragraph (a) of clause 4 of the said Part A.

Subclause (5) substitutes a new clause 7 in the said Part A. The purification by distillation of drycleaning solvents at retail outlets has been excluded from the new clause, which is concerned with hydrocarbon emissions. The opening words of the clause have been redrafted.

Subclause (6) substitutes new clauses 9 to 12 for clause 9 in the said Part A. The new clause 12 prevents local authorities being the regulatory bodies for processes carried on by them. The regulatory function is now taken over by the Director-General of Health.

Clause 4: Subclauses (1) and (2) add new paragraphs (c) to (e) to clause 1 of Part B of the Second Schedule to the Act. The new paragraphs make better provision for the control of—

(a) The combustion of refuse; and

(b) The burning of materials that would emit dangerous quantities of certain named substances.

Subclause (3) amends clause 2 in the said Part B. The purpose of the amendment is to make better provision for the control of bulk handling facilities that can cause dust nuisance.

Subclause (4) substitutes a new clause 3 in the said Part B. The changes in the clause are consequential upon the substitution, by *clause 3 (3)* of this order, of a new clause 3 in Part A of the Second Schedule to the Clean Air Act 1972.

Subclause (5) effects amendments to clause 4 in the said Part B that are consequential on the amendments made by *clause 3 (4)* of this order to clause 4 (a) in Part A of the Second Schedule to the Clean Air Act 1972.

Subclause (6) inserts new clauses 6 and 7 into the said Part B. The new clause 6 makes better provision for the control of abrasive blasting operations. The new clause 7 provides for control over certain processes known to cause irritant emissions.

Clause 5: Subclause (1) deletes dry sand or shot blasting from clause 2 in Part C of the Second Schedule to the Clean Air Act 1972 as these types of activity are now to be licensed under the new clause 6 in Part B of the Second Schedule to that Act.

Subclause (2) omits from the said Part C, and thus removes from the possibility of licensing, certain small processes. These processes will now be controlled under section 7 of the Act (the "best practicable means" provision).

Subclause (3) lowers, from 25 kg an hour to 5 kg an hour, the level of hydrocarbon discharges that brings a process within clause 6 of the said Part C.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1982.

This order is administered in the Department of Health.