



THE CLEAN AIR ACT SECOND SCHEDULE ORDER 1987

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 30th day of November 1987

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.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Combustion processes involving fuel burning equipment 3. Processes for the drying of milk or milk products 4. Processes involving extraction, size reduction and screening, storage, drying, or heating of minerals 5. Process involving production of compost 6. Process owned or operated by local authority 7. Fellmongery processes 8. Combustion processes involving fuel burning equipment | <ol style="list-style-type: none"> 9. Industrial or trade animal or plant matter processes 10. Industrial or trade mineral processes 11. Industrial or trade process involving dry abrasive blasting 12. Industrial or trade processes using diisocyanates 13. Additions to Part B of Second Schedule to Act 14. Combustion processes involving fuel burning equipment 15. Additions to Part C of Second Schedule to Act 16. Revocations |
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ORDER

1. Title and commencement—(1) This order may be cited as the Clean Air Act Second Schedule Order 1987.

(2) This order shall come into force on the 1st day of January 1988.

2. Combustion processes involving fuel burning equipment—Part A of the Second Schedule to the Clean Air Act 1972 is hereby amended by omitting from paragraph (b) of clause 1 (as substituted by clause 3 (1) of the Clean Air Act Schedules Order 1982*), the expression “500 kg”, and substituting the expression “100 kg”.

3. Processes for the drying of milk or milk products—(1) Part A of the Second Schedule to the Clean Air Act 1972 is hereby further amended by omitting from paragraph (a) of clause 3 (as substituted by clause 3 (3) of the Clean Air Act Schedules Order 1982*), the words “, but not including milk or milk products”.

(2) The said Part A is hereby further amended by adding to paragraph (b) of clause 3 (as so substituted) the expression “; or”.

(3) The said Part A is hereby further amended by adding to clause 3 (as so substituted) the following paragraph:

“(c) 2 tonnes an hour, and being processes for the drying of milk or milk products.”

4. Processes involving extraction, size reduction and screening, storage, drying, or heating of minerals—Part A of the Second Schedule to the Clean Air Act 1972 is hereby further amended by omitting clause 4 (as amended by clause 3 (4) of the Clean Air Act Schedules Order 1982), and substituting the following clause:

“4. Any process involving the extraction from the surface of the ground or from an open pit of minerals (including coal, coke, and carbon), or the size reduction and screening of such minerals, or the storage outside and above the ground of such minerals, or the drying or heating of minerals that on heating release dust or any air pollutant, being processes which, singly or together,—

“(a) Have or require—

“(i) An opencast extraction capacity in excess of 100 tonnes an hour; or

“(ii) A size reduction and screening capacity in excess of 200 tonnes an hour; or

“(iii) A storage capacity in excess of 10,000 tonnes; or

“(iv) A rate of heat release in excess of 2,000 kW; or

“(b) Are part of a manufacturing process for portland or similar cements and pozzolanic materials; or

“(c) Are part of a manufacturing process for the sintering, calcining, or roasting of metal ores in preparation for smelting or for burning of calcium or calcium-magnesium carbonates to produce calcium or magnesium oxides or hydroxides, or the expansion or exfoliation of minerals, or the dehydration of gypsum; or

“(d) Are part of a manufacturing process for making hot-mix asphalt paving mixes; or

“(e) Are part of a manufacturing process for making glass or frit from raw materials or making mineral wool or glass fibre, including application of any surface coating to the fibres.”

5. Process involving production of compost—Part A of the Second Schedule to the Clean Air Act 1972 is hereby further amended by omitting clause 11 (as substituted by clause 3 (6) of the Clean Air Act Schedules Order 1982), and substituting the following clause:

“11. Any process—

“(a) Which involves the production of compost from raw materials that contain municipal or domestic refuse and which has a raw materials capacity exceeding 10 tonnes per day; or

“(b) Which involves the production of compost from raw materials that do not contain municipal or domestic refuse and which has on the premises at any time a volume of compost and raw materials exceeding 750 cubic metres.”

6. Process owned or operated by local authority—Part A of the Second Schedule to the Clean Air Act 1972 is hereby further amended by omitting from clause 12 (as substituted by clause 3 (6) of the Clean Air Act Schedules Order 1982) the words “or Part C”.

7. Fellmongery processes—Part A of the Second Schedule to the Clean Air Act 1972 (as amended by clause 3 of the Clean Air Act Schedules Order 1982) is hereby further amended by adding the following clause:

“13. Any fellmongery processes involving—

“(a) The use of sulphides; or

“(b) The treatment of fellmongery liquid wastes containing sulphides.”

8. Combustion processes involving fuel burning equipment—Part B of the Second Schedule to the Clean Air Act 1972 is hereby amended by omitting paragraph (c) of clause 1 (as added by clause 4 (2) of the Clean Air Act Schedules Order 1982), and substituting the following paragraph:

“(c) At a rate not exceeding 100 kg an hour where pathological material, garbage, refuse, or trade wastes are incinerated; or”.

9. Industrial or trade animal or plant matter processes—Part B of the Second Schedule to the Clean Air Act 1972 is hereby further amended by omitting clause 3 (as substituted by clause 4 (4) of the Clean Air Act Schedules Order 1982), 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; or

“(c) Described in clause 3 (c) of Part A of this Schedule, but having a raw material capacity not in excess of 2 tonnes an hour.”

10. Industrial or trade mineral processes—Part B of the Second Schedule to the Clean Air Act 1972 is hereby further amended by omitting clause 4 (as amended by clause 4 (5) of the Clean Air Act Schedules Order 1982), and substituting the following clause:

"4. Any industrial or trade mineral processes described in clause 4 (a) of Part A of this Schedule, but having or requiring—

"(a) An opencast extraction capacity in excess of 5 tonnes an hour but not in excess of 100 tonnes an hour; or

"(b) A size reduction and screening capacity in excess of 5 tonnes an hour but not in excess of 200 tonnes an hour; or

"(c) A storage capacity in excess of 500 tonnes but not in excess of 10,000 tonnes; or

"(d) A rate of heat release less than 2,000 kW."

11. Industrial or trade process involving dry abrasive blasting—Part B of the Second Schedule to the Clean Air Act 1972 is hereby further amended by inserting in clause 6 (as added by clause 4 (6) of the Clean Air Act Schedules Order 1982), after the word "involves", the word "dry".

12. Industrial or trade processes using di-isocyanates—Part B of the Second Schedule to the Clean Air Act 1972 is hereby further amended by omitting clause 7 (as added by clause 4 (6) of the Clean Air Act Schedules Order 1982), and substituting the following clause:

"7. Any industrial or trade process using di-isocyanates at a rate not exceeding 100 kg an hour."

13. Additions to Part B of Second Schedule to Act—Part B of the Second Schedule to the Clean Air Act 1972 (as amended by clause 4 of the Clean Air Act Schedules Order 1982) is hereby further amended by adding the following clauses:

"8. Any process of wool scouring.

"9. Any process—

"(a) Which involves the production of compost from raw materials that contain municipal or domestic refuse and which has a raw materials capacity not exceeding 10 tonnes per day; or

"(b) Which involves the production of compost (except silage) from raw materials that do not contain municipal or domestic refuse and which has on the premises a volume of compost and raw materials exceeding 100 cubic metres but not exceeding 750 cubic metres."

14. Combustion processes involving fuel burning equipment—Part C of the Second Schedule to the Clean Air Act 1972 is hereby amended by omitting from clause 1 the expression "100 kW", and substituting the expression "40 kW".

15. Additions to Part C of Second Schedule to Act—Part C of the Second Schedule to the Clean Air Act 1972 is hereby further amended by adding the following clauses:

"8. Any process which involves the production of compost (except silage) from raw materials that do not contain municipal or domestic refuse and which has on the premises at any time a volume of compost and raw materials not exceeding 100 cubic metres.

“9. Any industrial or trade process which is not otherwise specified or described in this Part of this Schedule and which involves wet abrasive blasting.”

16. Revocations—The Clean Air Act Schedules Order 1982 is hereby consequentially amended by revoking subclause (4) of clause 3 and subclauses (4) and (5) of clause 4.

MARIE SHROFF,
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, which comes into force on 1 January 1988, amends Parts A, B, and C of the Second Schedule to the Clean Air Act 1972. That Schedule sets out the processes which are subject to licensing or which a local authority may, by bylaw, make subject to licensing.

Clause 2 amends clause 1 of Part A. A combustion process including fuel burning equipment will now be within that Part if it can be used to incinerate pathological material, garbage, refuse, or trade wastes at a rate exceeding 100 kg an hour. Under clause 1, as substituted in 1982, the rate was required to exceed 500 kg an hour.

Clause 3 amends clause 3 of Part A. Animal matter processes having a raw material capacity in excess of 2 tonnes an hour, and being processes for the drying of milk or milk products, will now be within that Part.

Clause 4 omits clause 4 from Part A, and substitutes a new clause. The clause is expanded so that certain opencast mining operations will now be within that Part.

Clause 5 omits clause 11 from Part A, and substitutes a new clause. The new clause brings within Part A any process—

- (a) Which involves the production of compost from raw materials that contain municipal or domestic refuse and which has a raw materials capacity exceeding 10 tonnes per day; or
- (b) Which involves the production of compost from raw materials that do not contain municipal or domestic refuse and which has on the premises at any time a volume of compost and raw materials exceeding 750 cubic metres.

The former clause 11 (as inserted in 1982) brought within Part A any process for the composting of organic waste having a raw materials capacity in excess of 10 tonnes per day.

Clause 6 amends clause 12 of Part A. Under that clause (as inserted in 1982) a process is within Part A if it—

- (a) Is specified or described in Part B or Part C of that Schedule; and
- (b) Is owned or operated by a local authority; and
- (c) Is situated within the area administered by the local authority.

The amendment omits the reference to a process specified or described in Part C so that a Part C process owned or operated by a local authority and so situated will no longer be within Part A.

Clause 7 brings certain fellmongery processes within Part A.

Clause 8 amends clause 1 of Part B. A combustion process including fuel burning equipment will now be within that Part if it can be used to incinerate pathological material, garbage, refuse, or trade wastes at a rate not exceeding 100 kg an hour. Under clause 1 (as amended in 1982) Part B applied to such a process if the rate exceeded 50 kg an hour but did not exceed 500 kg an hour.

Clause 9 omits clause 3 from Part B, and substitutes a new clause. Animal matter processes having a raw material capacity not in excess of 2 tonnes an hour, and being processes for the drying of milk or milk products, will now be within that Part.

Clause 10 omits clause 4 from Part B, and substitutes a new clause. The clause is expanded so that certain opencast mining operations will now be within that Part.

Clause 11 amends clause 6 of Part B. The amendment limits the effect of that clause so that by virtue of that clause only industrial or trade processes involving dry abrasive blasting are within Part B. Industrial or trade processes involving wet abrasive blasting are included in Part C by *clause 15* of this order.

Clause 12 omits clause 7 of Part B, and substitutes a new clause. The clause brings within Part B any industrial or trade process using di-isocyanates at a rate not exceeding 100 kg an hour.

The former clause applied to any industrial or trade process using di-isocyanates at a rate between 10 and 100 kg an hour for the manufacture of foam plastics.

Clause 13 adds two new clauses to Part B.

The new *clause 8* brings within Part B any process of wool scouring.

The new *clause 9* brings within Part B any process—

- (a) Which involves the production of compost from raw materials that contain municipal or domestic refuse and which has a raw materials capacity not exceeding 10 tonnes per day; or
- (b) Which involves the production of compost (except silage) from raw materials that do not contain municipal or domestic refuse and which has on the premises a volume of compost and raw materials exceeding 100 cubic metres but not exceeding 750 cubic metres.

Clause 14 amends clause 1 of Part C. A combustion process involving fuel burning equipment will now be within that Part if it can burn combustible matter at a rate of heat

release exceeding 40 kW. Under clause 1, as enacted in 1972, the rate of heat release was required to exceed 100 kW.

Clause 15 adds two new clauses to Part C.

The new *clause 8* brings within Part C any process which involves the production of compost (except silage) from raw materials that do not contain municipal or domestic refuse and which has on the premises at any time a volume of compost and raw materials not exceeding 100 cubic metres.

The new *clause 9* brings within Part C any industrial or trade process which is not otherwise specified or described in Part C and which involves wet abrasive blasting.

Clause 16 effects consequential revocations.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 3 December 1987.
This order is administered in the Department of Health.