

Resource Consent



Resource Consent RM22-0128-AP

Following the processing of the Application received on the 7 March 2022, the Bay of Plenty Regional Council has granted the applicant(s):

Metalco Recyclers Limited

Consent(s) to:

RM22-0128-DC.01

Discharge To Air

Expiry 16 December 2037

The consent(s) are subject to the conditions specified on the attached schedule(s) for each activity. Advice notes are also provided as supplementary guidance, and to specify additional information to relevant conditions.

The Resource Consent hereby authorised is granted under the Resource Management Act 1991 does not constitute an authority under any other Act, Regulation or Bylaw.

DATED at Whakatane this 22nd day of December 2022

For and on behalf of The Bay of Plenty Regional Council

Fiona McTavish
Chief Executive



**Thriving together -
mō te taiao,
mō ngā tāngata**

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 22 December 2022, **hereby grants**:

A resource consent:

- **A resource consent; under section 15(1)(c) of the Resource Management Act 1991 and Rule AIR R15 (24)(b) of the Bay of Plenty Regional Air Plan to undertake a discretionary activity being the Discharge of Contaminants to Air.**

subject to the following conditions:

1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions for the discharge of contaminants to air from the use of an Industrial Shredder and Destoner Cleaning Plant.

2 Location

- 2.1 The activity authorised by this resource consent shall be located:
- (a) At 216 State Highway 38 Waimangu; and
 - (b) At or about map reference NZTM 1897434; 5754294; and
 - (c) As shown on BOPRC Consent Plan RM22-0128/01 - Site Plan

3 Notification of Works

- 3.1 No less than five working days prior to the commencement of the discharge of contaminants to air from the Industrial Shredder and / or the Destoner Cleaning Plant, the consent holder shall request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council. This request shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 2).
- 3.3 No less than five working days prior to commencing the discharge from the Industrial Shredder and / or the Destoner Cleaning Plant, the consent holder shall invite a representative of Ngati Tahu-Ngati Whaoa and Tūhourangi on site. Evidence of this invitation shall be kept and provided to the Bay of Plenty Regional Council within 48 hours of a request (see Advice Note 2).

4 Operation of the Industrial Shredder and Destoner Cleaning Plant

- 4.1 The consent holder shall undertake the discharge of contaminants to air from the Industrial Shredder and the Destoner Cleaning Plant in general accordance with the information submitted in the application received by the Bay of Plenty Regional Council on 02/11/2022. Particularly the following principals:
- 1. That the Industrial Shredder will be situated upon a concrete pad; and
 - 2. That the Destoner Cleaning Plant is situated within an enclosed building and is filled with a baghouse filter and cyclone separator filtration controls to capture and manage the particulate discharge from the Destoner Cleaning Plant; and
 - 3. That emissions limits for the Industrial Shredder PM10 will be set and met at all times; and

4. That annual stack testing of the Industrial Shredder is undertaken to confirm compliance with consent conditions; and
 5. That modelling using the stack testing data is undertaken twice during the consent term to confirm the nature of the discharge at ground level and upon sensitive receptors.
- 4.2 The Industrial Shredder and the Destoner Cleaning Plant shall be located within the site and laid out and designed in accordance with the following plans:
1. BOPRC Consent Plan RM22-0128/01 - Site Plan;
 2. BOPRC Consent Plan RM22-0128/02 - Shredder Layout Plan;
 3. BOPRC Consent Plan RM22-0128/03 - Shredder Flow Diagram;
 4. BOPRC Consent Plan RM22-0128/04 - Shredder Plant Breakdown;
 5. BOPRC Consent Plan RM22-0128/05 - Shredder Flow Chart.
- 4.3 The consent holder shall undertake regular maintenance of the Industrial Shredder and the Destoner Cleaning Plant and their associated parts to ensure their functionality and ability to meet the set limits of this consent is maintained.
- 4.4 All processes on site shall be operated, maintained, supervised, monitored and controlled to ensure that emissions authorised by this consent are maintained at the minimum practicable level.
- 4.5 All processing equipment, buildings, ducting and emissions control equipment shall be maintained in good condition and as far as practicable be free from leaks in order to prevent the discharge of fugitive emissions.

5 Industrial Shredder Activities and Site Management Plan

- 5.1 No later than 20 working days prior to the commencement of activities authorised by this resource consent, the consent holder must submit a final Shredder Activities Site Management Plan (SASMP) to the Bay of Plenty Regional Council (BOPRC) for certification that it has been prepared in accordance with Condition 5.2 of this consent. The purpose of the SASMP is to detail the management, operation, sampling and monitoring procedures, methodologies and contingency plans necessary to comply with the conditions of this consent.

Refer Advice Note 2.

- 5.2 The final SASMP shall be in accordance with the draft SASMP provided with the application, and must, as a minimum, include detail on the following:
- Roles and responsibilities; and
 - Final Site layout including identifying material, plant and machinery storage areas as well as loading and unloading zones; and
 - Operational management procedures for the Industrial Shredder and the Destoner Cleaning Plant including:
 - Dust and particulate management; and
 - Odour management; and
 - Reporting procedures; and
 - Review procedures.
- 5.3 The consent holder shall exercise this consent in accordance with the approved SASMP. Any subsequent changes to the SASMP are to be submitted to the BOPRC for certification. In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the SASMP then the conditions of this consent shall prevail.
- 5.4 The consent holder must ensure that a copy of the certified SASMP (as required by Condition 5.1 of this consent), including any approved amendments, is kept on-site at all times, that only activities authorised by this consent are being undertaken, and the on-site copy of the certified SASMP shall be updated within 5 working days of any amendments being certified.
- 5.5 The consent holder shall, upon request by BOPRC, provide a copy of the Emergency Management Plan for the Industrial Shredder and Destoner Plant (SEMP).

6 Industrial Shredder Emission Limits and Stack Testing

- 6.1 There shall be no noxious, dangerous, objectionable or offensive visible emission to air, other than water vapour, to the extent that it causes an adverse effect at or beyond the boundary of the site.
- 6.2 Except as authorised by conditions of this consent, there shall be no discharges to air of any hazardous air pollutant to the extent that it causes, or is likely to cause, adverse effects to human health, the environment or property at or beyond the boundary of the site.
- 6.3 The consent holder shall ensure that the discharge of particulate matter from the Industrial Shredder does not exceed:
- A maximum mass emission rate of 0.05g/s for PM10 per stack; and
 - A maximum concentration of 10mg/m³ for PM10 per stack.
- 6.4 In order to demonstrate compliance with condition 6.3, the consent holder shall undertake stack testing from the Industrial Shredder Stack in accordance with condition 6.5 for the duration of the consent.
- 6.5 Emission tests shall be conducted on each stack, to determine compliance with Condition 6.3. These tests shall:
1. Be conducted within six months of the discharge from the Industrial Shredder commencing and then once every two years thereafter (in the same month as the first emission test) for the term of the consent.
 2. Be conducted during process conditions that will give rise to maximum normal emissions.
 3. Record and describe in lay terms the process conditions that give rise to the emissions.
 4. Comprise not less than three separate samples with the particulate concentration results corrected to 0 (zero) degrees Celsius, 1 (one) atmosphere pressure, 11% oxygen and a dry gas basis.
 5. Be carried out by an International Accreditation New Zealand-accredited stack testing company using accredited methods.
- 6.6 The results of all tests, including a record of all relevant operating parameters, raw data, calculations, assumptions, and an interpretation of the results, shall be submitted to the Bay of Plenty Regional Council within 15 working days of the sample results being received.
- 6.7
1. Without limiting the requirements of Conditions 6.1 and 6.2, the consent holder shall ensure that the discharge does not exceed the corresponding emission concentrations outlined in Condition 6.3.
 2. All emission concentrations shall be corrected to 0 (zero) degrees Celsius, 1 (one) atmosphere pressure, 11% oxygen and a dry gas basis.
- 6.8 During the years of 2027 and 2032, the consent holder shall engage a suitably qualified and experienced practitioner (SQEP), to input the data obtained through stack testing of the Industrial Shredder, into the CALPUFF Model, to understand the effects of the discharge at ground level.
- 6.9 (a) The consent holder shall engage a Suitably Qualified and Experienced Practitioner (SQEP) to prepare a technical Air Quality Report using the stack testing data obtained through the conditions of this consent and the information obtained through the modelling exercise to summarise:
1. Compliance with consent conditions, particularly condition 6.3 (particulate matter limits); and
 2. The effects of the discharge on the environment and nearby sensitive receptors.
- (b) This report shall be submitted to the Bay of Plenty Regional Council no later than December 2027 and December 2032.
- 6.10 The consent holder shall provide:
1. The bi-annual results of stack testing (refer Condition 6.5); and
 2. The results of the air quality modelling (refer condition 6.6); and
 3. The air quality report required by Condition 6.9;

to the Bay of Plenty Regional Council within one month of the results being received or within one month of the work being undertaken.

- 6.11 (a) At any point during the exercise of this consent, should the discharge from the Industrial Shredder exceed the emissions limits identified in condition 6.3 the consent holder shall cease operation of the Industrial Shredder while the following actions are undertaken;
1. Advise the Bay of Plenty Regional Council as soon as practicable that there has been an exceedance of the emissions limit(s)
 2. Undertake a review of the Industrial Shredder, the associated processes and the management plans to understand and remedy the issue(s) causing or contributing to the exceedances of the consented limits;
 3. Submit the updated SASMP for certification to the Bay of Plenty Regional Council;
 4. Identify measures and any maintenance proposed to be undertaken to ensure emissions limits will be complied with as operations resume; and
 5. Advise the Bay of Plenty Regional Council of the outcome of the review process (point 2) and the measures taken to avoid further exceedances (point 3).
- (b) The purpose of the certification process is to review and provide feedback on the proposed changes to ensure the emissions limits are not exceeded in the future.

Refer Advice Note 3.

- 6.12 The operation of the Industrial Shredder shall cease until the measures identified in 6.11 (1-4) have been undertaken consent holder received confirmation from the Bay of Plenty Regional Council that the management plans have been certified.

Refer Advice Note 3.

7 Industrial Shredder Stack Height

- 7.1 The consent holder shall ensure that the stack height from the Industrial Shredder is;
1. At least 15 metres above ground level; and
 2. Has a clearance of at least 3 metres above the top of the nearest structure on site; and
 3. Has an unimpeded vertical discharge.

8 Dust and Particulate Control

- 8.1 The consent holder shall adopt a proactive strategy for dust control, specifically by managing dust in accordance with the SASMP (required by Condition 5.1) so as to prevent a dust nuisance from occurring beyond the property boundary.

9 Odour

- 9.1 There shall be no odour resulting from any of the activities associated with the operation of the site, that is, in the opinion of an Enforcement Officer of the Bay of Plenty Regional Council offensive or objectionable beyond the boundary of the site.

- 9.2 Where any complaints are received by the consent holder, the consent holder shall keep a record of;
- The nature of the complaint;
 - Complainant Details (where these are available);
 - Time and date of complaint;
 - What was occurring on site at the time of complaint;
 - Measures taken to investigate the complaint and remedy the issue(s) raised.

(b) The consent holder shall send a copy of each complaint received, including all details required by Condition 9.2(a), to the Bay of plenty Regional Council within 24 hours of the complaint being received.

- 9.3 A record of all complaints received shall be kept for the duration of the consent and made available to the Bay of Plenty Regional Council within 48 hours of being requested.

10 Signage

- 10.1 Before the start of works under this consent, the consent holder shall erect a prominent sign adjacent to the entrance of site and maintain it throughout the period of the works. The sign shall clearly display the following information:
1. The consent holder;
 2. The main site contractor;
 3. A 24-hour contact telephone number for the consent holder or appointed agent;
 4. A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust and/or odour nuisance resulting from the exercise of this consent.

11 Review of Consent Conditions

- 11.1 (a) The Regional Council may, on receipt of any report submitted to the Regional Council under any condition of this resource consent or compliance report or once per year during the months of either May or November, serve notice on the consent holder of its intention to review the conditions of this resource consent, under s128 of the Resource Management Act 1991. The purposes of this review may include one or more of the following:
1. To modify the SASMP for the site; and/or
 2. Require additional monitoring and reporting to address any identified offensive or objectionable odour or particulate matter arising from the operation of the Industrial Shredder or the Destoner Cleaning Plant and associated activities, beyond the site boundaries; and / or
 3. To assess, and if necessary to address, any identified adverse effects of odour or particulate discharge from the Industrial Shredder or the Destoner Cleaning Plant at or beyond the site boundaries; and / or
 4. To assess and if necessary to review current air quality discharge and odour controls for the purpose of compliance with conditions of this resource consent; and / or
 5. To require the consent holder to adopt the best practicable option for managing discharges to air in accordance with section 128(1)(a)(ii) of the Resource Management Act 1991; and / or
 6. To ensure that management practices at the site are consistent with any provisions or restrictions that are required to be implemented by the Regional Council for any National Standards or Regulations (such as the National Environmental Standard for Air Quality (NESAQ);
 7. To assess and consider how the discharge from this activity may have an impact upon or contribute to the effects of greenhouse gas emissions.
- (b) The consent holder shall pay the fair and reasonable costs associated with a review.

12 Resource Management Charges

- 12.1 The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.

13 Term of Consent

- 13.1 This consent shall expire on 16 December 2037.

14 The Consent

- 14.1 This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.

Advice Notes

- 1 The Bay of Plenty Regional Council has been advised the company will not actively be seeking tyre material from vehicles, however, if this material is received, it will be stored in accordance with Regulation 11 and 12 of the National Environmental Standard for Storing Tyres Outdoors (NES-STO 2021). Specifically, storage of tyres will be less than 100 cubic metres (m³) in volume, will be less than 3 m in height, and will be more than 20 m away from any surface water body. Any changes to this proposal may require consent under the NES-STO.

- 2 The Management Plans for the ATR Pyrolysis Plant are required as a condition of consent RM22-0076.
- 3 The consent holder is advised that where there are any breaches of the limits outlined in the consent conditions, this may result in enforcement action, despite the review process outlined in conditions 6.11 and 6.12 being undertaken by the applicant.
- 4 Notification and reporting required by this consent should be made in writing to the Regulatory Compliance Manager, Bay of Plenty Regional Council, Box 364 or fax 0800 884 882 or email xxxxxx@xxxxx.xxxx.xx and should include the consent number RM22-0128-DC-01.
- 5 The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.
- 6 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.