



Climate Change (Stationary Energy and Industrial Processes) Amendment Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 9th day of September 2013

Present:

The Right Hon John Key presiding in Council

Pursuant to section 163 of the Climate Change Response Act 2002, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Climate Change Issues made after complying with the requirements in sections 163(5) and 166(1) of that Act.

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Regulations

1 Title

These regulations are the Climate Change (Stationary Energy and Industrial Processes) Amendment Regulations 2013.

2 Commencement

- (1) Regulation 9 comes into force on 1 January 2014.
- (2) The rest of these regulations come into force on 12 December 2013.

3 Application

- (1) Regulation 9 applies on and from 1 January 2014.
- (2) The rest of these regulations apply on and from 1 January 2013.

4 Principal regulations

These regulations amend the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009 (the **principal regulations**).

5 Regulation 11C amended (Method of calculating emissions from coal converted to gas via UCG operation)

In regulation 11C, replace “0.0099” with “0.011” in each place.

6 Regulation 17 amended (Method of calculating emissions from natural gas mined other than for export)

In regulation 17(3), replace “21” with “25”.

7 Regulation 24 amended (Continuous emissions monitoring method for calculating emissions from combusting used oil, waste oil, used tyres, or municipal waste)

- (1) In regulation 24(1)(f), replace “21” with “25”.
- (2) In regulation 24(1)(f), replace “310” with “298”.

8 Regulation 25 amended (Periodic source testing method for calculating emissions from combusting used oil, waste oil, used tyres, or municipal waste)

- (1) In regulation 25(d), replace “21” with “25”.
- (2) In regulation 25(d), replace “310” with “298”.

9 New regulations 29A to 29C inserted

After regulation 29, insert:

“29A Application of regulations 29B and 29C

- “(1) A person must comply with regulations 29B and 29C if the person, in any year, is a participant under section 54(1)(a) of the Act in respect of the activity in subpart 2 of Part 3 of Schedule 3 of the Act of using specified liquid hydrocarbons.
- “(2) Regulations 29B and 29C apply in relation to specified liquid hydrocarbons only if they are used on or after 1 January 2014.
- “(3) In this regulation and regulations 29B and 29C, **specified liquid hydrocarbons** means the liquid hydrocarbons described in subpart 2 of Part 3 of Schedule 3 of the Act, being crude oil

or other liquid hydrocarbons (other than obligation fuel or any used as specified in the rest of that Part 3).

“29B Collection and recording of information for purpose of calculating emissions from using specified liquid hydrocarbons

The following information must be collected and recorded in relation to each type of specified liquid hydrocarbon used in the year:

- “(a) the total quantity, in tonnes:
- “(b) the mass fraction of carbon.

“29C Method of calculating emissions from using specified liquid hydrocarbons

- “(1) Emissions in relation to each type of specified liquid hydrocarbon used in the year must be calculated in accordance with the following formula:

$$E = [(OF_{SLH} \times m_C \times EF_C) + EF_{M+N}] \times C$$

where—

- C is the total number of tonnes of the specified liquid hydrocarbon, as recorded under regulation 29B(a)
- E is the emissions from the specified liquid hydrocarbon in tonnes
- EF_C is the emissions factor for carbon content listed in table 9 of Schedule 2
- EF_{M+N} is the aggregate emissions factor for CH₄ and N₂O emissions for specified liquid hydrocarbons listed in table 8A of Schedule 2
- m_C is the mass fraction of carbon in the specified liquid hydrocarbon, as recorded under regulation 29B(b)
- OF_{SLH} is the oxidation factor for specified liquid hydrocarbons listed in table 8A of Schedule 2.

- “(2) An emissions return submitted by a person required to comply with this regulation must record the person’s total emissions from the activity of using specified liquid hydrocarbons in the relevant year, calculated by adding together the emissions for each type of specified liquid hydrocarbon calculated under subclause (1).

“(3) If a person who is required to comply with this regulation is required to submit an emissions return for a period other than a year, this regulation applies with any necessary modifications.”

10 Regulation 35 amended (Method of calculating emissions from producing aluminium)

- (1) In regulation 35(1), item H, replace “9 200” with “12 200”.
- (2) In regulation 35(1), item J, replace “6 500” with “7 490”.

11 Schedule 2 amended

- (1) In the Schedule 2 heading, after “29,”, insert “29C,”.
 - (2) In Schedule 2, table 1, replace each factor as set out in the first column of Part 1 of Schedule 1 of these regulations with the factor opposite to it in the second column.
 - (3) In Schedule 2, table 2, replace each factor as set out in the first column of Part 2 of Schedule 1 of these regulations with the factor opposite to it in the second column.
 - (4) In Schedule 2, table 3, replace each factor as set out in the first column of Part 3 of Schedule 1 of these regulations with the factor opposite to it in the second column.
 - (5) In Schedule 2, table 5, replace each factor as set out in the first column of Part 4 of Schedule 1 of these regulations with the factor opposite to it in the second column.
 - (6) In Schedule 2, table 6, replace each factor as set out in the first column of Part 5 of Schedule 1 of these regulations with the factor opposite to it in the second column.
 - (7) In Schedule 2, after table 8, insert the table 8A set out in Schedule 2 of these regulations.
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Schedule 1

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Schedule 1 r 11(2)–(6)
Tables 1, 2, 3, 5, and 6 of Schedule 2
amended

Part 1

Table 1

94.79	94.40
90.64	90.48
88.15	87.68

Part 2

Table 2

91.95	91.57
94.79	94.40
90.64	90.48
88.15	87.68

Part 3

Table 3

0.018	0.022
0.385	0.459
0.288	0.343
17.89	21.81

Part 4

Table 5

0.054	0.058
0.0099	0.011

Part 5

Table 6

0.0275	0.0286
0.0275	0.0286
0.0275	0.0286

Part 5—*continued*

0.0069	0.0088
0.2120	0.2223
0.0575	0.0591
0.0214	0.0220

Schedule 2
New table 8A inserted in Schedule 2

r 11(7)

Table 8A
Use of specified liquid hydrocarbons

	Class	Emissions factor	Unit
EF _{M+N}	Aggregate CH ₄ and N ₂ O	0.011	tCO ₂ e/TJ
OF _{SLH}	Oxidation factor	0.995	n/a

Martin Bell,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009. *Regulation 9* comes into force and applies on and from 1 January 2014, while the rest of these regulations come into force on 12 December 2013 but apply on and from 1 January 2013. The amendments—

- prescribe a methodology for calculating and reporting emissions from the use of specified liquid hydrocarbons, which are described in subpart 2 of Part 3 of Schedule 3 of the Climate Change Response Act 2002 as being crude oil or other liquid

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Explanatory note

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hydrocarbons (other than obligation fuel or any used as specified in the rest of that Part 3):

- update the global warming potentials where they are used in the principal regulations to calculate emissions from various activities. The new global warming potentials for emissions are 25 for methane (CH₄), 298 for nitrous oxide (N₂O), 7 490 for tetrafluoromethane (CF₄), and 12 200 for hexafluoroethane (C₂F₆). The regulations updating the global warming potentials apply from 1 January 2013.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 12 September 2013.

These regulations are administered by the Ministry for the Environment.
