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MINISTRY FOR THE ENVIRONMENT

NEW ZEALAND EMISSIONS TRADING SCHEME: INDUSTRIAL ALLOCATION NOTICES CALLING FOR DATA

PURSUANT TO SECTION 161D OF THE
CLIMATE CHANGE RESPONSE ACT 2002

This Supplement to the *New Zealand Gazette* contains 2 notices calling for data regarding emissions from:

1. the direct use of liquid fossil fuels in stationary equipment; and
2. fugitive coal seam methane.

The notices contained in this supplement require information to be provided on the above emissions and product for the activities specified in each of the notices. This information is required by the Minister for Climate Change Issues in order to redetermine the allocative baselines for certain activities, to take account of emissions relating to the direct use of liquid fossil fuels in stationary equipment and fugitive coal seam methane.

**Call for the Provision of Data (The Direct Use of Liquid Fossil Fuels in Stationary Equipment)
Notice 2013**

Pursuant to section 161D of the Climate Change Response Act 2002, I, Hon Tim Groser, Minister for Climate Change Issues, give the following notice requiring information on the direct use of liquid fossil fuels in stationary equipment relating to all eligible activities (listed in section 2(2) below) to redetermine the allocative baseline or baselines of the products of these activities.

N o t i c e

1. Title and commencement—(1) This notice may be cited as the Call for the Provision of Data (The Direct Use of Liquid Fossil Fuels in Stationary Equipment) Notice 2013.

(2) This notice takes effect from and including 31 July 2013.

2. Interpretation—(1) Unless the context otherwise requires:

Act means the Climate Change Response Act 2002.

Data collection rules means the methodologies for data collection specified in Schedule 1 of this notice.

Declaration means the statement of declaration located at
www.climatechange.govt.nz/industrialallocation

Excluded emissions means the emissions specified in Schedule 3 of this notice.

Financial years means the financial years beginning on 1 July and ending on 30 June for each of the periods 2006/2007, 2007/2008 and 2008/2009 during which the person carried out the activity.

Included emissions means the emissions specified in Schedule 2 of this notice from the sources listed in Emissions Rule 1 of Schedule 1.

Product (basis of allocation) as defined within the specific activity definitions in the Climate Change (Eligible Industrial Activities) Regulations 2010.

(2) **Activity** means all eligible activities, as listed below and defined in the Climate Change (Eligible Industrial Activities) Regulations 2010.

- Aluminium smelting
- Iron and steel manufacturing from iron sand
- Manufacture of carbon steel from cold ferrous feed
- Production of burnt lime
- Production of carbamide (urea)
- Production of cartonboard
- Production of caustic soda
- Production of cementitious products
- Production of clay bricks and field tiles
- Production of cut roses
- Production of ethanol
- Production of fresh tomatoes
- Production of fresh capsicums
- Production of fresh cucumbers
- Production of gelatine
- Production of glass containers
- Production of hydrogen peroxide

- Production of lactose
- Production of market pulp
- Production of methanol
- Production of newsprint
- Production of packaging and industrial paper
- Production of protein meal
- Production of reconstituted wood panels
- Production of tissue paper
- Production of whey powder

(3) **Saleable** has its ordinary meaning as understood by participants in the relevant market, subject to subclauses (a) to (d):

- (a) Saleable is an output produced to a level at which it would ordinarily be considered by participants in the relevant market:
 - (i) to be the output of the process; and
 - (ii) to have a commercial value as that output.
- (b) A sub-standard product which is discarded is taken not to be saleable or of saleable quality.
- (c) An output which is recycled back while carrying out the activity as defined to produce a new output is not saleable or of saleable quality.
- (d) Material which is scrapped or lost before it is packaged as a product that is saleable or of saleable quality:
 - (i) is not saleable or of saleable quality; and
 - (ii) is not to be included in an amount of product (basis of allocation).

(4) Expressions defined in the Act have the same meaning in this notice as they do in the Act unless the context otherwise requires.

3. Data required to be provided—(1) Any person carrying out a listed activity on the date of this notice must provide to the Ministry for the Environment data for the financial years for the activity in the form specified in Schedule 4 below.

(2) In calculating the data for the activity, the person must include only the included emissions and must exclude the excluded emissions.

4. Deadline for provision of data—The data required by clause 3 of this notice must be provided to the Ministry for the Environment within 30 working days of the date of this notice.

Schedule 1

Emissions Rules

1. Data must be supplied for each financial year from only the following emissions sources:
 - (a) the direct use of liquid fossil fuels in stationary equipment.
2. All the direct use of liquid fossil fuels in stationary equipment emissions associated with the activity must be counted, regardless of whether the output is of saleable quality.

Data Preparation Rules

1. The methods, assumptions and calculations used to produce the data must be disclosed in the data submission format supplied as Schedule 4 in this notice.
2. Where uncertainties arise when determining emission and revenue data, these uncertainties must be declared in the data submission format supplied as Schedule 4 in this notice.

Schedule 2**Included emissions**

Emissions that must be included in any information provided in response to this notice are emissions resulting from:

- (a) emissions from the direct use of liquid fossil fuels in stationary equipment in the activity as defined, including, for example:
 - The use of fuel oil in industrial boilers.

Schedule 3**Excluded emissions**

Emissions that may not be included in any information provided in response to this notice are emissions resulting from:

- (a) the use of machinery and equipment, and other processes that are not integral to, nor essential to, the physical, chemical and/or biological transformation taking place when the activity as defined is carried out;
- (b) any extraction or production of raw materials that are subsequently used when the activity as defined is carried out;
- (c) the transportation of inputs used in the activity to storage at the location where the activity as defined is carried out;
- (d) the transportation of outputs of the activity from storage at the location where the activity as defined is carried out to another location;
- (e) the transportation of intermediate products between different locations where the activity as defined is carried out;
- (f) operations that are complementary to the activity as defined, including (but not limited to) packaging, head office operations, and administration and marketing (whether carried out at the same location where the activity is carried out or at a different location); and
- (g) the generation of electricity at the location where the activity as defined is carried out.

Schedule 4**Data submission format****Specific data questions**

1. General information

Company Name	
NZEUR Account Number	
Facility Name (if applicable)	
Physical Address	
Contact Name	
Postal Address:	
Street Address	
P O Box	
City	
Postcode	
Phone	
Fax	
Email	

2. Are you an eligible person carrying out one or more of the activities listed in section 2(2) of this notice?

Yes: Continue to fill out this data submission and the declaration and send to:
industrialallocation@mfe.govt.nz; or

Industrial Allocation
Ministry for the Environment
PO Box 10362
Wellington 6143

No: Please send this data submission and the signed declaration to:
industrialallocation@mfe.govt.nz; or

Industrial Allocation
Ministry for the Environment
PO Box 10362
Wellington 6143

3. Did you use liquid fossil fuels in stationary equipment as an input into that activity in the base years for ETS data of 2006, 2007, 2008?

Yes / No (please delete one)

4. What output did you produce through the direct use of liquid fossil fuels in stationary equipment?
Please complete the table below.

Activity (eg, Production of cartonboard)	Unit	Amount for FY 2006/07	Amount for FY 2007/08	Amount for FY 2008/09	COMMENTS
		-	-	-	
		-	-	-	

5. How much liquid fossil fuel did you use as an input for this activity? Please complete the table below.

Liquid fossil fuel type (eg, fuel oil)	Amount for FY 2006/07 (kilolitres)	Amount for FY 2007/08 (kilolitres)	Amount for FY 2008/09 (kilolitres)

Submit this data submission and the signed declaration to:

industrialallocation@mfe.govt.nz; or

Industrial Allocation
Ministry for the Environment
PO Box 10362
Wellington 6143

Dated at Wellington this 30th day of July 2013.

HON TIM GROSER, Minister for Climate Change Issues.

Explanatory Note

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

This notice, which comes into effect on 31 July 2013, requires any person carrying out the activities listed in section 2(2) of this notice (as that activity is defined in the Climate Change (Eligible Industrial Activities) Regulations 2010) to provide the information requested by the Minister in accordance with the data collection rules specified in the notice including only the emissions set out in Schedule 2 of the notice from the sources listed in Emissions Rule 1 of Schedule 1 of the notice, and excluding those emissions set out in Schedule 3 of the notice.

The specified data submission format and declaration must be completed and returned to the Ministry for the Environment within 30 working days of the date of this notice. The Ministry would prefer to receive this information by email to industrialallocation@mfe.govt.nz. If you consider that providing the information by email would cause difficulties, you may return data on CD by mail or in person to the Ministry for the Environment, 23 Kate Sheppard Place, Wellington. Original signed copies of the declaration must also be provided. Please contact the Ministry on 0800 499 700 for any further assistance.

While the notice does not require the source information and records on which the data in the specified data submission format is based, it would be prudent to retain this information for a period of seven years. The Minister is able to request any further information that he considers necessary to enable the verification of the accuracy of the information provided under this notice.

Persons to whom this notice applies should note that, under section 161D(7) of the Act, failure without reasonable excuse to supply the data and information required by this notice will mean that those persons (and associated persons) may not be eligible to be allocated New Zealand units in respect of that activity.

In addition, it is an offence to knowingly provide altered, false, incomplete or misleading information (section 132 of the Act) or, with the intent to deceive and for the purpose of obtaining a material benefit or avoiding a material detriment, to fail to provide information or to provide altered, false, incomplete or misleading information (section 133 of the Act).

Call for the Provision of Data (Fugitive Coal Seam Methane Emissions) Notice 2013

Pursuant to section 161D of the Climate Change Response Act 2002, I, Hon Tim Groser, Minister for Climate Change Issues, give the following notice requiring information on the fugitive coal seam methane emissions relating to certain activities (listed in section 2(2) below) to redetermine the allocative baseline or baselines of the products of these activities.

Notice

1. Title and commencement—(1) This notice may be cited as the Call for the Provision of Data (Fugitive Coal Seam Methane Emissions) Notice 2013.

(2) This notice takes effect from and including 31 July 2013.

2. Interpretation—(1) Unless the context otherwise requires:

Act means the Climate Change Response Act 2002.

Data collection rules means the methodologies for data collection specified in Schedule 1 of this notice.

Declaration means the statement of declaration located at
www.climatechange.govt.nz/industrialallocation

Excluded emissions means the emissions specified in Schedule 3 of this notice.

Financial years means the financial years beginning on 1 July and ending on 30 June for each of the periods 2006/2007, 2007/2008 and 2008/2009 during which the person carried out the activity.

Included emissions means the emissions specified in Schedule 2 of this notice from the sources listed in Emissions Rule 1 of Schedule 1.

Product (basis of allocation) as defined within the specific activity definitions in the Climate Change (Eligible Industrial Activities) Regulations 2010.

(2) **Activity** means the activities listed below, and defined in the Climate Change (Eligible Industrial Activities) Regulations 2010.

- Iron and steel manufacturing from iron sand
- Production of protein meal
- Production of burnt lime
- Production of cementitious products
- Production of cut roses
- Production of fresh tomatoes
- Production of fresh capsicums
- Production of fresh cucumbers
- Production of gelatin
- Production of lactose
- Production of cartonboard

(3) **Saleable** has its ordinary meaning as understood by participants in the relevant market, subject to subclauses (a) to (d):

(a) Saleable is an output produced to a level at which it would ordinarily be considered by participants in the relevant market:

- (i) to be the output of the process; and
- (ii) to have a commercial value as that output.

(b) A sub-standard product which is discarded is taken not to be saleable or of saleable quality.

(c) An output which is recycled back while carrying out the activity as defined to produce a new output is not saleable or of saleable quality.

(d) Material which is scrapped or lost before it is packaged as a product that is saleable or of saleable quality:

- (i) is not saleable or of saleable quality; and
- (ii) is not to be included in an amount of product (basis of allocation).

(4) Expressions defined in the Act have the same meaning in this notice as they do in the Act unless the context otherwise requires.

3. Data required to be provided—(1) Any person carrying out a listed activity on the date of this notice must provide to the Ministry for the Environment data for the financial years for the activity in the form specified in Schedule 4 below.

(2) In calculating the data for the activity, the person must include only the included emissions and must exclude the excluded emissions.

4. Deadline for provision of data—The data required by clause 3 of this notice must be provided to the Ministry for the Environment within 30 working days of the date of this notice.

Schedule 1

Data collection rules

Emissions Rules

1. Data must be supplied for each financial year from only the following emissions sources:
 - (a) the direct oxidation or use as feedstock of any coal as part of the activity;
 - (b) the direct oxidation or use as feedstock of any coal to generate steam that is used as part of the activity.
2. All coal use associated with the activity must be counted, regardless of whether the output is of saleable quality.

Data Preparation Rules

1. The methods, assumptions and calculations used to produce the data must be disclosed in the data submission format supplied as Schedule 4 in this notice.
2. Where uncertainties arise when determining emission and revenue data, these uncertainties must be declared in the data submission format supplied as Schedule 4 in this notice.

Schedule 2

Included emissions

Emissions that must be included in any information provided in response to this notice are emissions resulting from:

- (a) direct emissions from coal used in the activity as defined, including, for example:
 - Coal used in the reduction of iron oxides;
- (b) the direct use of any coal to generate steam that is used as part of the activity as defined.

Schedule 3

Excluded emissions

Emissions that may not be included in any information provided in response to this notice are emissions resulting from:

- (a) the use of machinery and equipment, and other processes that are not integral to, nor essential to, the physical, chemical and/or biological transformation taking place when the activity as defined is carried out;
- (b) any extraction or production of raw materials that are subsequently used when the activity as defined is carried out;
- (c) the transportation of inputs used in the activity to storage at the location where the activity as defined is carried out;
- (d) the transportation of outputs of the activity from storage at the location where the activity as defined is carried out to another location;
- (e) the transportation of intermediate products between different locations where the activity as defined is carried out;
- (f) operations that are complementary to the activity as defined, including (but not limited to) packaging, head office operations, and administration and marketing (whether carried out at the same location where the activity is carried out or at a different location);
- (g) the generation of electricity at the location where the activity as defined is carried out.

Schedule 4

Data submission format

1. General information

Company Name	
NZEUR Account Number	
Facility Name (if applicable)	
Physical Address	
Contact Name	
Postal Address:	
Street Address	
P O Box	
City	
Postcode	
Phone	
Fax	
Email	

2. Are you an eligible person carrying out one or more of the activities listed in section 2(2) of this notice?

Yes: Continue to fill out this data submission and the declaration and send to:

industrialallocation@mfe.govt.nz; or

Industrial Allocation
Ministry for the Environment
PO Box 10362
Wellington 6143

No: You are not required to submit data.

3. Did you use coal as an input into that activity in the base years for ETS data of financial year 2006/07, 2007/08, 2008/09?

Yes / No (please delete one)

4. What output did you produce through this coal use? Please fill in table below.

Activity	Unit	Amount for FY 2006/07	Amount for FY 2007/08	Amount for FY 2008/09	COMMENTS
Iron and steel manufacturing from iron sand		-	-	-	
Production of protein meal					
Production of burnt lime		-	-	-	
Production of cementitious products					
Production of cut roses					
Production of fresh tomatoes					
Production of fresh capsicums					
Production of fresh cucumbers					
Production of gelatin					
Production of lactose					
Production of cartonboard					

5. Where was the coal that you used as an input for this activity sourced from? Please complete the table below. An example of how to fill out this table is provided as appendix 1 to this notice. An indicative list of coal mines in New Zealand is provided as appendix 2 to this notice.

Coal supplier	Coal mine (if known)	Coal type (if known, please tick one only)			Amount for FY 2006/07 (tonnes)	Amount for FY 2007/08 (tonnes)	Amount for FY 2008/09 (tonnes)
		Underground	Surface	Imported			

Submit this data submission and the signed declaration to:

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Industrial Allocation
Ministry for the Environment
PO Box 10362
Wellington 6143

Dated at Wellington this 30th day of July 2013.

HON TIM GROSER, Minister for Climate Change Issues.

Explanatory Note

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to the Ministry for the Environment, 23 Kate Sheppard Place, Wellington. Original signed copies of the declaration must also be provided. Please contact the Ministry on 0800 499 700 for any further assistance.

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Persons to whom this notice applies should note that, under section 161D(7) of the Act, failure without reasonable excuse to supply the data and information required by this notice will mean that those persons (and associated persons) may not be eligible to be allocated New Zealand units in respect of that activity.

In addition, it is an offence to knowingly provide altered, false, incomplete or misleading information (section 132 of the Act) or, with the intent to deceive and for the purpose of obtaining a material benefit or avoiding a material detriment, to fail to provide information or to provide altered, false, incomplete or misleading information (section 133 of the Act).

Appendix 1: Example table for Schedule 4 (5)

Coal supplier	Coal mine (if known)	Coal type (if known, please tick one only)			Amount for FY 2006/07 (tonnes)	Amount for FY 2007/08 (tonnes)	Amount for FY 2008/09 (tonnes)
		Underground	Surface	Imported			
Solid Energy	Huntly East	✓			50,000	100,000	75,000
Solid Energy	Stockton		✓		32,000	17,000	26,000
Queensland Coal Ltd	Not known			✓	0	11,000	13,500

Appendix 2: Indicative list of coal mines in New Zealand

Coalfield	Mine	Operator	Rank	U/G or O/C
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Waikato

Maramarua	Kopako	Glencol	SB	Opencast
Huntly	Huntly East	Solid Energy	SB	Underground
Huntly	O'Reillys	O'Reilly's Opencast	SB	Opencast
Rotowaro	Awaroa	Solid Energy	SB	Opencast
Rotowaro	Pukemiro *	Puke Coal	SB	Opencast

West Coast

Buller	Stockton	Solid Energy	B	Opencast
Buller	Cascade	Cascade Coal	B	Opencast
Buller	New Creek	New Creek Mining	B	Opencast
Buller	Rockies	Rockies Mining	B	Opencast
Reefton	Burkes Creek	RJ Banks	SB	Underground
Reefton	Reddale Valley	Solid Energy	SB	Opencast
Reefton	Terrace	Crusader Coal	SB	Underground
Garvey Creek	Island Block *	Solid Energy	B	Opencast
Garvey Creek	Echo	Francis Mining	B	Opencast
Inangahua	Giles Creek	Birchfield Coal	SB	Opencast
Inangahua	Berlins Creek	Heaphy Mining	SB	Opencast
Greymouth	Spring Creek*	Solid Energy	B	Underground
Greymouth	Strongman	Solid Energy	B	Opencast
Greymouth	Roa	Francis Mining	B	Underground
Pike River	Pike River *	Solid Energy	B	Underground

Canterbury

Canterbury	Malvern Hills	Canterbury Coal	SB	Opencast
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Otago

Kaitangata	Castle Hill *	Kai Point Coal	SB	Opencast
Roxburgh	Harliwich	Harliwich Carrying Co.	L	Opencast

Southland

Ohai	Takitimu	Takitimu Coal	SB	Opencast
Ohai	Ohai *	Solid Energy	SB	Opencast
Waimumu	Newvale	Solid Energy	L	Opencast

* Production suspended

* Private coal, no granted permit

U/G = Underground

O/C = Opencast

SB = Sub Bituminous

B = Bituminous

L = Lignite