



DOC20/1061527-5, SF17/28092

Sunset Power International Pty Ltd

By Email: environment@de.com.au

Attention: Mr Justin Flood

19 February 2021

Dear Mr Flood,

ENVIRONMENT PROTECTION LICENCE 761 – LICENCE VARIATION APPLICATION

I refer to your email to the Environment Protection Authority (EPA) received on 23 December 2020 and application (Application) to vary Environment Protection Licence 761 (Licence).

The Application seeks to vary Licence condition L3.8 to extend the exemption of Group 5 standards of concentration under Protection of the Environment Operations (Clean Air) Regulation 2010 for nitrogen oxides (NO_x) emissions from Points 2 and 3 at Vales Point Power Station.

The assessing such an application, the EPA is required to consider:

- Clause 37(1) of the Protection of the Environment Operations (Clean Air) Regulation 2010 (Clean Air Regulation), which requires that the EPA must consider the impact on local and regional air quality and amenity.
- Section 45 of the *Protection of the Environment Operations Act 1997* (POEO Act), in particular:
 - (b) the objectives of the EPA as referred to in section 6 of the *Protection of the Environment Administrations Act 1991*;
 - (c) the pollution caused or likely to be cause by the carrying out of the activity or work concerned and the likely impact of that pollution on the environment; and
 - (d) the practical measures that could be taken-
 - (i) To prevent, control, abate or mitigate that pollution; and
 - (ii) To protect the environment from harm as a result of that pollution.

The EPA has reviewed the Application and supporting information provided and advises that additional information is required so the EPA can consider the Application in accordance with clause 37 of the Clean Air Regulation and section 45 of the POEO Act. Detailed comments are provided in Attachment 1.

If you have any questions about this matter, please contact Hamish Rutherford on (02) 4908 6824 or email RegOps.MetroRegulation@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

STEVEN JAMES
Unit Head Regulatory Operations Metro North
Environment Protection Authority

Attachment 1 – Detailed comments on Application to Vary EPL 761.

Attachment 1

Detailed comments on Application to Vary EPL 761

The EPA has reviewed the Licence Variation Application received on 23 December 2020, including the attached document titled “Vales Point Power Station - EPL 761, Licence Variation Application, Extension of Group 5 NO_x Emission Limit Exemption” (December 2020) (Report). The EPA provides the following comments regarding the adequacy and further information required to assess the Application as required under clause 37 of the Clean Air Regulation and section 45 of the POEO Act.

1. Information provided is inadequate to assess the potential impacts to local and regional air quality, including impacts on the Sydney Basin

The licensee has submitted technical assessments assessing potential impacts to local and regional air quality (Appendix A, and Appendix B of the Report). The technical assessments were prepared in 2010, and as such do not present a thorough contemporary assessment of current and potential local and regional air quality impacts (including impacts on the Sydney Basin) and amenity. Further, the EPA considers that there are assessment gaps, for example but not limited to, the technical assessment has not assessed the potential impacts associated with secondary particulates.

On this basis, the EPA considers that that the information provided is not adequate to determine the Application as provided in clause 37 of the Clean Air Regulation and section 45(c) of the POEO Act.

In order to provide sound technical review and assess the merits of the proposal, the EPA considers that more robust and contemporary assessments of impacts on local and regional air quality and amenity (including impacts on the Sydney basin) must be provided.

2. Information provided does not robustly evaluate the practical measures that could be implemented to reduce air pollution

Information on potential options that could reduce NO_x emissions references the NO_x Pollution Reduction Study report submitted in 2017 (PRS Report). High level conclusions of the PRS Report detailed that some identified options required further evaluation, and the licensee would continue to identify and evaluate additional options.

The EPA considers that the information provided in support of the Application is general and pitched at a high level. The information provided does not provide a robust assessment and evaluation of potential mitigation measures, lacking detailed consideration around such aspects as feasibility, practicality, and reduction in potential impacts that could be achieved, with reference to the current configuration and remaining life of the plant.

The EPA advises that the information provided in support of the Application does not include sufficient, robust and detailed information necessary and relevant to the EPA’s consideration of the Application in line with section 45(d) of the POEO Act. Further information is requested addressing the above comments.