

15 June 2022

Sent via email: [air.policy@environment.nsw.gov.au](mailto:air.policy@environment.nsw.gov.au)

Dear Sir/Madam,

**Subject: Call for Public Feedback | Protection of the Environment Operations (Clean Air) Regulation 2022**

The Clean Air Society of Australia and New Zealand (CASANZ) is a non-profit, professional association with a corporate charter to improving the quality of our air. The Society has been active for over 50 years, currently with a membership base of over 600 members who have a professional interest in air quality.

Our members have a common interest in air quality and environmental science, and represent a broad range of sectors including national, state and local governments, science, business, industry, education, management and policy, legal and the general community. We embrace the expertise and knowledge of our diverse membership to advance research, innovation across all areas that affect our air quality.

CASANZ promotes awareness and understanding of the issues affecting air quality. With the support of local and world-renowned leaders in the sector, we facilitate training courses, conferences, webinars and events. We host a biennial conference and grant awards to leaders in the air quality space, celebrating the work being done to achieve cleaner air in our region and beyond.

We embrace the expertise and knowledge of our members to advance air quality science and innovation to achieve healthy air for all.

This submission from CASANZ is based on the responses from members and reflects their views on the various issues identified in the consultation documents.

**Summary**

The Clean Air Regulation is the key regulatory mechanism in NSW for reducing emissions of harmful pollutants to air. In accordance with the requirements of the *Subordinate Legislation Act* 1989 and the 'Better Regulation Principles' set out in the Guide to Better Regulation<sup>[1]</sup>, the proposed remake to the Clean Air Regulation is supported by a Regulatory Impact Statement (RIS) that examines the economic and social costs and benefits of the proposals and its alternatives.

CASANZ supports measures to improve air quality and believes the proposed remake of the Protection of the Environment Operations (Clean Air) Regulation 2021 (hereafter the 'Clean Air Regulation') is generally in accordance with that objective.

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<sup>[1]</sup> <https://www.treasury.nsw.gov.au/sites/default/files/2019-01/TPP19-01%20-%20Guide%20to%20Better%20Regulation.pdf>

Specific comments received from our members are summarised below.

### Member submissions

1	The phasing out of Group 1-4 scheduled activities (Section 5, Option 3 of the RIS) is supported, as is the phased tightening of emission standards for scheduled activities.
2	Potentially the lowered NO <sub>x</sub> limits could impact on coal-fired power station operations. Have cost impacts on these operations been properly reviewed?
3	The change of the gas reference conditions for fuel burning equipment using gas or liquid fuel from STP, dry gas, 3 % O <sub>2</sub> to STP, dry gas, 7 % O <sub>2</sub> is considered to be a pragmatic change. The standards are less stringent with the proposed change but aligns the reference conditions more with achievable standards for many processes operating adopting best practice measures.
4	The proposed changes to implement more stringent controls on the storage volatile organic liquids is supported (Section 6 of the RIS).
5	It is considered that a new Group 7, including SO <sub>x</sub> emission standards from power stations, would be an improved regulation.
6	The draft regulations do not address the major source of particulate air pollution in most NSW urban areas - domestic wood fire pollution. Part 3, Div.4 Sec. 14 (a seems to enshrine the right to pollute urban airsheds using wood as a fuel, with no restrictions on the size or duration of the fire or its proximity to neighbouring premises. I submit that the terrible tragedy of the loss of about 500 lives each year in Sydney due to air pollution will not be reduced until domestic wood fire pollution is removed and that this process cannot even commence until the Excessive Smoke provision of the NSW POEO Act Div3, Sec, 135A is repealed and replaced with a quantitative measure of the wood fire pollution in a defined area around the emitter e.g. ug/m3 of PM <sub>2.5</sub> .

We thank you for the opportunity to provide feedback on the draft Protection of the Environment Operations (Clean Air) Regulation 2022 and look forward to being involved as it progresses. If there are any queries regarding this submission, please contact us.

Yours sincerely,



Gary Graham  
NSW/ACT Branch Treasurer

E: [REDACTED]



Ronan Kellaghan  
NSW/ACT Branch President

E: [REDACTED]



Vicki Callaway  
General Manager

E: [REDACTED]

This submission has been prepared in consultation with the members of CASANZ.

*Please note, the opinions and views expressed by CASANZ members do not represent the position or opinions of their employing organisation and is provided in good faith based on the knowledge and experience of the member. Neither the member or CASANZ accept any responsibility or liability that may be construed to arise from any content provided in this submission in relation to any claim or legal action.*