



Nature Conservation Council

The voice for nature in NSW

3 June 2022

Environment Protection Authority of NSW

Email: air.policy@environment.nsw.gov.au

Dear Madam/Sir,

**Submission on the Draft Protection of the Environment Operations (Clean Air) Regulation
2022**

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 160 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes, and natural resources of NSW.

Thank you for the opportunity to comment on this important regulation. As the previous NSW Environment Minister Matt Kean said, "*everyone who lives and works in NSW deserves to breathe clean air*".ⁱ

While most of NSW enjoys good air quality, there is no safe level of air pollution. Coal-fired power stations emit toxic pollutants that cause a range of diseases in the people of NSW. Pollution from coal-fired power stations is the most significant controllable source of air pollution in NSW.ⁱⁱ

Air quality in the NSW Hunter Valley regularly fails to meet national air quality standards, in part due to the concentration of coal-fired power stations in the region.

In 2020 not a single monitoring site in NSW met the WHO standard for fine particle pollution.

The health impacts of air pollution are enormous. Exposure to even low concentrations of pollution causes or contributes to adverse health impacts, including premature deaths.ⁱⁱⁱ Air pollution is a major public health issue and the consequences of not addressing it are felt by

people suffering with respiratory and cardiac disease every day. An annual cost of AUD\$1.4 billion means that air pollution also hurts the NSW economy.^{iv}

More responsible regulation of air pollution from coal-fired power stations is needed to reduce the burden of disease, so that the people of NSW can enjoy longer, healthier lives.

Technology that cuts pollution by over 90 percent is readily available and widely used overseas, because it is required by regulators and lawmakers in those jurisdictions.

There is no reason why people living in Australia deserve to have lower levels of protection from air pollution than people living in countries like Japan, the USA, Europe, or China.

For decades, the coal-fired power stations in NSW have been imposing a burden of disease on to people living in the Greater Sydney Region, causing at least 100 deaths per year, and paying almost nothing for this damage.

For a long time we have had cleaner ways to generate electricity. It's time to act on those health costs and end this economic distortion. We believe firmer regulation through the Clean Air Regulation is an effective way to fix this failure of regulation and NCC proposes several changes to the Draft Regulation to this end.

Recommendation 1: Reduce allowable levels of emissions from coal fired power stations to align with global best practice.

A comparison of NSW emissions standards to EU standards is shown in table 1. Note that the EU standards are against daily averages, while the NSW standards are for 30-minute averages. This is dealt with further below.

Table 1 . Comparison of NSW coal fired power station emissions standards to EU standards.

	Solid particles (mg/m3)	Nitrogen oxides (mg/m3)	Mercury (µg/m3)	Sulfur dioxide (mg/m3)
Bayswater and Mount Piper current licence limit	50	1500	50	1700
Vales Point current licence limit	50	980	50	1700
Proposed 2025 NSW pollution standard (group 5)	50	800	NA	NA



Proposed 2030 NSW pollution standard (group 6)	50	500	NA	NA
European Union existing black coal plant (daily average limit) ^v	8	200	4	205
Comparison with current licence limits	NSW up to 6 times worse than EU limit	NSW up to 8 times worse than EU limit	NSW up to 12 times worse than EU limit	NSW up to 8 times worse than EU limit
Comparison with proposed 2030 limits	2030 limit still up to 6 times worse than EU limit	2030 limit up to 2.5 times worse than EU limit	N/A – no limit proposed	N/A – no limit proposed

Recommendation 2: Remove or tighten the provision for exemptions

With cleaner production technologies readily available and widely used around the world, we see no benefit from allowing exemptions. Given that every monitoring site in NSW failed to meet new WHO air quality standards in 2020, our regulatory framework should require coal fired power stations to rapidly reduce pollution.

If the EPA decides to maintain an exemption pathway, the application and determination process can be improved to ensure exemptions are only granted when they are in the public interest. Applications should be required to disclose what measures would be required to meet the standards, the public health benefits across the state gained by applying those measures, and the costs of doing so. In the recent Vales Point exemption determination, no assessment was made of the health benefits of fitting low NOx burners, despite this being the most cost-effective way to meet the standard. Future decisions would be more robust if this information was provided and considered.

Recommendation 3: Lengthen the averaging time for emissions standards.

As mentioned above, it is total pollution loads rather than peak concentrations that correlate with the burden of disease, and this should be reflected in an effective regulation regime. While annual averages may be too long to enable timely compliance and enforcement activities, we consider 24 hour averaging periods preferable to 30-minute samples and long enough to be more reflective of average operations.

We note that US regulations set emissions standards per unit of electricity output rather than per volume of flue gas, which is an even more direct measure of cleaner production. We recommend this also be considered.



Nature Conservation Council

The voice for nature in NSW

We welcome further conversation on this matter.

Yours sincerely,

Dr Brad Smith
Policy and Advocacy Director
Nature Conservation Council

ⁱ Singleton Argus, Have your say on the state's Clean Air Strategy, March 18, 2021 available at: <https://bit.ly/2RjBGhm>

ⁱⁱ Environmental Justice Australia, The People's Clean Air Action Plan for NSW, 2021, p11.

ⁱⁱⁱ Regional Office for Europe, World Health Organization, Air Quality Guidelines: Global Update 2005

^{iv} See Australian Institute of Health and Welfare, Australian Burden of Disease Study: Impact and Causes of Illness and Death in Australia 2011 (Study Series No 3, 10 May 2016); Stephen Begg et al, The Burden of Disease and Injury in Australia 2003 (Report, May 2007); Access Economics, The Health of Nations: The Value of a Statistical Life (Research Report, July 2008).

^v Table 10.3 – 10.7, Best Available Techniques (BAT) Reference Document for Large Combustion Plants, Industrial Emissions Directive 2010/75/EU, European Commission, 2017, <http://dx.doi.org/10.2760/949>.