

Submission on Draft Clean Air Regulation

Domestic Solid Fuel Heaters

The proposal has failed to consider a much wider range of options to reduce air pollution from solid fuel space heaters. As a minimum, the specification of a series of dates for lower emission concentrations should have been assessed. Catalytic filters could be made mandatory. Manufacturers of solid fuel heaters have no incentive to obtain further emission reductions under the proposal. The current very high contribution to air pollution from wood heaters provides argument for other air pollution sources do continue to pollute the airshed. The option considered of no change has zero new costs. Where is the analysis of the claim that no change will deliver a “material net public benefit?” The RIS fails to assess the costs and benefits of a ban on the sale and installation of new heaters. Due to installation structural requirements, Local Government could be given power to ban or approve the installation of new solid fuel heaters. A much wider range of options should have been subjected to detailed analysis in the RIS.

The proposed regulation permits a masonry open fireplace to be built on site anywhere in NSW. This type of feature has not been banned. However, consideration could be given to approval of such fireplaces being subject to Local Government approval depending on land zoning for example. The provision of Local Government to permit household waste incineration in certain areas is already included in the Regulations. This practice could be extended to provide Local Government with the power to approve or ban the installation of new masonry open fireplaces.

Control of Burning

I consider that an exemption should be included for indigenous burning of native vegetation or burning for ceremonial purposes.

The requirement to minimize air pollution in the case of indigenous land burning practices should be given exemption. (Clause 9) This provision should also be present as a new clause in Division 4 as an exemption.

Motor Vehicle Regulation changes

The RIS claims that there are only 3 smokey petrol vehicles per year in the GMR. The low number suggests that observations are not being reported or acted upon based on my observations. Similarly, the claim of only 32 diesel engines is also very much under estimating the number of smokey diesel engine vehicles. This type of data should be predicted using tail pipe emissions on a major road using an automated system. Similarly, the claim of only 4 petrol and zero diesel engine vehicles being tampered with are likely to be grossly understated. The recent VW emission issue is likely to be a continuing factor (though not on the scale of VW). If estimates are used, they need to have some rigour and use a credible basis.

The RIS provides no analysis of the regulatory efficiencies or inefficiencies relating to the smokey vehicles requirements. For example: how many heavy vehicles are prosecuted by Transport for NSW annually for smoke emissions or interference with emission control devices? What are the public reporting arrangements with Transport for NSW? 131555 has a long history for reporting of pollution offences. If Transport for NSW is regulating these aspects, why are dangerous goods transport matters also being regulated by Transport for NSW? The analysis in the RIS is superficial and very simplistic and lacks rigour.

Emissions from Plant and Equipment

The case to impose lower emission concentration limits on various air pollutants is supported. The historical “allowances” need to be tightened significantly. These historical “concessions” have been in place for years and the polluters have had many opportunities to investigate and reduce air pollution concentrations. The proposed lowered emissions from storage tanks are also supported.

The failure to include emissions of methane and carbon dioxide as air pollution has not been discussed and costs and benefits analysed. This is a missed opportunity with the RIS. It is well known that the fossil fuel mining and gas extraction industries, which are scheduled premises, are major sources of unregulated methane and carbon dioxide emissions. Planning Consents contain largely meaningless conditions relating to “considering” reducing these air pollutants but not specifying any enforceable conditions relating to timeframes nor actual air pollution reduction.

The RIS makes the inference that load based licencing (LBL) provides a means to achieve air pollution reduction through licencing charges for annual air pollution loads. This claim is not supported by the failure to update many of these pollution charges and provide a real financial incentive to drive air pollution reduction. The draft LBL licence fee charges are not likely to drive further emission reduction. A further comment is that LBL only applies to some scheduled premises. For example, stack air pollutant emissions from road tunnels are not included in LBL. There are many opportunities for the operators of the toll road network to reduce air pollution from tunnel stacks. The exemption of road tunnel stacks from “polluter pays” is a failure of the current regulatory framework and a missed opportunity to reduce air pollution not identified in the RIS.

The RIS does not include any proposal to include the regulation of indoor and outdoor gas heating. Combustion products from gas combustion impact public health. It is timely for the use of gas combustion to be subject to regulation which may take the form of labelling in the first instance. The banning of the installation of unflued indoor gas heaters or gas cooktops without an externally ducted exhaust fan should also be considered.

The removal of sulphur concentration limits in Clause 58 of the current Regulation means the limits on diesel fuel supplied to vessels operating in Sydney Harbour is 0.5% under the IMO rather than the 10ppm sulphur limit in diesel used in road vehicles. Diesel supplied to vessels based in Sydney Harbour and other waters within the GMR should be required to use 10ppm sulphur in diesel engines.