

Have your say on NSW coal fired power station licences

Public consultation now open on NSW coal fired power station licences

What is being reviewed by the EPA?

The NSW EPA is currently undertaking a review of each of the environment protection licences that apply to NSW's four operating coal fired power stations: Vales Point, Eraring, Bayswater and Mount Piper.

An 'environment protection licence' sets out the conditions that Delta Electricity, AGL, EnergyAustralia and Origin must adhere to when operating their coal fired power stations. Each power station licence sets out conditions for its operations, including:

- limits on pollution
- frequency of monitoring and reporting of pollution
- reports and information to be provided to the EPA and the public
- other conditions aimed at improving performance.

As part of reviewing each coal fired power station licence, the EPA will be looking at whether the conditions of the licences are fit for purpose or need improvement. We now have an opportunity to tell the EPA how the licence conditions for each power station must be improved.

The review is scheduled to be completed by the end of 2023. It is a 'statutory review', which means by law, the EPA is required to undertake this kind of review every 5 years. The next opportunity for the community to have input into a substantial licence review like this will be in 2028 – so it's crucial to have your say now.

What about the licences needs to change?

The current limits for air pollutants are too high. The current licence limits for toxic pollutants known to harm health such as nitrogen oxides, sulphur dioxide, particulates and mercury remain too high and are much higher than limits placed on coal fired power stations in many other countries where technology is used to significantly reduce these pollutants. The EPA must lower air pollution limits.

Operators are not required to publish all information and data. Currently, despite certain licence conditions requiring operators to monitor and report on pollution levels or undertake detailed reporting on site operations, this information is not readily available to the public. This creates barriers to accessing vital information that could inform communities about how operators are meeting their obligations to minimise pollution and impacts on the environment. The EPA must require operators to publish more information and data.

Community engagement by operators is not the status quo, but should be. At the moment, only Eraring and Mount Piper power stations have a formal Community Consultative Committee or 'CCC'. Vales Point and Bayswater don't have one – but we think they should and that this should be a requirement of each licence. CCCs are important for ensuring that big business, like Origin, EnergyAustralia, AGL and Delta Electricity, engage with communities and stakeholder groups on the environmental, social and economic impacts of their operations. They allow for community concerns to be raised directly with operators, detailed minutes of meetings to be published for public perusal and are an important tool for engagement, accountability and transparency. The EPA must require a CCC for Vales Point and Bayswater.

Climate plans should be added to the licences. Despite the EPA planning to regulate CO₂ emissions like any other pollutant, there are no licence conditions for limiting climate pollution yet. These four power stations are among the biggest CO₂ emitters in NSW, so this can't wait another five years. Conditions should include an end-date for CO₂ emissions, a maximum limit and a pathway to transition from polluting operations to clean energy production while maintaining energy security.

Add your voice by making a submission to the EPA by 5.00pm Monday 27 November 2023.

Why should I make a submission?

Everyone deserves clean air and water. We must fight to protect it. Communities also have a right to know about the pollution they're exposed to.

These licence reviews only happen every five years. They are a critical opportunity to win stronger pollution limits and better transparency and accountability in reporting by demonstrating community support for these measures.

We know that coal fired power stations are the biggest source of controllable air pollution in NSW and that their toxic emissions have serious health impacts communities. We also know that getting information from operators on pollution levels and other operational matters is crucial to improve transparency and accountability. Communities deserve to know about what polluters are doing in their backyard.

The licence review consultation process is an opportunity for you to have your say on the unacceptable levels of pollution currently permitted by licences and to provide your feedback on how they can be strengthened to protect public health, improve access to information and public participation and deliver on NSW's climate change commitments. It is important for decision makers to get this feedback before they review and finalise the licences.

What should I include in my submission?

Firstly, start with the basics and think about:

- why you care about pollution from coal fired power stations
- how air, water, and land pollution impacts you
- what evidence you want to use to back up your statements
- what recommendations would you make to the EPA

Find more helpful tips to get started here:
<https://envirojustice.org.au/three-easy-steps-how-to-write-a-submission/>

We've outlined a number key things you might want to address in your submission in more detail on page 3 of this guide. These include:

1. That air pollution limits in the licences don't protect human health and must be lowered
2. Licence conditions should better address the significant risks that unlined coal ash dumps and hot water discharges have for water and ecosystem contamination and impacts

3. Licence conditions should require operators to publish more information
4. Licence conditions should require better community engagement
5. Climate change mitigation and adaptation plans (CCMAPs) should be added to the licences

How do I lodge the submission?

There are two ways that you can lodge a submission with the EPA:

1. You can email a written submission to the EPA at: regulation-of-power-stations@epa.nsw.gov.au. We encourage you to make a written submission if you can because that way, you can tailor it to suit your concerns.
2. Alternatively, you can lodge a submission by completing the 'Have your say' section on the EPA's website here: <https://yoursay.epa.nsw.gov.au/review-of-power-station-licences>

The 'Have your say' survey will ask you a series of questions. You do not need to engage with every question and can click 'next' if you do not want make a comment on a specific aspect of the licence review.

Importantly, you must make your submission by 5.00pm Monday 27 November 2023.

Contact us

We'd love for you to share your submission with us, or if you have any questions and need more support get in touch at hello@envirojustice.org.au or ncc@nature.org.au.

Detailed information for the things you might want to address in your submission

Specific things you may want to address in your submission are:

1. Air pollution limits in the licences don't protect human health and must be lowered

- Analysis of health impacts caused by coal fired power stations in Australia has found that they contribute to 845 babies being born with low birth-weight, 14,434 children with asthma, and 785 premature deaths each year.¹
- There is abundant evidence that there is no safe level of exposure to air pollution:² fine particle exposure can cause adverse health effects and increased risk of death,³ nitrogen dioxide is strongly associated with childhood asthma and impaired lung development, which can lead to lifelong adverse health effects and premature death,⁴ and long term exposure to sulfur dioxide, even at low concentrations, has been associated with cardiorespiratory mortality.⁵
- Various forms of technology exist to reduce emissions from coal fired power stations, such as low nitrogen oxides burners wet scrubbers or selective catalytic reduction methods. Air pollution limits that apply to coal fired power stations should be tightened to require the installation of best available pollution reduction technologies.
- All power stations in NSW are licenced to emit toxic air pollution at concentrations far greater than power stations in other jurisdictions. For several decades the US, EU, South Korea, China, Japan and other nations have required increasingly effective pollution controls for particle matter, nitrogen oxides, sulfur dioxide and mercury. **Figure 1** below outlines the difference in NSW air pollution limits for coal fired power stations compared to limits imposed on EU power stations.

2. Licence conditions should better address the significant risks that unlined coal ash dumps and hot water discharges have for water and ecosystem contamination and impacts

- Currently, an estimated 160 million tonnes of ash waste have accumulated on the southern shores of Lake Macquarie in unlined coal ash dumps that interact with groundwater. These dumps contain heavy metals and metalloids like cadmium, arsenic, selenium and lead at levels which present a risk to both human and ecological health. Licence conditions should be strengthened to require that water discharges have the strictest limits possible for metal concentrations.
- Vales Point and Eraring both pump out hot water into Lake Macquarie. In Summer especially, this can have a bad impact on seagrass environments in the Lake. Special licence conditions should be introduced that require Delta Electricity and Origin to invest in and undertake work to restore, repair and reverse localised ecosystem damage from these hot water discharges.

3. Licence conditions should require operators to publish more information

- Whilst monitoring data for each power station is published on a monthly basis, not every power station makes it easily accessible for communities. Conditions should be included in the licences that specify that monitoring data should be published in both pdf form (as it is currently) *and* in the form of a spreadsheet so that data can be more readily accessed and reviewed by community members.
- There are numerous conditions on licences that require operators to undertake various reports on an annual basis, including to provide an 'Annual Return' (summarising monitoring and compliance activities) and in relation to seagrass and air emission monitoring. The licences should include conditions that require operators to publish all reports required by the licence on their websites as well as all reports relating to coal ash including Coal Ash Management Plans.

4. Licence conditions should require better community engagement

- The licences for Vales Point and Bayswater power stations should specify that a CCC be set up for ongoing operations at the power stations, in accordance with the NSW Government's *Community Consultative committee guideline* (June 2023). This would formalise the existing Delta CARE Forum and establish greater community engagement, accountability and transparency.
- CCCs are a valuable transparency tool because they ensure that community members are able to put questions directly to operators and get updates on environmental performance, investigations and existing operations. A CCC would ensure quarterly meetings are held and meeting minutes published. This would improve community access to information and provide an opportunity for regular updates on power station operations and pollution impacts and incidents.

5. Climate change mitigation and adaptation plans (CCMAPs) should be added to the licences

- Vales Point, Bayswater, Eraring and Mount Piper are among the biggest CO₂ emitters in NSW so, in line with the EPA's Climate Change Policy and Climate Change Action Plan 2023-2026, they should be required to steadily reduce their CO₂ emissions to ensure the State meets its climate goals.

- Operators should be required to investigate and publish reports on how they can phase down CO₂ emissions, for example by changing to seasonal operation or putting the power station into reserve to support energy security whilst steadily reducing emissions.
- In order to create room for cleaner energy sources, the EPA should set licence conditions that limit the number of hours polluting coal fired power stations can run for each year.
- CO₂ emission limits should be added to the licences, along with end-dates for when CO₂ emissions should cease. If power stations wish to operate for longer than the CO₂ cease-date, the EPA should require operators to seek approval from the EPA for the licence change.

Figure 1- comparison of air pollution regulation at NSW coal fired power stations to EU limits in force since 2017

	Solid particles (mg/m ³)	Nitrogen oxides (mg/m ³)	Mercury (µg/m ³)	Sulfur dioxide (mg/m ³)
Bayswater and Mount Piper current licence limit	50	1500	50	1700
Vales Point current licence limit	50	980	50	1700
(NB, the NO_x limit is contained in the Exemption Order issued to Vales Point)				
Eraring current licence limit	50	1100	50	1700
European Union existing black coal plant (daily average limit) *	8	200	4	205
Comparison with current licence limits	NSW up to 6 times worse than EU limit	NSW up to 7.5 times worse than EU limit	NSW up to 12.5 times worse than EU limit	NSW up to 8 times worse than EU limit

*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>.

References

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- ² World Health Organization. Regional Office for Europe. (2006). Air quality guidelines global update 2005: particulate matter, ozone, nitrogen dioxide and sulfur dioxide. Copenhagen: WHO Regional Office for Europe. Available at: <https://apps.who.int/iris/handle/10665/107823>.
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- ⁵ Wang, X., Hu, W., & Tong, S. (2009). Long-term exposure to gaseous air pollutants and cardio-respiratory mortality in Brisbane, Australia. Geospatial Health, 3(2), 257-263.