



New South Wales

Protection of the Environment Operations Amendment (Clean Air) Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to improve air quality by providing for the standards of concentration for emissions of certain air impurities, being nitrogen dioxide, nitric oxide, sulfur dioxide, solid particles and mercury, that are not to be exceeded in relation to coal-fired power stations in New South Wales.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Protection of the Environment Operations Act 1997 No 156

Schedule 1 amends the *Protection of the Environment Operations Act 1997* in the manner described in the above overview.



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New South Wales

Protection of the Environment Operations Amendment (Clean Air) Bill 2021

No. , 2021

A Bill for

An Act to amend the *Protection of the Environment Operations Act 1997* to provide for the standards of concentration for emissions of certain air impurities that are not to be exceeded in relation to coal-fired power stations.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Protection of the Environment Operations Amendment (Clean Air) Act 2021*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1 Amendment of Protection of the Environment Operations Act 1997 No 156 1
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[1] Section 128 Standards of air impurities not to be exceeded 3

Insert after section 128(1)— 4

(1AA) Despite subsection (1), the occupier of a coal-fired power station must not carry on any activity, or operate any plant, in or on the power station in a manner that causes or permits the emission of an air impurity specified in the table to this subsection in excess of the standard of concentration specified opposite the air impurity. 5
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Air impurity	Standard of concentration
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	200 mg/m ³
Sulfur dioxide (SO ₂)	200 mg/m ³
Solid particles (Total)	20 mg/m ³
Mercury (Hg)	1.5 µg/m ³

(1AB) The standards of concentration specified in subsection (1AA) apply despite any standards of concentration prescribed by the regulations. 10
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[2] Section 128(1A) 12

Omit “Subsection (1) applies”. Insert instead “Subsections (1) and (1AA) apply”. 13

[3] Section 128(2)(a) 14

Insert “or specified by subsection (1AA)” after “subsection (1)”. 15