

LEGISLATIVE COUNCIL

Environment Legislation Amendment Bill 2021

First print

Proposed amendments

No. 1 Standards of air impurities

Page 33, Schedule 5. Insert after line 5—

[38A] Section 128 Standards of air impurities not to be exceeded

Insert after section 128(1)—

(1AA) Despite subsection (1), the occupier of a power-generating plant using a coal or coal derived fuel must not carry on any activity, or operate any plant, in or on the power-generating plant 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.

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—

- (a) any standards of concentration prescribed by the regulations, or
- (b) any alternative higher standard imposed by a licence condition.

(1AB) However, subsection (1AA) does not apply to the occupier of a power-generating plant using a coal or coal-derived fuel if the plant has an expected closure year, within the meaning of the National Electricity Rules, of no later than 2027.

[38B] Section 128(1A)

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

[38C] Section 128(2)(a)

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