Submission

in response to

**Clean Air for NSW Consultation Paper**

prepared by

Environmental Justice Australia

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Introduction

Environmental Justice Australia is a not-for-profit public interest legal practice. We have provided legal advice and representation to the community for over two decades on air pollution issues. We are currently advocating for better air pollution laws at the state and federal level to protect the health of communities and the environment. We also provide support to community members in understanding and advocating to prevent health impacts from significant pollution sources such as coal mines and coal fired power stations.

Each year, in the Greater Sydney region alone, air pollution causes 520 premature deaths, 6300 cumulative years of life lost, 1180 hospital admissions and an estimated $6.4 billion in health costs. And it’s expected to get worse. Particle pollution (PM$_{10}$) in NSW is expected to increase by 65% over the next 30 years.¹

During 2016, fine particle pollution (PM$_{2.5}$) concentrations exceeded the national standard at 15 of the 25 locations where it is monitored across NSW. Coarse particle pollution (PM$_{10}$) has exceeded the national standard at 20 of the 43 locations monitored.

Both pollutants contribute to serious health impacts such as heart attack, asthma, respiratory disease and death.

In the first nineteen days of 2017, nineteen air pollution alerts were issued in the Hunter. Alerts have been issued for eight of the 14 monitoring sites operated by the Office of Environment and Heritage in the Hunter Valley. According to EPA/CSIRO studies, more than 90 per cent of PM$_{10}$ in the Valley are caused by open cut coal mines.

The national standard for PM$_{2.5}$ is currently 8 micrograms per cubic metre. All Australian Governments have committed to complying with the lower standard of 7µg/m$^3$ by 2025. The current standard was exceeded during 2015 at seven of twenty monitoring stations across NSW including suburbs in western Sydney (Earlwood, Liverpool and Chullora), in Newcastle (inner city Carrington and Stockton, where Orica’s explosives manufacturing is the major emitter) and in the Hunter Valley (Muswellbrook, downwind of the Bayswater and Liddell coal-fired power stations). A further nine sites registered annual average PM$_{10}$ concentrations exceeding the longer-term 2025 standard. Without decisive actions that are not hinted at in the consultation paper, the NSW Government will not meet this standard.

A stronger approach to air pollution control is urgently required.

The impacts of air pollution are unfairly distributed. Community health is especially impacted in those parts of NSW where coal is mined or burned to generate electricity, in Sydney where houses are close to motorways and road tunnels, and in regions where people burn wood to heat their homes.

The Consultation Paper offers no real measures to control these major sources of air pollution.

The following actions should be adopted by the NSW Government as a priority.

1. **A strong air pollution control strategy for NSW must seek to reduce pollution levels to the lowest level possible, not to just below the national standards.**

There are significant health benefits in reducing pollution concentrations to well below the national standards, all the way down to zero. An effective air pollution control strategy must be based on objectives that are measured (e.g. a 50% reduction in emissions from coal mines by 2020), actions that are monitored, and meaningful community involvement.

2. **Tackle air pollution from power stations.**

Our five largest coal-fired power stations - Bayswater, Liddell, Eraring, Vales Point and Mount Piper - are some of Australia’s oldest and most polluting generators. They emit huge quantities of fine particle (PM$_{2.5}$) pollution, sulphur dioxide, oxides of nitrogen and a wide range of toxic pollutants. The NSW Government must commit to supporting the rapid closure of these major polluters and a planned transition to non-polluting renewable energy. This transition needs to be carefully managed to minimise social impacts.

In the short-term, coal-fired power stations must be required to implement all available measures to control air pollution.

3. **Control air pollution from coal mines.**

New and expanded coal mines should not be approved where pollution levels exceed the national standards. Existing coal mines need to be much more actively regulated to control coal dust.

In the Hunter and other coal-mining regions, open cut coal mines are responsible for about 90% of coarse particle pollution. These emissions have doubled in the last five years and trebled in the last ten, and PM$_{10}$ concentrations regularly exceed the national standard. So far in 2017, the three monitoring sites that record exceedances most frequently in the Hunter are Camberwell (8), Singleton North West (5) and Mt Thorley.

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$^2$ National Pollutant Inventory, 2011-2015
(5), closest to the largest open cut mines, including Mount Arthur which emitted more than 10.6 million kilograms of PM$_{10}$ last year - more than any other NSW coal mine.

This unfair health burden is shouldered by coalfield communities, not the mining companies. However, the Clean Air consultation paper provides no new actions to control air pollution from coal mines beyond the current (failing) licence conditions and the ‘Dust Stop’ program that entails wetting haul roads when conditions are hot, dry and windy.

4. **Cover coal wagons.**

Each year, millions of uncovered coal wagons pass through residential areas throughout NSW. Independent studies, including an inquiry conducted by the NSW Chief Scientist, have demonstrated that particle concentrations increase significantly as these wagons pass. The coal industry defines covering wagons as best practice, and studies confirm this can reduce coal dust emissions by 99%. But still it is not required by the government. All coal wagon that travel through or adjacent to residential areas should be covered as a mandatory requirement.

5. **Scrap dirty wood heaters.**

Wood heaters are responsible for 47% of Sydney’s fine particle (PM$_{2.5}$) pollution each year; up to 75% in July. This is a very high priority for controlling air pollution and one of the most cost effective options. But the Consultation Paper proposes no decisive actions to tackle this major source of PM$_{2.5}$ and passes the buck to local government. Local Government cannot control wood heaters. The two most cost-effective options, which are estimated to save over $6 billion in health costs - not allowing new wood heaters and requiring existing heaters to be removed before houses are sold - should be implemented. A modest incentive could support residents to replace their polluting wood heaters with clean, efficient heaters. Incentives for home insulation would reduce the need for heating.

6. **Polluters must pay.**

Air pollution costs the people of NSW dearly, with the most polluted communities carrying an unfair share of this burden. By requiring polluters to pay, the NSW Government can create incentives for cleaner production. One option would be to significantly increase the load-based licencing fees paid by major polluters. An analysis by Doctors for the Environment Australia recommends increasing fees to 50 times the current rate, so that polluters pay for their health impacts. We support and endorse the recommendations made by Doctors for the Environment Australia in their submission. Load-based licencing fees should also be paid by coal mining companies who are currently exempt.

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3 Consultation Paper, p.35