

DOC19/939558-2
Date: 13/11/19

Ms Phillipa Duncan
Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

Dear Ms Duncan

Gas Fired Power Stations – Lapse Date Extension for Major Project Approvals MP07_0174, MP07_0175, MP07_0176

I refer to your request on 28 October 2019 to the Environment Protection Authority ('EPA') seeking advice on a request for the extension of the approval date for three major project approvals MP07_0174, MP07_0175, and MP07_0176 (two gas fired power station and shared infrastructure located at Marulan). Given that the proposal will trigger the need for an Environment Protection Licence, the EPA has reviewed the submission provided and provides the following advice for your consideration.

The EPA notes that the three Major Project Approvals were approved in 2009 permitting two gas fired power stations and shared infrastructure on Canyonleigh Road, Brayton, located near Marulan. Since it has been 10 years from the initial approval of the projects, the EPA advises that there has been changes in relevant environmental legislation and guidelines. To assist, the EPA has outlined relevant changes in Attachment 1.

The EPA notes the proponent's commitment to ensuring that the proposed project will incorporate and apply best management practice in terms of emission controls. In addition, the EPA notes in the proponent's submission that extending the Project Approval timeframe will allow for further strategic planning, stakeholder consultation, environmental investigations and options analysis for the Project and potentially allow for improved environmental outcomes.

To this extent, the EPA recommends that should the 5-year extension be approved that proponent engage early with the EPA to ensure that the project design, development and operation will incorporate and apply present day best practice standards, controls, management and mitigation measures and meet relevant legislative and policy requirements.

If you have any questions or wish to discuss, please contact myself or Amanda Fletcher on (02) 6229 7002.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Goodwin', with a long horizontal stroke extending to the right.

JANINE GOODWIN
Unit Head, South East Region
NSW Environment Protection Authority

Contact officer: AMANDA FLETCHER
(02) 6229 7002

Attachment A

Changes to Clean Air Regulation

The EPA notes that the air quality assessments for the Energy Australia and Delta power stations were prepared with reference to the *Clean Air Regulation 2002*. The EPA advises that the *Clean Air Regulation 2002* has now been superseded by the *Clean Air Regulation 2010*.

The EPA advises that the listed emission standards for solid particulates and NO, NO₂ or NO₂ equivalent has not changed and notes that the original air quality assessment predicted compliance with the 2002 regulation.

The air quality assessments also referenced the *Approved Methods for Modelling and Assessment 2005* for criteria for NO₂, PM₁₀, SO₂, CO, acetaldehyde, acrolein, benzene, ethylbenzene, formaldehyde, total PAH, toluene, and xylenes. The EPA notes that the air quality assessments predicted compliance with these criteria.

The EPA advises that the *Approved Methods for Modelling and Assessment 2005* has been replaced by the *Approved Methods for Modelling and Assessment 2016* and that the criteria have been varied slightly with these updated guidelines. Specifically, the PM₁₀ criteria for an annual averaging period have been changed from 30ug/m³ down to 25ug/m³.

Changes to Noise Policy

The *Industrial Noise Policy 2000* was used in the preparation of noise impact assessments for the Energy Australia and Delta power stations and this is reflected in the project approvals. The EPA advises that the *Industrial Noise Policy 2000* has now been superseded by the *Noise Policy for Industry 2017*.

The EPA notes that there were predicted exceedances at four residences, with R23 and R24 predicted to be the most impacted by construction and operation of the projects. The EPA understands from information provided that the proponents have purchased R23 and R24.

The EPA also understands that the proponents have been liaising with the other two residences, R25 and R26, which were predicated to possibly be impacted by noise limit exceedances.

Water Quality

The EPA notes that the Environmental Assessment advised that there would be nil discharges to waters from the three projects. Should there be a proposed discharge to waters either during construction or operation, the EPA advises the proponent to contact the EPA's South East Regional Office to discuss legislative and/or assessment requirements.

