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Clean Air Regulation

Clean Air Regulation and its Application to Vales Point Power Station

Under the *Protection of the Environment Operations (Clean Air) Regulation 2010* (the Clean Air Regulation) scheduled plants belong to one of six (6) Groups, depending on the year in which the plant commenced operating. The Clean Air Regulation includes emission standards for a range of pollutants that apply to each Group and these standards become stricter in moving from Group 1 through to Group 6.

Vales Point Power Station (Vales Point), currently owned and operated by Delta Electricity (Delta), belonged to Group 2 due to the commencement dates of the existing unit 5 & unit 6 in 1978 and 1979, respectively. To continue as Group 2 for the purposes of NO_x emissions only, an application for the variation of the conditions of the EPL was required before the beginning of 2011.

The Clean Air Regulation specifies 'grandfathering' provisions where existing technology is not causing a significant risk of environmental harm. Under the grandfathering provisions, from 2012 any Group 2 plant is taken to belong to Group 5 *unless* the plant's Environmental Protection Licence (EPL) includes a condition that the plant is taken to belong to Group 2.

Where it can be demonstrated that the operation of Group 2 plant will not result in any adverse environmental or human health impacts, a licence variation may be granted by the NSW Environment Protection Authority (EPA) exempting the premises from complying with Group 5 standards for up to five years.

In June 2011, Delta received formal notification granting an exemption to Group 5 emission limits for oxides of nitrogen (NO_x) until 1 January 2017, but with a more stringent EPL NO_x emission limit of 1,500 mg/m³ compared with the Group 2 NO_x emission limit of 2,500 mg/m³. In 2015 Delta successfully re-applied for the exemption to be extended for a further 5 years to 1 January 2022.

Newer power stations, such as Mt Piper and Bayswater, operate at the same NO_x limit as Vales Point but do not require an exemption to do so due to the age of the power plants. Vales Point is seeking to operate at a NO_x limit that is the same as other power stations in NSW.