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Protection of the Environment Operations Act 1997

Order granting exemption under section 284

Background

- A. The NSW Environment Protection Authority (**EPA**) may exempt any person or class of persons from any specified provision or provisions of the *Protection of the Environment Operations Act 1997* (**POEO Act**) or the regulations, in the circumstances referred to in section 284.
- B. Snowy Hydro Limited (ACN 090 574 431) (**SHL**) holds Environment Protection Licence 13036 (**Licence**), issued under the POEO Act in respect of scheduled activities carried on at Colongra Power Station (**Colongra**) located off Scenic Drive, Budgewoi NSW 2262 (**Premises**).
- C. Colongra is occupied by SHL and operates as a 'peaking power station' that comprises four dual fuel (gas or diesel) turbines with low nitrogen oxides (**NO_x**) burners (Units: C1, C2, C3 and C4).
- D. On 12 April 2023, SHL emailed the EPA a letter dated 11 April 2023, requesting an exemption under section 284 of the POEO Act, in the circumstances detailed under section 284(2)(b), in respect of the planned routine maintenance combustion tuning of two turbine units (C1 and C4) (the **maintenance work**), to be conducted over a single 26 hour period within a window of 4 weeks to be scheduled in 2023 by the original equipment manufacturer (**Application**).
- E. SHL requested an exemption for this maintenance work from the following provisions:
 - i. Section 128 of the POEO Act – SHL commits an offence if the applicable standards of air impurities contained in the *Protection of the Environment Operation (Clean Air) Regulation 2022* (**Clean Air Regulation**) are exceeded;
 - ii. Section 52 and Schedule 2 of the Clean Air Regulation – requires SHL to comply with emission limits for NO_x¹ applicable for the duration of the maintenance work, of:
 - a. 70 mg/m³, while operating a turbine on gas, or
 - b. 90 mg/m³, while operating a turbine on diesel.
 - iii. Section 64 of the POEO Act – SHL commits an offence if *any* condition of the Licence is contravened, including Licence conditions L3.1, L3.2 and L3.3 which requires SHL to comply with emissions limits for NO_x applicable for the duration of the maintenance work.
- F. On 28 April 2023, in response to a verbal request from the EPA for further information, SHL emailed the EPA providing additional information from the original equipment manufacturer (**OEM**) of the turbine units in support of the Application.
- G. On 2 May 2023, SHL emailed the EPA providing an Air Quality Impact Assessment (**AQIA**) in support of the Application.
- H. On 8 May 2023, the EPA wrote to SHL requesting further information in respect of the Application for the purpose of addressing section 284(2)(b)(i) of the POEO Act.
- I. On 10 May 2023, SHL wrote to the EPA providing further information in support of the Application addressing the requirements under section 284(2)(b)(i) of the POEO Act.
- J. Concurrently with granting this exemption, the EPA will vary the Licence to insert revised temporary NO_x emissions limits and reporting requirements that will apply only to, and for the duration of, the maintenance work. Therefore, this exemption does not relate to Section 64 of the POEO Act (paragraph E.iii above).
- K. On **24 November** 2023, the EPA Executive Director Operations, by delegation, decided for and on behalf of the EPA that he was satisfied that:

¹ Nitrogen dioxide (NO₂) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO₂ equivalent.

- i. It is not practicable for SHL to comply with the provisions outlined in paragraphs E.i and E.ii. above in relation to NOx emissions, by implementing operational changes to plant or practices in accordance with section 284(2)(b)(i) of the POEO Act; and
 - ii. Non-compliance with the provisions outlined in paragraphs E.i and E.ii. above in relation to NOx emissions, will not have any significant adverse effect on public health, property or the environment in accordance with section 284(2)(b)(ii) of the POEO Act.
- L. On 8 June 2023, the Board of the EPA approved the granting of an exemption to SHL from section 128 of the POEO Act, and the emissions limits contained in Section 52 of the Clean Air Regulation, in relation to NOx emissions in accordance with section 284(2)(b)(iii) of the POEO Act, to enable SHL to carry out the maintenance work.

Order

By this Order, in circumstances where the EPA is satisfied that:

- (i) it is not practicable to comply with the relevant provision or provisions, by implementing operational changes to plant or practices, and
- (ii) non-compliance with the provision or provisions will not have any significant adverse effect on public health, property or the environment, and
- (iii) the Board of the EPA has approved the granting of the exemption,

the EPA grants Snowy Hydro Limited (ACN 090 574 431) an exemption under section 284 of the POEO Act from complying with the provisions of section 128 of the POEO Act and section 52 of the Clean Air Regulation in relation only to the activity and air impurities listed in Table 1 of this Order.

This exemption applies only in relation to the planned routine maintenance combustion tuning of two turbine units (C1 and C4) at Colongra Power Station.

Table 1.

Legislation	Provision	Requirements			
Clean Air Regulation	Schedule 2, Part 2, Division 2	Electricity generation			
		Air impurity	Activity or plant	Standard of concentration	
		Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO ₂ equivalent	A turbine operating on gas, being a turbine used in connection with an electricity generating system with a capacity of 30MW or more	Group 6	70mg/m ³
A turbine operating on a fuel other than gas, being a turbine used in connection with an electricity generating system with a capacity of 30MW or more	Group 6		90mg/m ³		

Duration of exemption

This Order takes effect from 1 December 2023 and has effect until 11:59 pm on 29 December 2023 unless otherwise revoked, varied or renewed. The Order may be revoked, varied or renewed by further order under section 284(7) of the POEO Act.

Note: Under section 284(8) of the POEO Act an exemption may not be granted or renewed so as to have effect for a total period exceeding 5 years. A further exemption granted within 5 years after the expiry of an earlier exemption (being a further exemption that is the same in substance as the earlier exemption) is to be treated as a renewed exemption for the purposes of section 284(8).



JASON R. GORDON

Executive Director Operations (by delegation)

Date: 24 November 2023