

Question on Notice – Transcript Reference from 17 August 2017	Appropriate EPA team/section to respond	Response
<p>Question on Notice No.1</p> <p><i>“How many trucks would there be carrying waste on any particularly day in NSW”?</i></p> <p>The Hon. Matthew Mason-Cox - page 62</p>	<p>Sarah Sutton - Suyog</p>	<p>There is no legislative general requirement for vehicles transporting waste to register the vehicle with the EPA or report individual movements to the EPA.</p> <p>The EPA does not require the monitoring of all waste vehicles carrying waste throughout NSW.</p> <p>Waste disposal, storage and recovery is recorded through the EPA’s waste resource reporting portal. Hazardous waste is tracked under the National Environment Protection Measure (NEPM) and the EPA’s Waste Locate tracks asbestos and tyres.</p>
<p>Question on Notice No.2</p> <p><i>“Previously the EPA has provided information in relation to the breaches associated with Mr Malouf and a range of his different companies. You have provided information in relation to written warnings, penalty notices, official cautions and prosecutions. Are clean-up notices picked up in that?”</i></p> <p>The Hon. Penny Sharpe – page 62</p>	<p>Greg Sheehy</p>	<p>No, clean-up notices were not included in the information previously provided.</p>

<p>Question on Notice No.3</p> <p><i>“If it is different—that clean-up notices are separate to these other issues—could you please provide to the Committee a list of all the clean-up notices that have been given to Mr Malouf and his range of companies?”</i></p> <p>The Hon. Penny Sharpe – page 62</p>	<p>Greg Sheehy</p>	<p>The Following clean-up notices were issued to companies with which Mr Malouf is associated:</p> <table border="1" data-bbox="1099 300 1668 555"> <thead> <tr> <th>Year</th> <th>Company name</th> <th>Number of clean up notices issued</th> </tr> </thead> <tbody> <tr> <td>2002</td> <td>Alexandria Landfill Pty Ltd</td> <td>4</td> </tr> <tr> <td>2011</td> <td>Alexandria Landfill Pty Ltd</td> <td>2</td> </tr> </tbody> </table> <table border="1" data-bbox="1099 630 1668 778"> <thead> <tr> <th>Year</th> <th>Company name</th> <th>Number of clean up notices issued</th> </tr> </thead> <tbody> <tr> <td>2011</td> <td>Boiling Pty Ltd</td> <td>2</td> </tr> </tbody> </table> <table border="1" data-bbox="1099 850 1668 1032"> <thead> <tr> <th>Year</th> <th>Company name</th> <th>Number of clean up notices issued</th> </tr> </thead> <tbody> <tr> <td>2017</td> <td>Dial-A-Dump (EC) Pty Ltd</td> <td>1</td> </tr> </tbody> </table>	Year	Company name	Number of clean up notices issued	2002	Alexandria Landfill Pty Ltd	4	2011	Alexandria Landfill Pty Ltd	2	Year	Company name	Number of clean up notices issued	2011	Boiling Pty Ltd	2	Year	Company name	Number of clean up notices issued	2017	Dial-A-Dump (EC) Pty Ltd	1
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<p>Question on Notice No.4</p> <p><i>“Those two detailed issues on the Mangrove Mountain issue, I am happy for you to take them on notice. We were asked whether there was a request for a risk assessment of site stability that had been made to the EPA recently. I wondered if you were agreeable to that risk assessment being performed?”</i></p> <p>The Hon. John Graham – page 65/66</p>	<p>Greg Sheehy/Rob Hogan</p>	<p>The landfill has not received waste since May 2014, and the EPA has commissioned expert landfill consultant Mr Alan Dyer to undertake a review of the interim environmental controls for the site to ensure that the community and environment continue to be protected while it remains in abeyance. This review is expected to be completed by October 2017 and will include an assessment of the existing controls in place at the site to monitor and properly manage any risks from stormwater, leachate, odours and site stability. Once the review is complete, the EPA will then work with the operator to ensure any recommendations for improvements are adopted.</p>
<p>Question on Notice No.5</p> <p><i>“Could you tell me in the last five years how much waste generation per person in New South Wales has reduced by?”</i></p> <p>Dr Mehreen Faruqi – page 66</p>	<p>Sarah Sutton – Suyog/Sara-Rose</p>	<p>In 2014-15, New South Wales residents generated 167 kg less waste per person compared to 2010-11, a reduction of 7%.</p> <p>NSW waste generation per capita for the most recently available data: 2010-11: 2,370 kg / capita; 2012-13: 2,341 kg / capita; and 2014-15: 2,203 kg / capita.</p>
<p>Question on Notice No.6</p> <p><i>“What percentage of the waste budget is actually put into waste avoidance? Really, you can take that on notice as well?”</i></p> <p>Dr Mehreen Faruqi – page 66</p>	<p>Kathy Giunta</p>	<p>Local government chooses to invest 6%, or \$8.86 million, of their Better Waste and Recycling Fund allocation under Waste Less Recycle More to avoidance projects in local communities. 17% of the \$34.5 million Regional Coordination Support Package is also invested in avoidance programs by local government.</p> <p>Avoidance accounts for 28.6% of the \$100 million Organics Fund.</p> <p>47%, of the \$57.5 million Business Recycling Fund is invested in avoidance through the Bin Trim and Circulate grants programs. Bin Trim supports improved waste avoidance and resource recovery outcomes in NSW small and medium sized businesses and Circulate is an industrial ecology program designed to support waste avoidance and reuse opportunities.</p>

		From 2013 to 2018 the EPA sponsored the Garage Sale Trail for \$400,000, an event that actively promotes waste avoidance.
Question on Notice No.7  <i>“When was that Investigation started?”</i>  Dr Mehreen Faruqi – page 67	Greg Sheehy	On 6 November 2015, the EPA conducted a site inspection of the premises and observed building and demolition waste being received, stored and transported from the premises by rail. Soon thereafter the EPA commenced an investigation into the lawfulness of these activities. The investigation is ongoing and is anticipated to be completed by the end of October this year.
Question on Notice No.8  <i>“The Waste Contractors and Recyclers Association also raised a point this morning about co-mingling of recycling. They said that that was a significant issue and that about 10 to 15 per cent of bales were being sent overseas because they were contaminated. Is there anything the EPA is doing to address that?”</i>  Dr Mehreen Faruqi – page 67/68		The Commonwealth Government regulates waste that is being exported from Australia.
Question on Notice No.9  <i>“Some evidence was given today about your take on Mangrove Mountain in respect of the water quality measurement. The evidence seemed to be that the NSW Office of Water sees it differently from you. Do you want to give some clarification on that?”</i>  <i>“Why would there be a discrepancy? Why</i>	Greg Sheehy	There is not a discrepancy between the agencies on the question of whether the Mangrove Mountain landfill is impacting on groundwater quality. The EPA and DPI Water are responsible for regulating different aspects of groundwater management at the site.  In terms of groundwater <b>quality</b> , the EPA has responsibility for regulating the landfill to ensure it protects the environment and the community, including protecting groundwater from pollution. The EPA licence for the site requires groundwater monitoring to be undertaken by the operator and the results have been reported annually to the EPA since 2002. These results have been assessed by the EPA’s technical

<p>would one agency have an issue and the other agency does not?”</p> <p>The Chair – page 68</p>		<p>staff and in 2017 were also assessed by external expert landfill consultant Mr Alan Dyer as part of his review of the landfill and proposed future operations. These assessments have not identified any evidence that the groundwater quality has been affected by the landfill.</p> <p>In terms of groundwater <b>flow and quantity</b>, DPI Water has responsibility for regulating the interception and extraction of water resources including groundwater. The EPA understands that DPI water has been advising Central Coast Council and the landfill operator of its requirements in relation to potential groundwater interception at the landfill within an excavated cell that has not yet had an engineered lining installed or any waste placed in it.</p>
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<p>Question on Notice No.10</p> <p><i>“I want to raise questions arising from the Shoalhaven City Council submission, which talks about the applicability of fairness. It states:</i></p> <p><i>As a regional area with low socio economic indicators and high unemployment, the Shoalhaven is regulated together with the Sydney Metropolitan levy area and charged a levy of \$138.20/t. In comparison, the Blue Mountains and Wollondilly, both clearly closer in distance to Sydney and more economically empowered, are classified as being in the Regional Levy area and charged a levy of only \$79.60/tonne. Eurobodalla, the Shoalhaven's immediate southern neighbour, on the other hand, is considered to be outside of the levy regulated areas and does not get charged any waste levy.</i></p> <p><i>Do you think it is fair that two of the regions that are closer pay half the levy and that there seems to be an inequity of fairness?..... Are you prepared to take a question on notice and supply the reason for your predecessor, or whoever, making that policy decision and why it still stands, given its unfairness?”</i></p> <p>The Chair – page 69</p>	<p>Sarah Sutton</p>	<p>The Waste Minimisation and Management Regulation commenced in 1996. The regulation defined the boundaries for the existing Sydney Metropolitan Area (SMA) where the levy rate was \$10/tonne and introduced a new levy area called the Extended Regulated Area (ERA), comprising Cessnock, Gosford, Kiama, Lake Macquarie, Maitland, Newcastle, Port Stephens, Shellharbour, Shoalhaven, Wingecarribee, Wollongong and Wyong LGAs (and later, Hawkesbury). The ERA levy rate was initially set at \$4.00/tonne and increased to \$8.00/tonne in 1997-98.</p> <p>The relevant waste legislation set out incremental increases over time until the ERA reached parity with the SMA in 2013-14.</p> <p>In 2008 a third levy area, the Regional Regulated Area, was introduced by an amendment to the <i>Protection of the Environment (Waste) Regulation (2005)</i>. This incorporated the Blue Mountains, Wollondilly, certain LGAs in mid and northern NSW (Ballina, Bellingen, Byron, Clarence Valley, Coffs Harbour, Gloucester, Great Lakes, Greater Taree, Kempsey, Kyogle, Lismore, Nambucca, Port Macquarie-Hastings, Richmond Valley and Tweed), and additional Hunter councils (Dungog, Muswellbrook, Singleton and Upper Hunter). The RRA levy commenced in FY 2009-10 at \$10.00 per tonne.</p>
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<p>Question on Notice No.11</p> <p><i>'The evidence from some of the industry, including Dial A Dump today, is that a solution to illegal dumping— and also to the waste in Queensland, would be to apply it at the instigator. How hard would that be to do? Around regulation or legislation?'</i></p> <p>The Hon. Shayne Mallard - page 71</p>	<p>Strategy</p>	<p>The waste levy liability currently crystallises at the point of disposal; changing that arrangement would require legislative amendments.</p>
<p>Question on Notice No.12</p> <p><i>"In relation to the National Waste Reports, can you confirm that the most recent report says that New South Wales cannot supply accurate data so that there are estimates in relation to the recycling rate in New South Wales? I believe it is section 1.4. You can take the question on notice, if you like?"</i></p> <p>The Hon. Penny Sharpe – page 72</p>	<p>Sarah Sutton</p>	<p>The EPA was unable to provide the 2014-15 data in time for the National Waste Report in February 2017 as the 2014-15 data had yet to be approved and tabled in Parliament, as required under the <i>Waste Avoidance and Resource Recovery Act (2001)</i>.</p>
<p>Question on Notice No.13</p> <p><i>"Have you had much interaction with the waste to energy technology—the pitfalls, the opportunities, the pros and cons—as it feeds into the waste to energy policy of the Government? But you have not visited an incinerator? I mean the EPA. Have you or your representatives been to see a facility like that? Have any of those who formulated the policy</i></p>	<p>Strategy</p>	<p>The NSW Energy from Waste Policy Statement was developed with advice from a Consultative Committee, which included representation from state and local government, an environment group, the waste and recycling industry, and an independent expert.</p> <p>No staff of the NSW EPA who worked on the formulation of the Policy Statement visited an energy from waste facility. No such facility was operational in NSW.</p>

<p><i>visited such a facility? Please take that on notice and also the level of engagement with that technology more generally and the input in relation to the energy from waste policy.”</i></p> <p>The Hon. Matthew Mason-Cox – page 73</p>		
<p>Question on Notice No.14</p> <p><i>“Who challenged the Principle?” (referring to the proximity principle in clause 71 of the POEO (Waste) Regulation 2014</i></p> <p><i>(“I am not certain of the exact entity”. I am hesitating because it was Bingo Group, but I am not sure of the exact entity.”)</i></p> <p>The Hon. Penny Sharpe – page 74</p>	<p>Strategy</p>	<p>The entities that commenced legal proceedings in the Federal Court challenging the validity of the proximity principle as legislated by clause 71 of the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> were:</p> <ul style="list-style-type: none"> <li>• St Mary’s Recycling Pty Ltd;</li> <li>• Adderley Recycling Pty Ltd; and</li> <li>• Smithfield Recycling Pty Ltd</li> </ul>
<p>Question on Notice No.15</p> <p><i>“How much has been transported since 2012 and since they took the levy?” (Refers to transport of waste to QLD)</i></p> <p>The Hon. Matthew Mason Cox – page 74</p>	<p>Sarah Sutton – Suyog/Sara-Rose</p>	<p>Waste transported to Queensland for either disposal or recycling:</p> <ul style="list-style-type: none"> <li>• 2015-16, around 410,000 tonnes</li> <li>• 2016-17, around 690,000 tonnes</li> </ul>
<p>Question on Notice No.16</p> <p><i>“What would be the estimated levy if they had dumped the waste in NSW?”</i></p> <p>The Hon. Matthew Mason Cox – page 74</p>	<p>Sarah Sutton</p>	<p>In 2016-17, 370,000 tonnes of waste was transported to Queensland for disposal from the Metro Levy Area. This equates to an estimated \$50,209,000 in NSW levy.</p>