

Energy from Waste Technology – Supplementary Questions

Question on Notice	Response
<p>1. In relation to illegal dumping, since April 2011 can you please provide to the Committee by year: a. Number of reports to the EPA about illegal dumping.</p> <p>b. Number referred to local Councils.</p> <p>c. Number of investigations.</p> <p>d. Number of clean-up notices issued.</p> <p>e. Number of written warnings.</p> <p>f. Number of penalty notices.</p> <p>g. Number of official prosecutions.</p> <p>h. Number of fines issued and quantum of each fine.</p> <p>i. Number of prosecutions and outcomes of these prosecutions.</p>	<p>a. Reports to EPA</p> <p>2011 - 180</p> <p>2012 - 218</p> <p>2013 - 265</p> <p>2014 – 280</p> <p>2015 - 410</p> <p>2016 - 512</p> <p>2017 – 382</p> <p>b. Reports refer to Councils</p> <p>2011 - Data not available.</p> <p>2012 - 22</p> <p>2013 - 35</p> <p>2014 – 43</p> <p>2015 - 39</p> <p>2016 - 47</p> <p>2017 – 26</p> <p>c. Investigations</p> <p>2011 - Data not available.</p> <p>2012 - 60</p> <p>2013 - 230</p> <p>2014 – 237</p> <p>2015 - 371</p> <p>2016 - 465</p> <p>2017 – 356</p>

	<p>d. Clean Up Notices 2011 - 7 2012 - 19 2013 - 15 2014 - 12 2015 - 11 2016 - 25 2017 - 17</p> <p>e. Written warnings and official cautions 2011 - Data not available. 2012 - 2013 - 2 2014 - 10 2015 - 6 2016 - 18 2017 - 12</p> <p>f. Penalty Notices 2011 - The EPA has requested this information from the State Debt Recovery Office 2012 - 8 2013 - 14 2014 - 12 2015 - 11 2016 - 17 2017 - 17</p>
--	---

	<p>g,h,i. Prosecutions</p> <p>2011 (from April 2011) – 2, all convicted \$23,500</p> <p>2012 – 13, all convicted \$141,700</p> <p>2013 – 4, all convicted, \$55,000 (plus 1 contempt of court action against Dib Hanna – 3 month suspended term of imprisonment)</p> <p>2014 – 6, all convicted, \$55,000</p> <p>2015 – 7, all convicted, \$145,000</p> <p>2016 – 10, all convicted, \$404,000</p> <p>2017 (so far) – 1, convicted, \$7,000 & currently the EPA has 10 prosecutions in court relating to alleged illegal dumping.</p>
<p>2. Has the EPA identified the officer who was leaking confidential information to Craig Izzard? What action has been taken against that officer?</p>	<p>ICAC have not provided any information that an EPA officer was implicated in the matter.</p>
<p>3. What role does the EPA play when illegal operations are detected and are considered possibly linked to organised crime? What processes are in place to liaise with NSW Police?</p>	<p>The EPA’s investigation procedures include undertaking criminal record searches as appropriate.</p> <p>The EPA works with the NSW Police and seeks assistance in undertaking investigations, site inspections and executing search warrants.</p> <p>The EPA has an MOU with the NSW Police that facilitates information sharing and providing assistance and undertaking joint operations as appropriate.</p>
<p>4. Mangrove Mountain</p> <p>a. If the Mangrove Mountain site was a greenfield site, would a proposal for a landfill site in this location meet current guidelines for solid waste</p>	<p>a) Any proposal for a landfill in NSW would be assessed on its merits against the EPA’s Environmental Guidelines - Solid Waste Landfills. Part</p>

<p>landfill in NSW?</p> <p>b. Was the EPA aware that Gosford City Council was delivering waste to the Mangrove Mountain site? i. What, if any, action was taken about this?</p> <p>c. Will the EPA consider cancelling the licence at Mangrove Mountain?</p>	<p>A of those guidelines lists a range of siting restrictions that would be taken into consideration as part of that assessment.</p> <p>b) Yes. No action was taken by the EPA as the waste from Gosford City Council was lawfully delivered and received.</p> <p>c) Section 4.2 of the EPA’s Compliance Policy sets out the variety of approaches and tools the EPA has available to address the environmental issues and non-compliances it detects.</p>
<p>5. Energy from waste facility at Eastern Creek Page 3 dot points 7-14 of the Waste Contractors and Recyclers Association of NSW submission to the inquiry raises a number of issues associated with the Next Generation proposal. Could you please provide a response to the issues raised in the submission?</p> <p><i>Dot Points 7-14</i></p> <ul style="list-style-type: none"> • <i>The TNG proposal is a much larger scale than any EfW facility ever considered in Australia and is amongst the largest EfW proposals in the world;</i> • <i>Therefore, if this proposal is approved, it is vital that provision be made for sufficient regulatory resourcing from the principal regulatory public authorities i.e. NSW Environment Protection Authority and NSW Department of Planning & Environment to assess the on-going performance of the proposed TNG EfW facility. The reason for this is two-fold. Firstly, to ensure that proper compliance with the relevant statutory approvals, authorisations and licences are lawfully maintained. Secondly, to ensure that public community confidence in the relevant regulatory authorities’ abilities to monitor the TNG EfW facility is robust and transparent;</i> 	<p>Dot Points 7-10</p> <p>Resources required to monitor compliance will be determined once any conditions of any potential Project Approval are known.</p> <p>Dot Points 11-14</p> <p>The EPA also raised concerns regarding waste quantity and quality of the C&D waste stream proposed to be used in the TNG energy from waste facility in its formal submission to the Department of Planning and Environment during the public exhibition period for the development assessment for this proposal. The EPA’s submission can be found on the Department of Planning and Environment’s website at http://www.planning.nsw.gov.au/</p>

- *The proposal for real time reporting on emissions requires a significant investment of extra technical resources from the EPA;*
- *Whilst the EPA will presumably have direct access to view this live data on a 24 hour basis, the need for extra expert resourcing to monitor and action any exceedances is of key significance. The EPA as the key relevant regulator, needs to ensure that sufficient resourcing is provided for the TNG EfW facility, (which will be the first of its kind on NSW) – and for subsequently proposed EfW facilities;*
- *It is proposed that 50% of the input tonnes will be derived from the NSW C&D waste stream. Members have suggested this amount of residual C&D waste suitable for feedstock for EfW (after removal of all recoverable & recyclable materials) is not available;*
- *Furthermore, members have suggested they are not aware of any other EfW facility internationally which relies so heavily on the C&D waste stream for its feedstock;*
- *The TNG proposal relies heavily on wood waste for a significant portion of the Net Calorific Value. Treated wood waste can contain CCA, PCB, fire retardants and paints. It is vital that TNG details proposed screening procedures which limit or eliminate these contaminant materials;*
- *The proposal states approximately 1.4 million tonnes pa of C&I waste is available for EfW input. Members have suggested this amount of residual C&I waste suitable for feedstock for EfW (after*

<i>removal of all recoverable & recyclable materials) is not available.</i>	
6. What action is the EPA taking to address concerns about the lack of an integrated, co-ordinated plan for the future of waste management in NSW?	The EPA will soon release the updated draft NSW Waste and Resource Recovery Infrastructure Strategy 2017-2021 for consultation.
7. What resources would be dedicated to the monitoring of emissions and other development consents if the energy from waste proposal is approved at Eastern Creek?	See answer 5.
8. What action is the EPA undertaking in relation to the development of a NSW landfill policy?	See answer 6.