Responses to further supplementary questions

Energy from Waste

1. **Please provide an update on any additional feedback or information your agency has provided on The Next Generation energy from waste facility at Eastern Creek since the proponent responded to the amended environmental impact statement.**

Response:

The Department of Planning and Environment (DPE) has received the Response to Submissions (RTS) report from The Next Generation. The EPA and DPE are conducting a preliminary review of the documentation for DPE to determine whether it will accept the RTS. The EPA has not provided any additional feedback or advice to DPE in relation to this proposal to date.

Transporting waste

2. **Please provide and update of any further actions, including any work undertaken with industry, your agency has taken to limit the transportation of waste outside of New South Wales.**

Response:

The cross-border transport of waste from NSW is driven by a number of economic and regulatory factors. The EPA's capacity to limit the movement of waste outside of NSW by way of legislative reform is constrained by the restrictions imposed by the Commonwealth Constitution.

Within the limitations imposed by these constraints, the EPA is currently exploring a number of policy options and regulatory mechanisms designed to reduce the economic, environmental and resource costs associated with the unnecessary long-distance transport of waste.

Given the cross-jurisdictional nature of the economic and regulatory factors driving the long-distance transport of waste, the NSW EPA is working on developing a national regulatory response with its counterpart agencies via the Heads of Environment Protection Agencies forum and the associated National Waste Working Group.

Illegal dumping

3. **Please provide an update of any further actions your agency has taken to limit illegal dumping.**

Response:

Since the commencement of *Waste Less, Recycle More* initiative, $123 million has been provided to combat and prevent dumping. $58 million between 2012-16 and a further $65 million 2017-21.

Funding has been provided to local councils, community groups, Local Aboriginal Land Care Services and other public land managers, not only to clean up dumped waste, but install prevention infrastructure such as gates, signage and cameras. Funding is also provided to run education campaigns to drive behaviour change around reporting illegal dumping and deterring illegal dumpers. Since the commencement of Waste Less, Recycle More $7.1 million has been allocated to

133 projects under the Combatting Illegal Dumping: Clean-Up and Prevention Program, Aboriginal Land Clean-Up and Prevention Program, Charitable Recycler Program and the Householders' Asbestos Disposal Scheme.

Since 2012, $8.5 million has been allocated to five Regional Illegal Dumping (RID) squads and programs ranging from Bega in the South to Muswellbrook in the North, out to Penrith in the West. These squads specifically investigate illegal dumping on behalf of council at the local level and act as a deterrent to people dumping. A further $9 million has been committed. In 2015-2016 RID squads collectively investigated 11,000 cases (47,000t of waste) issued 794 regulatory notices with total fines and prosecutions equalling $720,220.

The first state-wide illegal dumping database has been established which means anyone, anytime, anywhere can report dumping. The database allows for incidents and prevention infrastructures to be mapped. This assists in informing areas to target to implement prevention strategies. Since launch 32,000 incidents have been logged with 973 registered users.

The EPA has a continuous program to conduct social research to better understand the motivators behind what drives people to dump. This informs targeted prevention campaigns to reduce the motivators to dump and increase lawful behaviour. EPA has conducted two sets of research since 2015; overall motivators for dumping and research specifically on kerbside dumping.

The EPA has a draft multifaceted Illegal Dumping Strategy 2017-2021 which recognises there is not one method that will reduce and prevent dumping but multiple methods. The general public and relevant stakeholders have been consulted on the strategy. All submissions will be considered in finalising the document for release.

Regulation

4. The committee has received evidence criticising the regulatory efforts of your agency.
   a. How does your agency determine when an environmental concern will be investigated.
   b. Please provide details of how your agency determines what action in its 'regulatory toolbox' (i.e. a warning, fine or prosecution) will be used.

Response:

a. The EPA investigates all matters that come to its attention for which it is the appropriate regulatory authority as determined by section 6 of the *Protection of the Environment Operations Act 1997*. The nature and scope of an investigation is determined by the particular circumstances of each matter, the significance of any actual or potential environmental harm or impact on human health and the prospects of identifying potential offenders. Each matter is then prioritised for further action as appropriate.
b. The EPA determines what regulatory action to take in accordance with matters outlined in its Compliance Policy and Prosecution Guidelines.

Active Tree Services

5. The committee received evidence from Active Tree Services about its proposal to compress the by-product of its urban tree management business into a briquette that can be used as a fuel for domestic or industrial heating.1 Could you please provide information about the NSW EPA's policy about incinerating tree by-product?

Response:

The EPA's Energy from Waste Policy Statement (Policy) outlines the policy framework and technical criteria that apply to facilities proposing to recover energy from waste in NSW. The Policy establishes a 'two-tier' framework separating the requirements for low-risk wastes proposed for thermal treatment from all other wastes.

Waste or waste-derived materials that pose a minimal risk of harm to human health and the environment due to their origin, low levels of contaminants and consistency over time are characterised as 'eligible waste fuels' and listed in the Policy. Eligible waste fuels may be thermally treated using a range of treatment technologies, provided a resource recovery order and exemption has been granted by the EPA.

There are three eligible waste fuels that may be considered 'tree by-product':

1. Forestry and sawmilling residues. This refers to uncontaminated, organic fibrous wood residues and natural wood wastes that result from forestry and sawmilling operations such as heads, tree-thinnings, sawmill sawdust, shavings, chips, bark and other offcuts.
2. Uncontaminated wood waste. This refers to wood waste that is generated in primary and secondary manufacturing processes at facilities with demonstrated quality control over the uncontaminated wood waste stream.
3. Source separated green waste. This refers to garden vegetation and plant materials that are segregated at the point of generation and collected as a separate material stream for processing; for example, garden organics from arborist operations, commercial gardening operations, council garden waste kerbside collections and public drop-off collections. This includes materials such as branches, grass, leaves, plant trimmings, tree stumps and bark. It should be noted that source separated green waste is an eligible waste fuel only when it is used in a thermal process to produce char (such as pyrolysis) for land application.

Facilities proposing to thermally treat any waste or waste-derived materials that are not listed as an eligible waste fuel must meet the requirements of an energy recovery facility.

6. Active Tree Services told the committee that its proposal uses technology that is common in Europe.2 Are you able to provide information about how this type of technology is used overseas and explain why New South Wales has not adopted similar practices?

Response:

The EPA assumes the technology being referred to in the question is the compression of the by-product of urban tree management into briquettes for the use as a fuel in boilers to generate energy.

On this basis, the EPA understands that the three eligible waste fuels listed above in response to question 5 have been used for the generation of energy for many years overseas. In NSW, the use of eligible waste fuels, including by-product of urban tree management, for energy recovery is also permitted as long as the applicant:

1. meets the requirements of the EPA's Energy from Waste Policy (the waste definitions and the facility criteria) and
2. provides evidence that the relevant emission standards as set out in the *Protection of the Environment Operations (Clean Air) Regulation 2010* will be met by the proposed technology.

There are currently five EPA approved projects that use uncontaminated wood waste and forestry and sawmilling residues as a fuel for energy recovery purposes. Several additional proposals are currently being assessed.

7. Active Tree Services stated that it is preferable to have small boilers that can generate energy onsite using briquettes for facilities such as the Botanic Gardens. However, argued that it is too difficult to receive permission for such boilers.3 How could small scale energy from waste facilities be better utilised in New South Wales?

Response:

The Eligible Waste Fuels Guideline provides a pathway for eligible waste fuels to be used to recover energy in NSW without a person needing to hold an environment protection licence or pay the waste levy. Anyone can apply to the EPA for approval to use an eligible waste fuel at their facility, however they must be able to show their intended activity meets certain minimum criteria.