

Select Committee on Proposed Energy from Waste Facilities

NSW EPA response to the question on notice (page 56 of the transcript)

TONY CHAPPEL: Very significantly, Chair, going back 15 years to when these frameworks were first developed and then as they've been refined through various government decisions. Certainly the special activation precinct concept that the former Government progressed involved extensive engagement, led by our colleagues in the Department of Primary Industries and Regional Development. For the EPA, as we've developed our input into these processes, we've conducted, again, extensive engagement and consultation, including most recently to inform this updated landing of settings. That included open processes with the community and various other channels as well. The important point about the commercial players that I want to make is we didn't want to go out to consult communities on precincts that might have no potential to progress or proceed. It's important we have a meaningful consultation with communities so we can understand their feedback and take that into account.

The CHAIR: You used the terms "extensive engagement" and "meaningful". Obviously that's debatable because many of the communities that are potentially impacted are suggesting it's the opposite of that. Is any of this extensive engagement and feedback publicly available?

TONY CHAPPEL: I understand it is.

The CHAIR: All of it?

TONY CHAPPEL: I'm not sure about the various community submissions, but I'm confident they are available. I'm happy to take that on notice.

The CHAIR: So you'll take that on notice and take a look at that. Obviously that comes to the question and the heart of transparency around all of this, which is many of the concerns being advanced by communities—that they feel that the process hasn't been transparent and open enough. If you're able to take that on notice, I'll move on. Why was Richmond removed from the list? Was that on the Minister for the Environment's say-so?

TONY CHAPPEL: Ultimately all of these precincts were decided by government at the Cabinet level.

Answer

See response at Q.39 in the attached supplementary QoNs response.

NSW EPA response to the question on notice (page 57 of the transcript)

TONY CHAPPEL: What I can guarantee is that if there are exceedances or any emissions that breach the relevant standards or jeopardise community or environmental health, the EPA will act and will do so immediately, including, if needed, to suspend the licence or halt the operation. All of that can occur with a facility of this kind in a way that's much more challenging when you compare that to a landfill, where the very significant odour impacts, the methane emissions, the leachate—they're not something that the regulator can just immediately step in and halt. They require very significant additional interventions, often, as we've seen in various parts of the State in recent years. The nature of the facility as an industrial facility, and given the history of this technology and that our settings are very much aligned to very high standard jurisdictions like the European Union or the United Kingdom, and our experience in managing those kinds of facilities, all give me that confidence. My colleague Mr Beaman can perhaps just outline the way the five gates of quality control that any—

The CHAIR: No, that's fine. We don't need that level of detail. You can provide that on notice if you'd like.

Answer

See response at Q.8 in the attached supplementary QoNs response

NSW EPA response to the question on notice (page 58 of the transcript)

The Hon. ROD ROBERTS: Chair, may I rudely interrupt? I have one question and one question only. As you're aware, I have a commitment that I need to get to. Mr Chappel, I draw your attention to the EPA website, yoursay.epa.nsw.gov.au/energy-waste-regulation. It states:

The Draft Regulation proposed changes to energy from waste in NSW to:

- improve certainty to communities and industry around acceptable locations of facilities.

The part that I'm interested in is the second dot point, which states:

- apply the precautionary principle where there is a greater risk of harm to human health due to proximity to high population areas (now and into the future), and in areas where there are regular exceedances to air quality standards from existing sources.

Can you explain to me what the precautionary principle is identified in that document on your website?

TONY CHAPPEL: I don't have that in front of me. I'm happy to take a look at it. I'm not aware of any content like that that's currently on our website. That may be a piece of content that was on our website. I'm very happy to take a look at it.

The Hon. ROD ROBERTS: Chair, may I approach the witness and hand them a copy of the website on my phone at the moment that I've just looked up?

The Hon. EMILY SUVAAL: Are you tabling that?

The Hon. ROD ROBERTS: I can't table my phone. Let's see if the witness has any objection to looking at it first, and then I have a printed document that I can circulate to everybody. I only have one copy of it. Do you have any objection?

TONY CHAPPEL: I'm happy to take the printed document. I'm just not sure.

The Hon. ROD ROBERTS: This is not a trick. We're not here to trick you at all. This is the EPA's website. I've just looked it up now. It says, "Energy from waste", "Why it matters?" et cetera. Dot point two states:

- apply the precautionary principle where there is a greater risk of harm to human health due to proximity to high population areas (now and into the future), and in areas where there are regular exceedances to air quality standards from existing sources.

There are a number of dot points. That's the only one I'm interested in.

TONY CHAPPEL: That's not some cache thing? That's current?

The Hon. ROD ROBERTS: That's current. If you Google yoursay.epa.nsw.gov.au/energy-waste-regulation, that's what comes up. It relates to the regulation as of 8 July 2022. In that case, can you explain to us then what the precautionary principle is?

TONY CHAPPEL: I think that's probably a misapplication of the precautionary principle. The precautionary principle states that cost-effective action to mitigate risk should be taken, notwithstanding an absence of complete certainty. I certainly haven't personally seen that content before. I'm not denying that it's there.

The Hon. ROD ROBERTS: Without it being a trick, could you take it on notice, then, perhaps, and come back to us? I think, from your own document, it doesn't talk anything about what you've just said; it talks about the greater risk of harm to human health.

Answer

The question has been answered at the bottom of page 58 and the top of page 59 of the transcript

NSW EPA response to the question on notice (page 62 of the transcript)

The Hon. EMILY SUVAAL: In terms of the waste infrastructure that we've got currently, I'm interested to hear what has happened in the last 10 years, or perhaps over the period of the last Government, in terms of waste infrastructure and what had been built.

TONY CHAPPEL: Off the top of my head, I think—

STEPHEN BEAMAN: We might have to take that one on notice.

TONY CHAPPEL: Yes. A number of these are longstanding facilities that didn't commence operation in the last decade. I think Woodlawn goes back to the early 2000s, and the Lucas Heights facility, which is another major landfill for Sydney, was even earlier. Let us take that on notice about the level of infrastructure development in that period.

Answer

No new landfills have been developed to serve Greater Sydney in the last 10 years, however Lucas Heights landfill received approval to expand operations in 2017.

NSW EPA response to the question on notice (page 63 of the transcript)

The Hon. PETER PRIMROSE: These questions have both already been addressed, but I'm just seeking more information. Earlier today Mr Angel said—and I think I wrote down his quote—"What do you do with the toxic residue from incineration?" You've already addressed that. I was wondering whether you might take on notice to give us a bit more information about the options and the alternatives. I think it's an issue worth considering, and what would actually happen and what are the options.

The second one was from Mr Martin from the NSW Farmers Association. We had a discussion here about the issue. Essentially, this has been presented to us now as landfill versus energy from waste. It has been suggested, including by me from reading the material, that we're running out of landfill options. What was put to us was, "How can you be running out of holes? New South Wales has lots of holes. We presumably, if we wish, could continue using landfill." I put that question and you and others have said, "We're not only talking about holes. We're talking about something that needs to be adequately addressed et cetera." I also notice that it's presented as a dichotomy, even in your submission. I, for one, would like to see some more information about addressing the issue. Why can't we develop more landfill in Greater Sydney, for example, or which would take waste from Greater Sydney? Given that we're presented with a simple dichotomy that is being challenged, I think it's worthwhile us receiving some more information on that.

TONY CHAPPEL: I think in answering that we'll also reference the waste hierarchy that my colleague Mr Beaman laid out, which is in the Waste Avoidance and Resource Recovery Act. We're required to use that framework, but it's not just reduce, re-use, recycle. The recovery of metals and other material and energy is one step above that ultimate disposal in perpetuity to landfill. We see them very much in complementary terms about minimising the overall environmental impact of how we deal with waste products. But we'll lay out how the system fits together.

Answer

There are two options for managing residual waste that cannot be recovered. Those two options are landfill or utilising energy from waste. The Waste and Circular Infrastructure plan and the NSW Government both acknowledge the role each of these approaches plays in the residual waste management mix. What the Plan establishes is the settings to enable the private sector to invest with confidence in either of these approaches. The NSW Government is not making direction for how the mix is to be allocated.

The EPA is also liaising with industry to obtain a better understanding of the nature of bottom ash and pollution control residues, including PFAS. As noted in the Waste and Circular Infrastructure plan we are also establishing an intergovernmental working group to consider these materials and appropriate pathways for their management.

With regards to old mining sites, there may be potential to utilise these for new landfill infrastructure. However modern landfills are complex engineering projects that need to take account of geology, geomorphology and hydrology to assess site viability. This also needs to be paired with consideration of the costs of transport and access for any potential site. These assessments would be carried out by any private sector operator seeking to establish and operate a site and any environmental and human health impacts of the development would be assessed in accordance with the requirements of the planning system.

NSW EPA response to the question on notice (page 63 of the transcript)

The Hon. NATASHA MACLAREN-JONES: In relation to the Waste and Circular Infrastructure Plan, I'm interested to understand whether or not there has been modelling done around the cost of transporting waste for the waste-for-energy model, and road versus rail and where those costs would be shifted to, effectively.

TONY CHAPPEL: Yes, we have certainly looked at that, both from a simple cost basis and also in terms of what you might consider a life cycle greenhouse gas assessment of vehicle or rail movements for the various material flows. I think some of those materials are in the second chapter, which is now nearing finalisation. That will be, I expect, released early in the new year. We can take on notice, perhaps, the detail because I just don't have it in front of me.

The Hon. NATASHA MACLAREN-JONES: That's fine.

Answer

Rail freight produces 16 times less carbon pollution than road freight per tonne-km travelled. Rail freight generates 92 per cent less particulate matter pollution (PM10) than road freight for each tonne-km of freight moved. Logistics analysts in Australia typically estimate that rail can be 10–40% cheaper per tonne-km than road freight for bulk shipments.

Ultimately, this modelling and business case assessments would need to be undertaken by a private sector operator seeking to establish an energy from waste facility or landfill.

EPA plays no role in how costs are apportioned for waste management.

NSW EPA response to the question on notice (page 64 of the transcript)

The Hon. NATASHA MACLAREN-JONES: My final question—and I'm happy for you to take it on notice—is about the regulation around contamination. What is required of organisations to do regular testing of soil, air and all of that, and to be compliant?

TONY CHAPPEL: Absolutely. There's a series of pollutants where real-time monitoring would be required and then some other residues that are tested for at regular intervals as well, and other monitoring on the site and in the surrounding environment. We can lay all that out in our answer.

Answer

See response at Q.8, Q.22 and Q.28 in the attached supplementary QoNs response.