

**Supplementary
Submission
No 174b**

INQUIRY INTO 'ENERGY FROM WASTE' TECHNOLOGY

Organisation: Blacktown and District Environment Group

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Additional Submission to Upper House Inquiry: 'Energy from waste' Technology

Given the expansion to terms of reference, the re-opening of submissions until September 10 and witnessing 3 of the 4 days of the inquiry Blacktown and District Environment Group wish to take the opportunity to provide further comment.

I, Antony Lewis, presented to the inquiry on June 27, watched online August 7 and was in the audience for August 17 – it is based on this experience and the decision by the committee to expand the terms of reference that these comments are made.

Waste Levies:

1. I commented on these in our original submission in reference to question a) – the community expects cleaning to occur. It is more recently made clear that the current levies are working in New South Wales in creating behavioural change in the waste industry. Unfortunately the resultant acts by the industry have been to avoid much of the cost by transporting the waste interstate and the subsequent modifications to regulation through the 'proximity principle' were also circumvented.
This is not a mistake in the industry; these decisions have been informed, strategic decisions to avoid government costs and regulation. They provide a good example of why the community is not confident the private sector can be trusted to self-regulate and having essential services being run by for-profit enterprises without significant monitoring, regulation and prosecution for jail.
(Fines are considered operating costs in industry and having a good reputation means little in the age of phoenix corporations and industry to industry markets)

Community thoughts of the EPA ability to regulate, monitor and prosecute breaches:

1. Personally, the opening remarks of the EPA remind me of the opinions of the best police force in world that NSW had in the 1970's. It is my opinion that the EPA is not doing its job very well – they are under resourced, they are not timely in their investigations and they are not prosecuting and jailing corporate executives while the environment of New South Wales has many examples of degradation from individuals and corporations. My understanding is this is their role.

Mr Buffier: I want to talk about waste in general terms and I believe that the New South Wales Environment Protection Authority [EPA] has the most comprehensive, multifaceted and successful waste management program in Australia. We are recognised as the leading waste regulatory authority and we deliver the country's largest waste strategy, backed by a strong and active compliance and enforcement.

2. As example, the air quality standards are constantly exceeded in Sydney. If the PM2.5 levels exceed national air quality standards on a given day – what is the EPA doing to minimise the impact on community? A plan to shut down major polluters should occur.

The effect on the base level air quality needs to be managed and the community needs to be of primary concern.

3. In witness to multiple days of the inquiry, multiple times the EPA have been mentioned and sections of their work questioned – examples below:

Mr KHOURY WCRA supports a better regulatory and enforcement regime for the waste industry and has repeatedly asked the Government to consider whether the EPA is adequately and suitably resourced to enable a fair and proper regulation of waste activities across New South Wales.

Dr WHELAN: I can point to one in my neighbourhood. I live at Newcastle and not far from my home Port Waratah Coal Services operates the T1—the oldest coal export terminal. Part of their licence is to discharge polluted water into the Hunter. The Hunter is an important estuary; part of it being listed under the RAMSAR Convention for internally significant wetlands. That is an important licence condition to limit the discharge of water that is full of sediment or nutrients. My research, using the Government Information (Public Access) Act [GIPAA], showed that the company was non-compliant with their discharge limits—they were exceeding the concentration and the volume of their polluted water discharge into the Hunter by a factor of 10 or more regularly. Then their licence was reviewed. Rather than putting in place, as you might, stricter penalties for noncompliance, an increased regulatory regime or frequent audits and inspections, those kinds of mechanisms, or withdrawing a licence until the company could demonstrate they were able to comply with it, the response was to relax that particular condition of the licence by adding a zero. The company is now largely in compliance

Dr GOODWIN: The Mountain Districts Association [MDA] firmly believes that the environmental regulatory system that underpins the waste industry is flawed. We offer Mangrove Mountain landfill as an example of this claim.

Dr GOODWIN: I heard the comments of the former witness, which we would agree with in general. I have to say I am a bit humbled by the depth of his knowledge across the board, and I am not an environmental scientist. But certainly in terms of the EPA's responsibility for monitoring compliance and taking action, for us it is zero at the Mangrove Mountain landfill. Even since we have taken close interest in what is going on we are less than satisfied. We cannot get to the site. It is a privately owned site. It is locked gate and you cannot get near it.

Mr GLOVER: After all that research, three things emerge which we see in the transition from simple waste management—keep the place tidy, put it into a hole in the ground—through to actually recovering resources, which is Industrial Ecology's main focus, has led us to these three conclusions. One is at the moment the EPA, however well the individual people are trying to do the work, is hopelessly conflicted as it tries to handle three primary roles: One, as a regulator and enforcer; two, as a developer of policy—you would develop that policy, would you not, if you were the regulator, then you would not have to regulate approach—is a conflict; and three, as a sponsor and provider of significant amounts of grant funding, usually as injections into established marketplaces, is very disruptive for the existing market and is an area, in our view, that would be better handled by departments which do that sort of thing for a day job—Infrastructure NSW, Department of Industry, Regional Development Australia [RDA]. People who can understand inserting chunks of public funds into marketplaces can be very disruptive.

Health Issues:

1. One of my most concerning witnesses in the inquiry was the evidence of Dr Scalley from NSW Health who stated he would rely on the EPA for expertise on the incinerators, rather than consult directly with international health departments which have experience with health effects from incinerators.

The Hon. JOHN GRAHAM: The most fundamental question for you is that feedstock question.

Dr SCALLEY: Yes, that would be the major question, although there are others.

The Hon. JOHN GRAHAM: Can you tell us about the others?

Dr SCALLEY: I suppose, as I mentioned, the feedstock coming in is a key one because it is one of the major uncertainties. I also mentioned—and here we rely on expertise in other agencies, mostly the EPA—the effectiveness of the ways to treat the air emissions that might be coming out and to minimise them. If you have uncertainty about what is coming in and you have uncertainty regarding how good the technology may be in reducing those emissions—and we would rely on the EPA for that part—then the uncertainty of what is coming out as in the air-quality emissions leads to the uncertain health risks. Our expertise really comes from when we know what the emissions are coming out, characterising the health risks, so we are sort of last in the chain.

2. Dr Stambach stated that if emissions are of concern then we should also assess a number of activities. I would comment that many of these do have issues as they create PM2.5 particulate matter but do not run 24 hours/day, 7 days a week at the air volumes in the EIS. Others, like landfills, generate methane and other less toxic gases.

DR STAMBACH If human health is of concern, we would immediately assess emissions from landfills, transport, air stacks from motorways, tunnels, residential wood fires, crematoria, rotting compost mountain without a home, coal-fired power stations, metal smelters, cruise ships and, to top it off, fireworks at New Year and Australia Day.

3. Dr Stambach answers Hon. Amato's question that there will be no health impacts on the residents of the south-west, I would like to clarify that the predominant wind direction from the incinerator will be to the North and East. The south-west is not the likely area of concern; it will be the north-west and north. I would appreciate this question being asked for all of Sydney.

The Hon. LOU AMATO: You can guarantee there will be no health impacts on the residents of south-west Sydney. Is that what you are saying?

Dr STAMMBACH: Yes, I can guarantee that with good conscience.

4. The specific issues around the emissions from the plant are being considered by the National Toxics Network. As a group we believe that NTN are the best qualified and most respected in this space rather than NSW Health relying on feedback from the NSW EPA