

**INQUIRY INTO PFAS CONTAMINATION IN WATERWAYS
AND DRINKING WATER SUPPLIES THROUGHOUT NEW
SOUTH WALES**

Organisation: Blayney Shire Council

Date Received: 16 May 2025



Blayney Shire Council

Council Office 91 Adelaide Street, Blayney Postal Address PO Box 62, Blayney NSW 2799
Telephone (02) 6368 2104
Email council@blayney.nsw.gov.au Web www.blayney.nsw.gov.au
ABN 47 619 651 511

15 May 2025

The Chair

Select Committee on PFAS Contamination in Waterways and Drinking Water
Supplies Throughout New South Wales

Lodged via email: pfas@parliament.nsw.gov.au

BLAYNEY SHIRE COUNCIL SUBMISSION TO THE INQUIRY INTO PFAS CONTAMINATION IN WATERWAYS AND DRINKING WATER SUPPLIES THROUGHOUT NEW SOUTH WALES

Thank you for the opportunity to provide a late submission to the parliamentary inquiry into PFAS contamination in waterways and drinking water supplies throughout NSW.

The two terms of reference relevant to this submission are:

- (d) the adequacy and effectiveness of government engagement with and support for communities disproportionately affected by PFAS contamination, including First Nations communities
- (f) the health, environmental, social, cultural and economic impacts of PFAS

KEY POINTS

- Blayney Shire Council is struggling to comprehend, why there is a need to spend hundreds of thousands of dollars in capital and annual ongoing operational expenditure for an end of life issue caused by products freely available in society for over 50 years. This is completely at odds with the polluter pays principle.
- The guideline value applied by the EPA for Blayney Shire Council in this instance is the far more stringent 99% species protection – high conservation value systems.
- Given the receiving environment is not a pristine high conservation system, the 95% criteria appears more reasonable in this circumstance.
- The PFAS National Environmental Management Plan does indicate that “jurisdictional guideline values may be developed, or site-specific guideline values for specific catchments based on reference sites” but the EPA has not done so.

- No guaranteed government support for Councils to deal with this emerging problem from Council waste facilities.

DETAILS AND BACKGROUND

Blayney Shire council operates a small rural landfill situated a short distance from the Blayney Township. It has been in operation for over 100 years and is subject to an Environment Protection licence overseen by the NSW Environment Protection Authority (NSW EPA).

There are legacy issues associated with a site that has operated for such a long period and Council has been working with the EPA to ensure the facility continues to operate in an environmentally sustainable manner and within the requirements of its Environment Protection Licence.

Council has recently carried out engineering works to ensure leachate is captured within the landfill site. This is currently being stored onsite at a great cost to Council. Council has applied for funding to put in place a leachate treatment system at the waste facility to reduce any potential discharge from the site.

Blayney Shire Council has recently been subjected to significant financial impacts because of the identification on PFAS in the water downstream of the waste facility. Council believes to this point the costs may not have been fully understood in the PFAS debate. Council believes that this matter should be brought to the attention of the inquiry and government as Council is now placed in a financially difficult position, being forced to react to the impositions placed upon it by the NSW EPA.

The standards applied by the NSW EPA, species protection guidelines - high conservation value systems, outlined below, have led to very onerous licence conditions being placed on Council's Environmental Protection Licence. The NSW Government needs to be aware and understand that the imposition of such conditions will have monumental financial implications to all Councils with waste facilities (and their communities who will bear the direct impact) across the state, as shown below.

In response to the community expressing concerns about the impacts of a local gold mine on the Belubula River, the EPA commenced sampling the Upper Belubula River Catchment in May 2024. Council's Sewage Treatment Plant and Solid Waste Facility are located within this catchment.

As may be expected given its wide-ranging use in society for at least 50 years and the existence of the landfill for over 100 years, PFAS was detected within council's waste facility. PFAS was also identified below councils waste facility at a non-potable community water bore (used as a drought relief measure for local farmers with their livestock). Council has now temporarily closed access to this bore pending further investigation and discussions with the EPA. It is noted PFAS was also detected above council's waste facility from unknown sources.

The “criteria” or guideline value used to determine the acceptable level of PFAS is based on the PFAS National Environmental Management Plan (NEMP). The guideline value applied by the EPA for Blayney Shire Council is the far more stringent 99% species protection – high conservation value systems. For PFOS this is .00023 µg/L. Whilst noting the ADWG is set to be reduced, to put this in context the 99% species protection guideline value is some 300 times more stringent than the current Australian Drinking Water Guideline criteria of .070 µg/L.

Given the receiving environment is not a pristine high conservation system, the 95% criteria (or .013 µg/L) appear more reasonable but with reference to Water Quality Guidelines (Australian and New Zealand Guidelines for Fresh and Marine Water Quality) at 99% the NEPM favours the 99% value.

The NEPM does indicate that “jurisdictional guideline values may be developed, or site-specific guideline values for specific catchments based on reference sites” but the EPA has not done this work. The EPA instead seems to have blindly applied the NEMP guidelines without considering whether it is appropriate, reasonable and achievable. Particularly as it relates to areas which have had extensive mining, industrial and agricultural industries for more than 150 years.

We implore the EPA to consider development of such guideline values so positive environmental outcomes can be achieved whilst balancing fair and reasonable financial imposts onto communities.

Again, to put this into context, the most recent sample taken by the EPA at Council’s non-potable agricultural water bore (0.015 µg/L) would have been compliant with the 95% PFOS guideline value under NEPM 3.0 (0.13 µg/L) and indeed compliant with the current drinking water guidelines in relation to PFOS.

The EPA has now placed additional requirements on council under its Environment Protection licence for the Blayney Waste Facility. As best as Council can ascertain from its enquiries, it appears to be the first Council operated landfill in NSW to be subjected to such measures. These include additional ongoing monitoring and further investigation. The initial investigation alone has been quoted by an expert consultant at \$90,000. Additional monitoring has been estimated at least \$20,000 per annum.

Council has recently constructed a leachate collection system, however additional capital works will also be required, including the construction of an advanced leachate treatment system.

Council highlights it has been working with consultants and has located a company with a technology to treat the leachate where PFAS can be treated to an acceptable level for discharge, but the capital cost of the project has been costed at over \$400,000, a major cost impost for a small rural Council. Council has applied under the EPA’s landfill improvement fund seeking \$250,000 to go towards this project. However, even if it is successful this is still a significant financial impost on the community and significant ongoing operational costs will also be incurred.

Council has now been forced in its 2025/2026 operational plan to increase charges on domestic waste consumers by approximately 22%. It seems unreasonable that a small

rural council operating a very small landfill must pay the price for what is a societal issue that has existed in excess of 50 years.

This approach is completely at odds with the polluter pays principle that small communities dealing with the disposal of waste have to pay to deal with something that has been allowed to be produced, used and disposed of. It is a perverse outcome that needs to be addressed by government and in the short term the EPA must consider the reasonableness of its actions and the wider impact that will be incurred across all of NSW.

The EPA seem to be seeking Council (and its community) address a new PFAS risk instantly, for a product that has been around for many decades, in a landfill operation which has been in existence for over 100 years holding it to an environmental standard higher than drinking water quality standards.

Whilst it is acknowledged that a handful of PFAS products are about to be prohibited, the impacts of allowing the products to be used for decades should not be borne by small communities. The Commonwealth and NSW governments should accept responsibility for this growing issue and provide financial support to affected councils.

There appears to be no practical approach and consideration to this matter, nor a risk-based approach on risk to the wider environmental and human health, which Council highlights and argues is very low in a small tributary.

Council needs time to ascertain the impact of and review measures recently implemented, not simply put in place a 'Rolls Royce' solution, which will financially impact Council and its community including future generations.

Council is continuing to work with the EPA on the matter and has also suspended landfilling at part of its site which has approximately 7 years landfilling space available. The EPA is seeking to have Council permanently close this area leaving less than 2 years landfill space available across the entire site.

This will force Council to quickly move to plan, seek development approvals and construct a new landfill. The EPA will require this area to be constructed to modern requirements which will have significant cost implications likely to be more than \$1,000,000, all within a 100-year-old landfill.

As PFAS is likely to be present in every landfill in NSW and as Blayney cannot be singled out forever, the EPA needs to consider the reasonableness and wider ramifications of its current position on PFAS.

The burden placed on small councils operating landfills in dealing with a product that is still common in society is quite disproportionate and flies in the face of the polluter pays principle.

All Councils will be forced to make representations to Government seeking financial assistance and given the State's shortage of landfill space Government can ill afford to exacerbate the problem.

Thank you for the opportunity to make this submission. We would be pleased to sit down and discuss the matter further with committee members and government representatives if that assists.

Should you require further information regarding this matter please contact myself on or Councils General Manager Mr Mark Dicker on .

Yours sincerely

Bruce Reynolds
Mayor