

**Submission
No 640**

INQUIRY INTO PROPOSED ENERGY FROM WASTE FACILITIES

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Submission to the NSW Legislative Council inquiry into waste-to-energy (incineration) and to the NSW EPA Energy-from-Waste framework review

1. Introduction and interest:

1.1. I write in my capacity as a NSW resident and ratepayer with a professional interest in planning, environmental health, and circular-economy policy. This submission responds to the NSW Parliament's current inquiry into waste-to-energy incinerators and to the NSW Environment Protection Authority's review of the state Energy-from-Waste (EfW) framework. The submission addresses proposals to develop incinerators in designated EfW precincts and any enabling regulatory changes.

2. Position:

2.1. I do not support approval of new municipal solid-waste incinerators in NSW. The technology risks locking the state into high-emissions disposal pathways, exposes host communities to residual pollution burdens and heavy truck movements, and diverts finite capital from higher-order waste avoidance, reuse, repair, and recycling. Where the Government considers any EfW capacity, it should be tightly limited to truly residual, non-recyclable streams, with stringent health, climate and circular-economy safeguards that are currently absent.

3. Summary of recommendations:

3.1. Maintain and strengthen the current prohibition on EfW in the Sydney Basin; do not displace metropolitan waste harms to regional communities

3.2. Remove or sunset the designation of regional EfW precincts unless and until independent evidence demonstrates no net health, climate or circular-economy detriment and host-community consent is established.

3.3. Adopt an explicit waste hierarchy test in all assessments: no approval unless applicants prove best-practice avoidance, reuse, repair, source separation and recycling have been maximised, with transparent mass-balance and contract terms that avoid long-term 'feedstock lock-in'.

3.4. Require full-life-cycle greenhouse accounting, including upstream collection/transport and downstream ash management, and align any EfW decisions with NSW's legislated emissions-reduction trajectory.

3.5. Tighten health protections: enforce best-available control technology and independent continuous emissions monitoring for ultrafine particles, NO_x, SO₂, heavy metals and dioxins/furans, with public dashboards and automatic shutdown/penalty triggers.

3.6. Prioritise a funded Circular Infrastructure Plan that accelerates FOGO, repair/reuse hubs, advanced sorting, organics treatment, product stewardship, and landfill gas capture to address Sydney's landfill constraint without defaulting to incineration.

4. Evidence and analysis:

4.1. Policy context and current review: NSW's 2021 Energy-from-Waste Policy Statement confined large-scale incineration to a handful of designated regional precincts while excluding the Sydney Basin. That framework is now under active review by the EPA and Parliament, reflecting persistent community concern and questions about environmental justice and policy alignment

4.2. Environmental health risk and monitoring gaps: While modern plants use advanced flue-gas treatment, international literature recognises residual emissions of ultrafine particles and persistent organic pollutants that are difficult to monitor and control in real time, especially under variable waste composition. NSW standards and compliance history in adjacent waste streams (e.g., recovered fines contamination) underscore the need for stronger monitoring, transparent data and precaution.

4.3. Climate impacts and circular economy lock-in: EfW proponents cite landfill diversion and energy recovery, yet incineration can be emissions-intensive where plastics and other fossil-derived materials constitute a sizable fraction of feedstock. Long-tenor put-or-pay contracts and minimum calorific value requirements risk suppressing recycling and redesign efforts by guaranteeing mixed-waste throughput for decades, contrary to the state's circular-economy objectives.

4.4. Regional burden shifting and transport externalities: By prohibiting EfW in Sydney while earmarking regional precincts, NSW risks exporting metropolitan harms to regional communities that face increased heavy-vehicle movements, odour risks from waste reception, and cumulative air-shed loads. The record of strong, sustained opposition in Richmond Valley and other host communities illustrates these social-licence deficiencies.

4.5. Practical alternatives to meet the landfill crunch: The Government's recent state-wide waste and circular-infrastructure plan should be implemented with urgency: scale FOGO and organics treatment to remove food/green fractions, expand advanced material recovery and repair/reuse networks, and tighten product stewardship for problem plastics. Landfill gas capture and biogas from organics can displace energy that EfW might otherwise claim, without locking in combustion of recyclables.

5. Assessment and approval standards requested:

5.1. If any EfW proposal proceeds to assessment, decision-makers should impose, at minimum:

- a. a waste hierarchy demonstration with independent audit of local government collection systems, contamination rates, and feasible recovery upgrades before any resort to mass-burn capacity;
- b. continuous emissions monitoring for PM1/PM2.5, NO_x, SO₂, HCl, HF, CO, metals and dioxins with validated methods and public live data; enforce BAT-AEL-equivalent limits and plant derating/shutdown on exceedance;
- c. full cradle-to-grave GHG accounting aligned to state targets, including transport and residuals (bottom ash and air-pollution-control residues) management pathways;
- d. contract settings that prohibit minimum tonnage guarantees or calorific value clauses that undermine recycling, plus review points every five years to ratchet down allowed combustible recyclables as recovery improves;
- e. cumulative-impact assessment for host communities and freight corridors, with enforceable truck caps, local road upgrades funded by proponents, and benefit-sharing determined by community-led processes;
- f. a genuine alternatives analysis comparing like-for-like public benefits from circular infrastructure investment (FOGO, MRF upgrades, AD/composting, repair hubs) for the same capex.

6. Responses to common proponent claims:

6.1. Claim: Incineration is necessary because Sydney will run out of landfill by 2030.

Response: The landfill constraint is real, but the Government's own plan identifies scalable non-incineration interventions. Fast-tracking organics diversion and high-performance sorting can materially reduce landfill tonnage while preserving materials for circular use, avoiding long-term combustion lock-in.

6.2. Claim: Modern plants meet strict EU-style standards so health risks are negligible.

Response: Residual risk remains from ultrafine particles and POPs, particularly given mixed-waste variability. NSW should not approve plants without independent CEMS for all relevant pollutants, enforceable BAT-equivalent limits, and transparent reporting to rebuild trust after recent waste-regulation controversies.

6.3. Claim: EfW is circular because it recovers energy.

Response: Circularity prioritises material preservation. Burning plastics and paper forecloses reuse and recycling and can crowd out investment in higher-order solutions via long-term feedstock commitments. EfW should be a narrow, declining backstop for truly residual waste only.

7. Conclusion:

7.1. NSW faces a genuine waste and infrastructure challenge. The responsible response is to accelerate a high-ambition circular-economy program and to resist the temptation to entrench mass-burn capacity that will outlive today's problem mix.

7.2. I urge the Committee and the EPA to reject proposals for new municipal solid-waste incinerators and to codify a strict, precautionary framework that channels public and private capital into avoidance, reuse, repair, high-quality recycling, organics treatment, and safer interim measures.

Thank you for considering this submission.