

Submission for Eastern Creek REP Throughput Increase

What is CEM?

This submission is prepared and submitted on behalf of Community Environment Monitoring Inc (CEM). CEM is an incorporated community grassroots organisation, founded in 2020 in Sydney, that seeks to empower communities to respond to air quality and other environmental issues. Our group includes scientists, IT specialists, programmers, journalists, designers, artists and other interested community members. Our aim is to collaborate with a range of partners including community and research organisations.

1 Development creep through multiple modifications

This is Modification 8 of a State Significant Development that was first approved more than ten years ago. We oppose a process by which a company gets iterative approval for many modifications over more than a decade. Through the process of these applications, the development becomes a substantially different one to that originally approved. At the same time, negative impacts typically become cumulative while the number of residents exposed to these negative impacts grow. The negative impacts of this site on the quality of life and the health of communities around the landfill are unacceptable and would not be tolerated in some other areas of Sydney.

1 Impacts on volumes going to landfill are understated

Residents have been told that approval of the application will not involve an increase in waste going to landfill. This is not correct. The Eastern Creek REP currently receives and processes up to 2 Million tonnes per annum (Mtpa) of construction and demolition (C&D) waste and commercial and industrial (C&I) waste. Bingo are seeking approval to expand the throughput limit to receive an additional 950,000 tonnes at the Eastern Creek REP. The landfill is currently approved to accept 1 million tonnes per annum plus, in addition to that limit, any residue which comes down the chute out of the landfill. At best (and there is no clear data available to verify this), 85% of the waste that is delivered to the Recycling centres is reprocessed into road base and other products which means that the very large increase in the recycling limits will also increase the amount going into landfill by up to 62,500 tonnes per annum. There is no guarantee that the recycling rates will be 85% and no guarantee that further increases will not be approved in the future. Bingo has confirmed that approval will mean more material going into the landfill but has not presented this in a clear way to the community which has already been suffering serious problems caused by existing landfill operations.

2 Seriousness of odour problem hidden from assessors

The EIS is inadequate in its description of the odour problem both in the Community Consultation Engagement report and in the Air Quality reports. There were hundreds of complaints about odours in 2020 and many more in 2021. These odours continue to impact on some residents, most recently in early August 2022. The EIS fails to convey the distress and discomfort that has been caused by operations of this facility. It falsely states that temporary gas flares were effective in controlling odours in 2021. The consultants should be asked to update their report with a more accurate account of this issue. A permanent gas flare system has now been approved but given the record of water control on the site and the management of leachate, assurances that odours will no longer be an issue cannot be taken at face value.

3 Failure to disclose relevant information about Bingo's compliance record

The EIS fails to disclose that Bingo is currently being prosecuted by the EPA for unlawful release of odours. CEM considers it unacceptable that the Department of Planning and Environment (DPE) would accept an application from a large profit-making company that failed to mention an ongoing prosecution for lack of compliance with existing regulations. DPE should reject an application to expand its operations in a major way from a company with such a poor compliance record.

4 Failure to account for climate change

The EIS air quality and other expert reports fail to consider the predicted impacts of climate change in their evaluation of likely future impacts on residents. NSW including Western Sydney has experienced two rain events this year that once would have been considered to be 'one in one hundred year' events. We cannot in this submission review all the relevant climate science and predictions. However, there is a wide body of research which points to the link between extreme weather and climate change. Extreme weather events include rain events, flooding, heat, bushfires and other fires, drought and dust. All of these have occurred in the last three years and yet none have been discussed in the EIS. All of these forms of extreme weather are predicted to get worse and are expected to impact on the Western Sydney area. The company has already blamed recent odours on intense rain events. It would be reckless to approve such a major expansion without considering the impacts of climate change. The NSW government itself has stressed the importance of climate change adaption. These priorities should be built into the methodology of the EIS.

5 Predictions which do not take climate change and extreme weather into account are unreliable.

In April 20, a fire broke out on the Bingo site. The cause of the fire was never established but Bingo blamed it on the very dry weather that had been causing some smaller fires in Western Sydney at the time. This fire spewed ash onto nearby residential streets. Complaints were laid about this impact but community groups were never able to find out either the air monitoring results at the site or the cause of the fire. With increasing likelihood of extreme weather, these sort of incidents are likely to increase and cause extreme anxiety and a potentially increased risk of physical harm to the nearby community.

6 Community Engagement Strategy rushed, poorly executed and inadequately described

Bingo was required to complete a Community Engagement Strategy report.

Unfortunately, the report provided by WSP does not provide an adequate account of the relationship between the community and the company. In fact, Bingo's release over months of sickening odours that were originally denied by the company has left a deep bitterness in the local community towards the company, expressed in media coverage. The company's habit of denying it was the source of odours unless the evidence was overwhelming means that this company has demonstrated a lack of good faith and has earned public distrust. Many residents believe their health and quality of life is collateral damage in this process.

The community engagement process for this application did nothing to improve this situation. Many residents did not receive the initial leaflet, which in any case provided only short notice for a response. The local MP Edmund Attalla intervened and more leaflets were distributed. The public Powerpoint presentations to residents' meetings did not improve community participation. Not enough time was allocated to get through the presentation material, leaving insufficient time for questions, let alone discussion. Not all questions, including some asked by CEM members, were answered by the company. When many residents did not receive notification, two more sessions were scheduled. But by then many residents had received feedback that the sessions were not helpful. Live links to relevant project application information were not at first available and were not easy to identify on the NSW Planning website. Three projects were covered in the consultation. Overall, the presentation strategy was more akin to an information session than a consultation. The lack of attendance at the seminars cannot be passed off as lack of interest. This is the same community that had filed hundreds of complaints with the EPA during 2021. Some residents have been required to spend hours documenting their experiences for the Bingo presentation. The community deserves to be treated with more dignity than provided for in a formulaic 'tick box' presentation.

Insufficient information was provided about the three new proposals, which were all covered in one fairly short Powerpoint. Up until the end of 2021, the company had no Community Engagement Strategy and adopted a policy of initially rejecting its responsibility for odours until there was so much evidence it could not continue to do so. In mid-2021, the NSW EPA required Bingo Industries to develop a Community Engagement Strategy. Bingo submitted a draft that was sent back for more development work. This occurred during the months leading up to this application.

7 Inadequate noise assessments

The noise assessment is not up-to-date and therefore underestimates current noise levels. According to residents, noise has been increasing in the area, particularly at night. In 2022, there have been more complaints to the EPA by 'sensitive receivers' about increased levels of noise, particularly in the evening. No authority has satisfactorily explained the source of the noise but in terms of an assessment of the proposal this does not matter. The construction and 24-hour operations of the waste facility and the increased truck traffic can only increase noise, which is already a problem.

8 Inadequate air quality assessment

The air quality EIS (Appendix K) states that the project will cause a small increase in the PM 2.5 annual average, but it already exceeds the national standard of 8 µg/m³ of PM_{2.5}. We do not agree that even a small increase in annual average PM 2.5 is acceptable when the annual average in the area is already tending to exceed the national standard. Nearby residential areas are already exposed to increasing traffic on motorways and increasing industrial activity. Extensive scientific research has shown that there is no safe level of PM 2.5, which is linked to increased risks of heart disease, cancer, premature birth, and can impact lung and brain development. There is also evidence that it may be linked to diabetes, depression in adolescents and dementia. It has also been demonstrated that risks increase as levels of PM 2.5 increase. It is not fair that an area which is already more exposed to health risks than many other areas of Sydney should be further exposed to more risk, even if that risk is not predicted to be high.

Appendix K - Air Quality Impacts has several predicted concentrations of PM₁₀, PM_{2.5}, TSP, Dust Deposition and noise at residential assessment locations. There doesn't seem to be any plan to monitor these pollutants and impacts at residential assessment locations. There should be monitoring to confirm that the predictions are accurate and measures established to stop operations whenever there are values that exceed prediction levels.

Appendix K - Air Quality Impacts includes a section on Site History that identifies eight modifications that have been approved for the site following the original approval, the most recent of which was approved in March 2022. Modification 10, which pertains to the installation of a gas collection system and permanent landfill gas flares to support the operations of the Eastern Creek REP, is the result of uncontrolled release of hydrogen sulphide gas over a 3-year period and has not yet been fully implemented. Certainly, control measures should be finalised and proved to be effective before any additional operational changes are even considered.

Spontaneous combustion is a common occurrence when storing wood chip composting piles. Typically, after a few weeks of storage with a high moisture content, the risk of spontaneous combustion is significant and must be considered. The management plan identifies that there would be composting on site but does not address the issue of spontaneous combustion.

9 Inability to meet existing water quality limits

Table 4 in the EIS Appendix N Surface Water Impact Assessments identifies three EPL concentration limits that apply to the Eastern Creek REP site for surface water. The first quarter 2020 results reported by Bingo exceeded the pH and total suspended solids (TSS) limits. The TSS maximum allowable concentration is 50 mg/L and Bingo reported a concentration of 81 mg/L on 25 February 2022 and 100 mg/L on 4 March 2022 in the overflow from the Northwest Dam. Likewise, the Southwest Dam exceeded the TSS maximum allowable concentration with concentrations of 92 mg/L on 2 February 2021, 220 mg/L on 24 March 2021, 230 mg/L on 13 January 2022, and 340 mg/L on 7 March 2022. Managing a pond discharge is a fairly simple and straightforward process with most licenced premises going decades without violations. Running a massive recycling facility is complex. This is another demonstration that Bingo lacks competence in managing waste facilities, so it would be foolish to greatly extend the amount of material processed on site.

The EIS Appendix N Surface Water Impact Assessments rainfall and evaporation data used to assess water balance is based on the annual average rainfall over this period and accords with the long-term average within the Blacktown LGA of 857 mm per annum. Recent rainfall events demonstrate that the long term historical average values are not appropriate benchmarks to assess future trends during climate change. To be useful, the modelling should use much greater values for future rainfall, at least 25 % higher. This is especially important because the sulphide odour issue has been a direct consequence of Bingo not properly managing infiltration on site. It is important to reassess surface water impacts with meaningful estimates instead of the longterm average.

The Construction Impact Assessment identifies dozens of measures to reduce potential impacts. During the extended sulphide odour issues at the Bingo landfill, the operator has shown that it has not been able to implement control measures in reasonable time. What body will independently ensure that any of the proposed construction measures are fully implemented?

10 Lack of basic corporate information in the application

The description of the corporation applying for this approval of a modification to a previous approval is inadequate. In fact, the public is entitled to know that Bingo Industries is a subsidiary of the powerful global infrastructure management company Macquarie Infrastructure which acquired Bingo and all its subsidiaries in 2021.

The licences for this site are still held in the name of Dial-A-Dump Pty Ltd, a company previously owned by Ian Malouf. Under Mr Malouf's management, the landfill had a poor compliance record, and many problems were identified in a single onsite audit by the NSW Environmental Protection Authority in 2018. (All of this information is on the EPA webpage.) On one occasion, the company was found to have handled clinical waste unlawfully. Mr Malouf also had a well-documented poor asbestos management record at the St Peters Interchange.

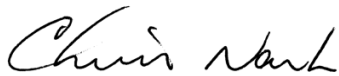
In 2018/2019, Malouf sold Dial-A-Dump to Bingo Industries. Malouf remained a director and shareholder of Bingo Industries until it was sold to Macquarie Group Ltd.'s infrastructure arm. Malouf remains closely connected to the management of the site through his directorship of Resource and Recovery Pty Ltd, a Macquarie subsidiary which owns Bingo and all its subsidiaries around Australia. CEM's search of the Board reveals that there is little or no other waste management expertise other than Mr Malouf on the Board of Resource and Recovery Pty Ltd and its subsidiary Bingo Industries.

Mr Malouf's involvement with the whole Eastern Creek site is relevant to an assessment of how much trust should be placed in assurances about effective control of the impacts of the project development on residents. During the period of his entire ownership of Dial-A-Dump until late in 2021, Malouf had no formal Community Engagement Strategy.

11 Conclusion

One resident described her experience in dealing with this company over 7 years in this way: "In seven years of dealing with the impact of this waste facility, I have been continually dismayed by the lack of communication and information from the company operating the landfill. Until very recently, there was nothing like a Community Engagement Strategy that you would expect to have from a major company operating an environmental pollution licence in a densely settled area. Even when there was a fire that produced toxic fumes, we were unable to get any useful information from them and were forced to enter into a long communication with the Environmental Protection Authority which still left us without any answers as to what we were breathing in and what was landing on our yards and pools. It seemed to me that the company was allowed to self-regulate without sufficient questions and verification of their claims. Bingo Industries have never consulted properly with the community and even when the company did leaflet/letterbox drops/delivery for this latest proposal to expand, they missed many houses. Is it any wonder the community is left feeling stigmatised, angry and despairing of this ever company ever having to abide by the laws it is supposed to follow. When will the community's lives and health be valued/placed above this company's earnings?"

CEM requests that this application is assessed in the real world in which this facility operates. Not in a context of out-of-date and inaccurate data.



Chris Nash
Chairperson
10 August, 2022