

Our ref: AZM
Your ref:

11 November 2016

NSW Government – Department of Planning and Environment

By email

Dear Sirs

Revesby Resource Recovery Facility at – supplementary submission on behalf of Bituminous Products Pty Ltd

Background and annexures

We act on behalf of Bituminous Products Pty Ltd and this is our client's supplementary submission with respect to the Revesby Resource Recovery Facility.

Bituminous Products Pty Ltd is the longstanding tenant of 33 – 35 Violet Street Revesby, which property adjoins that of the applicant Enviro Recycling Pty Ltd. It operates a bituminous products business from its Revesby site.

Bituminous Products Pty Ltd employs approximately 14 staff at the site. Many of these staff spend a significant number of hours of their working day in the yard at the site, manufacturing the bituminous products that the company sells. In addition to its staff, a number of tanker drivers regularly visit the site to collect bituminous products. As a result, a large number of individuals are outside most of each working day, in close proximity to the Enviro Recycling facility.

Enclosed with this supplementary submission are the following:

- 1 Our client's original submission dated 2 November 2016.
- 2 NSW Environmental Protection Agency Clean Up Notice to the applicant dated 30 May 2016.
- 3 Email complaint by our client to the NSW Environmental Protection Agency dated 14 October 2016.
- 4 Photos of dust clouds caused by the current operations at the Enviro Recycling site.

Supplementary submission

Our client has significant concerns in respect of the proposed Revesby Resource Recovery Facility given its experience to date with the existing, smaller, facility. These concerns are detailed below:

1. Concerns re the applicant Enviro Recycling Pty Ltd

Our client has significant concerns as to the credentials of Enviro Recycling Pty Ltd. Enviro Recycling Pty Ltd has already been the subject of one Notice of Clean-up Action from NSW Environmental Protection Agency dated 30 May 2016, as attached.

Our client is not aware if this Notice of Clean-up Action has been complied with, or if there are

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other Notices of Clean-up Action that have been issued.

Our client's experience is that Enviro Recycling Pty Ltd has not changed its manner of operations – refer the attached complaint of 14 October 2016.

Even if the proposed Revesby Resource Recovery Facility has a different manner of operation, our client believes the evidence indicates that the relevant standards may not be complied with by Enviro Recycling Pty Ltd.

2. Submissions by the NSW Environmental Protection Agency

Given the history of this site and the operations of Enviro Recycling Pty Ltd, our client submits that it is essential that the NSW Environmental Protection Agency makes a submission with respect to the proposal and that submission be followed.

It is not clear from the consultation material included with the proposal as to whether the officers of the NSW Environmental Protection Agency involved in the May 2016 Notice of Clean-up Action have been involved in any consultations.

3. Asbestos contamination

The Notice of Clean-up Action from NSW Environmental Protection Agency Clean Up Notice dated 30 May 2016 indicates significant asbestos contaminants being disseminated from the existing Enviro Recycling facility on different occasions.

As you will be aware, this is a very significant health concern for my client. My client's directors have duties to their staff and potentially customers in this regard.

The proposal is accompanied by an Air Quality and Green House Emissions Report by Pacific Environment Limited. It is not clear if Pacific Environment Limited is aware of the existing air quality breaches, which is of concern.

We also note that the Air Quality and Green House Emissions Report only assesses air quality risks for the "nearest sensitive receptors (e.g. residences) in the vicinity". This would appear to ignore the effect of the facility on the near neighbours, including my client. As we have pointed out a significant number of employees and customers operate in the yard of our clients premises for many hours a day. Some of the other neighbours would be similar in the manner of their operations.

We have provided some photos in this submission which clearly show dust clouds emanating from the Enviro Recycling site.

We submit that the Air Quality and Green House Emissions Report must be considered defective, especially given the harm potential to human health inherent in the relevant particulate matter.

4. Asbestos contamination – further testing regime

The Notice of Clean-up Action from NSW Environmental Protection Agency dated 30 May 2016 indicates significant asbestos contaminants being present on the existing Enviro Recycling premises at the time of the Environmental Protection Agency inspection..

My client submits it would be appropriate for a regime of testing for asbestos contaminants be commissioned by the NSW Environmental Protection Agency, and paid for by the applicant, to evidence that the current facility does not disseminate asbestos contamination. This regime would be put in place now, and any approval of the new facility would only be forthcoming assuming these tests were negative. If any of the tests are positive then approval should be automatically deferred or potentially denied.

We suggest a 12 month testing regime should be implemented prior to any approval decision for the new facility being made.

Given the significant potential for damage to human health as a result of the known asbestos contamination from the existing facility, we consider this proposal should be adopted even if the facility is not approved.

5. Asbestos contamination – further testing regime as an approval condition

If our submission 4 above is not accepted, we further submit that any approval for the new facility contain a consent condition that regular testing for contaminant matter take place. This testing should be conducted by or on behalf of the NSW Environmental Protection Agency, at the expense of the applicant. It should comprise monthly testing initially, with the capacity for the testing frequency to change depending on the results over an initial period of say 12 months.

Conclusion and summary

Our client believes that there should be no possibility of there being asbestos on the Enviro Recycling site, as it presently operates or as it may operate in the future. There is currently, on a daily basis, clouds of dust covering our client's site. Neither should be the case. There should never be the possibility of there being asbestos in an area such as this, where humans work often in the open. Equally, the current operations of Enviro Recycling should not be causing significant dust clouds with the potential for other harm to human health, even if they are shown not to contain any harmful materials such as asbestos.

Our client is critically seeking assurance that in Enviro Recycling continuing its current operations, or in any expansion of the Enviro Recycling facility, these dust clouds will not continue or if they are allowed to continue, there is an absolute assurance that the dust clouds will not contain any contaminants that are potentially harmful to human health.

Yours sincerely



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