

# **OBJECTION**

**Colin J Bosworth - No Incinerator for Western Sydney**

**Submission Re: SSD - 10395 Cleanaway & Macquarie  
Capital**

**Western Sydney Energy and Resource Recovery  
Centre**

The following submission is made on behalf of the community action group NO INCINERATOR FOR WESTERN SYDNEY (NIWS)

NIWS is the registered and incorporated, June 2017, not for profit community action group constituted by and from western Sydney residents to represent their interests in relation to proposed developments within this region and to work co-operatively with other similarly constituted groups.

1. We are opposed to Cleanaways' proposed development of a waste to energy incinerator at 339 Wallgrove Road, Eastern Creek for the following reasons.
2. The weight of evidence from various research studies commissioned to examine the health impacts to residents, particularly those located downwind or leeward of such WtE incinerators is sufficient to indicate that the "precautionary principle" should be adopted in not having these facilities located in proximity to residential and food production areas. This is to be contrasted against the complete lack of evidence that these facilities can be safely operated in the

abovementioned locations and that no teratogenic or mutagenic harm has been inflicted upon such resident communities. Indeed some recent research indicates that such harm may in fact extend beyond exposed residents and be passed on to their offspring i.e. inter-generational.

3. The preliminary hazard analysis at 2.5 suggests that “the site will meet the requirements of its environmental protection licence and so is not considered to be an offensive industry with respect to odour. In terms of air quality, in cases where monitored emissions may exceed the set limits, mitigation measures such as full shutdown will be implemented to ensure that the licence requirements are still met.”

This would be a rather unique achievement as emission levels are known to increase during start –up and shut – down periods, moreover, few, if any operators of such facilities in other countries have reported an ability to achieve the results stated in this proponents analysis, with many reporting exceedances of their licence limits during such events.

4. The PHA considered the potential hazards arising from the transport of FGTr offsite to a facility licenced to accept hazardous waste. This assessment applied FGTr data from the Dublin WtE facility, (see appendix F - Table 1) surprisingly this residue data contained no reference to carbon, dioxins or furans in its composition. This is considered to be highly unlikely and in the absence of any verifiable evidence to the contrary is rejected as the basis for the findings in this transport assessment. Japan and some European jurisdictions legislatively require WtE operators to vitrify FGTr prior to being transported from the licenced premises. This would appear to be a prudent course of action to avoid the calamity that would arise from a road transport accident involving vehicles transporting this material. NIWS notes that FGTr is a class 6.1 dangerous good, transport of which will exceed the

screening limits threshold of SEPP 33 (see table 4 at 2.4 Dangerous goods transportation).

5. Air Quality Impact Assessment - Whilst we are not critical of the extent of matters considered in this assessment it nevertheless happily makes too many unqualified assumptions regarding the variable operating conditions likely to be encountered by the operation of this facility.

This is not an uncommon feature of these assessments which tend to completely ignore those “OTNOC or upset conditions” which involve the operation of stack vents or stack dumps, by-passing all air pollution control and monitoring devices. There has been no requirement placed upon licenced operators of WtE facilities prior to the implementation of WI BREF 2019 BAT conclusion 18, including the reference facilities, to monitor the frequency and duration of such events, therefore, there is an absence of reliable data upon which an assessment can be made to determine the impact upon the air quality such facilities will have upon the local environment. This matter is further exacerbated by the use of data from the Dublin WtE facility supplied by Covanta when the proponent has yet to make a decision as to the technology supplier. NIWS completely rejects the incineration emission findings and conclusions from the AQIA.

The Dublin facility was responsible for the hospitalisation of some eleven (11) employees during its first year of operation due to chemical exposure.

6. NIWS has serious concerns that the HHRA has also relied upon AQIA data which we regard as fictional as it is neither complete nor accurate in its representation of actual operating condition emissions.
7. We note also the Cleanaway consultant’s qualification, limitations and comments regarding the use of this data as provided by the applicant.

- 8. At 2.3.5 Continuous Emission Monitoring: The proponent indicates that for some pollutants with very low detection limits it intends to introduce a periodic testing and sampling regime as part of the facilities standard operating procedure. This is contrary to the current EU IED and its associated WI BREF 2019 directive for waste incinerators. The BREF conclusions specify that as of the 3/12/2019 all new incinerators must have CEM for heavy metals. Existing incinerators are required to comply with this directive four years hence. France has directed that all current and new incinerators are to comply with this current directive as of the 3/12/2019. Technical equipment capable of monitoring for these pollutants is currently available. (Gasmel) This equipment is also capable of continuous sampling of dioxins and furans.**
- 9. Further at 4.2.3 BAT 4 ARUP Best Available Techniques Report The proponent indicates that there will be “at least two measurements per year of heavy metals, polycyclic aromatic hydrocarbons and chlorinated dioxins and furans as required by the NSW EfW policy”.**

**We submit that this once again is contrary to EU WI BREF 2019 conclusions.**

- 10. At BAT 5 of Technical report D the proponent indicates the CEMS will monitor Other Than Normal Operating Conditions (OTNOC). The proponent does not clearly indicate whether this applies in relation to stack dumps or stack venting when the APCD and CEMS are completely by passed.**
- 11. The proponent has provided incomplete response in its' EIS to these and other BREF requirements and accordingly we reject all incomplete EIS responses and regard them as non-compliance. Whilst the applicants' stated intention is to comply with the EU IED 2010/75/ EU and its associated WI**

**BREF 2019 the applicant does not stipulate whether it will maintain compliance with these standards as varied. EU member states are required to maintain compliance with updated standards, but no such obligation arises for Australian WtE operators.**

- 12. NIWS submits that the proponent has provided incomplete and inadequate responses in Technical Report C to the SEARS in relation to the key issues item 4 application of BREF to the extent that there should be no assessment made by the DPIE in relation to this application until this matter is rectified.**
- 13. NIWS notes that the applicant for this development has in relation to its environmental record been fined \$18,750.00 on the 16<sup>th</sup> May 2001 for causing an environmental nuisance under S.82 Environment Protection Act 1993. Whilst the applicants' environmental record is not a requirement of the SEARS, it is nevertheless, a matter for consideration by the DPIE as required by S.83 of the POEO Act 1997 and a matter of concern to the resident community.**
- 14. NIWS notes that the applicants' comments at 3.4.15 volume 1. EIS concerning CEM for heavy metals is inconsistent with the EU WI BREF 2019 requirements which the applicant states will be complied with during all periods of operation. The applicant submits that the ELV of the WI BREF 2019 will not be exceeded during all periods of operation. There is no explanation as to how the applicants' incinerator will outperform its' nominated reference facilities at Dublin and Filborna. Dublin reported eight (8) incidences and exceedances of its' licence ELVs in 2019. The applicants' other reference facility at Filborna, Sweden reported two hundred and eleven (211) exceedances. The applicant contends that these exceedances are consistent with legislative relief for short term exceedances due to performance deterioration or**

brief malfunction of continuous monitoring equipment. There is no evidence to support either contention by the applicant. In table 5.6 at 5.9 Reference Facilities ARUP has incorrectly referred to HZI as the technology provider for the Poolbeg incinerator in Dublin. Enquiries by NIWS indicate that Covanta are the technology provider for the Dublin incinerator as part of a public, private partnership with a number of local councils represented by the Dublin Council. The US EPA has cited Ogden Martin AKA Covanta with some six thousand (6000) permit violations during a two year period from 1989 to 1991. These violations included by-passing the pollution control systems. In New Jersey the Covanta Company has been repeatedly fined for releasing excessive amounts of dioxin and other toxic emissions from its Essex county plant.

15. The applicant states at 3.4.8 Waste Inspection that for incoming waste that a chain of custody documentation check to be performed by a site representative and that any obvious inconsistencies or other problems the waste would be returned to the supplier. If an inspection of the waste is required the load would be tipped on to the waste bunker floor to permit a visual inspection, samples may be taken for laboratory testing if required. There is no demonstrated capacity that documentation or visual inspection of incoming waste is sufficiently adequate to ensure compliance with the NSW EfW eligible fuel requirements. NIWS notes that mandatory laboratory sampling is required in other jurisdictions facilities and, in our opinion, should be required for EfW facilities within Australia.

16. Whilst all matters referred to in this submission are of serious concern to resident communities represented by NIWS there is one further matter that exacerbates these concerns and that is; That while there are stringent environmental emission limits and penalties that may be

**imposed, the sad fact is, that there is almost universal weak and ineffective environmental protection regulatory regimes operating in most countries including Australia. This is evidenced by the paltry penalties imposed, if indeed action is initiated by the regulator, for even the most blatant or repetitive non-compliance by operators. This inaction by the regulator is, in our opinion, not likely to discourage further non-compliance. This, of course, does little to instil a degree of confidence among communities that such facilities will operate in accordance with the applicants' stated claims.**

- 17. For all of the aforementioned reasons NIWS submits that consent to this application should be refused.**