

29 July 2020

Department of Planning, Industry and Environment
12 Darcy St,
Parramatta NSW 2150

Dear Sir/Madam,

NCC submission to the Bayswater Power Station Upgrade Development Application SSD-9697

The Nature Conservation Council of NSW (NCC) is the peak environment organisation for New South Wales, representing over 150 member groups across the state. Together we are committed to protecting and conserving the wildlife, landscapes and natural resources of NSW.

NCC is opposed to this development mainly due to the contamination risks posed by the proposed clay liner and the lack of transparency around coal ash reuse.

Recommendations

1. The Department of Planning, Industry and Environment (the Department) should reject the development application.
2. Failing that, the Department should request a more detailed Environmental Impact Statement (EIS) from AGL prior to progressing this application. In order for the consent authority to make an informed decision, the EIS requires more information regarding hydrogeology.
3. The Department should impose a condition requiring AGL to meet the reuse target of 1 million tonnes per annum.
4. The Department should require AGL to provide a coal ash reuse management plan to ensure the proposed one million tonnes of ash is not dumped in an abandoned mine. The coal ash reuse management plan should detail potential markets and measures to ensure compliance with toxicity limits.

5. The Department should consider the ample evidence put forward in the inquiry into 'costs for remediation of sites containing coal ash repositories' to inform global best practice for coal ash reuse and storage.
6. The Department should impose a condition that AGL will pay a fee for any coal ash disposed of in repositories to ensure AGL complies with its reuse targets. At a minimum this fee should be imposed until coal ash is brought into a load based licencing scheme.
7. The Department should require AGL to improve their salt cake landfill liner. A clay liner does not comply with guidelines for landfill construction and risks contamination.
8. The Department should require AGL to enter into a long-term monitoring and make good agreement for the salt cake landfill, including providing financial assurance.

The EIS in its current form is incomplete and requires further information

As it currently stands the EIS is lacking key information for a consent authority to make an informed decision. The EIS fails to:

- Describe the hydrogeology of the project area.
- Detail groundwater flows, recharge areas and discharge areas.
- Define aquifers in the area that could be affected by the industrial operations and coal ash disposal practices.

As a result, the EIS fails to assess the full implications of ongoing coal ash disposal in the repository. Given that the EP&A Act has specific requirements around what an EIS should include, the Department should evaluate whether the EIS complies with the Act.

More transparency is required around coal ash reuse

The EIS proposes a target for coal ash reuse, seeking to recycle 1 million tonnes of coal ash per year. With 38,544,000 tonnes of ash expected to be generated over the remaining 15-year life of the power station, this equates to a reuse rate of 38%, including a reuse rate for fly-ash of just 18%, offset by a higher reuse rate for bottom ash.

NCC welcomes coal ash reuse as it reduces the risk of a long-term toxic legacy developing at the site. However, we are concerned about the likelihood of AGL failing to meet the proposed reuse rate, which AGL defines as "market-driven". There is currently little market demand for coal ash. Combined with the imposed ash reuse rate of the Eraring coal-fired power station, the risk of AGL failing to meet this target is high.

Other jurisdictions, however, manage to meet high reuse rates. Germany, for example, generates 3.1 million tonnes of fly ash from hard coal each year, and reuses 96%.^[1]

“Hard coal flue ash in particular is a high-quality component/additive in cement and concrete” German Advisory Council on the Environment

Without a strong market in Australia for coal ash recycling, AGL must provide transparency regarding what will happen to coal ash in the case it cannot be reused. A thorough reuse and disposal plan will assure the community and the Department that this enormous amount of coal ash will not be accumulated in ash dams and dumped in abandoned mine pits. Coal ash is toxic and if not carefully disposed of can contaminate air, soil and water [2].

The best and safest way to recycle coal ash is to make light-weight building aggregates [3]. Establishing a market at sufficient scale requires significant government intervention. The NSW Parliament is currently running an inquiry into this, and findings are yet to be made.

Power station operators currently have little incentive to reuse ash.

NCC recommends The Department should impose a condition requiring AGL to meet its coal ash reuse target of 1 million tonnes per annum, or 38% of ash produced.

NCC also recommends that The Department impose a fee for any coal ash disposed of in repositories. This will motivate AGL to comply with, and ideally beat, reuse targets.

AGL should improve their proposed salt cake landfill lining

The EIS proposed salt cake landfill that is non-compliant with the EPAs minimum requirements for solid landfill [4]. That AGL proposes clay liners and caps in their EIS demonstrates a lack of understanding of the risks that salt poses to the integrity of a clay landfill liner and the geochemical process at play. Salt can destroy clay lining and poses massive contamination risks. The integrity of the salt cake landfill is crucial for rehabilitation and future use of the site, which will occur 15 years. The Department should require AGL to propose an alternative liner and commit to a long-term monitoring and make-good agreement including financial assurance.

I trust that this information is of use to the Department and would be happy to speak further to these issues. Please contact Liz Hadjia lhadjia@nature.org.au if we can be of any further assistance to the Department.

Yours sincerely,



Chris Gambian
Chief Executive
Nature Conservation Council of NSW

References:

- [1] German Advisory Council on the Environment (SRU), 2017. Statement: start coal phaseout now, p18-19. German Advisory Council on the Environment
https://www.umweltrat.de/SharedDocs/Downloads/EN/04_Statements/2016_2020/2017_10_statement_coal_phaseout.pdf
- [2] Environmental Justice Australia (EJA), 2019. Unearthing Australia's toxic coal ash legacy: How the regulation of toxic coal ash waste is failing Australian communities. Environmental Justice Australia
https://www.envirojustice.org.au/wp-content/uploads/2019/07/EJA_CoalAshReport-Ir.pdf
- [3] Hunter Community Environment Centre (HCEC), 2019. Out of the Ashes: Water pollution and Lake Macquarie's aging coal-fired power stations. Hunter Community Environment Centre
https://static1.squarespace.com/static/5e22ffdfa732e601799afba2/t/5e3224a41e28eb2e4b050057/1580344643751/REPORT_Out_of_the_Ashes_HCEC-compressed.pdf
- [4] Environmental Protection Authority (EPA), 2016. NSW EPA Environmental Guidelines for solid waste landfills (Second Edition). Environment Protection Agency
<https://www.epa.nsw.gov.au/~media/EPA/Corporate%20Site/resources/waste/solid-waste-landfill-guidelines-160259.ashx>