



Environmental Protection Act 1986

Albert Jacob MLA
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST REPORT AND RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY – RESOURCE RECOVERY FACILITY, RED HILL (REPORT 1487)

Purpose of this document

This document sets out the Minister's decision on the appeal lodged against the report and recommendations of the Environmental Protection Authority (EPA) for the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellants:	Environment House; Swan Valley Ratepayers and Residents Association Inc; and Alliance for a Clean Environment Inc
Proponent:	Eastern Metropolitan Regional Council
Proposal description:	Resource Recovery Facility, Red Hill
Minister's Decision:	The Minister dismissed the appeals
Date of Decision:	2 April 2014

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (EP Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeals. The Minister understood that the Office of the Appeals Convenor discussed the appeals with the appellants and with the proponent.

The Minister noted that the proponent is proposing to develop and operate a Resource Recovery Facility (facility) at its existing Waste Management Facility, located at Red Hill in the City of Swan. The Minister understood that the proponent is proposing to use one of two technology options at the proposed facility, being anaerobic digestion or waste-to-energy using a gasification process. The Minister noted also that the EPA assessed both options and concluded in Report 1487 that the proposal, using either of the two options, can be managed to meet its objectives for the key environmental factors air quality and amenity (odour), provided there is satisfactory implementation by the proponent of the recommended conditions.

After considering the appeal, the Appeals Convenor reported to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to all appeals.

The appeals covered a broad range of matters with key issues relating to air emissions from both technology options and the ability of the gasification technology to meet international emission and waste-to-energy efficiency standards. Issues were also raised in relation to impacts to nearby environmentally sensitive areas, impacts to water resources, the need for the proposal in respect to the waste management hierarchy, waste disposal by incineration, community consultation processes, and the adequacy of the regulatory framework.

In considering these appeals, the Minister noted the advice of the EPA and Waste Authority, published in April 2013, "*Environmental and health performance of waste to energy technologies: Advice of the Environmental Protection Authority to the Minister for Environment under Section 16(e) of the Environmental Protection Act 1986*" (strategic advice) which concluded that modern waste to energy plants, such as the gasification technology option for this proposal, can operate within strict emissions standards with acceptable environmental and health impacts to the community when a plant is well designed and operated using best practice technologies and processes.

In respect to air emissions, the Minister was advised that the EPA was satisfied during the assessment of the proposal, that all criteria pollutants for both anaerobic digestion and gasification technology options were predicted to be compliant with the National Environment Protection Measure standards. The Minister also noted that the stringent international emission standards for waste-to-energy plants were taken into consideration in the assessment and that the EPA has recommended conditions that require consistency with its strategic advice if the proposal is implemented.

The strategic advice also emphasises the importance of the integration of Part IV and Part V processes of the EP Act to allow a life cycle approach to the assessment and approval of the plants. In this regard, if the proposal is implemented, it will be subject to conditions recommended by the EPA and also the requirements of Part V of the EP Act for a works approval (facility construction) and licence (facility operation), which would specify emission limits, monitoring and reporting requirements. The Minister was satisfied that the regulatory framework under the EP Act will ensure that this facility can be appropriately regulated and managed to minimise environmental impacts.

In regard to efficiency, the Minister was advised that the efficiency factor is affected by such things as steam pressure and ambient temperature. Given the lack of a neighbouring industry to receive steam and the higher ambient temperature in WA, the EPA has accepted that an efficiency of 0.59 is reasonable in this circumstance.

In respect to impacts to nearby environmentally sensitive areas (ESA), the Minister noted that the nearest ESA is located approximately two kilometres from the proposed site. The Minister was advised that predicted emissions showed no exceedences of ecological guidelines, and that the John Forrest National Park is unlikely to be subject to air pollutant impacts.

In respect to the use and potential contamination of water resources, the Minister was advised that the water supply to the proposed facility will be sourced from a combination of piped potable water and collected rain water, that the proposed facility will be designed to minimise and contain any liquid leakages, and that groundwater and surface water will be monitored regularly.

In respect to the consultation processes undertaken for this proposal, the Minister was satisfied that there have been a number of opportunities in which the community has been consulted, both through the EPA's assessment process and through the proponent's public consultation activities, which are outlined in the Appeals Convenor's report.

Finally, the Minister noted the concern in respect to the need for the proposed facility on the basis of the waste management hierarchy. The Minister noted that the waste management hierarchy is a principle used to guide sustainable waste management and is considered in current waste management practices. The Minister was advised that the establishment of the facility would divert waste from landfill, which would reduce environmental impacts associated with landfilling, including emissions from greenhouse gases and potential contamination of soil and groundwater, consistent with the *Western Australian Waste Strategy* (Waste Authority, 2012).

The Minister also noted that the strategic advice recommends that the waste management hierarchy should be applied, only waste that does not have a viable recycling or reuse alternative should be used as feedstock, and that conditions should be set to require monitoring and reporting of the waste material accepted over the life of a plant. In this regard it is noted that an operating licence will be required under Part V of the EP Act for the premise and that any licence issued can include conditions relating to monitoring and reporting of waste material.

After considering all of the information presented to him in respect to these appeals, the Minister was of the view that the EPA has adequately considered the key environmental factors identified by it in its assessment of the proposal, and that this assessment was consistent with section 44 of the EP Act.

The Minister was of the view that the EPA was justified in concluding that the proposal can be managed to meet its environmental objectives through the implementation of the recommended conditions, regardless of which technology option is selected by the proponent. The Minister was also satisfied that the proposal, if implemented, can be adequately regulated through a works approval and operating licence under Part V of the Act and through any conditions imposed under Part IV of the Act. The Minister therefore dismissed the appeals.

Having determined the appeals, section 45 of the EP Act requires that the Minister consult with relevant decision making authorities to seek agreement as to whether or not the proposal may be implemented, and if so, the conditions to which the implementation of the proposal should be subject.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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