



3 May 2013

NSW Environment Protection Agency
By email: energy.waste@epa.nsw.gov.au

To whom it may concern,

Re: NSW Energy from Waste Draft Policy Statement

SSROC Councils generally support energy from waste as part of an integrated solution to the management of solid waste, and welcome the publication of the consultation draft policy.

The sixteen Councils of the southern Sydney region represent 1.5 million people: a quarter of the population of Greater Metropolitan Sydney. Our region extends from Bankstown to Randwick and from the City to Sutherland. On average, the population generates 4.1 kilograms of municipal solid waste per capita each week, or an estimated 320,000 tonnes per annum. Southern Sydney Councils collect and dispose of this, continually striving to maximise the recovery of resources from this waste stream by a range of approaches.

1. Policy Basis

SSROC agreed with the findings of the Richmond Review that, *"The recovery of energy from waste (EfW) has the potential to deliver good environmental outcomes in relation to resource conservation."* But we also shared the reservation that *"... the combustion of waste also has the potential to produce air emissions above acceptable environmental and human health levels and to generate waste feedstock demands that may run counter to resource recovery objectives."*

However, we fear that in addressing the reservations, the Government has severely curtailed the potential for good resource conservation outcomes. SSROC is concerned that the policy focuses on EfW in isolation, and does not place the process in the broad context of sustainability, including carbon emissions reduction. SSROC suggests that the wording from the European Waste Framework Directive guidelines better describes the place the EfW should have in the waste hierarchy than the introduction to the policy does: *"Recycling of waste by reprocessing it into new products can make the most efficient use of the resources contained in waste. Where waste recycling is not the environmentally preferable option, technically not feasible or economically not viable, waste should be used to generate energy."*

The European approach actively promotes EfW processes at the appropriate point in the hierarchy of available options, predicated upon balancing the broader sustainability criteria of environmental, social and economic factors. The draft policy proposes a framework for EfW processes in isolation, and fails to position EfW as part of the solution to the future for maximising resource recovery from waste. The Government's own *Waste Less, Recycle More* initiative states that *"The aim is ...to get the most energy out of waste that cannot be recycled cost-effectively"*, which hints that EfW should be promoted within the hierarchy of options. SSROC believes that the draft policy fails to support the broader initiative in this regard.

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SSROC would recommend that the Government's policy position should be shifted towards that of the European Union in this regard. Rather than recognising "*that the recovery of energy and resources for the thermal processing of waste can be a valid pathway for residuals ...*" the policy should actively promote energy generation where reuse, reprocessing or recycling are not feasible.

2. Requirement for Positive Net Energy Production

While in general SSROC agrees that the aim of EfW should be positive net energy production, we are concerned that not permitting exceptions could result in perverse outcomes. Should energy production be close to neutral or marginally negative, it is yet possible that it might be the best option when all sustainability considerations are taken into account. This would mean using EfW as a means of disposal, but if the proponent can demonstrate the negative impacts of disposal in this way are less than any viable alternative, then it would deliver the most sustainable outcome overall.

SSROC would suggest that in positioning EfW within the hierarchy of options for maximising recovery of energy and resources from waste, the proponent should be permitted the opportunity to demonstrate that thermal treatment is the best of the options available at a point in the end-to-end process of resource-recovery to residue-disposal. This would involve comparison of each option in terms of lifecycle assessments (including carbon and other emissions, energy inputs etc.) as well as social impact assessments. This would aim to deliver the best sustainability outcome, should the requirement for positive net energy not be achievable.

3. Improving Infrastructure Planning

In order to justify the high capital cost of developing a modern EfW facility, any proponent is likely to require a long-term commitment to feedstock supply. The experience in some European countries has been that, due to poor infrastructure planning, there has been more capacity at existing EfW facilities than there is suitable feedstock to supply them, creating an incentive to increase waste to EfW and jeopardising beneficial environmental outcomes.

Strong central oversight of developments could prevent the situation. The approach could be similar to the "justifiable demand" requirements that apply to landfill developments servicing Sydney. SSROC has previously highlighted the need for EPA and the Department of Planning and Infrastructure to collaborate to ensure adequate and appropriate provision of infrastructure for waste and resource management, and now highlights this as another component of that infrastructure. This oversight function could also support the suggestion for comparison of options against sustainability criteria at 2. above.

4. Thermal Efficiency Criteria

SSROC understands that the European Waste Framework Directive states that the R1 formula is only to be used for plants dedicated to incinerating municipal solid waste. We interpret this to mean that in the case of EfW where the feedstock is the processed output from an AWT, the plant would not be subject to the R1 formula.

Although SSROC supports strong thermal efficiency criteria, we would suggest that there is no requirement for the European Directive to be more broadly applied in Australia than it is in Europe. We therefore recommend that the R1 formula should not apply to plants that use fuels that have been derived from processed waste streams, as we understand is the case in Europe.

5. Resource Recovery Criteria

The draft policy's Table 1 Resource recovery criteria for energy recovery facilities is of concern. The use of a Council's bin system to dictate the proportion of municipal solid waste that can be used for EfW would mean that the actual material recovery rates would not be taken into account. This would unfairly penalise Councils for whom the introduction of a food and garden organics collection,

or simply a garden organics collection, is not a practical or viable option. SSROC member Councils with only separate bins for dry recyclables and residual waste operate this way for very good reasons, and after thorough investigation of alternatives. It appears that, under the draft policy framework, should they send their municipal solid waste to an AWT which recovers say, 55% of the red bin waste, then 25% could be used for EfW, and the remaining 20% would be landfilled for no good reason. The outcomes from the landfilled component of the waste stream would be worse than diversion to EfW by any sustainability criteria.

Furthermore, the proposed criteria would mean that the operation of EfW plant would have to be controlled according to the quantities available after the application of the percentages, rather than according to the most efficient operation of the plant. This seems unnecessarily arduous and complicated.

SSROC contends that the use of bin system as a criterion in this way is inappropriate. Perhaps an audit of EfW input would be a better means of regulation where the input has already been processed through an AWT.

6. Emissions Monitoring Requirements

SSROC supports the application of rigorous standards for treatment and emissions-monitoring, and acknowledges the need for the application of current international best practice. We also note and support the requirement for publication of monitoring data on the internet, for public access.

7. Communications Requirements

SSROC acknowledges that this technology is not well understood in the community and that EfW developments will need to include community education and awareness programs in addition to the consultation that would normally be required of comparable developments. We therefore support the emphasis that the policy places on community acceptance. The EPA must also have a role in this, ensuring that the community is aware that this industry is strictly and well regulated, and that only EFT projects that pose minimal risks to health and environment will be permitted.

Conclusion

SSROC believes that EfW has place in the range of options for maximising resource and energy recovery, and that it should be supported and promoted in this place. We in no way support inappropriate deployment of this technology for disposal purposes, and so would urge the NSW Government to adjust its policy to clarify that EfW is not only valid, but appropriate at the right stage in a good resource and energy recovery process. Furthermore, this would better reflect the high-level policy object identified in *Waste Less, Recycle More*.

Thank you for the opportunity to comment on the draft policy statement. If you would like to discuss or to expand on any aspect of this submission, please contact me or Helen Sloan, Program Manager, on 9330 6455 or ssroc@ssroc.nsw.gov.au.

Yours faithfully,



Alan Northey
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Southern Sydney Regional Organisation of Councils