

COMPARISON OF ARUP REVIEW AND ACTPLA ASSESSMENT OF CRS EIS FOR PROPOSED MATERIALS RECYCLING FACILITY (MRF) ON BLOCKS 9 AND 11 OF SECTION 8 FYSHWICK

Summary chronology

- 'Govt' refers to the planning and land authority ACTPLA
- EIS managed by Purdon Associates on behalf of Capital Recycling Solutions Pty Ltd (CRS)

19 May 2017: application for waste incinerator in Fyshwick by CRS – not followed up within 18 month period, so application expired.

4 Dec 2017: CRS request for scoping document for Environmental Impact Statement (EIS) for a Materials Recovery Facility (MRF).

15 Jan 2018: final scoping document (FSD) for EIS preparation issued by Govt to CRS and notified on the ACT Legislation Register on 22 Jan 2018.

19 April 2018: draft EIS lodged by CRS

23 April to 27 June 2018: public consultation on draft CRS EIS. 464 representations received.

24 April: Govt agencies asked to comment on EIS

7 Nov 2018: CRS submits revised EIS but Govt not satisfied that EIS sufficiently addresses each matter raised in the scoping document.

21 Dec 2018: Govt requests CRS to revise draft EIS (first section 224 notice) and address matters that were set out in the final scoping document but were not addressed by CRS

9 April 2019: CRS provides response to Govt.

3 June 2019: Govt issues second section 224 notice to CRS regarding matters unaddressed in revised EIS that were required by the final scoping document.

5 June 2019: DA for rail freight terminal next to MRF approved by Govt. (CRS proposed to export unrecyclable waste by rail to Woodlawn landfill at Tarago.

20 Aug 2019: CRS provides final (revised) EIS

5 Dec 2019 Arup presents its review of the final EIS to Govt. The report was commissioned by the Govt to provide an independent review of the EIS

28 Jan 2020: CRS responds to Arup report

June 2020: Govt issues EIS Assessment Report

3 July 2020: EIS Assessment Report (NI2020-383) notified by Govt. Media release by Minister Mick Gentleman states that EIS process is complete and its content will inform any Development Application (DA) submitted by the proponent, with usual public comment period.

??? 2020: likely submission by CRS of DA to construct recycling facility on Ipswich Street in Fyshwick.

The CRS proposal: receive and process up to 300,000 tonnes of waste annually from NSW and the ACT, and recover upwards of 60,000 tonnes (about 20 per cent). Residual waste to be compacted in sealed shipping containers and transported to the Woodlawn Bioreactor

(landfill) at Tarago by rail. The CRF facility will accept municipal solid waste (MSW) and commercial and industrial (C&I) waste streams.

General inconsistencies in final EIS: Arup (p. 12) draws attention to inconsistencies in the CRS EIS documents. For example, a ‘conservative recovery rate of 20 per cent’ is proposed by CRS but some documents refer to an ‘average recovery rate of 40 per cent’: this can affect traffic projections. Recovery of C&I waste should be much greater than 40 per cent, so this implies a very low rate of MSW recovery, with most of it going to landfill in contravention of the proximity principle. Arup (p. 12) calls for CRS to demonstrate how the ‘variability in market conditions’ could affect recovery rates [overseas market prices, as well as Australian export prohibitions from 2021, could well affect the commercial viability of the recycling component of the facility]. The EIS does not align with the final scoping document (Arup p. 15) and is not written in plain English (Arup p. 13) as required. Table 2 of Arup pp. 16-21 lists other instances of inconsistencies between the 20 Aug 2019 final EIS and the 15 Jan 2018 final scoping document. Arup (p. 24): the EIS content and structure re land disturbance, waterways and wetlands is scattered across documents and difficult to follow.

Adequacy of final EIS.

Arup (p. 58) identified over 100 unique points of inadequacy or inaccuracy in the EIS, but some were minor.

‘The main issue is the inadequacy of not providing clear and accurate data on the feedstock availability over the proposal’s intended life and the composition of the material expected to enter and leave the facility. ... Also, the EIS does not adequately consider changes in market conditions, which may affect the economics of recovery. ... As there is limited certainty in these data, it means that the corresponding impact assessment studies may be inaccurate. ... Once this information is clarified the conclusions of the traffic, odour, air quality, socioeconomic, health, noise, and hazard and risk assessments should be checked to ensure the impacts are valid, and that there are no inaccuracies, underestimations or omissions.’

On the other hand, the Govt (ACTPLA) appears to have gone to some trouble to write an assessment which resembles the sort of EIS that CRS should have written. For example, on page 57 (section 3.10.5), noise mitigation measures have been identified/suggested ‘by the authority [ACTPLA] and entities’, not just CRS and its consultants. Unsurprisingly, ACTPLA considers the EIS produced by CRS to be substantially ‘sufficient’ or ‘adequate’ to preclude its rejection, even though it has avoided or evaded addressing a number of specific requirements in the scoping document.

It may be a portent of things to come during the Development Application (DA) process that all the residual risks identified in the Govt assessment of the EIS are designated as “low”, “very low”, or “negligible”.

KEY ISSUES RAISED BY ARUP	GOVT EIS ASSESSMENT
<p><u>Alternatives to Fyshwick proposal</u> (p. 7, 24): Final Scoping Document (FSD) requested alternative proposals; CRS claims only the rail site is viable but fails to provide a site selection analysis and justification as asked.</p>	<p>(p. 4-5): the Govt outlines five possible alternative projects listed in the EIS, but does not comment on their merits.</p> <p>No comment is made on other potential projects, such as siting the facility near a rail line in or around Queanbeyan. Nor is the proximity principle (see below) addressed.</p>
<p><u>Construction and Decommissioning</u> (p. 7, 23): FSD requires a description of the construction method and its impacts. Information lacking includes start and end date, construction methods, materials management, intergenerational impacts of decommissioning, etc.</p>	<p>Decommissioning does not appear to have been addressed specifically.</p> <p>Other construction issues appear to have been addressed only through statements that they will be considered during the DA process.</p>
<p><u>Sovereign risk</u> (p. 12): sending waste to Woodlawn from the ACT is not subject to any NSW levy. If the situation changes, the proposal may become uneconomic. (p. 32): there is no clear evidence of a CRS-Woodlawn discussion or agreement. (p. 2, non-technical summary): Woodlawn does not have a licence to landfill waste material from the ACT. (p. 32): Veolia (Woodlawn’s operators) currently handles two trains from Sydney daily, so not clear if there is capacity for another one per day from Canberra.</p>	<p>[This issue does not appear to have been addressed by the Government, despite obviously posing a significant risk to the ACT.] [If Woodlawn becomes unavailable, CRS may seek to divert all waste imported from NSW, as well as ACT waste, to the Mugga Lane tip.] [An associated risk is that construction of a hardstand next to the rail line in Fyshwick (approved 5 June 2019 DA201835108) may preclude options for upgraded rail services to Sydney.]</p>
<p><u>Traffic and transport</u> (non-technical summary, p. 2): EIS does not explain why waste should be transported interstate.. Facility may not be able to deal with delivery delays or several trucks arriving at once because operator does not control delivery vehicles. (p. 54, Memo p. 4): traffic modelling used Passenger Car Unit factors to represent heavy vehicles – may not adequately reflect true effect of slower speed and length. Effect of</p>	<p>(p. 24): Transport Canberra and City Services (TCCS) requires the phasing changes for the proposed signalised intersection on Ipswich street to be assessed at the DA stage.</p> <p>(p. 27): <i>All residual risks (traffic increase, road safety, and increased rail movements) are considered by Govt to be “low”</i></p>

<p>proposed signalised intersection at site entry not modelled. Peak periods are not modelled. (Memo, p. 2): potential queuing across intersections was not modelled. (p. 26): effect on traffic during construction needs an impact assessment, not just claiming that the effect will be minor. Ditto regarding on-site parking during operation.</p>	
<p><u>EIS readability</u> (pp. 13-14): EIS is required to be written in plain English but ambiguities, repetition, irrelevancy, contradictions, etc, make it difficult to understand. It is categorised as “difficult to read”. While the technical appendices provide the necessary information, there is inconsistency with the EIS itself, so it is not clear if they are assessing the impact of what is proposed by CRS.</p>	<p>This issue does not appear to have been addressed in the Govt’s assessment of the final EIS produced by CRS. Information provided in all sections is implicitly considered to be sufficient or adequate.</p>
<p><u>Fire safety</u> (p. 6): proposal unclear on how much water will be stored on-site to fight fire, or whether it will be adequate.</p>	<p>(p. 61): sufficient information has been provided on risks and mitigation measures regarding bushfires affecting the facility and on-site spontaneous combustion of plant-based waste material. Measures will be assessed during DA stage.</p> <p>(p. 63): Govt considers all residual risks to be “negligible, very low or low”.</p>
<p><u>Proximity principle</u> (p. 32): proximity principle (150km) introduced in NSW to reduce long-distance transport of waste (e.g. to Qld), but is(?) being repealed. It is also specifically enacted in the ACT <i>Waste Mgt and Resource Recovery Act 2016</i>. [but ACT legislation not specific about distance??] [does proximity principle contradict export of waste 70km to Woodlawn landfill rather than Mugga Lane?]</p>	<p>(p. 67): Govt outlines the precautionary principle and the principle of inter-generational equity which are two of the five principles in section 9 of the <i>Waste Management and Resource Recovery Act 2016</i>.</p> <p>Despite being one of the five principles enunciated in section 9 of the <i>Waste Management and Resource Recovery Act 2016</i>, the proximity principle does not appear to have been addressed in the Govt’s assessment of the final EIS produced by CRS. In particular, it has not been addressed in the Govt’s (pp. 4-5) summary of potential</p>

<p><u>Odour and waste storage</u> (p. 49): Analysis in App 1 of EIS assumes constant balance of 25% MSW and 75% C&I waste. But if for operational reasons the site contains more MSW at any point in time, the odour will be greater than that estimated.</p> <p>(p. 60): CRS needs to demonstrate sustainability of 12-hour operation if there is a supply delay, or several trucks arrive at site at once, because CRS cannot control arrival times or external delivery issues (e.g. due to road accidents).</p>	<p>alternative project approaches.</p> <p><u>Air quality and climate change</u> (p. 50): Govt concludes that information provided in EIS and App 1 is ‘adequate for the EIS stage’ but further consideration will be required at the DA stage.</p> <p><i>(p. 52): All residual risks (odour, dust, hazardous emissions, impact on climate change, etc) are considered by Govt to be “low”.</i></p> <p>(p. 32): Govt considers that EIS has sufficiently addressed issue of stockpiling of waste on-site when operation ceases.</p> <p><i>(p. 35): residual risks of storage and disposal of non-recyclable waste at the facility is considered by Govt to be “low”.</i></p>
<p><u>Noise</u> (pp. 50-51): with some reservations about the analysis, Arup considers that external traffic noise will dominate noise from the site except for proximate locations. Construction noise and vibration requires more analysis and explanation.</p>	<p>(p. 57-58): the DA will require an approved Noise Management Report.</p> <p><i>(p. 58): The residual noise risks during construction and operation are both considered by Govt to be “low”.</i></p>
<p><u>Soils and geology</u></p> <p>(p. 48): Section 3.2.11 of Appendix G of EIS makes clear that a 2017 Site Audit Report by GHD who signed off on the site’s continued commercial and industrial use did so, on the basis that ‘the construction of buildings or enclosed spaces’ would be prohibited to ‘mitigate vapour intrusion’. However, Appendix G fails to address construction of enclosed buildings, the negative pressure arrangement for the main waste transfer building and the fast-closing doors to minimise odour leakage.</p> <p>(p. 48): Section 3.3 of Appendix G of the EIS also claims that construction will be limited to the top of the concrete slab. It seems to be unaware of p. 197 of EIS stating that leachate will be managed by installing a leachate tank</p>	<p>(p. 39): there are two issues – existing soil contamination from fuels affecting workers on the site, and contamination of soil due to waste spills.</p> <p>(p. 39): ‘Previous contamination studies have concluded that there may be unacceptable risks to future site users occupying buildings constructed over areas of the most significantly contaminated soil from inhalation of vapours. An Environmental Management Plan prepared for Access Recycling in 2017 for the continued commercial and industrial land use proposed that the construction of buildings or enclosed spaces be prohibited to mitigate the potential for vapour intrusion into buildings constructed over contamination which could result in a vapour inhalation risk to site occupants (Appendix H of EIS)’.</p> <p><i>(p. 43): residual risks associated with</i></p>

<p>beneath the main waste transfer building.</p>	<p><i>existing soil contamination and potential spills during operation are considered by the Govt to be “low”.</i></p>
<p><u>Water quality and hydrology</u></p> <p>(pp. 27-28): despite FSD requirement for information on stormwater and wastewater management during construction and operation, CRS fails to provide a catchment map, and only offers general responses on stormwater and wastewater management. It focusses instead on leachate.</p> <p>(p. 5): CRS proposes 20,000 litre leachate tank belowground capable of about 4 days’ worth storage of operational leachate, with daily removal of 5,200 litres. ‘There appears to be no ... leachate treatment plant onsite as is typical for similar facilities’. [but p. 197 of the EIS does foreshadow the possibility of on-site treatment.]</p>	<p>(p. 44): historic use of site as a fuel storage facility represents risk of contaminated water run-off affecting hydrological systems.</p> <p><i>(p. 47): residual risk of stormwater and wastewater to groundwater, Jerrabomberra Creek and wetland considered by the Govt to be “low”.</i></p>