



Environmental Protection Act 1986

**Hon Albert Jacob MLA  
Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEALS AGAINST REPORT AND RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY EAST ROCKINGHAM WASTE TO ENERGY AND MATERIALS RECOVERY FACILITY (REPORT 1513)**

#### **Purpose of this document**

This document sets out the Minister's decision on appeals lodged under section 100(1)(d) of the *Environmental Protection Act 1986* in objection to 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 Committee's own report, which can be downloaded from the Appeals Convenor's website at [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au).

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<b>Appellant:</b>	Conservation Council of WA Inc. Alliance for a Clean Environment Inc. James Mumme
<b>Proponent:</b>	New Energy Corporation Pty Ltd
<b>Proposal:</b>	East Rockingham Waste to Energy and Materials Recovery Facility
<b>Minister's Decision:</b>	The Minister dismissed the appeals
<b>Date of Decision:</b>	20 November 2014

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#### **REASONS FOR MINISTER'S DECISION**

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Pursuant to section 106(1)(a) of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeals. The Office of the Appeals Convenor investigated the appeals, which the Minister was advised included discussions with the appellants, the proponent and the EPA.

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

The Minister noted that the key issues raised in the appeals related to air quality and impacts to human health, management and disposal of waste water, changes in traffic volume, public availability of emissions monitoring, the objectivity of the EPA, the principle of waste minimisation, the waste hierarchy and assurance around waste sorting and recycling, the composition of feedstock, the Entech technology, and the EPA's recommendations to him on waste-to-energy under section 16(e) of the Act. The Minister referred appellants to the Appeals Convenor's report for detailed information on these matters. The Minister also made the following observations.

In its advice under section 16(e) of the Act, the EPA concluded that modern waste-to-energy facilities can operate within strict emissions standards with acceptable environmental and health impacts to the community when a facility is well designed and operated using best practice technologies and processes.

The Minister understood that the proponent has made a number of commitments in relation to the proposal, some of which are outlined in the Appeals Convenor's report. The Minister noted that these commitments include the installation of a Continuous Emissions Monitoring System; regular stack testing; monitoring of developments in nanoparticle measurement; development of an Environmental Management System incorporating procedures for waste acceptance, monitoring, start-up, shut-down and emergencies; sorting of waste streams; and testing and appropriate disposal of bottom ash and process water.

The Minister noted that the types of waste accepted at the proposed facility, and therefore the types of waste used as feedstock for the gasifiers, can be regulated by the EPA through the implementation of recommended condition 6 under Part IV of the Act. The Minister also noted that emissions to the environment (including noise) during construction, commissioning and operation of the proposed facility, and a staged approach to commissioning, can be adequately regulated by the Department of Environment Regulation (DER) through a works approval and licence under Part V of the Act. In providing this advice, the Minister noted that if the DER's assessment of an application determines that the environmental risks posed are unacceptable, the DER can refuse to issue a works approval or licence.

The Minister was satisfied that the proponent's compliance with the requirements imposed by the EPA and the DER, in addition to its own commitments, will ensure that the proposed facility can be managed to meet the requirements of the European Union's Waste Incineration Directive 2000/76/EC (or its updates) for key pollutants, and to be compliant with the National Environment Protection Measure standard and other relevant guidelines for standard operation and emergency shut-down scenarios.

Taking into account the information presented to him in respect to the appeals, the Minister was of the view that the EPA has adequately considered the environmental impacts of the proposal in its assessment, and that its assessment (including consideration of public submissions and indirect impacts) was consistent with section 44 of the Act. The Minister was also satisfied that the impacts of the proposal, if implemented, can be appropriately managed through existing statutory and regulatory mechanisms without the need for further environmental conditions. The Minister therefore dismissed the appeals.

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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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