Climate Action Merri-bek
[redacted]
17 April 2025

To: Department of Energy, Environment and Climate Action
Email: [redacted]

Re: Striking the right balance for waste to energy in Victoria

We are a grassroot Incorporated group of citizens in the municipality of Merri-bek in Melbourne's Northern suburbs active on climate advocacy since 2008. We bring our experience and knowledge of climate science and the need for rapid decarbonisation to address the climate emergency, especially as it applies to our own municipality, but also generally for Victoria and Australia as a whole.

We have had representatives attend four UN Climate Change Conferences since COP21 in Paris in 2015 as NGO Observers.

We thank the Department of Climate Change for this opportunity to put in a submission on Striking the right balance for waste to energy in Victoria.

John Englart
Convenor, Climate Action Merri-bek
for and on behalf of Climate Action Merri-bek

Submission: Waste to Energy Cap

Executive Summary and recommendations

We have had limited time to read the Regulatory Impact Statement, but even so we think the benefits do not outweigh the risks and long term costs. We don't think the health and environmental risks have been adequately factored into the cost benefit analysis.

1. We Oppose lifting the cap.
2. We Call for a Reassessment of Waste to Energy Framework.
3. We support pursuing recycling solutions and waste minimisation
4. Repeal the Circular Economy (Waste Reduction and Recycling) (Waste to Energy Scheme) Regulations and all attendant Laws and Regulations.
5. Revoke all licences and Planning Permits for waste incineration projects.
6. Repeal all the current laws and regulations relating to the calculation of greenhouse gas emissions, and start again. Current practice is based on the obsolete assumption that THE alternative to incineration of waste is landfill, with largely unrestrained emissions to atmosphere of methane from buried putrescible matter. Modern practice is now very different and evolving rapidly.
7. EVERY proposal for a waste management facility should be required to have an INDEPENDENT Environmental Effects Statement (EES). Same for Health Impact Assessments.
8. Ensure that EVERY proposal for a waste management facility is accompanied by a Business Case consistent with the guidelines specified by the Department of Treasury and Finance. Each Business Case to be made public.
9. Where there is a requirement for a "Fit and Proper Person" to be responsible for an EPA licence, ensure that the "Fit and Proper Person" is actually a specific named human being who can be prosecuted (an Australian citizen and resident), and not just a corporation with limited liability.
10. Ensure that the EPA actually evaluates each development proposal submitted to it rather than accepting its claims, assurances and vague assertions untested.
11. Forbid the practice of issuing a licence for a project that has an incomplete design. (Due to advances in technology, it may be found that design improvements are possible/desirable AFTER the licence has been issued, in which case the proponent must apply for an amendment to the licence.)
12. EPA and/or DEECA to immediately reject proposals that are written in "weasel words", that is, lacking in detail, commitment and accountability.
13. Empower the EPA to impose deadlines for the submission of documentation, in breach of which the project is automatically REJECTED.
14. Forbid the EPA's practice of issuing "licences with conditions". Forbid the EPA from issuing licences IN ADVANCE of meeting the requirements. These practices are MALFEASANCE. The proposal either meets the requirements, or it is REJECTED by the authorities. "Licences with conditions" is open to abuse and corruption, and certainly undermines the EPA's authority and social licence.
15. Forbid the EPA from issuing a licence for a project, in the absence of a comprehensive suite of emergency procedures which are to apply during

construction, commissioning and normal operations. Emergency procedures must include plans for evacuation of the site and environs.

16. Forbid the EPA from issuing licences in the absence of social licence for the project, or in defiance of community expectations.
17. Forbid the practice of publicly announcing a project approval in the absence of the proponents. Both the Applicants and the Decision Makers must face the public together. (If the guys who want to do this don't turn up, we all go home.)
18. Study the new policy from DCCEEW "Australia's Circular Economy Framework" and design a novel waste management system for Victoria, consistent with the DCCEEW Framework and free of waste incineration.
19. Implementation of DCCEEW's "Australia's Circular Economy Framework" will involve invention of entirely new waste management industries. The Victorian government to ensure that the Chief Health Officer is directed to report on the public health implications of every type of new waste management industry.
20. Collect "baseline data" regarding key health and environmental parameters BEFORE construction of any waste management project, then periodically after construction, with analysis of the data to find statistically significant differences. This can be considered a "permanent epidemiological study".
21. Empower the EPA to impose a BOND of substantial proportions on each project which has significant potential for harm to public health and/or environment. EPA to stipulate rules for drawing on the BOND for "emergency actions", "cleanup expenses", and compensation.
22. Enshrine in EPA standard practice a requirement that new waste management facilities must provide a continuous stream of data to the public via the internet regarding key process parameters that may have an effect on public health or the environment.

We also put forward our Submission to the EPA on: Wollert Waste to Energy Incinerator. We ask that this fully detailed submission also be considered in our argument opposing lifting the cap and calling for reassessment of the Waste to Energy Framework.
https://climateactionmerribek.org/wp-content/uploads/2024/04/2024-04-14-cam-wollert-submission-4-jepg.pdf

Submission

We note that this engagement argues for “commitment to further increase the Waste to Energy Scheme cap (the cap) limit to 2.5 million tonnes per annum, subject to a Regulatory Impact Statement (RIS).

We oppose any lifting of the Cap and call for reassessment of the Waste To Energy Framwork, on the grounds that it does not fit into circular economy, does not maximise recycling or provide effective waste minimisation and effective management of landfill waste.

Cost Benefit Analysis ignores environmental and health risks and costs

Modelling in the Waste to Energy Regulatory Impact Statement factors in expansion of WTE does not consider environmental and health impacts and costs, and the strong community concerns being expressed about numerous WtE project proposal licences. For example, on environmental and health community concerns there is no factoring in of environment and health impacts risks in the cost-benefit analysis.

Waste to Energy is not Renewables Energy

A Waste to Energy incinerator/generator is only another type of fossil fuel fired power station, because its main fuel is plastics made of petroleum derived hydrocarbons.

As coal and gas decline in the network and is replaced by firmed renewables, WtE will become the most carbon intensive electricity, which goes against Victoria’s climate targets.

Electricity from waste incineration will never add more than a small amount to Victoria’s grid, and with significant unreliability due to frequent planned and unplanned maintenance. It is nonsense to suggest that waste incineration can provide useful "baseload power".

Toxic Pollution poses health and environment risks

We note that Waste incinerators emit carcinogens, mutagens, teratogens, endocrine disrupters and heavy metals as well as greenhouse gases such as carbon dioxide and nitrous oxide as air pollution. No flue capture mechanism is 100 percent effective. Pollution results in Miscarriage, birth defects, pre-term births, cancer and endocrine disruption,and the evidence is that waste incinerator outputs contribute to those adversities.

The current European Union waste incineration "BAT" standards are not capable of protecting the public and the environment from contamination with Persistent Organic Pollutants (POPs), even if the incinerator complies with all the BAT requirements. PFAS being a good example.

Waste incineration contaminates surrounding farmland with Persistent Organic Pollutants banned under the Stockholm Convention, leading to Class Actions to compensate farmers and the public from environmental and health damages arising. This damages local agricultural producers, as well as posing health risks for backyard farming.

We note growing concern from Europe of contamination around Waste to Energy Plants, imposing environmental and health impacts and costs. New data links waste incinerators to toxic contamination in surrounding environments – Spain, France, Netherlands, 01 Apr 2025, Zero Waste Europe
https://zerowasteeurope.eu/press-release/new-data-links-waste-incinerators-to-toxic-contamination-in-surrounding-environments-spain-france-netherlands/

Disposal of toxic fly ash and bottom ash

We raise that there are no real solutions for where to store toxic fly ash and bottom ash that is treated like radioactive waste overseas and stored deep in abandoned salt mines in barrels like radioactive waste. The Government's solution to beneficially using this toxic ash is a nightmare scenario where toxic dioxins (a cancerous chemical that builds up in your body and never leaves), and heavy metals.

See: On Bottom Ash: ‘Saxon Pit’, Incineration Bottom Ash (IBA) & Incineration Bottom Ash Aggregate (IBAA), United Kingdom, A toxic present for the next generation?, March 1st, 2025.
https://www.toxicowatch.org/_files/ugd/8b2c54_d991d55a35704856a037d227a96dad92.pdf

General Environment Duty

The General Environmental Duty, the Precautionary Principle and the Stockholm Convention require that the sources of pollution must be "eliminated" rather than "reduced as far as reasonably practicable". This expression excuses a multitude of sins.

The term "low and acceptable" is inappropriate for toxic substances which tend to bioaccumulate and/or biomagnify, such as fat soluble Persistent Organic Pollutants. Amend all relevant regulations accordingly.

Hard e-waste plastics recycled to filament for 3D printing

Part of the solution to avoid landfill or Waste to Energy is better recycling. We draw your attention to recent news from University of NSW that electronic waste recycler Renew IT has added the UNSW-designed MICROfactorie technology to its facility in Lane Cove, Sydney. It will recycle the hard plastics from items like old printers and computers into valuable filament or “ink” which will be used for 3D manufacturing and printing.

Hard plastic Items that once may have ended in landfill or feedstack for Waste to Energy can now be recycled as plastic filament for 3D manufacturing and printing.
https://www.unsw.edu.au/newsroom/news/2025/03/world-first-UNSW-designed-recycling-facility-launch

Circular Economy and Waste to Energy

Waste to Energy is not conducive to a circular economy but is an end point for fossil fuel products, resulting in air pollution and toxic bottom ash. The energy produced is not renewables based energy as incineration destroys the resource forever.

Toxics and Human Rights

We also note the statements by Marcos A. Orellana, UN Special Rapporteur on Toxics and Human Rights, who visited Australia from 28 August to 8 September 2023. In his End of Mission Statement released 8 September one of the areas he highlighted was Waste Incineration, and he also noted Air quality standards in Australia are less protective than in other member countries of the Organization for Economic Cooperation and Development (OECD).

> *“Waste incineration is the end of the line for fossil fuels. It reflects a linear process that is incompatible with a circular economy. Incineration imposes heavy health and other costs on local communities, and it is a significant source of greenhouse gases. It has been reported that even the most modern incinerators produce dioxins, furans and toxic ash.”*