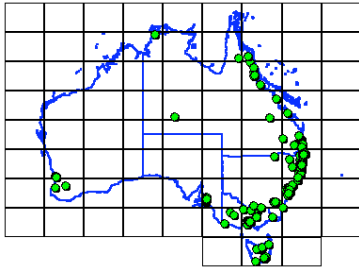


NATIONAL TOXICS NETWORK



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**OBJECTION* TO GEOCYCLE SBF PTY LTD'S APPLICATION
FOR A VICTORIAN ENVIRONMENTAL PROTECTION AUTHORITY LICENSE VARIATION
TO RECEIVE SCHEDULED WASTES**

at their Schedule 4 premises

92 Ordish Rd, Dandenong, Victoria

*This objection is also supported by: Western Region Environment Centre and Alliance for Clean Environment

National Toxics Network (NTN) is a NGO (non-government organisation) network working for pollution reduction, protection of environmental health and environmental justice for all. NTN is the Australian focal point for the International POPs Elimination Network (IPEN) working towards the full implementation of the Stockholm Convention on Persistent Organic Pollutants (POPs) 2001 and other relevant international and regional chemical treaties. NTN has a particular focus on children's environmental health and intergenerational equity.

NTN would like to express its serious concern in relation to the controversial Works Approval Application (WA61382) from Geocycle SBF Pty Ltd (in association with Cement Australia) which seeks to gain approval for a process to take scheduled waste and dilute it until it reaches a non-scheduled status, thereby avoiding the stringent (and expensive) requirements for destruction of scheduled wastes. We are deeply concerned that it appears EPA Victoria are prepared to consider a pollution-dilution approach to scheduled waste which is inconsistent with the principles and intention of the National Strategy for the Management of Scheduled Wastes and its associated Scheduled Waste Management Plans.

NTN was centrally involved in the difficult task that led to reaching the broad consensus between governments, industry and community/environment NGOs embodied in the National Strategy and Management Plans. In particular, we were involved in the National Advisory Body on Scheduled Waste; the Consultation Panels for the PCB, HCB and OCP Management Plans and the Consultation Panel for the Review of the PCB Management Plan. In our view, the application seeks to use the passage of time to reinterpret, for commercial gain, the clear understandings and intent embodied in the PCB Management Plans.

While it may be possible to construct legal arguments that throw the negotiated intention embodied in the Scheduled Waste Management Plans into doubt, the use of language to confuse this intention, for instance, to refer to the dilution of scheduled waste and its burning in a cement kiln as 'co-processing', appears to be an exercise in re-branding which has no support with NGOs or the broader community.

Our understanding is that, at present, Geocycle is licensed to blend non-scheduled (ie below 50mg/kg of scheduled material) waste into a Solvent Based Fuel that is burnt in a cement kiln. It is clear to us that this process is consistent with the principles embodied in the Guidance Note for the disposal of non-scheduled liquid PCB waste in the PCB Management Plan.

It is important to be cognisant of the process that resulted in the production of a consensus Guidance Note (and consensus Management Plans more generally) that led to a broad range of stakeholders agreeing to its content and providing the basis for a non-incineration approach to scheduled wastes management in Australia.

Many community/environment groups were of the view that burning of non-scheduled should not be permitted, whereas many in industry argued that burning of scheduled wastes should be committed. The guidance note was one of many fiercely negotiated provisions that the majority of stakeholders agreed to live with in the interests of achieving a workable solution to what had been an intractable national problem. As committed and active participants in that long and difficult solution-seeking process, we regard any attempt to unravel the clear understandings and intentions of this Guidance Note (and the Management Plans more generally) as an attempt to undermine the agreement, which was reached in good faith by all parties.

We note that Geocycle and Cement Australia have recently completed a program to achieve conformance with regulations including the "EU, UK and USA regulations covering transport, analysis, storage, treatment and incineration of POPs and PCBs". Surely this would only be relevant if Geocycle were

applying to undertake works in the EU, UK and USA to, amongst other things, incinerate POPs, including PCBs? The consensus-based management regime in Australia is a completely different regime.

The intention of Geocycle's proposal appears to be to "facilitate the disposal of scheduled wastes" as they state in Section 2. The primary purpose of the proposal is a bold attempt to dilute scheduled PCBs (and potentially other scheduled materials) into non-scheduled PCBs, to cascade the material down into the lesser (and cheaper) requirements of the Management Plan that apply to non-scheduled wastes.

The PCB Management Plan states:

9.4 *"Scheduled PCB waste shall be treated:
...9.4.4 without intentional dilution or disaggregation merely to result in scheduled PCB waste becoming non-scheduled PCB waste. With the approval of the agency¹, blending to facilitate treatment of scheduled PCB waste is permitted."*

It is important to be aware of the discussion that took place in the National Advisory Body (NAB) and the Scheduled Wastes Management Group (SWMG) that led to the inclusion of the sentence referring to blending in Section 9.4.4 of the PCB Management Plan, which was not in some of the earlier drafts of the Plan. This sentence was inserted to ensure that legitimate treatment methods were not precluded from availability to treat highly concentrated PCB wastes and materials. The particular trigger that led to its inclusion was the base-catalysed dechlorination (BCD) method, which was patented to take up to around 20% PCB mixtures. It was seen as being quite legitimate to dilute Askarels at concentrations of around 60% PCB to prepare them for receipt into the BCD process. There was never any suggestion that the reference to blending would apply to converting scheduled PCBs to non-scheduled PCBs to meet easier requirements for management and destruction.

It would be disingenuous for anyone involved in the careful discussion around the insertion of this provision to state they believed that it would ever have been agreed to if it had been thought there was the opportunity that it would have been used to justify the conversion of scheduled wastes or materials into non-scheduled waste or materials for burning in a cement kiln.

We note the quoted provision in the EPA Victoria Guidelines for the Management of Polychlorinated Biphenyls (PCBs):

"Dilution may be acceptable, and the EPA may give its consent, where it is intended to enable destruction of PCBs at a facility licensed to do so. Dilution of PCBs to less than the threshold concentration of 50mg/kg (from 'scheduled PCB' to 'non-scheduled PCB' as outlined in the National Management Plan) may only be permitted for the purpose of destruction of the PCBs."

This provision is totally inconsistent with the discussion and negotiation that led to the inclusion of the second sentence in Section 9.4.4 of the PCB Management Plan.

It is unfortunate that one State going it alone could entirely undermine the PCB Management Plan. Such a move would be highly controversial and would set us back years in our approach to managing scheduled waste.

Some legitimate destruction technologies cannot handle highly concentrated scheduled wastes, and thus require dilution to less concentrated scheduled wastes to operate effectively. However, we are not aware of any commercial technologies that can destroy non-scheduled wastes but are technically incapable of

¹ Ie, EPA Victoria in this case.

achieving appropriate destruction efficiencies for wastes that are modestly above the 50mg/kg threshold. Moreover, this argument was not put at the time of the negotiation over the wording of the PCB Management Plan. The overt concern at the time was that sharp operators might dilute material in transformers containing scheduled PCB material into non-scheduled PCB material as an artifice to extend its service life as well as eventually falling under a less demanding regime at the end of its life.

The EPAV Guideline is extremely disappointing and it is hard to believe that between the time of agreement of the PCB Management Plan and the development of the Guidelines, so much knowledge has been lost.

The three Scheduled Waste Management Plans acknowledge that:

“the assistance of a large number of organisations and individuals played a crucial role in [their] success and widespread acceptance.”

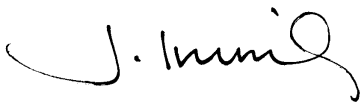
An independent evaluation of the scheduled waste process by ARTD Management and Research Consultants considered:

“The public consultation process to be a model for dealing with difficult issues...No significant stakeholders were excluded from the process or felt their views had not been considered. The community consultation model made a contribution to changing the public response to scheduled wastes from one of high debate and little action to the opposite...The public, chiefly through community and environmental groups, has been invited into the scheduled waste process...This has provided a level of credibility which has enhanced the approach... Along with the composition of the NAB, it has ensured ANZECC can endorse management plans confident that key public groups have participated.”

By contrast, if EPAV were to approve the Geocycle/Cement Australia Works Approval Application, it will do so without the support of all stakeholders. The application and the provisions in the EPAV Guidance Note are in direct contrast to the open, co-operative scheduled waste process.

We urge you to reconsider the Guidance Note and reject this proposal and ensure your policies are in line with the agreed national plan for the management and destruction of PCB waste.

Yours Sincerely,



JO IMMIG
National Coordinator, National Toxics Network