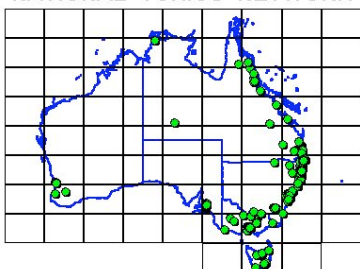


NATIONAL TOXICS NETWORK



NATIONAL TOXICS NETWORK INC.

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Mr Damien Hall
Director
Hazardous Waste Section
Department of the Environment and Water Resources
GPO Box 787
Canberra ACT 2601

Damien.hall@environment.gov.au

1st March 2007

Dear Mr Hall

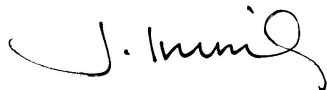
Thank you for the opportunity to respond to Orica's comments. We have addressed the points they raise in detail below.

We note that Orica have provided early letters of support for the repackaging process from Botany and Randwick Councils but we question their relevance as neither has commented on the export application, which is the matter upon which the Commonwealth has to decide.

We also note that this matter is having to be considered by the Commonwealth Government primarily through the failure of the NSW Government to act on advice provided to it to ensure destruction of HCB waste in NSW. The last time the Commonwealth decided to export scheduled waste for incineration-based destruction, significant international opposition caused severe embarrassment and controversy to Australia. Opposition to the proposed import of HCB waste into Germany has escalated significantly in the last few weeks. Concerned

Germans are asking if Orica's stated position of "where there is opposition, we will not go" provided a basis for ending all efforts to site a destruction facility in NSW, why Orica is not applying the same principle to the proposed export of waste. Should the Commonwealth approve this export it might be concluded that the principles being applied are "out of sight, out of mind" and "deal with it in someone else's back yard".

Yours Sincerely,



Jo Immig
Coordinator, NTN

NTN Response to Orica's General Comments

Point 1. Orica claims *"NTN argues that a suitable technology to destroy the waste exists in Australia. Orica's response is that that this is not true and has been subject not only to Orica's efforts to find a solution to destroy the waste over many years but also an Independent Review commissioned by the NSW Government."*

INCORRECT: #The Independent Panel (Independent Review – HCB Waste Destruction, Independent Review Panel July 2004 P48) supported the use of GEOMELT in Australia for treatment of the HCB stockpile. In addition, although acknowledging it had not been able to give the Eco Logic option the same intensity of review as for GeoMelt, because Orica excluded this option, the Independent Panel formed the view that the Eco Logic Gas Phase Chemical Reduction process could adequately treat the HCB waste stockpile at Orica. Most importantly, the Independent Panel investigated the export issues and reached the view that export was not a viable option. The Independent Panel rejected the export of the HCB waste as inconsistent with the principles of the Basel Convention on Control of Transboundary Movements of Hazardous Wastes and their Disposal, and therefore unlikely to gain Commonwealth Government approval or public support. Risks associated with potential incidents during transport were also cited.

Point 2. Orica claims “*That NTN suggests that a site should be able to be found in NSW for a treatment facility if one of the treatment technologies suggested in the objection is proposed. Orica’s response is that this is not correct. Consultation and siting studies by Orica and others has found that there will a high level of community concern associated with any proposal to establish a new facility in NSW to treat the waste, irrespective of the treatment technology, and even if the highest levels of safeguards are proposed.*”

INCORRECT # NTN recommended using an existing facility site. Orica argues that it is impossible to site destruction facilities in Australia based on the recent examples of Victoria and Western Australia. However, it fails to note some obvious facts:

- Orica has sited a thermal oxidizer (incinerator) for the destruction of the groundwater contaminants in Botany and also proposes a thermal desorption unit to be sited in the Botany Industrial Park.
- The Victorian experience was an attempt to site a long-term containment facility not a destruction technology. The process, despite being badly handled by the Victorian Government, was cleared by an Independent Panel on environmental grounds. The decision not to proceed was made by the Government on political grounds, with parallels to the manner in which the NSW Government has handled the HCB issue.
- Orica have claimed that the siting process they attempted to use for remote siting in NSW was based upon the 3C process in WA, despite having been corrected on the accuracy of this claim several times at Hazardous Waste Technical Group meetings by the Environment Movement Observer on the Technical Group, who was also the prime advisor for the 3C process. Orica failed to carry out the most basic steps of a multistakeholder engagement siting process.

The3C Process

The 3C process specifically asked stakeholders to identify criteria which any prospective treatment technologies would have to meet and, further asked whether there were particular technologies which stakeholders believed would be unacceptable under those criteria. On that basis, hazardous waste landfilling and incineration were judged to be unacceptable technologies for hazardous waste treatment precincts and excluded from further consideration. For some stakeholders, though certainly not all, the siting of precincts became more acceptable through exclusion of technologies of particular concern.

Orica’s claim that siting of scheduled waste treatment technologies would be

impossible regardless of the technology proposed is not based on evidence. Orica opted for a fixed technology, which was poorly regarded by community/environment stakeholders and did not seek stakeholder views, including potential local community views on other technologies. It also contrasts with information presented at the most recent Technical Group meeting by a former EPA Victoria employee that the siting of a BCD plant in Victoria in the 1990s was the only case where he had ever known a local community to be advocating the installation of a plant to treat scheduled waste. It also contrasts with past successful siting of other BCD, Ecologic and Plascon plants in Australia.

While the WA process did not have local community acceptance as a siting criterion, it was able to recommend to the WA Government a site near Bencubbin that was strongly supported by the local community and two further sites (near Coolgardie and Karratha) that were supported by the Local Government Authority and were not subjected to strong opposition by local communities. There are a raft of lessons relating to participation in technology selection and the design of stakeholder involvement programs more generally which Orica would have taken on board if it had any real familiarity with the 3C process.

There are many further lessons to be drawn from the recent behaviour of the NSW, Victorian and WA Governments with respect to the siting of hazardous waste facilities. NTN is strongly of the view that failure by these Governments to carry through on processes to which they committed initially, with a strong level of non-government stakeholder support, does not provide a basis for these State Governments to walk away from their public policy commitments.

Specifically, in the case of NSW, we do not believe that a sound policy or moral case exists to pass on responsibility for waste destruction to a foreign jurisdiction.

Point 3. Orica claims *“NTN argues against the use of High Temperature Incineration. Orica’s response is that this technology is well developed and heavily regulated in Europe, and is the only technology used for destruction of concentrated POPs wastes, similar to the HCB Waste.”*

NTN as part of international networks has joined with the many hundreds of environmental, community, and medical organisations across Australia, Germany and the globe who oppose the incineration of hazardous POPs waste.¹ The

¹ Australian Conservation Foundation, Greenpeace Australia Pacific, Australian GREENS, NSW GREENS, Conservation Council of Western Australia, CCSERAC, Total Environment Centre, Friends of the Earth Australia, Nature Conservation Council NSW, • The BUND (Environment and Nature Protection Community Germany), Bayer Danger Coalition, The German GREENS, KITE (European Anti-Incineration Network), International POPs Elimination Network (IPEN), Basel Action Network, Global Anti Incineration Alliance (GAIA) and affected Communities in Germany

Stockholm Convention on Persistent Organic Pollutants 2001 acknowledged the incineration of hazardous waste is a prime producer of dioxins and furans; substances that are to be eliminated under the Stockholm Convention. Incineration of hazardous POPs waste also produce a raft of other toxic chemicals including PAHs and products of incomplete combustion, none of which have been acknowledged by Orica in its Schedule 3 hypothetical mass balancing.

Australian NGOs, communities and medical associations shared these concerns when they rejected a national hazardous waste High Temperature Incinerator in the early 1990s. The Commonwealth, State and Territory governments have supported this position since then, providing the *raison d'être* for the development of the three national scheduled waste management plans in the mid-late 1990s.

The incineration industry in Europe and Germany is not supported by the affected communities or NGOs, as can be seen by the overwhelming opposition to the incineration of the HCB waste. (Details of the growing opposition can be found on page 11-13 of this submission.)

We note specifically that Orica has made claims of support/lack of concern about incineration from hazardous waste from the German Greens and German environmental NGOs but has refused to state who has told them this. The public evidence is clear that the position of virtually all of the German environment movement is the opposite of that claimed by Orica. In part we believe these claims have been made by Orica to attempt to falsely convince the Botany community that there are communities elsewhere willing to destroy Australia's HCB stockpile.

NTN is also concerned over reports that the incinerators identified by Orica are in financial difficulty and are reducing their pricing in order to encourage "hazardous waste tourism" which is strongly opposed by the associated councils and communities and international NGOs.

Point 4. Orica claims "*NTN expresses concern over transport risks. Orica's response is that the proposed management systems, packaging and procedures for the transport of HCB waste can be expected to achieve an equal or higher level of safety than is achieved when shipping other products that have a similar level of hazard.*"

INCORRECT# HCB is one of the twelve greatest hazardous substances of concern as acknowledged by its inclusion in the original 'dirty dozen' of the Stockholm Convention. We have repeatedly seen the loss of ships carrying freight resulting in both the loss of cargo and significant pollution of coastal

waters. This waste shipment will require the transport of hazardous waste across the globe, followed by the unloading and reloading into storage areas, then loading onto rail and road to reach its final destination. Not only is there the constant risk of accidents, the opposition to this waste import may also see the waste subject to blockades as occurred the last time Australia attempted to export organochlorine waste to Europe.

Orica also stated that the *NTN objection ignores the interests of the Australian community in ensuring safe and efficient disposal of the HCB waste, and in particular the Botany community who are directly impacted by the storage of HCB waste at Botany.*

INCORRECT# NTN argues in the interest of all communities. Australian communities benefit from a competent waste management system. Australian communities do not benefit in the long term by exporting waste overseas, as was shown the last time Australia attempted to export our organochlorine waste. It is extremely difficult to tolerate comments such as these from Orica who created this waste and who have repeatedly failed to address its destruction in a realistic timeframe. Senior members of NTN have worked tirelessly with governments, the local community and Orica for over 20 years to see the waste destroyed. It should be noted that NTN members were involved in forcing the closure of the Solvent Plant that produced this hazardous waste in the first place.

²

NTN has obligations to communities across the globe and to an ever-fragile environment. POPs, like HCB and dioxins, are not restricted by national boundaries and neither is NTN's commitment to environmental protection and justice.

We note that the selection of letters of support from Botany community attached for reference were written at a time when Orica was still claiming on its website that there was NGO and community support for this export and incineration in Germany. We challenged Orica several times to provide evidence of this support – none was forthcoming and it is clear that the overwhelming evidence is to the contrary.

We note that Orica have failed to respond to their commitment that "*where there is opposition we will not go*" (Environmental Manager, No 547, 11 July 2006). It is clearly evident that there is strong opposition to the import of Australian waste in German communities, with 6 city councils opposing the import, Regional environment ministers expressing their opposition, growing petitions opposing the import and all major German NGOs also opposing the import. This issue has had massive media coverage in Germany. Further details of the growing opposition are cited below.

² NTN member and supporter MLC Ian Cohen in 1990, helped forced the closure of the Solvent Plant that produced the HCB by occupying an adjacent chimney stack.

NTN Responses to Orica's Specific Comments

These comments for sake of clarity are listed as relating to:

- Timeframes
- Siting
- Transport risks
- Technologies
- Incineration by-products
- German opposition
- International obligations

Timeframes :

Orica's claim on p2 that any alternative to export will take 7-9 years is clearly misleading. Destruction at an existing facility such as BCD Technologies, as Orica is aware, requires no additional regulatory approvals and no siting process. A similar case may be made for the already established facility at the Melbourne SRL industrial site. Once a decision to reject export is made, the volume capacity can be substantially increased in a matter of months.

Orica's stated timeframe for export to Germany is highly optimistic as it does not include consideration of the impacts of opposition by the affected communities which may include blockades, government lobbying or legal appeals.

Siting :

On p6 Orica restates its views that all attempts to site treatment facilities have failed due to "current community attitudes". As stated previously, the failure of a highly successful process to identify sites for a waste precinct was not due local community opposition, but a lack of political will.

Orica also state (incredulously) that in their attempts to site a facility in NSW, a technology had not been dictated. The NSW Commission of Inquiry recommended a search for a regional site for the technology that Orica had presented, GEOMELT. The communities that were consulted were of the belief that a GEOMELT facility was being proposed, the same technology that the Botany community had rejected. All NTN discussions with Orica over siting were based on the understanding that they were attempting to site GEOMELT: the process was utterly technology specific.

If Orica was open to other technologies, why did they not inform environmental NGO stakeholders or approach them for support and assistance?

NTN's objection does not suggest destruction on site at Botany hence Orica's comment on P6 is deliberately misleading and irrelevant. Orica's statement that technology choice has no bearing on community tolerance of facility establishment is simply incorrect and demonstrates their failure to understand the Western Australian process or acknowledge the community support for establishing waste facilities. Please refer to earlier discussions.

Transport risks:

Orica p2 dismisses the risks of dust emissions as it claims car park waste is not included, yet they do not address the risk of transporting 850 tonnes of contaminated soil identified in their application. Orica cites the shipping of other chemical products but does not acknowledge the number of accidents leading to significant pollution incidents.

On p7, Orica states there will be no toxic ash to be transported as the waste residues will be slag. This claim of no ash is unsubstantiated and based simply on a hypothetical mass balance outlined in Schedule 3 of their application, which is discussed later in this submission.

Technologies:

Orica dismisses (p4) the BCD Technology as not suitable for large quantities, high concentrations and difficult physical form. It fails to comment on the successful use of BCD at Spolana (as detailed in our objection) to treat large quantities of high concentrations in difficult feedstocks.

And while Orica acknowledge (p8) that thermal desorption is successful in treating soils and low concentrations, their application for export includes considerable tonnage of soil, concrete, bricks, graphite, crushed drums, pallets, personal equipment and packaging; all of which according to Orica's argument could be treated in Australia.

Orica state on p10 that thermal desorption is hazardous and not acceptable. They add that the condensate from the thermal desorption of pure HCB polymerised material would be difficult and then hazardous to handle and maintain. However, third generation modification to thermal desorption units have seen the development of direct feed systems that incorporate the thermal desorption into continuous single stage process, hence significantly reducing the hazard.

On p3 Orica dismisses the high Destruction Efficiencies of non-combustion technologies stating simply they do not believe them.

NTN has clearly detailed the high destruction efficiencies (DE) that are being achieved by the two-stage process of ITDU and BCD at Spolana. The extremely high *removal* efficiencies for HCB, dioxin and other organochlorines from a variety of *highly* contaminated and heterogenous matrices such as rubble, concrete, dust and soil and plaster via ITDU demonstrate that major advances have been made over the last decade. The removal is then *followed by* high destruction efficiency in the BCD process. Orica quotes 'failed trials' in the 1990's as their reference point for consideration of TDU and states that the technology is only practical for concentrations around 2500mg/kg.

Results from the ITDU in Spolana have shown very high removal efficiencies for HCB contaminated material at levels of 49,000 mg/kg³ resulting in residual contamination in brick and concrete below detection levels of 0.1 mg/kg after processing. Clearly, indirect thermal desorption has increased in efficiency since the 1990s.

Further, Orica ignores the fact that incineration has very poor destruction efficiencies (DE) for HCB and other organochlorines as it is a technology that mainly relies upon transfer to other media such as flue gas, scrubber water and flyash, slag for removal and then subsequent transfer to the environment.

Conversely ITDU removes the contaminants from matrices and then BCD destroys the HCB to a very high DE without transferring HCB residue to the environment.

When Australian authorities are required to compare the environmental outcomes of incineration versus ITDU/BCD it should be clear that incineration fails to achieve better environmental outcomes. This logic has been clearly recognised in UNEP forums and is driving processes to implement non-incineration technology solutions for stockpiles of POPs in Eastern Europe.

As noted in Appendix 1 of the NTN Objection (see below) the use of the term *DREs or destruction and removal efficiency* to disguise poor environmental performance outcomes of incineration should be a major consideration in any export approval process for POPs destined for incineration.

“Total destruction efficiency² (DE) is almost never reported or calculated for incinerators, cement kilns and other combustion technologies because these devices typically fail to achieve high total destruction efficiencies. Rather, most regulatory agencies only require a measure of the so-called “destruction and removal efficiency” (DRE). This measure only takes into account contaminants that are present in the stack

³ See NTN Objection p42.

gases (air emissions), but ignores toxic contaminants of concern released as solid and liquid residues (as waste ash, sludge and waste water).

Modern incinerators achieve high reported DREs by using filters, scrubbers and other stack gas cleaning devices to capture pollutants of concern, remove them from the device's gaseous emissions, and transfer them to solid waste and/or liquid waste residues. As a result, when only a device's DRE is considered, and when a measure of its total DE is avoided, this encourages the selection and deployment of technologies that transfer contaminants from stack gases into other media (water and ground). The use of DE as a measure, on the other hand, encourages the selection and deployment of technologies that efficiently destroy and eliminate POPs and other organic pollutants to be otherwise, intentionally or unintentionally, released into any environmental media.

The controversy about land burial technologies revolves around differing estimates of the integrity and longevity of the containments and the amount of volatilization and/or leaching of POPs and similar substances that can be expected from the land burial site over the long term.”⁴

Orica (p5) dismisses claims by the German BUND organization that the Herten incinerator has an unacceptably low temperature. However, Orica does not address the recent evidence provided in our objection that incineration of HCB at high temperatures does not necessarily ensure its destruction.

HCB is noted for its high levels of stability even at temperatures beyond 1000 degrees C as well as its tendency to generate reactions, which give rise to a range of other persistent and toxic chemicals.

Klusmeier et al.⁵ identified tetrachloroethene, hexachlorobutadiene, octachlorostyrene, octachloronaphthalene, octachlorobiphenyl, octachloroacenaphthylene and parent molecules occur as decomposition products of HCB at 1000°C.

Mejdoub et al (1998)⁶ in their investigation of thermal destruction of HCB cite a number of studies in which toxic chemicals are generated as a result of high temperature incineration.

None of the above are listed in Orica's hypothetical mass balance found in Schedule 3.

⁴ United Nations Development Programme, Global Environment Facility, Government of Slovakia Project Document, 21 November 2005 'Noncombustion Demonstration project in Slovakia', Executing Agency: United Nations Industrial Development Organization (UNIDO)

⁵ W. Klusmeier, P. Vo_gler, K.H. Ohrbach, H. Weber, A. Kettrup, J. Anal. Appl. Pyrol. 14 (1988) 25–36.

⁶ N. El Mejdoub, A. Souizi, L. Delfosse., (1998) Experimental and numerical study of the thermal destruction of hexachlorobenzene. Journal of Analytical and Applied Pyrolysis, 47 (1998) 77-94

Orica p3 dismisses the Kwinana Ecologic Gas Phase Chemical Reduction process as not a commercial success. Yet, the facility ran for over a decade treating Australia's scheduled waste including PCBs and organochlorine pesticides with full community support. We would consider that a success.

Incineration byproducts :

Orica's dismisses (p3) concerns regarding ash byproducts based on an argument that slag will be formed in preference to ash. This is based on a hypothetical mass balance, which is reliant on the incineration 'facilities' attempts to establish waste blends that maximise the formation of slag in preference to ash." Orica acknowledge they have no control of the waste blends and one can conclude that Schedule 3 is simply hypothetical wishful thinking.

Schedule 3 does not acknowledge or list the formation or releases of tetrachloroethene, hexachlorobutadiene, octachlorostyrene, octachloronaphthalene, octachlorobiphenyl, octachloroacenaphthylene and parent molecules that have been showed to occur as decomposition products of HCB at 1000°C. Nor is there any reference to PAHs (polyaromatic Hydrocarbons), other products of incomplete combustion, polychlorinated naphthalenes, dioxins and furans or dioxin-like PCBs, all of which are the identified byproducts of incineration.⁷ Orica does not consider the recent German 1997 study focusing on the potency of flyash.⁸

Further on p8, Orica state that it is not expected that the incineration of HCB waste will increase the toxicity of the flyash produced by the incinerator, requiring more stringent residue disposal. Given the link between incineration of chlorine based substances and dioxin formation this is an incredulous claim that is downplaying risks.

Orica's comments (p10) regarding risks of reuse of ash in building products is inconsistent with Orica's earlier claim that all byproducts are to be disposed on in licensed landfill. Clearly they want it both ways to suit their arguments.

Waste incineration residues represent a serious threat to both local and global environments as they contain high quantities of persistent organic pollutants listed in Annex C of the Stockholm Convention (dioxins, PCBs, HCB) as

⁷ Kawano, M., Ueda, M., Matsui, M., Kashima, Y., Matsuda, M., Wakimoto, T. 1998: Extractable Organic Halogens (EOX: Cl, Br and I), Polychlorinated Naphthalenes and Polychlorinated Dibenzo-p-Dioxins and Dibenzofurans in Ashes from Incinerators Located in Japan. *Organohalogen Compounds*, Vol. 36 (1998), 221 - 224. Also see N. El Mejdoub, A. Souizi, L. Delfosse., (1998) Experimental and numerical study of the thermal destruction of hexachlorobenzene. *Journal of Analytical and Applied Pyrolysis*, 47 (1998) 77-94; and W. Klusmeier, P. Vo_gler, K.H. Ohrbach, H. Weber, A. Kettrup, J. Anal. Appl. Pyrol. 14 (1988) 25-36.

⁸ Till, M., Behnisch, P., Hagenmaier, H., Bock, K. W., Schrenk, D. 1997: Dioxinlike Components in Incinerator Fly Ash: A Comparison between Chemical Analysis Data and Results from a Cell Culture Bioassay. *Environ Health Perspect* 105:1326-1332 (1997).

unintentionally produced POPs. A goal of “continuing minimization and, where feasible, ultimate elimination” was established for these chemicals.

In 1997, flyash from a German municipal waste incinerator produced a range of 440-11200 ng/kg (I-TEQ) of dry weight. PCBs were also measured at 10-640 ng/kg (I-TEQ) of dry weight⁹

NTN states in our objection that the disposal of flyash in German salt and coal mines¹⁰ is an unacceptable long term solution. It goes against the intention of Annex C and is not accepted by NGOs and affected communities who have no right of appeal.

Orica’s comments on p8 regarding the residues from low energy treatment technology, which is supposedly supported by S5.6 of our submission are incomprehensible. Section 5.6 deals with Risk Associated with Current Disposal Practices for Incinerator Residues. See earlier comments regarding flyash toxicity and storage.

Arguments on p9 regarding startup of a facility in NSW again do not make sense as NTN is not suggesting the construction of a new incinerator in NSW. However, the reference by Orica, to air pollution control systems capturing PCDD/PCDF support the concerns of high potency of flyash.

German Opposition :

On p4 Orica claim there has not been any significant opposition to the import and incineration of their HCB stockpile. As stated previously the opposition is considerable as any media monitoring would demonstrate. At least 20 formal objections have been lodged with the Brunsbuttel authorities despite Orica’s claim at the Technical Group meeting that there were none.

Despite claims by Orica that environmental groups in Germany support the export of HCB waste from Australia from incineration, this is not the case and scores of media reports indicate that there is widespread opposition to the proposal from environmental groups, community groups, other NGO’s, legislators and church groups.

⁹ Till, M., Behnisch, P., Hagenmaier, H., Bock, K. W., Schrenk, D. 1997: Dioxinlike Components in Incinerator Fly Ash: A Comparison between Chemical Analysis Data and Results from a Cell Culture Bioassay. *Environ Health Perspect* 105:1326-1332 (1997).

¹⁰ This report provided clear evidence that the longterm storage of flyash in German unused mines continues today. See Schoevers, A. 2004: Environmental pollution by dispersion of solid residues from waste incineration; the legacy of ignorance. Case study of persistent hazardous pollutants in fly ash and bottom ash in the Netherlands. Report prepared for IPEN Dioxins, PCBs and Wastes Working Group by Waste & Environment, Rijswijk, Netherlands, February 2004.

Debate begun in North Rhine -Westphalia Regional Parliament over the HCB export and the Regional Environment Minister, Eckhard Uhlenberg was cited as stating "Australia is a highly developed industrial country which should take care of its own waste" ("Australien ist ein hoch entwickeltes Industrieland, also soll der Sondermüll auch dort entsorgt werden).¹¹

Numerous news reports on radio, television¹² and in major and regional print publications indicate that Germans do not want the export of HCB to go ahead. Residents around Leverkusen and Herten have expressed their anger over the failure to consult them on the HCB issue. Even conservative national newspapers such as Die Welt have come out in opposition to the plan. The HCB story was reported in the most important weekly magazine in Germany, the SPIEGEL and an English translation is available on their website.

The first public meeting was held in Herten to protest against the export on Tuesday 6th February¹³, which was extensively reported in the media. The meeting was attended by over 400 with many outside unable to fit into the hall. Speakers included notable public figures such as Barbel Hohn – former German Regional Environment Minister 1995 – 2005 (Landesumweltministerin) and current member of the Bundestag, who spoke out against the growing ‘Garbage tourism’ or import of wastes that was threatening environmental quality in North-Rhine Westphalia and called for the HCB import to be blocked.

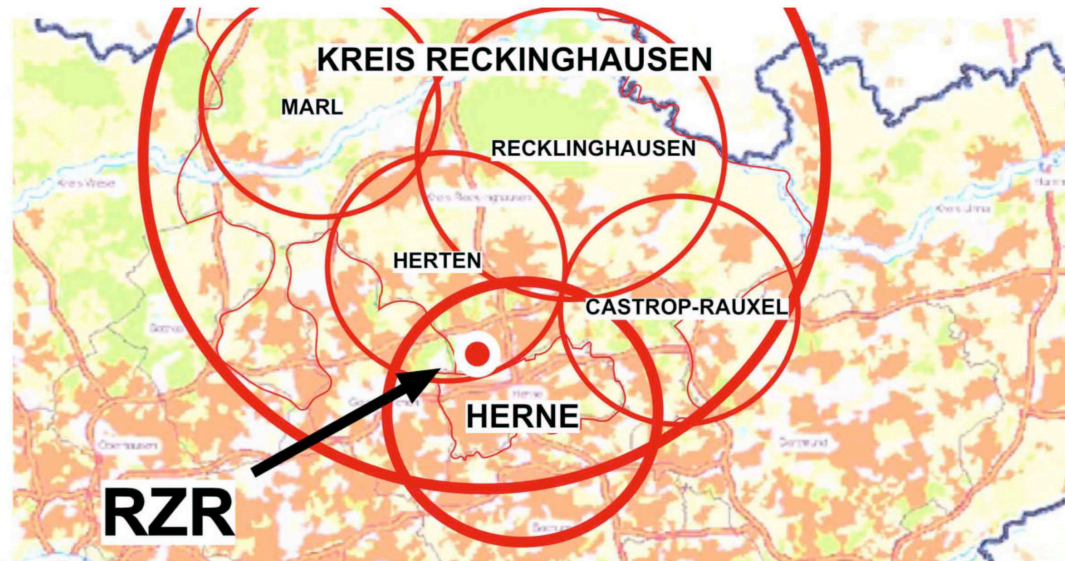
Following the public meeting the Council of the City of Herten decided on, a unanimous resolution (7th February, 2007) opposing the transportation and burning of Australian toxic waste in Herten. They called on highly industrialised countries like Australia to safely destroy their own waste and stated, “ The city Herten shall not become a location for worldwide toxic waste tourism.” On the 13th February, the council of the City of Recklinghausen also passed a resolution unanimously opposing the “Deal with Orica”.

Six community councils surrounding the RZR incinerator have unanimously passed resolutions opposing the HCB waste import. The Environment committee of Kreis Recklinghausen, a district town, has formulated a protest too. Together these councils represent about 900,000 inhabitants.

¹¹ *Die Welt* 4. February 2007 (German National Newspaper)

¹² For example see: WebTV: Der Beitrag als Video

¹³ VON WILFRIED GOEBELS *Hertener Allgemeine* 6.2.2007



**Gegen Orica Giftmüllimporte /
Against Orica toxic waste**

Resolutions der Stadträte von /
Resolutions of the Councils of:

Castrop-Rauxel
Herne
Herten
Marl
Recklinghausen
Kreis Recklinghausen

15.2.2007

In February, there was a large protest in Hamburg, opposing the transport of the waste by rail through central Hamburg.¹⁴

The "Unabhaengige Buerger-Partei" (a group in the City Council of Herten) is collecting signatures against the HCB incineration, now estimated to number in the many thousands. It is reported that there are now approximately 10,000 signatures from residents surrounding the incinerators opposing the waste shipment. The State Environment Ministers have also called on Australia not to send its hazardous waste to Germany.

North Rhine -Westphalia Regional Environment Minister Eckhard Uhlenberg will take a proposal to the Conference on Regional Ministers on the 4th May 2007 to 'throttle' the future import of waste into the region following growing public anger about the practice and the furore over the HCB waste export from Australia.

In Herten, a community progress association Pro-Herten¹⁵ has joined the campaign against the export and is actively reporting on events as protests increase and has begun to actively lobby Australian politicians including the Federal Minister for Environment and the Leader of the Opposition.¹⁶

¹⁴ Media reports are available from <http://www.cbgnetwork.de/1822.html>

¹⁵ <http://www.pro-herten.de/>

¹⁶ The media and resolutions are available at <http://www.pro-herten.de/>

Many of the public concerns raised relate to the disposal of the dioxin laden ash from the incinerators, the atmospheric emissions from the incineration of HCB as well as the low temperature at which the Herten incinerator operates (some reports suggest it is as low as 950°C.) Concerns were also expressed about the risks of shipping it across the world and then across Germany.

Barbel Hohn, Member of the Bundestag, and Vice Chair of the Green Party Parliamentary Group has written to Minister Turnbull asking him to consider all alternatives to prevent the shipment of 22,000 tons of hazardous POPs waste over a distance of 16,000 kilometers, considering the risks of damage to human health and the environment inherent in such transports. The MP stressed Australia is a prosperous and technologically advanced country with impressive accomplishments in the areas of science, industry and commerce, and that they were "hard pressed to believe that there is no way to adequately deal with the HCB-contaminated waste in the country where it was generated, as required by Article 4 paragraph 2b of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes."

After receiving at least 20 formal objections to the import, unloading and storage of the HCB waste in the Port of Brunsbuttel, the Environmental Minister of Schleswig Holstein (the most northern German state) who is in charge of the Port of Brunsbuettel, officially stopped the process of approval. They have rejected the import until it received further information from the Australian Government.

Clearly it is time for Orica to remain true to its commitment that "where there is opposition we will not go" (Environmental Manager, No 547, 11 July 2006) and withdraw their application.

International obligations:

Orica states (p3) that incineration is a preferable solution to long-term storage. NTN does not suggest long-term storage is acceptable.

Orica in its defense of the export (p5), note the requirement for environmentally sound management of waste stating incineration in Germany is preferable to start up of a new facility in NSW or destruction in a developing country. Both these arguments are spurious as it has not been suggested by anyone that destruction should occur in a developing country and we would sincerely hope that Orica does not intend to flout its international obligations and responsibilities by even entertaining such an idea. NTN has not proposed starting a new facility in NSW. We can only assume the point of this line of argument is to deflect attention from the requirements of the Basel Convention and its principles, that is, Article 4 which requires Australia to "take the appropriate measures to (b)

Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes.”

And principles including:

- f) the self-sufficiency principle - management and disposal of waste in the country where it was created.
- g) the proximity principle - the disposal of hazardous waste as close as possible to their point of generation.
- h) the least trans-boundary movement principle – trans-boundary movements of hazardous waste reduced to a minimum.

Conclusion

We believe that there are strong technical, environmental and social grounds on which to refuse this application for a special export permit. The Australian Government needs to send the right signal to Corporations to ensure they dispose of their waste according to the international conventions that Australia is a party to, as well as our own national regimes for the disposal of hazardous waste. If this export is permitted, it will set a dangerous precedent that others may seek to follow. Australia has the capacity and the know-how to deal with its own scheduled waste. If there is leadership from Government and transparency and accountability in process, NTN believes the Australian community will support the environmental management and destruction of scheduled waste in Australia.