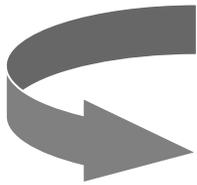


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Environmental Protection (Kwinana)(Atmospheric Wastes) Policy 1999

SUBMISSION

We thank you for the opportunity to make a submission and comment on this Draft Policy. The EPA are to be acknowledged for revisiting this area now, as we understand there has been no review of the Policy since 1999, and so much has changed during the intervening years.

While the reduction of all emissions is an important goal which ought to be supported across society, it should not come at a cost to the community.

To protect public health and the quality of the air we breathe, the best available technology should be utilised to result in the lowest achievable emission levels. That would be the best approach to maintaining a balance between our residential and our heavy-industry neighbours.

Without the installation and maintenance of appropriate pollution controls and independent monitoring, the balance of power unjustly shifts towards industry, as we have so often witnessed, and that undermines the health and safety of residents, especially children.

Industries should have mandatory, appropriate designated buffer zones for the protection of residents' health and the environment. Residents remaining in impacted areas until buffer zones are established should be supported with necessary transport, financial assistance and whatever is needed to maintain their quality of life.

The precautionary principle must be used where there is any contention about adverse impacts. To this day, our scientific understanding of emissions and their complex chemical chain reactions in the atmosphere remains limited. Time and time again, regulations change in light of new data emerging. In this context, policy approaches to industry emissions should err on the side of caution, preventing potential harm to public health. Local residents' views and experiences of adverse impacts should be given the benefit of the doubt, and the existing

Yarloop
Waroona
Hamel
Harvey
Cookernup
Wagerup
Other Impacted Areas

scientific proof of harm arising from air, water and /or noise pollution from industry must be acknowledged.

There is no such thing as best practice when dealing with imperfect knowledge. Communities are the pollution radars on the ground, and their lived experiences should be treated seriously and not be belittled on the grounds of lacking scientific credibility. Therefore, people affected by industry operations should be included in discussions and decisions which may influence their safety, quality of life and choices.

Industry to be accountable for the damage done to communities and must take responsibility for their actions. At the same time, the government, not industries, should lead all negotiations and dealings with impacted people. This would give special powers to the DEC by way of revising the Environmental Protection Act.

Importantly the onus of proof rests with industry. To this day, local communities need to present evidence of being impacted by industry, constrained by time, resources and expertise. Qualitative evidence presented is then often discounted and labeled unscientific and anecdotal. This power imbalance is unhelpful and cannot be in the states long-term interests. Thus industry needs to demonstrate to the satisfaction of government, its regulatory agencies and the communities, that it does not represent a risk to community and environmental health. Communities' quality of life should also be considered in this regard.

Furthermore, there is a pressing need to identify chemicals, how many, from what source and combinations emitted, as well as identifying how the chemical cocktail behaves and reacts relating to industry. This research should include air, water, human, animal health and environmental health. The approach ought to be holistic and not restricted to known harmful substances. As mentioned earlier, too little is known about industrial chemistry and its health impacts. As industry and populations grow together, and must exist in closer and closer proximity, now is the time to focus on this research.

Industry should not be allowed to self-monitor, the current self-monitoring approach is prone to manipulation and even corruption. This applies, in particular, to industries with a large harm potential. Companies such as these should not be appointing the testing laboratories, because they are, in effect, appointing their own policemen. Monitoring should be done by independent consultants, selected by the Government / Community, paid for by industry.

As part of a new approach to regulating industry emissions, the following points should be considered:

Fund and support the implementation of an independent health survey of past and present residents to establish new health guidelines in regards to industry impacts.

Establish new exposure guidelines/benchmarks for health, air and water to protect quality of life and ecosystems.

Develop a mechanism to protect residents and workers who are impacted under new guidelines / benchmark.

Educate GPs and other health professionals to recognize the symptoms and side effects of chemical exposure without fear or favour (e.g. M.C.S. etc.)

Test for PAH; heavy metals, PM 2.5 and less, should be a priority, as these are the most hazardous emissions to humans, animals and the environment.

Industries should be held accountable for health, economic and environmental impacts of their operations and take responsibility as required by the Government through compensation to those impacted and lowering further impacts.

Establishment of a fund to provide for the present and ongoing health needs of community members, both past and future: such fund to meet the cost of monitoring health, together with an education program to increase awareness, and provide for cost of treatment, akin to that which is offered to victims of asbestos exposure.

DEC to test air around the railway lines to establish the levels of toxic emissions, including PM2.5, from large diesel trains, in particular the concentrations around passing loops, where trains can stand with engines running for long periods of time.

Excessive noise from heavy rail traffic should be monitored and impacts researched.

Dept. of Health should provide blood and hair analysis, making tests available to all past and present residents. These tests should be carried out over 3-5 years so the Department can ascertain the impact industry has had on the community. This would be a way forward in creating new guidelines/benchmarks for a safe environment.

Research should be undertaken into the underground sequestration of residue to stop dust events in the future.

The Government cannot afford to be an industry watchdog 24/7, but the communities can function in this capacity with funding and training available for groups who are willing to monitor industry impacts.

Government and communities should work together in an open and transparent manner, and community groups should have their own independent consultants, funded by government and billed to industry, to decipher / analyse all raw data (thus giving confidence to the community at large when it comes to dealing with test results).

When setting up any advisory group, the community should have input into the process for the selection of community members, facilitators and /or chairpersons. These advisory groups should consist of: 2 Government representatives; 2 from industry; 6/8 community members and an independent facilitator or chairperson. Community representatives should be nominated and elected by the community not government or industry. An independent person should take the minutes of all meetings and these should be published in an agreed place. After considering all facts, in the event that no common agreement can be achieved, the position of the community representatives ought to take precedence in the approval or rejection of any application, as they are the impacted people and should have the right to determine their own future, not industry.

Industry should not be a part of any group which advises government on their own licensing conditions.

Close consideration ought to be given to the compatibility of certain industries and residential zones. From a true cost perspective, the state may be well advised to prevent the setting up of incompatible industries altogether. Development at all cost will not only harm people and place but also the economy. Pollution intensive industries should not be seen as a part of Western Australia's economic future.

Industry breaches should be dealt with, without fear or favour (regardless of whether the company is large or small), and appropriate penalties should be required, so that the offending party does not re-offend. The incentives for industry non-compliance remain strong, as short-term costs associated with breaches are often lower than those of preventing the contravention of the regulatory rule.

If the Government are serious about finding a true sustainable future that will deliver a win/win solution, we believe our recommendations should be a central part of the way forward.

The following part of this submission is directly related to sections of the EPA discussion paper of June 2009.

Page 5-section 3.1

Consider event-based pollution not captured in routine monitoring which occurs beyond the relevant portion of the environment. For example prevailing easterly winds occur mostly in the early hours of the morning. This would push pollutants west from the heavy industrial zone. Given that no monitoring occurs west from the heavy industrial area, it raises questions regarding the integrity of the existing monitoring strategies.

Page 5-Section 3.2

What about those living on Garden Island and marine habitat west of the high tide line adjacent to buffer zones aligned with the heavy industry area?

Page 9-Section 3.3.5

What about the stacks themselves? They are industry's exhaust pipes and surely parallel monitoring of emissions from these sources would be far more useful than looking for pollution events at a distance from the source. The use of critical process control points with shut downs would be the most effective way to control industry from producing pollution events which expose the community to concentrations which pose a health risk. The water and waste sectors are regulated by various authorities on the quality of wastes discharged into the environment. These sectors use critical process controls to shut down their processes should waste water quality fall outside the levels considered safe to discharge into the environment.

Page 10-Section 3.3.5

This is all retrospective; why not proactive license agreements, e.g. critical process control monitoring points within the refinery?

Page 11-Section 3.4.1

The concentration of TSS particles (PM 50) in the Kwinana “airshed” are known to cause dust and amenity issues. However, this parameter is a physical measure only. The particles are made of smaller particles which should be quantified to determine their exact composition

Page 11-Section 3.4.2

Direct stack monitoring of pollutants emitted into the Kwinana “airshed” would be a more practical monitoring tool.

Page 11-Section 3.4.2.Table 4

“Emissions monitoring being carried out by the individual premises”- What are they and can the public gain access to this data?

Page 12-Section 3.4.3.

Monitoring and tracking of pollutants appears to be haphazard (e.g. non-continuous) and event-based pollution events (e.g. <1hour) are not captured. A comprehensive monitoring program, inclusive of all parameters and not just SO2 sampling, and monitoring stations should be permanently employed within the refinery and in all directions at distance from the heavy industrial zone.

Page 12-Section 3.5

Surrogates not mentioned here. Further research should be undertaken to elucidate surrogate parameters which could be used to assist industry and regulators monitor and manage atmospheric pollutants generated within the KIA.

Page 12-Section 3.5

There are no environmental quality objectives given. Where can we find them?

Page 13-Section 4.1

Monitoring locations in area A are not shown.

Page 16-Section 7

License-based emission control suggests that data exists for pollutant types emitted from stacks. Why has this data not been shown and how/where does this information relate to the current proposal?

We thank the EPA for the opportunity to make this submission and look forward to hearing of the results of this important review.

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