

NSW Inquiry into toxic coal ash waste – Submission guide

The issue

Coal-fired power has long been associated with air pollution and climate change. But coal-fired power stations produce another insidious waste problem, hidden in plain sight.

When coal is burnt to make electricity, it produces tens of thousands of tonnes of toxic ash waste.

At most coal-fired power stations in Australia, coal ash is mixed with saline wastewater and pumped into enormous dumps creating a lethal cocktail of toxic sludge including heavy metals and dangerous pollutants like mercury, lead, arsenic, selenium and chromium.

Poor management and lax regulation has seen coal ash pipes spill thousands of litres of toxic slurry into rivers, coal ash dust blow over and choke communities, and waterways like Lake Macquarie polluted with heavy metals.

The toxins in coal ash have been linked to asthma, heart disease, cancer, respiratory diseases and stroke. Communities that live near coal-fired power stations are most at risk.

Coal ash is one of Australia's biggest waste problems and accounts for nearly one-fifth of the entire nation's waste stream yet it largely flies under the radar.

It's time Australian governments investigate the damage and make coal-fired power stations clean up their act.

This is an important opportunity

In October 2019, the NSW government announced a Parliamentary Inquiry on the costs for remediation of coal ash repositories in the state.

Government Inquiries are an essential first step in understanding the health and environmental impacts of this enormous toxic waste issue and the solutions required to fix it.

When it comes to toxic coal ash – communities are in the dark. We have to make sure this Inquiry gives communities that live near ash dumps the answers they deserve.

This is an important opportunity for concerned citizens to advocate for tougher laws and regulations on coal ash waste to protect our health and environment.

If enough of us demonstrate community concern for the health and environmental impacts of toxic coal ash waste, the Inquiry will have to take them into consideration.

This guide contains:

- [How to make a submission](#)
- [How to structure your submission](#)
- [Recommendations to draw on](#)
- [Useful resources and assistances](#)

How to make a submission

The Parliamentary Committee driving the Inquiry wants to hear from the community about their concerns and ideas on remediating coal ash waste in NSW.

Make your submission at: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/lodge-a-submission.aspx?pk=2556>

Be sure to send in your submission before the due date – Sunday 16 February.

If you have questions or would like tips on writing your submission, email Max Smith at max.smith@envirojustice.org.au

How to structure your submission

Introduce yourself

Start your submission by briefly telling the committee who you are, why you care about the issue, and why you have taken the time to write your submission.

Emphasise your personal experience or unique perspective. Maybe you live close to an ash dump and have seen your local waterways polluted or are part of a local group working to protect your local environment from coal pollution.

Don't go into too much detail here – you'll need to draw on your personal experiences later when talking about the issues that matter to you.

Remember: keep your submission polite and respectful. The committee will dismiss submissions that are rude or target individual public servants or Members of Parliament.

Clearly identify the issues that matter to you

It's important to signal to the committee which issues matter most to you. For example:

- Are you worried about contamination of your local environment?
- Are you concerned about the health impacts of exposure to toxic coal ash waste?
- Are you interested in the employment opportunities rehabilitation could offer?

Discuss the current situation regarding this issue

Outline why this is a significant issue, locally and/or nationally. For guidance, see the issue and opportunity sections at the start of this document.

Elaborate, drawing on your perspective, experience and evidence to substantiate your claims

What is your experience with coal ash if you have it? Do you live close to an ash dump? Have you seen your local waterways polluted? Or do you have evidence from organisations like Environmental Justice Australia or Hunter Community Environment Centre of pollution incidents, contamination or fears for community safety?

Identify what is driving these problems

Poor management and lax regulation of coal ash waste is a huge driver of pollution incidents and contamination. Can you think of other drivers? For guidance, check out EJA's report [Unearthing Australia's toxic coal ash legacy](#).

Link the issue back to the Inquiry

Let them know how you think the inquiry can address these issues and what you want to see overall as a result e.g. urgent action of coal ash waste to better protect our health and environment.

Recommendations to draw on:

Here are EJA's key recommendation to the Inquiry. You can draw on this information for your submission – but don't feel limited to the matters raised below.

The NSW government is legally responsible for much of the rehabilitation of the coal ash dams.

When power stations were privatised in NSW, the NSW Government retained liability for the rehabilitation of coal ash dams (to the degree that the state was responsible for all coal ash produced whilst it was the operator and owner of the power stations). This includes the coal ash dams at Vales Point and Eraring power stations on the NSW Central Coast. So, while the power stations are privately operated (and obtaining significant financial benefit from operating a utility we all rely on), the NSW public is responsible for much of the rehabilitation of the coal ash dams.

The NSW government must investigate the cost of clean up and the best way to do it.

The NSW government does not know how much comprehensive rehabilitation of coal ash dams will be required or how much it will cost. We also don't know how it will be done. The NSW Environment Protection Authority (EPA) does not require power stations to prepare rehabilitation plans until they close. This is a huge problem, because it represents a significant roadblock in the transition from coal – after all, you can't implement closure and rehabilitation plans that don't exist.

Communities that live near coal ash dumps are at risk and must be consulted.

Coal ash repositories pose the most risk to the communities and environments closest to them. The Public Works Committee must hold hearings for the Inquiry in those communities, including on the NSW Central Coast, Lithgow, and Hunter Valley.

The laws and regulations that govern coal ash are plainly inadequate to protect the environment and communities. The best way to ensure that coal ash dams are comprehensively managed, remediated and rehabilitated is to develop coal ash dam specific Regulations under the Protection of the Environment Operations Act 1997 (NSW). These Regulations must include mechanisms to ensure that existing and potential on-going contamination is cleaned up, including removing ash from its current repository and being placed in a purpose-built site constructed to best practice standards.

The NSW Government should conduct and publish baseline studies of existing contamination

The costs associated with coal ash dams are not just financial. Other costs include the impact of loss of marine ecosystems, the loss of community space, the inability for local government to use land in the future, and the employment costs in not creating jobs in the coal ash reuse market and employment associated with comprehensive remediation. The NSW Government should conduct and publish baseline studies of existing contamination at the currently operational power stations.

The NSW Government must investigate the economic and environmental benefits of comprehensive rehabilitation as part of a just transition.

Transition for communities who bear the pollution burden of coal-fired power must include ensuring that environmental justice is achieved for everyone. The NSW Government must investigate the economic and environmental benefits of comprehensive rehabilitation as part of a just transition. In addition to this, the NSW Government must conduct and publish an audit of the extent of coal ash reuse from the state's five operating coal-fired power stations and provide opportunities for coal ash to be reused in a safe way.

The NSW Government must make information about coal ash dams transparent and available.

The public should have access to information about coal ash repositories transparent and available, including all groundwater monitoring data (current and historical), all existing management plans, details of Sale and Purchase Agreements and baseline contamination studies, rehabilitation plans, pollution incidents, fines and other enforcement actions taken by regulators, monitoring data, hydrogeological assessment, predictions for future contamination, and predictions for future land-use planning.

Power stations must be required to prepare comprehensive rehabilitation and closure plans.

This process needs to include the community who live around the sites. See pages 50-52 of EJA's report *Unearthing Australia's Toxic Coal Ash Legacy* for more information on what safe closure planning involves.

Some facts you may wish to include:

- Coal ash is one of Australia's biggest waste problems and accounts for nearly one-fifth of the entire nation's waste stream.
- Toxic slurry from poorly managed ash dumps across the country is contaminating water and soil needed by farmers and ecosystems, and leaching into rivers and lakes where our families fish

and our children swim. Those dumps left to dry out, are blowing ash dust onto nearby communities who breathe toxic particles deep into their lungs.

- Lax government regulation is putting communities that live near coal-fired power stations at serious risk. Coal ash cannot be disposed of safely. Even with best practice methods, there remains a significant contamination risk to the environment and communities.
- The toxins in coal ash have been linked to asthma, heart disease, cancer, respiratory diseases, nervous system damage and stroke. Although the health and environmental impacts of air pollution are becoming more well known, very little research has been done in Australia on the health and environmental impacts from water and soil contaminated by coal ash.
- A United States Environmental Protection Agency (US EPA) risk assessment found living near unlined ash dumps increases the risk of damage to the liver, kidney, lungs and other organs when people are exposed to toxins at concentrations far above safe levels.
- In 2019 the Hunter Community Environment Centre (HCEC), based in Newcastle, NSW, conducted water and sediment sampling in Lake Macquarie near water discharge points close to both the Vales Point and Eraring power stations. The results showed concentrations of a number of heavy metals, including arsenic, nickel, aluminium, copper and lead, at levels likely to be having a harmful impact on aquatic ecosystems, including edible fish, molluscs and crustaceans. Alarming, selenium concentrations found by HCEC at the Eraring power station ash dump overflow point are 55 times higher than the level recommended to protect birds and fish.
- In March 2019, fears over the structural integrity of the Eraring ash dump in the event of an earthquake forced the closure of the adjacent Myuna Bay Sports and Recreation Centre - enjoyed by the NSW Central Coast community since 1944. The centre is now being forced to relocate.
- Both the NSW Department of Planning, Industry and Environment and the NSW Environment Protection Agency (EPA) have provisionally approved the expansion of Eraring power station's coal ash dump, despite fears the ash dam wall could fail in an earthquake, and despite this Inquiry being incomplete.

Useful Resources and Assistance

[Read details of the Inquiry into the costs for remediation of sites containing coal ash repositories](#)

EJA's report, [Unearthing Australia's toxic coal ash legacy](#)

Hunter Community Environment Centre's report, [Out of the Ashes: water pollution and Lake Macquarie's ageing coal-fired power stations.](#)

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