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17 April 2015

National Clean Air Agreement
c/o Department of the Environment
GPO Box 787
Canberra ACT 2601

Email: Airquality@environment.gov.au

Dear Sir/Madam

CMPA submission to Department of the Environment Discussion Paper “*Working towards a National Clean Air Agreement*”.

About CMPA

The CMPA is dedicated to the representation, advocacy and service of its Members in the Victorian Earth Resources industry. The CMPA represents a broad spectrum of businesses that extract and process hard rock, gravel, sand, clay, lime, soil, and gypsum. CMPA members also operate recycling businesses. CMPA members are typically small to medium sized family businesses, local government and utilities. Many are regionally based employers (90%) and service local construction, major infrastructure and road maintenance needs.

The Extractive industry underpins growth and development in Victoria through supply of the construction materials described above (47 million tons in 2012/13, approximately \$737 million). CMPA members account for approximately half of this production, and more than half of this industry sector’s employment.

The CMPA supports responsible, balanced legislation and community engagement that is in the best interests of the State and Australia.

The CMPA fully supports clear unambiguous standards that protect both the health of our workforce and the communities that surround our operations. The following responses are made to questions posed in the discussion paper “Working towards a National Clean Air Agreement”.

1. Do you agree with the proposed goal, purpose, principles and scope as a basis for the National Clean Air Agreement?

Goal

The sustained reduction in air pollution and exposure for all Australians, with associated health, environmental and economic benefits.

Recommendation

The goal as per above would be more achievable if the word “sustained” was replaced with “sustainable”.

Purpose

- 1. Providing a facilitating framework to identify specific air quality issues where concentrated effort is needed and will afford health, environmental and economic benefits.*
- 2. Formalising cooperative management of air quality at the national, state and local levels to help develop effective and efficient policy settings to ensure Australia can respond to current and emerging air quality priorities.*

Recommendation

- 1. Insert “sustainable” between “afford” and “health”.*
- 2. Insert “sustainably” between “can” and “respond”.*

Principles

- 1. The Agreement facilitates action to address current and emerging air quality issues.*
- 2. Responses to air quality issues under the Agreement maintain best practice approaches, consider the latest evidence available and identify the most appropriate level of government to take the lead.*
- 3. Policy decisions under the Agreement are relevant, timely, consider available resources, allow for effective consultation and adequate lead in times, and minimise disruptions that may result from policy changes.*
- 4. Air quality management measures delivered are efficient and effective, and avoid creating cumulative or overlapping regulatory burdens.*
- 5. Overall community benefits, taking account of social, environmental and economic outcomes for measures, whether regulatory or non-regulatory, are considered.*
- 6. Activities under the Agreement are consistent with Australia’s international obligations.*
- 7. The Agreement and endorsed work programme is periodically reviewed to maintain a focus on achievement of desired outcomes and to ensure its continuing relevance.*

Recommendation

- 1. Insert “sustainable” between “facilitates” and “action”.*

2.

The concern our Association holds is not whether our quarries can implement best practice measures, but whether following best practice control implementation, conformance against the reduced standards that may be proposed under the National Clean Air Agreement can realistically be achieved.

3. Insert “sustainable” between “are” and “relevant”.
4. Insert “The sustainable” before “Air”.
5. Insert “sustainable” between “overall” and “community”.
6. Insert “where practicable” after “obligations”.
7. Replace “desired” with “sustainable”.

Scope

The scope of the Agreement can be divided into four key streams or themes for activity:

1. *Standards*
 - a. *Limiting emissions from certain sources*
 - b. *Promoting action to reduce air pollution*
 - c. *Monitoring air quality*
 - d. *Maintaining and enhancing existing management standards*
2. *Emission Reduction Measures*
 - a. *Reducing emissions from key sources*
 - b. *Reducing population exposure to air pollution – avoided health costs*
 - c. *Cooperative approaches to reduce emissions from priority sources*
3. *Knowledge, education and awareness*
 - a. *Promotion of focus on and strengthening of knowledge, education and awareness*
 - b. *Robust evidence and reliable information*
 - i. *Policy making supported*
 - ii. *Communities empowered to better deal with air pollution.*
4. *Cooperation and Partnerships*
 - a. *Government action to address air quality issues would be complemented by forging partnerships with industry and NGOs*
 - b. *Multi-sectoral approach to develop and effectively implement policies*
 - i. *Longer term reduction in air pollution impacts*

Recommendation

The scope of the Agreement is ambitious and complex. It would have increased credibility if reference is made to realistically achievable targets. Note that some of the themes are repetitive such as 1a “Limiting emissions from certain sources” and 2a “Reducing emissions from key sources”.

2. What, in your view, do you consider as high priority air quality issues that could be considered under the National Clean Air Agreement?

Quarries are heavily regulated within Victoria where particulate matter is concerned. Of high priority to the quarry industry are other industries that are not as heavily regulated, such as agriculture, which can be major contributors to particulate matter in regional areas.

3. Can you provide any suggestions for cooperation/partnerships and/or knowledge, education and awareness for the purpose of assisting governments to manage air quality?

To this end CMPA is committed to the viability of the quarry industry, protection of the environment and the community in which it exists. The CMPA has taken the initiative to develop and deliver "Dust Management Training" in 2014 in Victoria to quarry and recycling operators. A new publication is being considered for production "Guide to preparing a Dust Management Plan", hopefully, by the end of 2015.

There needs to be strategic planning in place, for example, heavy earthmoving mobile plant has at least an 8 year lifetime and so incentives should be introduced for industry to purchase lower emission mobile plant. Additionally, the operating costs for say tier IV (interim) mobile plant are increased due to having to change filters every 5000 hours at a cost of \$5000. The cost of monitoring of emissions also needs to be more economical/viable for the industry.

Thank you for the opportunity to comment on the Agreement and CMPA looks forward to further consultation and regulatory impact analysis where appropriate. It was also pleasing to note that "reducing the regulatory burden" has been included in the initial work plan. I have also attached, for your information, the CMPA submission to NEPC on: "Proposed variation to the National Environment Protection (Ambient Air Quality) Measure in relation to the standards for particles".

Please contact me if you would like to discuss this submission further.

Yours Sincerely



Dr Elizabeth Gibson
General Manager

10 October 2014

The Executive Officer
National Environment Protection Council
Department of the Environment
GPO Box 787
CANBERRA ACT 2601

email: NEPC@environment.gov.au

Dear Sir/Madam

CMPA submission to NEPC on: *Proposed variation to the National Environment Protection (Ambient Air Quality) Measure in relation to the standards for particles.*

About CMPA

The Construction Materials Processing Association (CMPA) represents a broad spectrum of those involved in construction material processing businesses engaged in the extracting, processing or otherwise working in hard rock, gravel, sand, masonry, clay, lime, soil, gypsum or recycling including industry consultants, industry suppliers and any industry workers in Victoria.

Amongst our members are many small to medium sized quarries and recycling facilities. These facilities create dust during crushing and screening of materials.

As such, any reduction to the fine particle (PM₁₀, PM_{2.5}) standards will have a direct, and potentially significant, impact on our member's compliance requirements.

Appropriate standards

The CMPA fully supports clear unambiguous standards that protect both the health of our workforce and the communities that surround our operations. As such, we support any review that has, as its aim, these objectives.

However, we recognise that, in relation to fine particles, no definitive criteria (i.e. measured in µg/m³ over 1 hour, 24 hours, 1 month, 1 year, 1 lifespan) exists that will provide total protection for all. By default, any specified standard needs to be a compromise between health and environmental outcomes, the economic considerations of industries impacted, and even anthropogenic realities.

In particular, it is recognised the existing standard is a compromise between environmental and economic considerations and any reduction will simply be an exaggerated outcome of that which presently exists; the standard specified for fine particles may not be a proven safe threshold, simply a standard that society accepts as fair and reasonable.

Our Concerns

1. *The financial impact on our industry (primarily small to medium sized quarries) has not been satisfactory quantified in the proposal to reduce the standard.*

Considering that the environmental and economic considerations on an appropriate fine particle standard are interconnected, we remain concerned that NEPC has not undertaken an industry impact assessment of the proposed reduced criteria within the small to medium extractive industries sector.

A reduction in the standard almost certainly will impact the ability of most new or extended (by variation) quarries to be approved, even with best practice dust control.

Environmental requirements¹ are enforced on new or sizable expansion quarry development as part of the approval process. This frequently requires atmospheric dispersion modelling to assess for fine dust compliance against standards; including the ambient air standard.

Any reduction to the NEMP PM₁₀ and PM_{2.5} standard will logically need to be adopted by State regulatory agencies (e.g. included within Victoria's State Environment Protection (Ambient Air) Policy). Reduced standards will realistically be enforceable within a short period following release of the NEPM.

We live in a time of changing meteorological conditions. Historically rural lands dried out over summer months. It was only the summer period where elevated background particle levels prevailed; during wind storms and bushfires. However, recent drought years have seen dry spells extend into spring and autumn months. Climate change models indicate dry conditions are likely to represent 'the norm'. Dry land devoid of vegetation, unsealed local roads and bush fires (including back burning) all contribute to conditions commensurate with elevated background particles. Background concentrations of fine dust can remain elevated through most of the year.

To illustrate the potential impact that elevated background conditions represent to our quarrying industry, one example of a recent quarry development is provided below. Under the current Victorian quarry PM₁₀ criteria¹ of 60µg/m³, predicted PM₁₀ excursions over the standard are rare through-out the year. In all cases bar one event, excursions were associated with the quarry dust atop a high background fine particle signal; the prominent peak being smoke from bushfires. A reduction of the standard to 40µg/m³ increases excursion to being 'regular' (i.e. >20 events over the year).

This demonstrates the impact of a reduction of the PM₁₀ standard against the site's ability to comply.

¹ Protocol for Environmental Management, Extractive Industries, EPA Victoria.

The concern our Association holds is not whether our quarries can implement best practice measures to control dust, but whether following best practice control implementation, conformance against the reduced standard proposed under NEPM can realistically be achieved.

Fine dust from quarry operations in isolation generally represents a relatively small but manageable percentage of total PM₁₀ concentrations within the ambient air beyond site boundaries. When the background dust profile is added to a quarry dust signal, using computer dispersion modelling techniques, exceedances against the PM₁₀ standard arise. A reduction of the standard to 40µg/m³ (24 hour mean) can result in a 8x increase in non-compliance events at one location (i.e. 3x excursions over the year to 25x exceedances relating to who knows what; a substantial change with significant compliance consequences).

2. Combined sources warrant considerations in Regulation

Fine particle standards represent total ambient conditions, of which our member quarry sites contribute within a number of rural areas. Our member's sites can be located in an industry cluster, where 2, 3 or more dust producing facilities are operated. Planning scheme zoning often forces the co-existence of similar activities into the same area.

There are many other facilities where activities, e.g. the stripping of top soils, on-site crushing and subdivision earthworks and trenching, are often not subject to the same State regulatory controls (e.g. EPA, DEPI) as extractive industries (quarry) sites. This often results in a disproportionate burden of compliance monitoring and control resting with a CMPA member small to medium business (SME).

Other fine particle sources that consistently contribute more than a quarry site, include well patronised local unsealed or dirt roads, wood fired heaters in rural areas, back burning prior to fire seasons and farmers preparing their fields. Minimal controls are enforced on these significant background sources, even though they may be directly influencing modelling excursions.

We remain unconvinced as to why these background sources are not acknowledged and controlled with the same rigor as that applied to extractive industries (quarry) operations. Quarries appear to be unduly singled out and bear more than their fair share of the 'source' burden.

3. Compliance monitoring needs to be simplified

Monitoring for fine particles is an expensive and technically challenging process. If conducted in accordance with Australian Standard requirements it requires high volume samplers that in the main require a 240V power supply. Remote operation is a difficult process that requires considerable resources to operate, analyse and interpret. Background equipment is often warranted, running at the same time as a compliance monitor.

Depending upon a small to medium sized quarry's specific regulatory conditions, compliance

monitoring can represent a significant and unjustifiable financial burden exceeding any test for 'reasonableness'.

Recommendations

The crux of our submission therefore centres on the ability of CMPA members to demonstrate compliance and in particular:

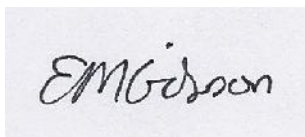
1. Any reduction in fine particle standard needs to clearly consider the economic impact on extractive and material handling industries as the standard must represent a balance between environmental and economic considerations;

In particular, NEPC conducts an economic impact statement (EIS) of any reduced standards effect on the extractive industries sector including medium to large sized quarries (10,000 tonne/ annum – and above).

2. Should standards be reduced, NEPC work with all State Regulators to specify a realistic and cost effective means to monitor against the standard using cost effective techniques as opposed to expensive, resource intensive high volume sampling techniques units currently specified in the Australian Standard, or reliance on models that require extensive meteorological data sets, which require a series of assumptions and have intrinsic accuracy variations. This would provide cost effective real time information to better manage off-site discharges.
3. Should the standard be reduced, guidance be specified as to how assessments are to be made and conformance requirements met where it is established multiple sources and multiple sites contribute to fine background particle levels.
4. Should the standard be reduced, there needs to be a transition period for inclusion into State Policy so that industry (especially the extractive industries) can evaluate and contribute to an appropriate regulatory regime. We suggest specifying a five year period would be appropriate.

Please contact me if you would like to discuss this further.

Yours Sincerely

A rectangular box containing a handwritten signature in black ink that reads "EM Gibson".

Dr Elizabeth Gibson
General Manager