

9 March 2016

GS Environmental Risk Assessment Framework

Strategy and Reform

Department of Environment Regulation

Locked Bag 33

Cloisters Square WA 6850

***Draft Guidance Statement – Environmental Risk Assessment Framework***

Perth Energy is pleased to provide a submission in relation to the DER's draft Guidance Statement on the Environmental Risk Assessment Framework (the draft Guidance Statement).

The draft Guidance Statement describes the risk assessment process that will be followed by the DER as part of its licensing and works approval regulatory functions. Perth Energy supports the view that the use of a risk-based approach is expected to benefit both industry and government regulators through more effective and efficient environmental regulation.

However, Perth Energy believes that greater guidance is required with respect to the proxy health and ecosystem criteria that are set out in Appendix 5 of the draft Guidance Statement. The criteria cover ambient air quality, land contaminant loading and water quality, including (but not limited to) freshwater, marine, and non-potable groundwater and are intended to be applied to both new and existing industries regulated under Part V of the *Environmental Protection Act 1986* (EP Act) when determining the consequence from emissions and the effect on receptors. Perth Energy supports the establishment of a reputable set of criteria for the assessment of environmental impacts and recognises the benefits this offers to industry, by way of greater regulatory certainty. However, it is essential that the proxy health and ecosystem criteria are drawn from reputable sources and are set within a framework that clearly states how the criteria will be applied in practice to regulate industry, to ensure they are used in an appropriate and consistent manner.

The ambient air quality criteria presented in the draft Guidance Statement have been derived from a number of sources, including the National Environment Protection Measures (NEPMs) for Ambient Air Quality (NEPC, 2003) and Air Toxics (NEPC, 2011), Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (DEC NSW, 2005) and World Health Organisation (WHO), among others. However, it is not clear that the most representative ambient air quality criteria have been selected, particularly where the New South Wales guidelines have been adopted. The New South Wales assessment criteria for individual toxic air pollutants are drawn from those published by the Victorian Government in 2001 which are now more than 15 years old and many being derived from occupational health and safety criteria rather than an environmental and public health basis. Perth Energy believes that the adoption of a transparent, hierarchical approach to the selection of environmental criteria, drawing from reputable national and international sources that have utilised international data to derive and recommend criteria. Perth Energy recommends:

- National Environment Protection Measures (NEPMs);
- World Health Organisation (WHO);
- U.S. Environment Protection Agency's (US EPA) Integrated Risk Information System (IRIS);
- U.S. Agency for Toxic Substances and Disease Registry's (ATSDR);
- Dutch National Institute of Public Health and the Environment (RIVM);

- Concise Internal Chemical Assessment Document (CICAD) and Environmental Health Criteria reports published under the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) and International Programme on Chemical Safety (IPCS); and
- California Office of Environmental Health Hazard Assessment's (OEHHA).

Further, the draft Guidance Statement does not provide information as to how these proxy health and ecosystem criteria are intended to be applied. In relation to the ambient air quality criteria presented in Tables 4A and 4B, Perth Energy seek further clarification regarding:

- Where the criteria be applied (i.e. at the premises boundary or nearest sensitive receptor);
- Whether the criteria are intended to be compared to ambient monitoring data and/or air dispersion model predictions;
- Whether the criteria will be applied within buffer zones or inside the DER recommended separation distances; and
- How the criteria be applied in the event of process upsets and emergency releases.

Perth Energy believes that the criteria adopted within the draft Guidance Statement needs to be applied in a manner that is consistent with the reference source for the criteria. For example, Clause 13.2 of the Ambient Air Quality (AAQ) NEPM states:

"Performance monitoring station(s) must be located in a manner such that they contribute to obtaining a representative measure of the air quality likely to be experienced by the general population in the region or sub-region."

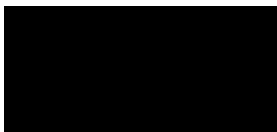
Within the Impact Statement prepared for the Draft Variation to the AAQ NEPM (NEPC, 2014) it was noted that the NEPM standards are sometimes applied by State regulators at different locations as part of an environmental assessment:

"The AAQ NEPM standards are often used in a variety of locations and contexts, some of which are inconsistent with the intention of the AAQ NEPM. The AAQ NEPM standards are designed for use at locations representative of overall air quality in those areas..."

Therefore, when the draft Guidance Statement criteria that have been sourced from the AAQ NEPM are used, they should be applied at a location that is representative of the air quality likely to be experienced by the general population in the region.

Thank you for the opportunity to provide a submission in relation to the DER's draft Guidance Statement. If further clarification is required regarding this submission, please contact Patrick Peake, General Manager Generation, on [REDACTED] or [REDACTED].

Yours sincerely



Andrew Rowe

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