

COCKBURN SOUND, DISCHARGE LEVELS

411. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

Further to a question on notice of October 23 2001 concerning industries that have been set never to be exceeded discharge levels into Cockburn Sound -

- (1) Why is it that CSBP Wesfarmers is the only industry to be set never to be exceeded discharge levels when there are at least four other industries that discharge into Cockburn Sound?
- (2) Why are there only never to be exceeded levels for nitrogen, phosphorus and arsenic when CSBP is able to discharge 17 types of substances into Cockburn Sound?
- (3) Why is CSBP's never to be exceeded level for nitrogen set at 750kg/day (273 750kg/year) or 260% higher than the 2001 licenses which indicate a discharge license level of 73 000kg/year (200kg/day)?
- (4) Why is CSBP's never to be exceeded level for phosphorus set at 750kg/day (273 750kg/year) or around 550% higher than the 2001 licenses which note a discharge license level of 36 000kg/year (99kg/day) for both phosphorus and orthophosphate?
- (5) Is the Minister aware that according to question on notice 34 of June 19 2001, no license is allocated to CSBP for discharging phosphorus, yet never to be exceeded levels are set at 750kg/day?
- (6) What action has the Minister taken to correct this discrepancy?
- (7) Is the Minister considering lengthening the review period for license renewals to every five years?
- (8) Does the DEP have a conflict of interest in receiving license fees which, are related to the level of discharge?

Hon TOM STEPHENS replied:

- (1) The Minister for the Environment and Heritage has advised me that the Department of Environmental Protection (DEP) licence conditions limit the discharge of wastes from all industrial premises that directly discharge waste to Cockburn Sound. The use of the term 'never to be exceeded discharge level' has been applied to the Wesfarmers CSBP discharge limits to distinguish this limit from target discharge levels also prescribed in the licence. Licence discharge limits are also not to be exceeded figures. As you can see, the two terms are synonymous. It is intended to review the descriptors used in all licences to be consistent with that used in the Cockburn Sound Environmental Protection Policy. A 'limit' will be an enforceable, never to be exceeded figure, while a 'target' will be a figure that licensees are encouraged to meet to ensure compliance with the limit.
- (2) 'Never to be exceeded' daily discharge limits were set on the Wesfarmers CSBP licence for nitrogen and phosphorous as these represent the two largest components in the discharge and have the greatest capacity to impact on the water quality of Cockburn Sound. A daily limit for arsenic was included on the licence as this substance was the subject of enforcement action by the DEP. The other 14 substances that are monitored in the discharge are not set daily discharge limits as the concentrations are very low and detection in high flow volumes is impractical. However, these parameters must meet monthly average discharge limits.
- (3) Wesfarmers CSBP's discharge limit for nitrogen on the current licence is no different to the previous year's licence limits. It is incorrect to calculate an annual discharge limit by extrapolating the daily limit. The annual limit reflects the significance of controlling the load of nutrients discharged to Cockburn Sound. However, nitrogen is not a toxicant, and daily loads may fluctuate within reasonable bounds without harm to the environment provided the allowable annual load is not exceeded.
- (4) The Wesfarmers CSBP discharge limits for phosphorus are the same for the year 2002 as they were for the year 2001.
- (5) The Question on Notice 34 of June 19, 2001 referred to 'new' licences. Licences are issued only for a defined time period. Wesfarmers CSBP has been issued with periodical licences as determined by the DEP and these licences set discharge limits on phosphorus. The re-issue of a previous licence was not included in the answer to the question on notice.
- (6) There is no discrepancy to correct.

- (7) Proposed amendments to the Environmental Protection Act would allow the DEP to issue licences for periods longer than one year. However, all licence conditions will continue to be subject to review at any time.
- (8) Licence fees are credited to State Government Consolidated Revenue and not to the DEP. Therefore, I do not consider there to be a conflict of interest. The purpose of relating licence fees to discharge levels is consistent with the polluter-pays principle, and is intended to encourage and reward licensees for minimising waste discharges.