

Bell Bay Pulp Mill Submission re EPBC referral by Gunns, referral number 2007/3385

From Tap Inc. (Tasmanians Against the Pulp Mill)

We are writing in response to the invitation for public comment on the referral of Gunns proposed Bell Bay Pulp Mill project as a potential controlled action under the EPBC Act

Key points

The European experience shows that modern pulp mills are likely to be in operation for around 100 years, consequently the Commonwealth should view Gunns' referral as a decision that will impact Australia at least until the next century.

Gunns' claims about assessments in their referral are disputed in most of the 750 public submissions made in response to their IIS and a number of RPDC commissioned reports. The Commonwealth should conduct a full review of Gunns' proposal to test the veracity of their claims and to ensure that all of the necessary safeguards are in place.

In failing to carry out a complete assessment with public hearings of Gunns' 'world scale' pulp mill proposal, the state government has also failed to appreciate or understand the impacts of such a proposal on the environment and industry.

There is a fundamental flaw in the assessment process where the 'felon' can assess their own 'guilt'. In this case, proponent Gunns Ltd has been authorised to be the only party to determine what impacts of the project are assessed. However, it has a direct and evident conflict of interest in part due to their Articles of Association which does not allow them to describe circumstances that could adversely affect their profits, and also due to a lack of expertise on Gunns part.

The state government has exempted Gunns' project from state laws and exposed everyone in Tasmania to major risks. If the Commonwealth also exempts Gunns from rigorous inspection then the project will be virtually unregulated and the population could be totally unprotected (see opinion by Stokes & Baxter <http://tasmaniantimes.com/index.php/weblog/comments/comments-on-pulp-mill-assessment-bill-2007/>).

No business or person will have recourse under Tasmanian law. Such an outcome would be massively destabilising both for the economy and for government, who would quickly lose the trust of the population, as is already happening.

Pollution impacts on Bass Strait

The threat to Bass Strait can be best understood by reviewing Paul Sandery's models (Submission number 32 RPDC website www.rpdc.tas.gov.au) that demonstrate the extremely long 'flush' times for the shallow Bass Strait, which will allow pollutants to build up and threaten marine life in much of the Strait. According to ex RPDC pulp & paper scientist Dr Warwick Raverty (<http://www.news.com.au/mercury/story/0,22884,21441712-921,00.html> March 25, 2007), the particular process to be used by Gunns to manufacture chlorine dioxide for bleaching is likely to create excess dioxins that will breach the Stockholm Convention. This possibility alone should be sufficient to cause the Commonwealth to err on the side of caution.

The shallow nature of the Strait means that dilution of effluent is uncertain, particularly given the long flush times shown by Sandery. Couple these risks with the uncertain and patchy review carried out at the state level and the risk factors compound enormously.

None of these impacts has been studied or quantified independently. The ‘independent’ work supposedly carried out by Gunns fell into 3 main categories: work done by Gunns’ consultants under instruction from Gunns; work carried out by the RPDC much of which was later refuted or disputed by Gunns; and public submissions that received no formal attention from any state process.

Rational protection for Bass Strait endangered species

A proper protection paradigm includes:

1. a full independent scientific baseline study of the Strait to establish marine community structure and ecological norms;
2. a complete and independent analysis of likely pulp mill effluent outputs, along with their toxicity, that identifies all likely risks and contaminants in respect to changes in growth, development, reproduction, physiology, and behaviour of endangered marine species – to ensure that actual mill outputs are included in planning and framing regulations to protect Bass Strait and ocean ecosystems;
3. independent baseline studies - to determine rates of change and cyclical norms in Bass Strait of seaborne chemicals;
4. an independent and credible monitoring regime that reports publicly and frequently. It must sample sufficiently often, and at sufficient resolution to pick up identified contaminants before they become a problem;
5. a credible regulatory regime designed to protect the marine environment from harm (Note - guidelines are insufficiently rigorous);
6. the establishment of pollutant concentration trigger levels (lower than toxicity levels identified in part 2 above) that, when exceeded, trigger rigorous and effective shut down procedures or other strong actions to prevent toxic or excess pollutants entering the Strait.

Each of the steps of the process above is designed to achieve specific goals and should be based on rigorous scientific approaches wherever possible. Variations of the process would need to demonstrate that the same goals would be achieved.

Legal problems

The relief from state laws, described by Gunns in their referral, means that there will exist no reasonable State method to regulate the outputs or performance of the mill, except for whatever condition the appointed consultant may place on any approval. If the Commonwealth also exempts the project from the EPBC Act, then there will exist no means to regulate or control the mill outputs. This will result in a situation where there is one law for Gunns and another law for everyone else. We believe that this is unconscionable.

In their referral Gunns state that...”Under the Bill, the provisions of any Act, planning scheme, special planning order or interim order requiring the approval, consent or permission for, or regulating or permitting the regulation of, any use or development in relation to the project do not apply to the project” which effectively relieves them of needing to obey Tasmanian law. If they are also relieved of the need to comply with the full provisions of the EPBC Act, then there is no need for them to comply with anything, regulation doesn’t apply and therefore they are free to pollute to any level. Since their pollution control equipment will cost in the order of \$400 million, it is likely that they will make significant savings as soon as any approval is given.

Serious logical and factual flaws

Some statements from the draft IIS executive summary are seriously misleading and conceal the real impacts of the proposal. To present such false claims for public review should disqualify Gunns from any consideration as a fair and impartial reporter of facts. It is incumbent on the Commonwealth to carry out a full and proper assessment of the proposal.

For example:

The pulp mill will process about 3.2 to 4.0 M GMt of pulpwood per year (used to produce 820,000 to 1,100,000 ADt of pulp). This amount is less than Gunns' exports over the past 5 years which have ranged up to 4.8 million GMt per annum.

The pulp mill project is a downstream processing initiative and will not involve any changes to forest access or additional intensification of forestry operations. It is based on diverting woodchips that would otherwise have been exported to the pulp mill for value-added processing.

The statement that there will be 'no additional intensification of forestry operations' is false; the new draft scope determined by Gunns claims 7 Mt of timber/year will be cut for mill consumption and continued exports. The revised scope treated logging as if it were already happening at the scale proposed.

Natural forest logging impacts adversely on endangered species, water catchments and water supplies downstream, conversion of farms to plantations also slashes water available, distribution of biocides on plantations threatens water supplies and the health of those who must drink the water. Regardless of the severity of these potential impacts, they are excluded from consideration.

Conclusion

For the reasons outlined above, we contend that the proposal should be thoroughly and independently reviewed.