

Ms Arminda Ryan
Acting Executive Director Regulatory Practices and Services
NSW Environment Protection Authority
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9 February 2026

Dear Ms Ryan

**Re: LANDFILL AND SEWAGE TREATMENT PLANT PFAS MONITORING
CHEMICAL CONTROL ORDER**

Thank you for the opportunity to provide feedback on the *Landfill and Sewage Treatment Plant PFAS Monitoring Chemical Control Order (CCO)*. The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$21 billion waste and resource recovery (WARR) industry. With more than 2,300 members from over 400 entities nationwide, we represent the breadth and depth of the industry, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. Over a third of our membership is based in NSW, where our industry directly contributes more than \$4 billion per annum to the State's economy and directly employs more than 8,500 workers. The WMRR NSW Landfill Working Group has 100+ individual members representing operators, consultants, auditors, technical suppliers and local government.

WMRR appreciates that the NSW EPA is proposing a [Landfill and Sewage Treatment Plant PFAS Monitoring Chemical Control Order \(CCO\)](#) to establish consistent PFAS monitoring requirements for landfills and sewage treatment plants (STPs), with the intent of generating reliable data to inform future decisions regarding safe and acceptable PFAS levels in national alignment with the PFAS National Environmental Management Plan 3.0 (NEMP 3.0) principle of focusing regulatory and monitoring resources on identified PFAS exposure pathways. The regulation of PFAS in NSW under the *Protection of the Environment Operations Act* (iChEMS) commenced 1 July 2025 and is focused on PFOS, PFOA and PFHxS. WMRR understands the CCO does not propose enforcement thresholds or concentration limits for PFAS at landfills and will not apply where PFAS monitoring is already specified as a licence condition. As such, the proposed CCO is intended as an ambient monitoring framework – rather than a compliance or enforcement instrument – and is designed to support data collection to inform future policy and risk-based decision-making to break the PFAS exposure pathway.

WMRR reiterates its long-standing position that effective management and regulation of PFAS must prioritise upstream controls to prevent PFAS entering supply chains and ultimately presenting at WARR facilities as end-of-pipe issues. Landfills are secondary receivers of diffused PFAS contamination and should not be regulated as primary sources. Through our direct consultation with the EPA representatives via NSW Landfill Working Group meetings, and representations made at the 2025

Australian Landfill and Transfer Stations Conference and the 2025 WMRR NSW Waste and Resource Recovery Forum, WMRR understands that the EPA acknowledges PFAS as ubiquitous in the environment and is committed to a risk-based, collaborative approach to PFAS management.

In principle, WMRR supports the proposal to undertake PFAS sampling at existing monitoring locations specified in landfill environment protection licences (EPLs). Retention of established monitoring frameworks is essential to ensure regulatory compliance, maintain continuity and comparability of long-term environmental PFAS data, and avoid unnecessary duplication or expansion of monitoring infrastructure. We also support the EPA's intention to review collected data to determine whether further investigations or site-specific adjustments to monitoring frequency are required. However, WMRR raises the following key concerns with implementing the CCO, as proposed:

- The proposed CCO requires quarterly sampling of groundwater or surface water; and annual sampling of leachate in accordance with the *EPA's Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* with analysis undertaken using *US EPA Method 1633, Revision A* – something that is not standard for many NSW landfills (or in other jurisdictions). WMRR emphasises that PFAS is a national issue that the Heads of EPA are working on addressing cohesively in each jurisdiction through alignment with the NEMP 3.0. To maintain the benefits of this aligned approach, it is crucial that nationally recognised testing and sampling methods are consistently implemented that are practical, achievable, and proportionate to the policy intent of ambient monitoring.
- WMRR also queries whether sufficient laboratory capacity currently exists within NSW to undertake Method 1633A analysis in a timely and effective manner, and whether reportable limits are achievable by NSW laboratories.
- There are significant concerns regarding the cost implications of Method 1633A analysis, particularly given that all licenced landfills — including small, council-run facilities — will be required to comply and are unlikely to have factored in these costs into their budgets for licence compliance. If these analytical tests are at additional cost, it follows that funding should be considered for the CCO rollout.
- For landfills with multiple cells or complex hydrogeology, requiring *downgradient sampling* for each individual cell seems impractical and unnecessary. Allowing a representative hydrogeological monitoring network would provide a more flexible and effective alternative. Further, WMRR notes that sampling only at “downgradient” or “downstream” locations may be inadequate for facilities that are secondary sources receiving diffused PFAS contamination. Such an approach risks unfairly attributing off-site PFAS sources to landfill operations.
- There is also concern that existing sampling equipment (e.g. tubing) may contain Polytetrafluoroethylene (PTFE/Teflon) or Low-Density Polyethylene (LDPE), potentially causing false positive results. To ensure data integrity, WMRR recommends that the EPA

provide explicit guidance on PFAS-specific sampling protocols (including the avoidance of materials such as Teflon, GORE-TEX, and similar fluorinated products).

WMRR has made further comments in response to the specific consultation questions:

i. Do you have any comments on the proposed monitoring frequencies and locations to provide consistent data and minimise environmental impacts?

WMRR proposes that the CCO aligns monitoring frequencies and locations already specified in EPLs. This approach would promote consistency and compliance, ensure data reliability, and reflect site-specific risk assessments already agreed with the EPA. Specifically:

- PFAS sampling locations should align with existing, approved monitoring points in the landfill's EPL. No additional monitoring points should be required solely for PFAS analysis.
- Sampling frequency should be at the same frequency described in the EPL – matching the existing rationale and methodology. For example, while the CCO proposes quarterly groundwater sampling, some EPLs require groundwater sampling at six-monthly intervals as the risk profile of the landfill has already been considered in line with stipulating the licence conditions. Similarly, leachate monitoring should be undertaken at the same frequency specified in the licence.

Aligning with existing frequency and locations for EPL sampling requirements also minimise resourcing and cost impacts on landfill operators.

ii. Should the EPA consider alternative approaches to achieve consistent and reliable PFAS data from STPs and landfills?

Yes. For landfills with multiple cells or complex hydrogeology, requiring *downgradient sampling* for each individual cell may be impractical and unnecessary. Sampling by individual cell at regular intervals will also cause additional expenses for landfill operators which does not seem warranted when allowing a representative hydrogeological monitoring network would provide a more flexible and effective alternative.

iii. What are your thoughts on expanding the CCO to include reporting of all 40 PFAS compounds analysed under US EPA Method 1633, Revision A?

WMRR does not support requiring operators to report on broad suites of PFAS compounds where no NEMP 3.0 guideline values exist. Expanding reporting beyond PFOS, PFOA, and PFHxS risks creating confusion rather than clarity and may increase regulatory and reputational risk without a clear policy basis. Consistent with NEMP 3.0, the CCO should remain focused on compounds for which national guidance currently exists.

iv. Should perfluorobutane sulfonic acid (PFBS) be included, given its inclusion in the National Health and Medical Research Council (NHMRC) drinking water guidelines?

While PFBS is included in NHMRC drinking water guidelines, its inclusion in the CCO would not currently align with the NEMP 3.0. WMRR does not support expanding the analyte list at this stage, as it would impose additional cost and risk on industry without national policy alignment.

General comments

There are significant concerns across industry — both within NSW and nationally — that the CCO may evolve into a compliance or enforcement mechanism over time. These concerns are compounded by the potential cost impacts of expanded monitoring and analysis requirements. To alleviate industry concern, WMRR strongly encourages the EPA to provide clarity on how results will be assessed and the principles that will guide any subsequent engagement with licencees. While the NEMP 3.0 risk-assessment framework is understood to apply, a formal statement from the NSW EPA would assist industry in appreciating how the PFAS reporting of secondary sources such as landfills will be used to address the growing challenge of PFAS in Australian supply chains.

WMRR strongly supports the policy intent of the CCO to participate in nationally aligned, risk-based PFAS monitoring to demonstrate the ubiquity of PFAS in the environment and collect ambient monitoring data to inform future determinations of safe and acceptable levels. Achieving this outcome will require practical, proportionate, and clear monitoring requirements that recognise landfills as secondary sources of diffused PFAS contamination, alongside the prioritisation of complimentary upstream controls (by restricting PFAS entering Australian supply chains in the first place).

Please contact the undersigned if you wish to further discuss WMRR's submission.

Yours sincerely



Gayle Sloan

Chief Executive Officer

Waste Management and Resource Recovery Association of Australia