LOCAL GOVERNMENT NSW

LGNSW SUBMISSION

Draft Landfill and Sewage Treatment Plant PFAS Monitoring Chemical Control Order

February 2026

ONE VOICE FOR COUNCILS

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OPENING

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing all NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to provide feedback to the NSW Environment Protection Authority (EPA) on the *Draft Landfill and Sewage Treatment Plant PFAS Monitoring Chemical Control Order* (the CCO) as this is a matter of importance and concern to local councils and other stakeholders within the local government sector who manage landfills and sewage treatment plants (STPs). LGNSW has consulted with councils and other key stakeholders to inform this submission.

As a major land manager, utility provider and point of contact with the community, NSW councils work tirelessly to provide a clean and safe environment for the community.

This submission was endorsed by the LGNSW Board in April 2026.

LGNSW Advocacy Priorities

The LGNSW Policy Platform consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance and guiding LGNSW in its advocacy on behalf of the local government sector. Specific positions relating to PFAS include:

> *12.11 The NSW Government to ban per- and polyfluoroalkyl substances (PFAS) and other chemicals in all products that may impact health, especially including food packaging and products.*

Given the introduction of the Australian national ban on PFAS, PFOS[1] and PFHxS[2] in June 2025, LGNSW advocates for its enforcement. We also support a collaborative and holistic approach to be built into the NSW EPA approach to PFAS monitoring, data collection, and subsequent amelioration.

[1] Perfluorooctanesulfonic acid and its salts.
[2] Perfluorohexanesulfonic acid and its salts.

RESPONSE

The proposed CCO introduces expanded monitoring requirements for PFAS at licensed landfills and STPs. The stated objective is to establish consistent data collection to support environmental protection and future policy development.

Councils support improved environmental monitoring and evidence-based regulation. However, the proposed framework raises questions regarding clarity, cost, regulatory scope, and downstream obligations. Councils are eager to work with the NSW EPA to address these concerns and ensure the requirements are practical, equitable, and effective.

Monitoring Locations and Frequency

With regard to the proposed quarterly monitoring of groundwater and surface water and annual leachate monitoring, many councils already conduct groundwater monitoring under licence conditions and could integrate PFAS testing as an additional analyte. However, surface water monitoring requirements are unclear in the Draft CCO, particularly regarding whether this refers to:

- On-site sediment basins, or
- Off-site downstream waterways (e.g. creeks and receiving waters).

Many sites do not currently have downstream monitoring points, which would require new infrastructure, approvals, and ongoing operational costs. Clarification of monitoring site expectations would be of benefit here.

- ***Recommendation 1.*** *That the NSW EPA provide clear definitions of required monitoring locations to avoid inconsistent implementation and unnecessary infrastructure.*

Regulatory Scope and Applicability

The CCO applies to licensed landfills and STPs, but would benefit from more clarity regarding:

- Whether this includes closed landfills that remain licensed
- Legacy sites with ongoing licence conditions
- STPs below licensing thresholds
- Application to non-licensed waste and wastewater facilities
- Discharge sites (where applicable) and the testing and allocation of responsibility e.g. discharge into rivers/creeks/lands including farmland.

Councils also noted the need to differentiate requirements between landfills and STPs, given differing environmental pathways and risk profiles.

- ***Recommendation 2.*** *That the NSW EPA provide clarity on the scope of the CCO, to avoid regulatory ambiguity and uneven compliance burdens.*

Integration with Licensing and Reporting Frameworks

Councils indicated that uncertainty exists about:

- Whether licences will be formally varied to include PFAS monitoring
- Who initiates licence variations (EPA or operators)
- How PFAS reporting aligns with existing annual monitoring returns (separate report vs integrated reporting).

- ***Recommendation 3.*** *That the NSW EPA aligns CCO reporting with councils' existing licensing and reporting frameworks to minimise duplication and administrative burden.*

Cost and Financial Impacts

Councils are not in a position to bear the additional costs of responding or monitoring PFAS. PFAS monitoring costs are driven by:

- Number of analytes (e.g. PFOS/PFOA vs full 40-compound suite)
- Number of sampling points
- Prior existing sampling points
- Sampling frequency.

The EPA has indicated that it has sought to keep sampling costs low (e.g. ~$1,000 per site), however this fails to recognise the overall costs where councils manage multiple sites (landfill and STPs). Councils reported existing high costs for effluent and soil monitoring (e.g. $30,000–$40,000 per year for soil testing alone in some cases), with additional PFAS testing likely to significantly increase expenditure.

During the recent NSW Parliamentary Inquiry - Select Committee on PFAS Contamination in Waterways and Drinking Water Supplies throughout NSW - one council noted that products containing PFAS have been freely available on the market for over 50 years, and that this runs counter to the 'polluter pays' principle. The council also commented that the EPA has now placed additional requirements on the environment protection licence for its waste facility for additional ongoing monitoring and further investigation. The initial investigation alone has been quoted by an expert

consultant at $90,000 with additional monitoring estimated at least $20,000 per annum[3].

In another example, a council estimates its sampling costs will increase between $6,000 to $9,000 per year for their 6 STPs. For smaller rural and regional councils that often operate multiple landfill and STPs this is a significant cost. These higher costs will need to be recovered via increases in rates/water bills and/or via government support.

In addition, the full US EPA Method 1633 testing proposed for sample analysis is expected to be cost prohibitive for many councils, particularly for multiple bores and surface water sites.

- ***Recommendation 4.*** *That the NSW EPA recognises that councils have little control over what goes into landfills and STPs and that the financial burden of the additional monitoring will be substantial. This is currently unfunded, and LGNSW recommends that the NSW EPA agrees that the costs of monitoring and managing PFAS should therefore be covered by the NSW Government.*

Laboratory Capacity and Sampling Requirements

Councils recognised the potential inefficiencies if PFAS sampling must be separated from routine monitoring programs and seek to better understand:

- Availability of Australian laboratories capable of USEPA Method 1633 testing
- Sample transport logistics and turnaround times
- Whether staff from NATA-accredited laboratories must also conduct field sampling (not just analysis), thereby increasing costs
- The benefits from collaborative testing across councils that may lower costs and ease laboratory capacity constraints.

- ***Recommendation 5.*** *That the NSW Government investigate opportunities for collaborative testing across councils, streamline sampling protocols and ensure that laboratory capacity is sufficient to allow for practical application of the testing changes.*

Reporting Levels, Thresholds, and Compliance Criteria

The proposed CCO's clarity would be improved through inclusion of:

- Detection and reporting limits
- Trigger values and compliance thresholds

[3] NSW Parliament (2025) Select committee on pfas contamination in waterways and drinking water supplies throughout New South Wales, Section 3.141

- Which analytical outputs regulators will rely on (e.g. full suite vs total PFAS/top assay values).

Without defined thresholds, councils cannot assess compliance risk or future treatment obligations.

- ***Recommendation 6.*** *That the NSW EPA establish clear regulatory thresholds and reporting standards as these are essential for consistent compliance and risk management.*

Post-Detection Obligations and Treatment Expectations

Councils questioned what actions will be required if PFAS is detected, noting that:

- Treatment technologies are expensive and not widely implemented.
- Treated residues often end up in landfill, creating circular contamination pathways.
- Councils risk becoming long-term PFAS accumulation points in the absence of upstream product controls or bans.

Monitoring without a defined management framework risks transferring long-term liability to local government. Including councils in planning for post-testing actions will be of significant benefit in establishing effective and sustainable interventions.

- ***Recommendation 7.*** *That councils be included in planning for post-testing actions to establish effective and sustainable interventions.*

Biosolids and Effluent Irrigation Risks

Potential PFAS bioaccumulation in soils receiving biosolids or treated effluent is a key concern. Noting that the NSW Government has supported in principle the Select Committee's recommendation to expand the PFAS investigation program to include biosolids and ensure monitoring occurs downstream from biosolid application sites, including testing of soil (Recommendation 30[4]), councils expressed uncertainty about:

- Soil monitoring requirements for irrigation areas
- Responsibilities and funding for farmer soil testing
- Monitoring frequency needed to manage bioaccumulation risks.

- ***Recommendation 8.*** *That the NSW EPA works with councils to establish a clear policy on land application monitoring and testing/remediation responsibilities.*

[4] NSW Government (2025) Select Committee on PFAS Contamination in Waterways and Drinking Water Supplies Throughout New South Wales – Report 1

Broader Waste Stream Implications

Councils have raised questions about the potential for future expansion of PFAS monitoring to FOGO and composting streams, including commercial composters and other waste streams (e.g. biosolids frameworks under development).

- ***Recommendation 9.*** *That the NSW EPA continues to collaborate with councils to provide early clarity on potential future regulatory expansion to support planning and investment decisions.*

Opportunities and Proposed Solutions

Councils proposed the following as solutions to some of the concerns raised in this submission.

Collaborative Testing and Standardisation

A collaborative approach involving EPA, selected laboratories, councils, and private operators could:

- Standardise methodologies
- Improve data comparability
- Reduce costs through economies of scale.

Funding and Cost Recovery

Consideration should be given to:

- Government co-funding of monitoring programs
- Use of Waste Levy funds to offset council monitoring costs
- Centralised testing arrangements to reduce duplication.

Staged Implementation

A phased rollout could:

- Prioritise high-risk sites and catchments
- Allow time to build laboratory and regulatory capacity
- Reduce immediate financial impacts on councils.

Summary of Recommendations

1. That the NSW EPA provide clear definitions of required monitoring locations to avoid inconsistent implementation and unnecessary infrastructure.

2. That the NSW EPA provide clarity on the scope of the CCO, to avoid regulatory ambiguity and uneven compliance burdens.

3. That the NSW EPA aligns CCO reporting with councils' existing licensing and reporting frameworks to minimise duplication and administrative burden.

4. That the NSW EPA recognises that councils have little control over what goes into landfills and STPs and that the financial burden of the additional monitoring will be substantial. This is currently unfunded, and LGNSW recommends that the NSW EPA agrees that the costs of monitoring and managing PFAS should therefore be covered by the NSW Government.

5. That the NSW Government investigate opportunities for collaborative testing across councils, streamline sampling protocols and ensure that laboratory capacity is sufficient to allow for practical application of the testing changes.

6. That the NSW EPA establish clear regulatory thresholds and reporting standards as these are essential for consistent compliance and risk management.

7. That councils be included in planning for post-testing actions to establish effective and sustainable interventions.

8. That the NSW EPA works with councils to establish a clear policy on land application monitoring and testing/remediation responsibilities.

9. That the NSW EPA continues to collaborate with councils to provide early clarity on potential future regulatory expansion to support planning and investment decisions.

Conclusion

LGNSW thanks the EPA for the opportunity to provide feedback on this draft CCO. Councils support finding ways forward for tackling forever chemicals in NSW and the objective of improved PFAS monitoring to inform environmental management and policy development. However, the proposed requirements would be strengthened by clearly addressing cost, clarity, implementation pathways, and long-term liability. Addressing these issues through clear guidance, funding support, and staged implementation will ensure the framework is practical, equitable, and environmentally effective.

For further information or to discuss this submission, please contact Esther Landells, Senior Policy Officer - Waste.