



Mr Tim Eaton
Executive Director – Regulatory Standards, Assessments & Permissioning
EPA Victoria
200 Victoria Street
CARLTON VIC 3053

Email: engagement@epa.vic.gov.au

5 March 2021

Dear Mr Eaton

Re: Proposed waste and resource recovery determinations

Thank you for the opportunity to provide feedback on EPA Victoria's proposed waste and resource recovery determinations. The Waste Management and Resource Recovery Association of Australia (WMRR) is the peak national body for all stakeholders in Australia's \$15.5 billion waste and resource recovery (WARR) industry. We have more than 2,000 members across the nation, representing the breadth and depth of the sector across business organisations, the three (3) tiers of government, universities, and NGOs. The WARR sector drives jobs – employing up to 50,000 people – and investment in the Australian economy, and WMRR's purpose is to lead the success of this essential industry while ensuring the environment and community are protected through the safe and responsible management of waste and resources.

In Victoria, the WARR industry remains a key contributor to the state's economy and environment. The value of the sector in 2017-18 was estimated to be about \$3.7 billion¹ while in 2018-19, Victoria's WARR system managed 15.33 million tonnes of material, of which approximately 4.57 million tonnes were sent to landfill and 10.77 million tonnes (70%) were recovered for recycling².

WMRR acknowledges the Victorian government's significant work to-date in managing its ongoing WARR challenges while capturing opportunities that would future-proof the sector and economy, including the development of new environment protection regulations and reference standards that are expected to come into effect on 1 July 2021. The government's efforts in creating WARR determinations to reduce the administrative and regulatory burden for those recovering and using recovered waste is supported and notably, the roll-out of Victoria's model, which is similar to South Australia's General Environmental Duties (GED) framework, takes Australia a step closer to a consistent national approach to managing waste as a resource.

This discussion paper reflects the government's openness and responsiveness to stakeholders' concerns and WMRR commends the EPA for developing initial determinations that are well considered. WMRR supports the EPA's goals of increasing resource recovery and reuse – doing so will propel the development and growth of local economies, sub-sectors, and jobs – as well as the ongoing protection of human and environmental health. Broadly, WMRR believes these determinations could

¹ Inside Waste Industry Report 2019: Volumes and Values

² National Waste Report 2020

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marry these goals in a balanced and effective manner and we look forward to continued engagement with the EPA as these determinations, and the new EP Act are rolled out.

WMRR's submission, which highlights further considerations within each proposed determination as well as our recommendations, can be found below. Please do not hesitate to contact the undersigned if you would like to further discuss WMRR's feedback.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gayle Sloan'.

Gayle Sloan
Chief Executive Officer
WMRR

A handwritten signature in blue ink, appearing to read 'Kirstin Coote'.

Kirstin Coote
Victorian Branch President
WMRR

SUBMISSION

Determination 1 – processed solid organic waste

WMRR notes that this proposed determination works to formalise the current requirements for solid organic waste reuse in the state; WMRR believes this to be a well thought out and considered determination.

WMRR does however, believe the EPA should consider how it can prevent contamination in the following areas:

- The EPA should seek to prevent entry into the system of contaminants through education of the public and removal of materials manually or through automation.
- Acid herbicides – possibly the only way that these chemicals can be prevented from entering the composting process is to limit their sale to professionals or by banning altogether as is the case in some countries. Further, the specifications could include baseline information for these types of contaminants that operators and the community can refer to for better understanding and management of the risk.

Determination 2 – fill

WMRR agrees that clean fill material should not contain asbestos and supports all efforts to ensure that asbestos is not included in fill and/or aggregates. However, the WARR sector is a recipient of materials, meaning it has little control over the waste it receives and conducts visual assessments of incoming material. While every effort must be made to minimise asbestos contamination, it is an unreasonable expectation to penalise operators for an accidental asbestos find, i.e. isolated pieces of asbestos found in stockpiles. WMRR recommends that the EPA, in consultation with industry, develops a robust plan and process to manage these accidental finds to assist operators with managing this material and to mitigate the risk of its release.

Presently, there is a lack of clarity around categorisation and education, resulting in smaller customers often not being aware of the changing rules and regulations of fill material. The wetness of material is a significant factor and challenge for safety and recovery which the EPA should be aware of.

Finally, WMRR proposes the development of general guidelines for waste generators to provide greater clarification around when environmental consultations must be sought.

Determination 3 – aggregates

In theory, WMRR supports the development of a determination for aggregates and acknowledges the rationale behind the specifications proposed in the paper. However, WMRR queries how this determination will work, particularly as the paper – in table eight (8) – states that recycled aggregates must not contain any other ‘waste’ apart from concrete, brick, ceramic or rock. This contrasts with Victorian Roads’ specifications which allow for a broader suite of materials – concrete, brick, glass, reclaimed asphalt pavement (RAP), and crumb rubber - as well as up to 5% of supplementary material.

As such, WMRR is seeking both clarity and much-needed consistency across specifications within this determination and recommends that:



- The determination is expanded to include RAP for consistency and given there are already users of, and demand for, this material.
- The EPA reconsiders where excavation stone sits under these determinations as it is neither a fill material nor an aggregate and may be deemed an industrial waste. It seems unreasonable that excavation stone would be required to have a Declaration of Use.

Further, the determination states that recycled aggregates must not contain chemical contaminants that exceed the upper limits for fill material set out in *Waste disposal categories – characteristic and thresholds* (publication 1828). WMRR is seeking clarity around:

- What testing regime would be required to prove that chemical contaminants do not exceed the limits.
- The consequences should the cause of contamination (if this should exceed the limit) be found to be natural occurring concentrations in the original rock source, which is relatively common in some inorganic material, e.g., chromium and nickel.

As noted above, WMRR also suggests that a robust plan and process is developed to manage accidental asbestos discoveries in aggregates and clean fill.