

Mr Phil Frensham  
Executive Officer  
Environment, Resources and Development Committee  
Parliament House  
North Terrace  
Adelaide SA 5000  
Email: [erdc.assembly@parliament.sa.gov.au](mailto:erdc.assembly@parliament.sa.gov.au)

**Friday, 11 November, 2011**

Dear Mr Frensham,

ALOA is an incorporated entity comprising landfill owners across Australia sharing a concern for the environment and the sustainability of their businesses. ALOA is the representative voice of the landfill industry in Australia with a membership comprising of landfill owners from across the country.

ALOA members operate over half of the landfill capacity across Australia receiving over 15 million tonnes of solid waste annually. They also provide services in waste disposal, waste treatment and resource recovery and employ over 12, 000 people.

Today landfills employ cutting edge technology to minimise their environmental impact such as capturing methane generated by the decomposition of organic waste to produce renewable electricity. In many respects, modern landfill techniques are a demonstration that corporate action can deliver complementary benefits to our society, the natural environment and business.

A number of our members in the SA Chapter received a letter from Shadow Minister Michelle Lensink regarding the parliamentary inquiry into the EPA's Environment Protection (Waste to Resources) policy (EPP).

This policy is seen as being a key reform tool that will set the future direction of waste management in the state. Clear strategic messages are outlined in the EPP, but more work is required in determining how a number of these activities are to be applied in a practical and sustainable manner.

It is also important that new programs to increase the State's level of diversion continue without allowing perverse outcomes to develop E.G. ALOA is concerned the EPP is being interpreted that all material is better off out of landfill rather than accepting that certain materials are more effectively and environmentally responsibly dealt with through disposal at a landfill. This can lead to non-sustainable and degrading activities occurring and may even be supported by Government.

A case in point is the current filling of land in the Gillman wetlands. From observations made by members, 'recycling' residual waste material is being allowed to be disposed of in an estuarine area under the guise of land reclamation. Whilst soil is present in the fill the material includes plastic, styrofoam, wood and general fluffy/fabric materials. This is effectively waste disposal in an unlined, unprotected area. Please refer to the attached site photographs indicating development activities using such materials. As a consequence, ALOA makes the following recommendation in response to the EPP

**Recommendation: clearly define in the EPP/Guidelines that waste diversion is to be undertaken in a sustainable manner where demonstrable environmental benefits can be achieved.**

Significant questions are still being raised about potential impacts on landfill operators should either recyclable or banned materials be identified in the landfill following its receipt at the site, and how the Regulator might respond in these instances. Whilst it is felt there is currently a clear understanding about what the reaction should be, this is not clearly articulated in the current documentation and should there be a change in personnel or attitude within Government, unanticipated outcomes may occur.

**Recommendation: clearly define in the EPP/Guidelines that banned material sighted at a landfill must be from direct receipts and that the quantity identified must be significant with the potential to have an adverse impact on the environment. The onus must then be on the EPA to prove this is the case.**

Furthermore, ongoing discussions pertaining to accepted resource recovery processes or processes for the removal of banned materials have yet to provide certainty for operators as to what is required for the development of a 'front end' to their landfill operations. Removal of banned materials where practical and the removal of recyclable materials where economically viable are seen as key sustainability drivers in making this work, but no reference to this is evident in current documentation.

**Recommendation: clearly define in the EPP/Guidelines that material recovery must target removal of banned landfill items where practicable, and the recovery of recyclables where economical.**

In addition to this, there is little to describe whether the resource recovery processes need to be enclosed within a building, or are external operations.

**Recommendation: clearly define in the EPP/Guidelines that inert C&D resource recovery processes can be undertaken outside whilst other resource recovery activities should take place under cover.**

Aggregation of material is another key area that needs further definition. To what extent must the load be aggregated to fall within this category? Is it 90% of the load – or 95% - or 99%? How is this measured – by volume or weights? Basic questions that need answering to ensure landfill operators are not exposed to well intending compliance officers.

**Recommendation: clearly define in the EPP/Guidelines that aggregated waste means >90% (by weight) of recycled product.**

The onus for determining that waste need not be subject to treatment for the removal of material that is prohibited for disposal to landfill is being placed on industry with only subjective classifications within the policy on who can make such a determination. Whilst some clarity was provided with the original discussion documentation, this is not reflected in the gazetted EPP. This ambiguity reduces certainty for operators and allows for deleterious change that could occur with little or no consultation.

**Recommendation: clearly define in the EPP/Guidelines that material recovery must target removal of banned landfill items where practicable, and the recovery of recyclables where economical.**

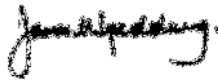
ALOA recognises that further guidelines are to be developed to support the EPP to assist in the clarification of the above issues, but to date minimal information has been available to allow for the assessment of these guidelines. Considering the scheme commenced in September 2010, we are concerned that insufficient information exists to allow both the Regulator and Industry to clearly understand where they stand in the regulatory landscape.

ALOA is committed to working with the SA EPA in the development and implementation of the EPP and will do our best to assist in developing an effective and operational regulatory system.

Effective waste management policy and practices need to work in conjunction with each other, following the principles of sustainability as a core philosophy. Our concern is that the EPP is based on a flawed assumption that landfill bans will create markets. What we need is clarity so that capital can be invested in sustainable operations and detailed EPP guidelines that ensure the environment is protected. We believe in the case of this legislation environmental objectives are being set without due consideration to the creation of markets to receive the material subject to bans.

ALOA believes the current situation is unacceptable and is keen to present our concerns directly to your review committee.

Kind Regards

A handwritten signature in black ink, appearing to read 'Max Spedding', with a stylized flourish at the end.

Max Spedding  
Secretary  
ALOA

***Attachment: Site photographs of Lot 22 Gilman South Australia***

# Site photographs of Lot 22 Gilman South Australia

