

Wednesday, 21 July, 2010

Helen Fulcher
Chief Executive
EPA South Australia
GPO Box 2607
Adelaide 5001 South Australia

Dear Helen,

The SA Chapter of the Australia Landfill Operators Association (ALOA) recently met to discuss the SA EPA's Environment Protection (Waste to Resources) Policy 2010 (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 communicated through the EPP, but as yet it appears that more work is required in determining how a number of these activities are to be applied in a practical and sustainable manner.

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 identified within the EPP to assist in the clarification of the above issues, but to date no information has been available to allow for the assessment of these guidelines. With a start date set for September this year, 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. Representatives of ALOA would be keen to meet with the EPA to run through the above recommendations at a mutually convenient time and look forward to hearing from you soon.

Yours Sincerely,



Max Spedding
Secretariat
ALOA