

To EPA NSW
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From Australian Landfill Owners Association (ALOA)

Date 11 December 2017

Subject **Submission - Construction waste management reforms**

Background

The Australian Landfill Owners Association (ALOA) was formed in late 2008. It is an incorporated entity with members from across Australia.

Modern landfills are an essential element in today's integrated waste management infrastructure as landfills:

- Offer cost effective and reliable disposal of recycling and processing residues and unsorted wastes;
- Manage greenhouse gas emission by methane collection and combustion;
- Provide a source of renewable energy;
- Have the flexibility to accept variable waste volumes; and
- Are reliable last resorts for the acceptance of large volumes of 'disaster' waste.
- Member landfills provide services to the public, local government, industry, property developers, mining and agriculture.

ALOA members receive and safely manage the disposal of almost three quarters of the waste landfilled in Australia.

Since its inception ALOA has defended the interests of its members in national and state issues. In particular, ALOA campaigned for fairer treatment under the 'carbon' tax and worked closely with the Australian Local Government Associate (ALGA) to develop the Voluntary Waste Industry Protocol to utilise collected carbon tax monies.

ALOA is governed by a 'national' board and has state 'chapters' in each of the mainland states.

Response

ALOA provides the following response to the Draft Regulations and Draft Standards for managing construction waste.

Proposed Amendment	Section	ALOA's Position
Construction and demolition waste industry reforms	This will apply to construction and demolition waste facilities that are licensed or required to be licensed, and receive construction and demolition (C&D) waste or building and demolition (B&D) waste and/or soils, masonry and ceramics. Requirements for:	
	<ul style="list-style-type: none"> • Minimum standards at licensed construction and demolition waste facilities to inspect, sort, recover and responsibly handle 	Agreed, subject to review of minimum standards.

Proposed Amendment	Section	ALOA's Position
	construction and demolition waste	
	<ul style="list-style-type: none"> Construction and demolition waste from the metropolitan levy area to be properly processed before being landfilled. 	Agreed
	<p>Reform of the production and re-use of recovered fines:</p> <ul style="list-style-type: none"> Recovered fines meeting specifications will be able to be used as daily cover at landfills; they will also be able to be used for land application if they meet the requirements of a resource recovery order issued by the EPA for a specific processing facility 	Agreed, assuming no levy applied to the recovered fines. Even a 50% levy will render this concession useless, by making proposed waste treatment facilities financially inviable.
	<ul style="list-style-type: none"> Continuous Process Recovered Fines order 2014 and Batch Process Recovered Fines Order 2014 will no longer be in effect 	Agreed
Improving performance at landfills	<p>Landfills in the regulated area will no longer be able to:</p> <ul style="list-style-type: none"> Exhume waste 	Agreed
	<ul style="list-style-type: none"> Send mixed loads of waste off site for disposal. 	Agreed
Improving handling of asbestos waste	<p>Clarification of requirements for waste operators handling, transporting or landfilling asbestos. This includes increased penalties for non-compliance with asbestos transport and disposal requirements.</p>	Agreed, subject to clarification on "dust" meaning asbestos dust and not dust incidental to the operation.
Clarifying application of Transported Waste Deductions	<p>Amendments to eligibility for Transported Waste Deductions, so that:</p> <ul style="list-style-type: none"> For any facility, the facility must prove that the waste has been sent to a lawful facility (including any intermediary facility) 	Agreed
	<ul style="list-style-type: none"> For landfills, deductions are available only if the waste has not been exhumed and the facility can prove that the waste was not sent for disposal. 	Agreed
Clarifying application of the levy at resource recovery facilities	<p>Amendments to clarify the application of the waste levy at resource recovery facilities.</p>	Agreed, subject to the possibility of claiming a levy credit on over-ordered construction material.
Monitoring of waste at levy-liable facilities	<ul style="list-style-type: none"> Resource recovery facilities will not be required to undertake mandatory annual volumetric surveys. These facilities will need to do a volumetric survey or other 	Agreed

Proposed Amendment	Section	ALOA's Position
	stocktake only as and when required by the EPA by notice.	
	<ul style="list-style-type: none"> Ability for the EPA to pragmatically account for moisture loss 	Agreed
	<ul style="list-style-type: none"> Clarification that resource recovery facilities that receive only hazardous waste, liquid waste, restricted solid waste or clinical and related waste are not required to have weighbridges 	Agreed
	<ul style="list-style-type: none"> Clarification of the method by which the EPA can require video-monitoring. 	Agreed
Improved transport of waste	<p>The following amendments will be made:</p> <ul style="list-style-type: none"> Removal of the proximity principle offence 	Noted
	<ul style="list-style-type: none"> Requirements for transporters not to re-mix loads that have been sorted at a waste facility 	Agreed
	<ul style="list-style-type: none"> increased penalties for unsafe transport of waste 	Agreed
Protection of the Environment Operations (General) Regulation 2009 (POEO General Regulation): changes to land pollution offence	Clarification that the land pollution offence for hazardous waste, restricted solid waste and prescribed amounts of waste tyres or asbestos waste applies only to off-site land application.	Agreed
Protection of the Environment Operations Act 1997 (POEO Act): licensing changes	<p>Clarification of waste licensing requirements for:</p> <ul style="list-style-type: none"> Facilities at which waste is transferred between vehicles or modes of transport 	Agreed
	<ul style="list-style-type: none"> Facilities that receive bio solids 	Agreed
	<ul style="list-style-type: none"> Energy from waste facilities wood chipping yards 	Agreed
	<ul style="list-style-type: none"> Multiple environment protection licences on single operations 	Acceptable in metropolitan applications, but should be review in rural locations as an onerous imposition of this change will discourage Councils from recycling.