

25 June 2021

Lee Miezis
CEO
EPA Victoria
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Dear Mr Miezis

RE: DRAFT EPA Publication 332.8 Calculating waste levy and allowable rebate claim

We have reviewed the draft publication for calculating the waste levy and allowable rebate claim and advise the following comments:

- There is no information in the document that relates to Section 50 Parts (a) and (b) of the EPA Regulations 2021 and in particular the need to provide the unique Waste Tracker Codes for each load received in the quarter
- We request confirmation that the historic Waste Transport Certificate records required after the old Portal has been closed down is simply a summary spreadsheet extracted from the old Portal. Individual certificates will require additional resources for no reasonable benefit.
- The reference at the bottom of Page 8 is not correct. It should be Schedule 1 of Environment Protection Regulations 2021 and not Schedule 2 in the Act.
- Section 5.6 - The Fill material accepted at a landfill and used to profile the base of the pit before the liner is constructed is considered as construction material and Levy exempt under clause 7.1 of this document. There is no sense in applying a levy on this material at a landfill when it can be used elsewhere at no cost. This is a Policy error. If Fill is used for cover, then we agree that the Waste Levy should apply.
- Section 7.3 - change the words 'permissioned waste receiving area' to 'Onsite'. 'Permissioned waste receiving area' is not a defined term in the Act, Regulations or Guidance and only creates confusion. (If it was interpreted as the Landfill Cell, it would be incomprehensible.)
- Section 7.4 - The cover sourced from Onsite means Onsite and not the small 'permissioned waste receiving area'. This is an error. Please correct the words to Onsite. The wording in section 10.2 is correct.
- Section 8.3 – We look forward to seeing the templates referred to in this section.
- Section 8.5 - The exception is for Onsite material and not the 'Permissioned waste receiving area'. Once an area is permitted for receiving waste (the active Cell) there is no area for extraction. This is an error in definition. The wording in section 10.2 is correct. Please use it here.
- Section 10.1 – *'All weighbridge records for material moved into or out of the premises, whether a waste levy is applicable or not, must be retained and produced on requested in the event of an audit, levy statement validation or allowable rebate assessment.'* This is a new requirement and now applies to construction materials for lining and capping and Fill materials used for construction purposes. Sites have not got the infrastructure for this requirement. There has been no discussion nor an assessment of the Regulatory Impact of this clause.
- Section 10.2 – *'...All cover material used on the site (unless generated from onsite excavations) is to be included in the amount of each respective waste category received at the premises...'* This is the correct definition. This is where the word onsite is correct and should apply to sections 7.3,7.4 and 8.5.

- Section 12 - We have not previously weighed 'Fill material not destined for the landfill'. This is a new onerous obligation. This will compromise Big Build Projects in Melbourne such as The North East Link
- Appendix B – The exemption from a Haul Road Management Plan also applies to sites which use road construction materials sourced from onsite. A Haul Road Construction Management Plan is not required where quarry products sourced onsite are used. This needs to be added to the Appendix as it is clear in the BPEM for Landfills which will become a Code of Compliance.
- Appendix C – Is it necessary to provide the written procedure for each quarterly Waste Levy Statement. The Levy form could have statements for the submitter to check a box that the correct levy rates have been applied.
- Appendix C – The Quarterly Waste Levy Statements have become self- audits and therefore will EPA need to conduct audits as well as request this information quarterly. There will be nothing more to request in an audit process

Thank you for this opportunity to respond and we look forward to further discussions.

Yours sincerely



Colin Sweet
CEO ALOA