

9 September 2021

Lee Miezis  
CEO  
EPA Victoria  
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Dear Mr Miezis

**RE: DRAFT OPERATING LANDFILL LICENCE CONDITIONS**

The Australian Landfill Owners Association (ALOA) represents landfill operators across Australia to advance landfill standards and assist in obtaining clarity and where possible uniformity of environmental standards.

The adoption of the General Environmental Duty (GED) and the commitment by EPA during the change of law consultations to simplify the licences for Landfill Operators have not yet been delivered.

We seek your involvement to address the following issues early before they are locked in and become an unnecessary area of contention between our members and your officers.

The Licencing Department have provided unnecessary and vague conditions which will leave your enforcement department with a lack of clarity which will result in differential enforcement across the state.

We have reviewed the draft Operating Licence Conditions for one of our members and advise the following comments:

- Please advise the actual timeframe considered appropriate for 'immediately notify the Authority'. In practice this has meant the time it takes for the operator to determine the issue. For Hotspots, the Licence condition allows 24 hours to notify EPA. Once we have a definitive timeframe then there is no dispute if it is exceeded.
- Operators must prepare and have audited by an EPA approved Auditor a 'Risk Management and Monitoring Program' which addresses all issue including odour and fire and yet there are multiple additional conditions further into the Licence which make statements which are counter to the Risk Management practices.
- Condition '*Waters contaminated by leachate must not be discharged beyond the boundaries of the site.*' is reasonable but does not then consider the effluent that is discharged under a Trade Waste Agreement with a Water Authority.
- Condition '*All waste in the cell(s) listed in Appendix 4, apart from at the active tipping face must be covered at all times.*' does not account for windblown litter in the cell or onsite (which is not a requirement for landfills). Previous long debates have occurred on this issue.
- The tipping face size is in dispute and work is continuing to be progressed to address this issue.
- Condition: '*Odours must not be discharged which are offensive in a residential area*' presents several problems. Is it a 'Residentially zoned area' or a 'single dwelling'? Is the odour at the boundary considered offensive if it was detected in a Residentially zoned area? The wording needs to be strong and clear to avoid misinterpretation.
- Condition: '*You must ensure that waste does not burn at the premises.*' does not take into account the receipt of 'Hot Loads' which means that combustion is occurring in the body of the waste vehicle nor does it take account of a fire at the face which is immediately extinguished. The Risk Management Plans address the issue of fire and the procedures for fighting and reporting on fires. This condition

unnecessarily penalises the operator if all *reasonably practicable*' measures have been taken to prevent and manage fires at landfill sites.

Whilst these issues may seem minor to your role, they have long been a source of frustration and contention with previous administrations. There are some simple fixes and we are keen to work with EPA to achieve the desired outcome of high environmental standards

We look forward to further discussions.

Yours sincerely



**Colin Sweet**  
**CEO ALOA**