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Department of Water and Environmental Regulation
Prime House
8 Davidson Terrace
Joondalup
Western Australia 6027

Submission by email to: wastereform@dwer.wa.gov.au

Cc Mike Rowe DG: mike.rowe@dwer.wa.gov.au

Dear Sir

Waste Not Want Not: Valuing Waste as a Resource Legislative Framework

Cement Concrete & Aggregates Australia (CCAA) is appreciative of the opportunity to comment on this consultation paper. We are the peak industry body representing the heavy construction materials industry in Australia, including the cement, pre-mixed concrete and extractive industries, all striving for environmental best practice.

About CCAA

CCAA members account for approximately 90% of the \$7 billion in revenues generated by these industries that, between them, employ 18,000 Australians directly and a further 80,000 indirectly.

CCAA members operate a vital industry that is the foundation of WA's infrastructure and construction markets and to the entire WA economy. As such, it is an imperative that the regulatory framework in which we operate is consistent, transparent and minimises regulatory burdens.

Our industry provides Basic Raw Materials (sand, stone, limestone - BRMs), Cement & Concrete to the construction and infrastructure markets, without these materials WA's roads, housing and buildings cannot be constructed. These materials are generally clean or inert and we encourage government to engage with us to facilitate the recycling of returned or excess materials, with the following objectives:

- Recognition that materials produced by our industry are generally environmentally clean and inert thereby differentiated from other wastes such as Construction & Demolition (C&D) Waste.
- Recognition that the heavy construction material (quarry & concrete) industry is a special case. Its primary purpose is to quarry clean Basic Raw Materials and manufacture concrete, thereafter rehabilitating the quarry site with clean inert fill, sand or concrete.
- Promote the recycling of clean "re-useable" materials.
- Ensuring appropriate regulation that facilitates the recycling of clean materials into useful products (eg clean fill sand, crushed concrete road base).
- Promote the use of clean recycled construction materials across government departments, thereby facilitating the use of recycled products such as crushed concrete road base.
- Promote the sequential use of quarry sites to the benefit of the community.

Key Comments: Waste not Want not, Valuing waste as a resource Legislative Framework

The new legislation needs to recognise that the products produced by the extractive and concrete industries are generally benign, including returned products that are re-used. These materials are commonplace in today's society and have been used for many years without significant environmental impact. In this regard, our key industry comments regarding this legislation are:

- **Resolving the definition of "waste" is fundamental:** The definition of waste in the *Environmental Protection Act 1986* (EP Act) needs to be addressed rather than approaching waste reform in an ad-hoc approach following the Eclipse decision.
- **A legislative risk assessment process based on project by project assessment is required,** especially within such a highly legislated process. "One size does not fit all", there should be some allowance for decision-making and discretion.
- **Legislative reform of market drivers for recycling/reuse is required,** such as introducing mandatory standards for the use of recycled products for infrastructure and buildings. This will lead to a market for recycled products.
- **A legislative system with the ability to apply for exemptions is required** (e.g. inert returned concrete), including the development of material codes and specifications that support exemptions.
- **Returned concrete to concrete plants has value to the producer, it is a resource and should not be classified as waste.** This material is typically utilised internally within a company to produce recycled concrete, aggregates and can be returned to quarries for re-processing. As such, it should be referred to as "returned concrete".
- **Special consideration is required of quarry/land filling for rehabilitation purposes** (e.g. landform reconstruction of old quarries). This should not be classified as "landfill" and thereby exempted from the Department of Water and Environmental Regulation (DWER) licensing process and landfill levy. The "Clean Fill Premises" concept somewhat deals with this however the scope of material able to be used without attracting the levy needs to be broadened for the rehabilitation and re-use of these sites to be commercially feasible.

A Case for Exemption: Concrete Batch Plant By-product Re-use

The current legislation does not include a framework that prescribes when a recycled material will not trigger the licensing and waste levy regimes under the EP Act, *Waste Avoidance and Resource Recovery Act 2007* (WARR Act), *Waste Avoidance and Resource Recovery Levy Act 2007* (WARR Levy Act) and their regulations made under these Acts. This creates uncertainty around whether a material is waste (and hence, whether its storage, burial, discharge onto land, irrigation or incineration will attract licensing and waste levy requirements) and is inhibiting the uptake and market development for recycled materials. This potentially drives a preference for the use of virgin raw materials, and results in valuable non-virgin resources being sent to landfill.

Currently, DWER receives occasional requests to 'approve' the use of recycled materials in certain circumstances. While DWER is able to give advice and indicate its general views regarding the use of such materials, the legislation does not allow approval of such requests, even if the use is beneficial and has very low risk to the environment and human health.

Feedback from industry indicates support for the development of a legislative framework that provides for a risk-based assessment and approval process for bespoke use of recycled materials.

Premix Concrete Industry in WA: Approximately 50,000m³ per annum of concrete is returned to concrete batching plants. This material is currently reused by concrete producers or taken to external facilities (such as recyclers or quarries). Were it not for these practices, this material would become waste, destined for landfill.

New legislation should recognise this type of activity and provide for 'resource recovery exemptions'. A framework of this nature would facilitate alignment with the circular economy approach encouraged by the Waste Strategy 2030 and in turn, reduce the reliance by industry on the use of 100% virgin raw materials.

Concrete Batch Plant Returned Concrete By-Product Recycling & Re-Use: Products that can be produced from returned concrete need to be acknowledged and should be clearly exempt from any waste regulation on the basis that they are useful products. Typically the by-products produced are:

- Hardened Returned Concrete;
- Wash Water;
- Liquid Wash Out, and
- Solid Wash Out

These need to be acknowledged as useful products and should be encouraged by DWER as replacements for virgin raw materials. **DWER should also not apply additional specifications and requirements** (over and above what would be required for any other product) because of the recycling process. Typically these products are:

- Reclaimed aggregate/sand;
- Road base;
- Sub road base;
- Drainage aggregates;
- Fill (controlled);
- Treatment of acid sulphate soils/liming agent; and
- Treatment of acidic dam water (neutralisation of acid drainage water).

CCAA members are committed to responsible recycling and thank the DWER for this opportunity to comment on the consultation paper. Please feel free to contact us if you would like to discuss it further.

Yours sincerely,



HARRY BACKES
State Director – Western Australia
Email: harry.backes@ccaa.com.au
CEMENT CONCRETE & AGGREGATES AUSTRALIA