

30 August 2019

Director General  
Department of Water and Environmental Regulation  
Locked Bag 10  
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By email: [wastereform@dwer.wa.gov.au](mailto:wastereform@dwer.wa.gov.au)

Dear Mr Rowe,

**RE: SUBMISSION ON ISSUES PAPER: "WASTE NOT WANT NOT – VALUING WASTE AS A RESOURCE"**

The Water Corporation [the Corporation] welcomes the release of this Issues Paper [the Paper] and appreciates the opportunity to engage with this important policy discussion, initially by way of this submission.

The Corporation is the principal supplier of water, wastewater and drainage services in Western Australia (WA) to hundreds of thousands of homes, businesses and farms, as well as providing bulk water to farms for irrigation. Our services, projects and activities span over 2.6 million square kilometres. We have over 2,700 employees and participate in alliances to manage an asset base of over \$37 billion in water supply, wastewater, and drainage infrastructure and bulk water for irrigation across the State. As part of these operations our capacity to avoid waste, or effectively manage that which is created, is central to our ability to safely and securely deliver the services that the community expects.

In 2019 the Corporation refreshed its Corporate Vision and inter alia adopted a corporate objective of 'Lowest Environmental Impact' which incorporates strategies to improve or sustain our activities across the themes of Oceans and Waterways; Land and Biodiversity; Atmosphere; Sustainable Resource Use; and Liveability. The effective management of waste through the spectrum of avoidance, reuse, recovery, recycling and disposal has clear implications for each of these environmental themes.

In recognition of this, one of the Corporation's strategies to achieve Lowest Environmental Impact is to progress towards the relevant targets and goals detailed in the State's Waste Avoidance and Resource Recovery Strategy 2030 [the Strategy]. More detail on the Corporation's activities to achieve Lowest Environmental Impact can be found in our 2019-2020 Statement of Corporate Intent – recently tabled in the State Parliament.

The Corporation encounters some significant waste management issues in the course of its daily business, all of which will be impacted positively should the issues canvassed in this paper eventually be enacted as policy or legislation in Western Australia. Our most significant waste management issues include:

- Each year the Corporation's wastewater and water treatment plants generate approximately 150,000 tonnes of bio-solids and sludges from wastewater treatment and precipitate sludges from water treatment plants. Over 90% of these materials are reused, primarily in agriculture to improve soil structure and nutrition, and in the case of wastewater treatment wastes these applications are governed by licences issued under Part V of the *Environmental Protection Act 1986* (the EP Act).
- The Corporation also supplies or operates over 80 irrigation schemes using treated wastewater, overwhelmingly in regional areas of the State, providing water for public open space, schools, and woodlots. These irrigation schemes are in turn critical to our capacity to operate the wastewater treatment plants supplying the treated wastewater. While we recognise the Strategy primarily deals with solid wastes/resources, we contend that the same overarching philosophies should equally apply to liquid wastes/resources – provided that protection of the environment and public health remains paramount in the planning and implementation of waste reuse and resource recovery schemes.
- As the Corporation employs close to 3,000 staff and many more contractors, from time to time, we have developed effective recycling schemes for office derived waste employing either our own contractors, or in regional areas made use of local government recycling collection systems. Our performance in this regard will be reviewed and improved over time, but generally our objectives comply with the Strategy and the issues canvassed in the Paper.
- The Corporation carries out many construction and demolition works in the course of its work, using almost exclusively contract resources. Over the course of the next 12 months, as part of our implementation of relevant parts of the Strategy, we will develop improved information sources on the waste management performance of these activities (which are the purview of the contractor). However, we are aware that many of our contractors practice effective waste management in relation to these works, either as part of initiatives such as those of the Master Builders Association Smart Waste Guide, or simply the economic benefits of avoidance and resource recovery compared to the cost of landfill (particularly in the metropolitan area).

In this light the Corporation broadly welcomes the concepts raised in the Paper and offers the following specific comments:

1. *Valuing Waste as a Resource*

The Corporation supports any policy or legislative action that will simplify the consideration and management of solid wastes (and appropriate liquid wastes) as a resource. This may entail a risk assessment framework which considers the actual circumstances of the resource recovery activity; or a form of resource recovery exemption cognisant of, and developed with, legislative backing to ensure the definition of waste in the EP Act does not create uncertainty in the implementation of resource recovery and reuse activities.

In respect to the reuse of treated wastewater in irrigating public land in regional towns in Western Australia the value of the resource is not only commercial, but clearly also makes a large contribution to the social and cultural amenity of those regional communities. These dual aspects will need to be carefully considered in any review or development of policy and legislation to improve the governance of waste as a resource, particularly where resources to manage or regulate activities are limited.

2. *Waste Performance and Landfill*

As part of its commitment to adopting relevant parts of the Strategy, the Corporation will be improving its waste management data over the next 12 months. However it is clear (with the

significant reuse of bio-solids in agriculture) that the Corporation is on track to achieve the current State target of a 65% diversion of waste from landfill by 2020. The Corporation does not have any significant stockpiling of waste, apart from some relatively small quantities of wastewater treatment derived sludges in regional areas that are stockpiled to de-water before disposal - these materials are currently unsuitable for reuse.

3. *Current Legislative Framework and Waste Levy*

The Corporation has no specific comment on the current legislative framework, as we understand and comply with that framework. As part of this compliance we also assist our agricultural industry partners, whom reuse our bio-solids, with their conformance to the licensing requirements of Part V of the EP Act. With further development of the legislative and policy framework to encourage resource recovery and treat waste as a resource, there may be opportunities to amend how the actual reuse sites are managed. However it is also important to remember that the objective of the EP Act is to protect the environment and public health, so any alternative policy structure would need to do likewise.

4. *Policy Framework*

The Corporation accepts that the definition of waste in the EP Act, and the judgement of Justice Beech in the 'Eclipse' case, has created further uncertainty in the reuse of materials that could be considered waste at some point in time – particularly the need to consider all circumstances in each particular case. In this regard, while policy work to provide interim clarification of the Department of Water and Environmental Regulation's [DWER] position in respect to reuse and recovery of wastes is welcome, it is clear that only a suitable legislative solution in either of, or both, the EP Act and the *Waste Avoidance and Resource Recovery Act 2007* can provide the level of assurance required by waste generators and potential re-users to provide the innovation and investment necessary to create long term and sustainable resource recovery solutions.

5. *Frameworks in other jurisdictions*

The inclusion of some detail on how this is handled in other jurisdictions is appreciated, particularly the references to where some change has been needed.

The Corporation recently participated in a field tour of some wastewater treatment plants and treated wastewater reuse schemes in Queensland, in company with staff from DWER and the WA Department of Health. The Corporation's staff were impressed with the structure of the Queensland legislative and regulatory system based on End of Waste Codes, and how it operated in practice (although we were specifically looking at the reuse of liquid wastes, the parallels with solid wastes were clear). In our view, a legislative or regulatory system based on either the New South Wales or Queensland regimes would be a satisfactory resolution to improve the reuse of materials considered as wastes in Western Australia. In essence the central point appears to be that the regulators are given powers to define materials as being outside the waste definition, as long as the material and intended reuse/treatment meet the required environmental and public health protections.

If such a concept were to be accepted in Western Australia, there is clearly also a great deal of detail to be resolved before a new regulatory regime is in place to protect and sustain a myriad of resource recovery and reuse schemes currently being operated in Western Australia. These schemes, where they are protective of the environment and public health, will need to be supported by the regulatory system to ensure they can continue operating under the new regime. From the Corporation's view, for our particular resource recovery and waste reuse programs, either the New South Wales or Queensland precedent would be suitable for Western Australia, with some modifications to meet Western Australia's legislative and regulatory structure. In particular, in developing these approaches to encouraging resource recovery and re-use, the legislative response should to the extent possible

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seek efficient outcomes through ensuring one agency is responsible for oversight of a particular type of activity.

The Corporation appreciates the opportunity to comment on this Issues Paper and looks forward to its concepts being advanced. This will ensure that Western Australia has the legal structures in place to enable resource recovery and waste reuse to continue with regulatory certainty, while being measured against clear and objective environmental protection and public health criteria.

The Corporation will be pleased to discuss these comments further as required and in the first instance contact should be made with our Manager Environment, Dr Digby Short, by phone on 08 9420 2038, or by e mail at [digby.short@watercorporation.com.au](mailto:digby.short@watercorporation.com.au).

Yours sincerely,

A handwritten signature in blue ink, appearing to read "E Hambleton", with a long horizontal flourish extending to the right.

Evan Hambleton  
General Manager  
Assets Planning and Delivery Group