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### **Fremantle Ports Submission on Waste Reform Project - Proposed approaches for legislative reform (July 2017)**

Thank you for the opportunity to comment on the above discussion paper.

Fremantle Ports provide the following comments on the *Waste Reform Project* in relation to our Kwinana Bulk Terminal (KBT) operations. KBT is licensed as a Category 58 bulk material loading and unloading premises where iron ore, bauxite, cement clinker, gypsum and nut coke is loaded onto or unloaded from vessels by open materials loading systems. KBT operations generate a combined product waste that is collected across the materials loading system following handling of these cargoes. Current waste management practices on site seek to minimise waste generation through the segregation of waste product streams and maximise re-use of inert waste product analysed as suitable clean fill.

The below recommendations from the *Waste Reform Project* would result in changes to our current onsite waste management practices, resulting in change that is not aligned with the intent of the State's *Waste Strategy* to promote diversion of waste from landfill and to encourage re-use, recycling and recovery.

Shorter-term recommendation of the *Waste Reform Project* to:

- *Amend schedule 1 of the EP Regulations to reform landfill and other waste categories by combining five landfill categories to one, and removing reference to "accept for burial" and the Landfill waste classification and waste definitions 1996.*

This recommendation to combine five landfill categories to one does not provide incentives to reduce contaminants or segregate waste streams. If the current five waste categories are combined, presumably the highest level of control will be applied to all categories. This doesn't appear commensurate with risk, and is merely applied to simplify administration.

The *Waste Reform Project* provides an opportunity to refine the definition of 'waste' for the purposes of the levy to exclude waste-derived materials that meet applicable standards or criteria.

Shorter-term recommendation of the *Waste Reform Project* to:

- *Amend schedule 1 of the EP Regulations to reform landfill and other waste categories by specifying within the new landfill category that waste disposal to land includes other activities (depositing, spreading, ploughing waste to land)*

This recommendation to broaden the definition of "waste disposal to land" and combine landfill categories to one has the potential to impact on an operation's ability to utilise self-generated inert, low-risk waste to level or fill land. The use of self-generated inert waste to fill (deposit) or level an area (spread) may amount to "waste" being disposed to land and therefore may attract the levy. This would result in a significant increase in operational costs to the Port and potentially our customers where there is negligible risk to the environment or public health.

Longer-term recommendation of the *Waste Reform Project* to:

- *Strengthen the relationship between the EP Act and the WARR Act to improve the effectiveness of the Waste Strategy and waste levy by amending terms in the WARR Levy Act ("disposal premises" and "receive") to ensure the effective implementation of the levy and its application to all waste disposed to land.*

This recommendation to expand the definition of "received waste" to capture first-party generated waste has the potential to have significant impact on operations that stockpile and manage inert waste on site. By amending terms including "disposal premises" and "receive" ensures the implementation of the levy and its application to all waste disposed to land. Again, this would result in a significant increase to operational costs where there is negligible risk to the environment or public health.

The above recommendations could make inert waste disposal to landfill as the only available option, thus increasing the burden on the local governments operating landfills to take increased volumes or alternatively increase operational costs where no environmental impact occurs. This is also contrary to the principle of diverting waste from landfill for the purpose of beneficial re-use.

Another example of where the proposed changes could result in a significant cost impact to the Port is the proposed purchase of a land parcel adjacent to North Quay in North Fremantle. Site works to level the land to make it suitable for Port operational purposes will result in the generation of between 50,000 - 143,000 m<sup>3</sup> of clean fill material. Applying the current financial year levy rate for inert waste of \$70 per m<sup>3</sup>, a requirement to pay the levy would result in an additional project cost of between \$3,500,000 - \$10,010,000 for disposal of the clean fill material, when it is suitable for re-use at other development sites. This would seriously affect the financial viability of the project when there is negligible environmental or public health risk.

In summary, the noted recommendations appear to be a shift from a risk based approach to a prescriptive approach in waste management potentially resulting in a significant financial impost. It is understood the intent of the *Waste Reform Project* is for less waste to be produced, to see recycling rates increase and reduce waste directed to landfills. Fremantle Ports agrees with this intent and supports a risk based approach to waste management.

Yours Sincerely



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Environmental Manager