

Submission regarding

Department of Environment Regulation
Draft guidance statement: Regulating the use of waste-derived materials
Consultation paper

General

SMRC submits the following comments and queries regarding the proposed guidance statement.

1) Definition of boundaries

The guidance statement refers to certain waste-derived materials that DER believe would be appropriate to develop material guidelines for.

In order to avoid any unintended consequences such as affecting any well established waste derived material markets the guideline needs to define more clearly the boundaries of application.

For example, mixed plastics recovered from co-mingled recyclables have an established market largely in Asia. Will the guidelines be applied to this or other recovered recyclables?

The guidelines also need to clearly define which stage of the process the guidelines would apply to a waste stream. Do they apply to bulk wholesale to re-processor or only at the retail point into an end market?

For example, waste derived organics from alternative waste treatment plants are commonly acquired by composters who then blend and further process the material with other organics such as agricultural wastes.

Similarly, this also applies to glass recovered from materials recovery facilities that is commonly acquired by companies that then crush and screen the glass to remove non-glass contents and then blend with other products to produce fill and road base products.

2) National waste policy alignment

The National Waste Policy endorsed by the Environmental Protection and Heritage Council (EPHC) has as a key outcome efficient and effective Australian markets for waste and recovered materials. An EPHC markets and standards working group has been set up to address this outcome and includes the development of agreed national principles, specifications, best practice guidelines and standards.

SMRC queries how the proposed guidance statement will be aligned with the national approach.

3) Performance based approach versus materials specification

The waste-derived materials referred to in the consultation paper under “Developing material guidelines” appear to refer to markets or intended uses, with the exception of item *d) treated acid sulfate soils* which is a specific material.

Within each of the items a), b), c) & e) listed below the source of material and production process is likely to be very broad ranging across industry.

a) waste-derived fill (including clean fill)

b) soil conditioners

c) construction products

d) treated acid sulfate soils

e) waste-derived fuel.

If the categories are indeed end markets then the guidelines should be framed as performance requirements to suit the respective end market. However, if the categories are product descriptions then the guidelines would therefore need to have multiple sub-categories within the above specified materials/markets as a one-size-fits-all specification is unlikely to be appropriate.

Responses to Questions

SMRC provides the following responses regarding questions posed in the guidance statement consultation paper.

Question 1

a) Which waste streams should DER develop material guidelines for?

The materials that the SMRC has the most interest in are those derived from kerbside collected municipal wastes that have developing markets including:

- Organics from mixed waste composting such as municipal solid waste;
- Glass recovered from co-mingled recycling streams; and
- Residual wastes from AWT and MRF operations as waste derived fuel.

b) What do you think the priority order for the development of the material guidelines should be and why?

The first priority should be given to materials that:

- are in developing markets where perception regarding the waste derived nature of the material may affect marketability and value; and
- are being produced in significant quantities.

This approach will support the efforts and investment made by industry to date and provides the best value in terms of achieving recovery targets within timeframes. This approach also supports the state government position on waste hierarchy and best practice collection systems for the recovery of organics.

Question 2

a) Are you willing to participate in workshops to help inform the development of material guidelines?

Yes, SMRC is willing to participate in the development of the guidelines.

b) If so, which waste streams would you like to be involved with?

- Organics from mixed waste composting such as municipal solid waste;
- Glass recovered from co-mingled recycling streams; and
- Residual wastes from AWT and MRF operations as waste derived fuel.

Question 3

How should DER's costs associated with regulating waste-derived materials be recouped from industry?

- **Flat fee per application;**
- **Sliding fees based on the degree of work involved; or**
- **Some other mechanism (please specify).**

SMRC's view is that there should be no charge for assessing waste derived materials. If a fee is to be charged then a minimal administration fee may be appropriate, however, licensed facilities should not have to pay a fee as they already pay significant licensing fees to cover DER regulation activity.

Materials that are produced from materials or processes where there is likely to be uncertainty regarding their origin or chemical composition and requiring complex analysis could be covered under an independent assessment process. The applying party would engage an approved independent assessor to conduct the assessment and the DER would then perform an administrative role.