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Waste Policy and Legislation
Environmental Policy and Planning
Department of Environment and Heritage Protection
Level 3, 400 George Street
Brisbane QLD 4000

Attention: Julian Chan

Email: waste.paper@ehp.qld.gov.au

Dear Julian,

The Australian Council of Recycling (ACOR) welcomes the opportunity to comment on the Regulated Waste Review.

ACOR is the peak national representative for the resource recovery industry. Our membership is by invitation only, and we represent all businesses who are involved in resource recovery with over 35 companies and some local governments.

The review of the Regulated Waste Framework should aim to:

- support the resource recovery industry and the circular economy through sensible reform to the framework which removes ambiguity, and removes interpretational loopholes that deprive recyclers of access to feedstock;
- complement the review of the waste related ERA's to match waste types with the appropriate facility for the desired outcome;
- adhere to the precautionary principle;
- recognise the net environmental and social benefits of recycling over the basic alternatives, including landfill disposal affecting ground, air and water quality, and human and environmental health;
- take the *Environmental Protection Act 1994* and other relevant legislation, including the latent enforcement potential of the *Waste Reduction and Recycling Act 2011* (WRR Act) into consideration;
- align with the current industry practices and new and emerging waste technologies.

The current review of the regulated waste framework provide opportunities to re-evaluate the regulated waste list, complement the objectives of the WRR Act and reduce some of the unintended consequences of the current framework on the industry.

ACOR comments on proposed Regulated Waste Framework follows:

1. Terminology: What happens to Liquid General Waste?

The Review of the Regulated Waste Framework (the framework) should have a focus on clarifying terminology to reduce confusion. In the experience of ACOR members, wherever waste classifications are unclear, loopholes are created that can lead to recyclable feedstock being diverted to low tech disposal options rather than recycling and reuse.

As summarised in the report, the classification of wastes and the corresponding terminology is a challenge for all Australian jurisdictions.

In Queensland, the very term seems to imply that if a waste is *not regulated* (classification “NR” under the proposed framework), then it is not subject to regulation. This is clearly not the case as all waste is, in fact, subject to regulation in Queensland.

Under the Environmental Protection Regulation 2008, a not regulated waste is captured as a *general waste* (general waste means waste other than regulated waste).

With the exception of the anomalous definition for clean earthen material, there tends to be a common understanding amongst waste managers that if a *solid waste* does not trigger a regulated waste classification, then it is by default, a *general waste*, to be handled appropriately through facilities permitted to receive general waste.

However, there is no such common understanding in the case of *liquid waste*, and as far as we are aware there is no clear protocol for what should happen to liquid waste that is not regulated. The report does not adequately address this, and the ERA framework barely recognises the distinction between solid and liquid wastes.

There is no such thing as liquid general waste in industry vernacular. This has created a vacuum of understanding and a potential disposal loophole which may result in unintended consequences. Without clear guidelines, there is a risk that waste generators and waste collectors will misinterpret the NR status for liquid wastes as being safe to discharge to the environment without needing to be taken to a licensed facility. Unlike solid waste, liquids disposed in this manner disperse quickly into the receiving environment leaving no obvious visible signs, making it more difficult for regulators to detect and control.

Anecdotally, we are already aware of quarries and sandpits receiving muddy waters, drilling muds, and wash down waters. With no waste tracking involved, these waste disposal activities are effectively invisible to EHP. It is important that the current review does not inadvertently add to this issue by making more liquids fit in the NR category.

2. Impacts on the Recycling Industry - e.g. Shredder Flock

Depending on the final contaminant thresholds to be adopted for classifying regulated waste, there is a chance that some recycling industry residuals may be captured. The obvious example is shredder flock from metals recycling operations. Flock is a variable waste stream consisting of foam, glass, plastic, rubber and general dirt from shredding cars and white goods etc. in order to recover recyclable metals.

When the waste levy was introduced to Queensland under the original WRR Act, it included a tiered approach with significantly higher levy fees applying to lower hazard regulated waste (\$50 per tonne) and higher hazard regulated waste (\$150 per tonne). Whilst this is not in the scope of this review, if the reformed regulated waste framework is used in future to classify wastes for reintroduction of a waste levy, then ACOR would like EHP to be conscious of the potential knock on effects on the viability of recycling in Queensland.

In higher levy states, like NSW (even with concessional discounts), the high cost of disposing of residual waste like shredder flock has created a growing trend for recyclable commodities to be exported overseas, such as Asia for resource recovery. It is important that Queensland does not inadvertently create the same incentive for metals recyclers to move offshore.

3. Asbestos

Asbestos is a significant problem as a contaminant in recyclable commodities recovered from waste. Even small amounts of bonded asbestos can render vast stockpiles of recovered crushed concrete and wood chips unusable, requiring expensive disposal at regulated waste landfill sites.

To ensure that it is managed appropriately, ACOR would like to see all asbestos containing materials to unambiguously default to a category 1 regulated waste.

4. Petroleum Hydrocarbons

ACOR represents members who have invested significantly to recycle and recover mineral oils, containing petroleum hydrocarbons. We find it is quite ambiguous in Table 1- waste categories table, which does not provide mg/L values for petroleum hydrocarbon. It seems that the table is aimed at solid waste only. This lack of clarity re-affirms our concern about the lack of distinction between liquid and solid regulated wastes in the framework.

In table 1, the C10-C36 petroleum hydrocarbons threshold for the NR classification is <5,000mg/kg. This could be approximated to <5,000mg/L in oily water. If Queensland Urban Utilities have a sewer acceptance of <30mg/L for petroleum hydrocarbons, what type of facility does EHP propose to accept NR oily water of up to 5,000mg/L?

We are all aware that even very small amounts of hydrocarbons can spread and contaminate large bodies of water if disposed of inappropriately. Mineral oils and oily water are internationally recognised as hazardous waste under the Basel Convention. We are concerned that the proposed framework could create a loophole for inappropriate disposal of oil contaminated waters.

ACOR recommends that mineral oils and oily water should be an automatic default to category 1 regulated waste, to ensure that they are managed appropriately and recycled wherever possible.

Our concerns in terms of industrial liquid waste are not limited to petroleum hydrocarbons. We consider that it is important to develop threshold levels for aqueous phase contaminants that are based on risks to the environment and human health (e.g. ANZECC Water Quality Guideline limits). Threshold criteria for liquid waste should also be based on the highest practicable beneficial reuse option for a given liquid waste stream, in order to encourage investment in recycling technologies and disposal options that lead to the conservation of resources.

In general, we are encouraged by the intent of the review but there are still certain areas that are ambiguous, and require further clarification, such as what happens to liquid waste that classifies as not regulated under the proposed framework. ACOR strongly suggests to the Government to take into consideration of the WRR Act and include in future policy, regulation and licencing decisions. The net economic, environmental and social benefits of the resource recovery should be acknowledged and reflected in the review. ACOR stands ready to further assist EHP in the review process.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Grant Musgrove', written in a cursive style.

Grant Musgrove

Chief Executive Officer