



WATER CORPORATION

Comments on DWER paper, Waste Reform Project – Proposed approaches for legislative reform

Purpose of DWER paper (as stated)

- Analyse the relationship between the waste levy framework (WARR Act, WARR Regulations, WARR Levy Act and WARR Levy Regulations) and the environmental protection regime (EP Act and EP Regulations)
- Review the current approach to storage of waste (stockpiling);
- Undertake a cross-jurisdictional review of waste management practices and the operation of the waste levy in other Australian jurisdictions; and
- Identify approaches for improving the waste management and levy framework.

Waste Strategy

- Was published in 2012 (developed under the WARR Act);
- Is a long-term strategy for the continuous improvement of waste services, waste avoidance and resource recovery, benchmarked against best practice
- Aims to improve Western Australia’s waste performance and facilitate a move to a low-waste society”
- Levy is used as an economic instrument to support the financial viability of actions that divert waste from landfill and recover it as a resource (Strategic Objective 4);
- Levy also generates funds for a range of environmental and waste reduction purposes.

WATER CORPORATION COMMENTS

- In general, Water Corporation supports the Waste Strategy and practicable legislative reform underpinning its intents, aims and purposes.
- It is noted that the title of the DWER discussion paper is “*Waste Reform Project, Proposed approaches for legislative reform*” while the title on the DWER webpage is “*Discussion paper – Waste levy and waste management: Proposed approaches for legislative reform*”; given the focus on the waste levy in the paper, the latter title seems most appropriate.
- The discussion paper introduces proposed legislative changes that would result in expansion of the levy to cover wastes and waste management practices not previously covered. It is recognised that the intent of expanding the levy is to continue to discourage waste disposal to landfill by encouraging waste managers to have due regard for the principle of waste minimisation (per the EP Act) and the waste hierarchy which is intended to be used alongside other tools including economic, social and environmental assessment tools to inform decision making (per the WARR Act) however, Water Corporation submits that the effectiveness of the levy in this regard is limited by market constraints and is frustrated by convoluted legislation associated with archaic perceptions of waste derived material. This is not recognised in the discussion paper.
- Water Corporation believes it would be appropriate for DWER to provide advice to waste managers and other relevant stakeholders on the amount of moneys collected since the levy came into effect and to show/describe the distribution of these monies in regards to supporting the waste strategy objective, Strategic Objective 4, i.e. *divert waste from landfill and recover it as a resource*.

- The discussion paper contains references to terminologies set out in the WARR Act, WARR Levy Act, EP Act and the regulations associated with these Acts. Given much of these terminologies are not fully consistent with waste minimisation/resource recovery concepts, Water Corporation would like to see the terms updated/expanded to reflect wastes as potential resources and beneficial products thus supporting the intent, aims and purposes of the Waste Strategy. Below are some of the terms we would like to see clearly and appropriately defined in legislation –
 - application to land
 - beneficial use
 - best practice
 - by-product
 - discharge
 - disposal
 - end of life product
 - product
 - recover
 - reduce
 - resource
 - reuse
 - recycle
 - stockpile
 - value added products
 - waste
 - waste derived
- Water Corporation has concerns that extending the landfill category to include “*premises where waste is applied to land through spraying, spreading or placing waste on land*”, “*ploughing, injecting or mixing into land*” and “*filling, raising or contouring the land*” could be applied to the application of biosolids to land in that biosolids applications represent a beneficial use covered by Part V of the EP Act. Also, given the current definition of waste in the EP Act includes liquids (useful or useless) that are discharged into the environment, application of treated waste water to land, which is also a beneficial use covered by the EP Act, could be an issue. Water Corporation expects that any proposed waste-related legislative changes would clearly and practically account for such beneficial activities, preferably by recognising that when applied in accordance with relevant standards/guidelines, waste derived material such as biosolids and treated waste water are products not wastes.
- Similar to the preceding comment, Water Corporation submits that the levy should not apply where a waste manager can demonstrate that a waste will be beneficially used in a defined near future, e.g. when sludge is stockpiled by a composter according to storage/containment standards/guidelines.
- Water Corporation expects that any changes in waste-related legislation in regards to applying the levy will allow for situation-specific exemptions, e.g. when containment of contaminated material on premises carries less risk (social, economic and/or environmental) than those associated with removing, transporting and disposing of that waste at a landfill. Exemptions from the levy should also apply when there are impediments to preferred disposal options, e.g. when Category 65 or 66 wastes are necessarily stored on premises because a Class IV landfill is not available.
- In regards to the previous comment, Water Corporation feels that DWER needs to place more emphasis on a risk based approach to waste management, i.e. waste characteristics, pathways and receptors all need to be considered in a risk profile and, where a waste manager can demonstrate that there are negligible downstream risks

associated with placing waste derived material in the environment, the levy should not apply. As previously stated, guidelines/processes that support the risk assessments are needed.

- Water Corporation is of the view that the current landfill classifications guideline should be revised to enable the identification and, therefore, diversion, of “lower risk” waste derived materials before any changes are made to the scope of the waste levy. We also believe that DWER should consider technologies other than the standard ASLP method when assessing how a waste will react when discharged into or reused within the environment.
- Water Corporation notes that the Waste Authority has published a *Waste Avoidance and Resource Recovery Strategy* consultation paper which covers, in part, some of the matters we have raised in our comments to the DWER discussion paper; we will be submitting comments on the Waste Authority’s paper via their online survey.