

## Submission Form for Comments and Feedback

### Review of the *Waste Management and Pollution Control Act* and *Litter Act*

*Submissions close: Monday 27 October 2014, 5pm*

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<p>Your comments will be publicly available.</p> <p>Mark the box here <input type="checkbox"/> if you do not want your comments to be made publicly available.</p> <p>Mark the box here <input type="checkbox"/> if you do not want your identity to be made publicly available.</p>			

Section	Comment
	<a href="#">Please refer to our written submission provided attached to this document</a>

General comments
<a href="#">Click here and press the TAB key to add extra rows to this table.</a>

Please complete the form and send it via one of the following by no later than *Monday 27 October 2014, 5pm*:

**Email:** [NTEPA.Consult@nt.gov.au](mailto:NTEPA.Consult@nt.gov.au)

**Post:** NT EPA, GPO Box 3675, Darwin NT, 0801

**Privacy:** Your personal information will be used for the purpose of collecting and collating comments received on the Issues Paper. The NT EPA is subject to the *Information Act* and its Regulations. Information will not be disclosed to a third party, unless required by law or otherwise stated.

24 October 2014

The Chair  
Northern Territory Environment Protection Authority (NT EPA),  
GPO Box 3675  
Darwin NT 0801



Attention Dr Bill Freeman

Dear Dr Freeman,

Thank you for providing the Waste Recycling Industry Association (NT) inc, WRINT an opportunity to provide industry's feedback respect the Northern Territory Government's consultation document titled:

***REVIEW OF THE WASTE MANAGEMENT AND POLLUTION CONTROL ACT AND THE LITTER ACT***

The Waste Recycling Industry Association (NT) inc. was formed by local industry operators for the purpose of advocating and engaging with the sectors key stakeholders on industry related matters.

The Northern Territory's Environment Protection Agencies (NT EPA) advice that it is conducting a review into the Waste Management and Pollution Control Act (WMPC Act) is a timely matter to which WRINT welcomes the opportunity to give you industry's initial feedback.

WRINT holds a view that a number of central principles are critical to scoping and forming solid legislative positions as these relate to managing wastes and operating secondary resource and recycling businesses.

The Northern Territory whilst having a number of complex demographic challenges, all legislative frameworks core principles remain the same in an operating context for business:

With local industry operators significant amount of expertise ( International, National and Territorial understanding) we have observed that many core principles in relation to protection of the environment, upholding community health values and managing wastes and operating secondary resource and recycling operations remain the same.

- An effective legislative and regulatory framework needs clear enforcement. As change occurs due to the revision and changes to any legislative environment often burdens are imposed within this changing environment that can increase avoidance of application by all to regulation, either by illegal or technical means by some operators in industry. This undermines existing business investments leading to a loss of economic opportunities and confidence to further invest.
- Recyclables have significantly higher recyclable value if they are captured early, and not allowed to be contaminated by other wastes. Mixed waste streams are often more complex and it is more difficult to sort quality materials from these streams, unless systems are designed from the outset to manage these. Usually these mixed systems require higher capital costs of investment to manage them as compared to single stream materials thus leaving operators, and the systems themselves, at far higher risk from commodity returns, possibly jeopardizing the viability of the projects when markets soften.

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- Better management of waste and recyclables has an important role to play in climate change and environmental protection of the community. Many of the suggested approaches to sustainably deliver new systems involve very significant financial costs quite often misrepresented to the communities to wit they are proposed to service.
- There is no one size fits all solution. Individual circumstances need to be well understood, measured and the technologies or strategies selected must be cognisant of these individual circumstances, not just because they are in use elsewhere or that they might appear to be the most cost effective to a community on first analysis.
- Education is the key to achieving better recycling, resulting in higher volumes, less contamination, presenting greater yields to operators and in return greater economic responses for the investment.
- Unless a sustainable market exists a “recyclable” without a valid use is simply another waste. It must be noted that simply promoting the philosophy that recycling is good for our planet, is only a start, - for it to be truly sustainable over the long term it must have real benefits, real markets and real end user applications. Government must demonstrate leadership and promote and use secondary manufactured materials not just leaving this to industry and community responsibility.
- Logistics are a significant financial, social and environmental cost. This is particularly relevant in respect to the demographics of the Territory due to the tyranny of distance of the region, the expansive demographics and growth that is continuing to occur particularly in the remote regions.
- The waste hierarchy is a good start for concentrating debate. However, when it is simply applied without proper consideration of the costs financial, social and environmental, it becomes bad policy upon which to base new policy.
- Social Equity is vitally important. As communities expand, and the population becomes more transient and of general expectations by communities demanding and expecting the same access to services in remote rural centres as compared to their counterparts in urban areas, the catch cry of “*it’s simply uneconomical to provide this*” does not stand. Alternatives must be sought on this complex issue if legislative reform is to be realized in Territory and be truly achieved.
- Waste levies in any form are proven not to achieve the desired results on their own. They are simply one driver that in isolation does not stimulate change in society’s habits. Strong reform to waste regulation and its enforcement, the use of accurate reporting of real data and more precise use of definitions and their alignment to policy must form part of the suite to achieving real environmental outcomes.
- Strategic long term planning for the location of new and expanded waste and recycling infrastructure, and protection of these investments from urban sprawl, is core to the real success of real long term waste policy delivery. The locating of some recycling or resource recovery facilities are not necessarily any less obtrusive to neighbours than many broad based manufacturing operations. Each industry’s activities are similar to each other as they often involve processing which can result in releases of additional odours /dust etc, thus recycling and secondary recycling operations should not be disproportionately treated in licensing or siting approval processes.

## WRINT responses to questions contained in the review.

### **1 *Should the Act contain explicit provisions to ensure that it applies to activities conducted outside the Territory that cause damage to the Territory's environment?***

The WMPC Act should focus on legislative principles and regulation as they relate to business operations in the Northern Territory. It should wherever practical ensure all definitions and regulations enshrined within this legislation are aligned with all other jurisdictions for consistency.

### **2. *Should the Northern Territory incorporate the waste management hierarchy into the Act? How could the hierarchy be used to encourage the minimization of waste generation and/or improvements in reuse and recycling?***

The waste hierarchy is a good start for concentrating debate. However, when it is simply applied without proper consideration of the costs financial, social and environmental, it becomes bad policy upon which to base new policy. The critical challenge is to question the conventional thinking imposed by the adoption of the 'traditional waste hierarchy model'. – Reduce, Reuse, Recycle, Treat and Dispose

Northern Territory is unique from many other states and jurisdictions with a current population of around 250,000 people, located across 1.35 million square kilometers in area. The majority of which are located in Darwin and surrounds. Population densities throughout the Northern Territory are particularly low, with considerable transport distances. This makes collections in many instances for recycle non-viable (both in terms of recovery cost or carbon terms) where the materials cannot be locally used.

The challenge however is that some of these remote communities currently have or are scheduled to have significant mining and resource industry operations. These lead to the production of very large quantities of general wastes, in addition to drilling muds, including highly hazardous mixed liquid wastes, and sewage streams from mining camps. Throughout the Territory there is evidence that the existing waste disposal infrastructure is now incapable of managing these complex waste streams. This will lead if not managed effectively to significant stress being placed on the currently used unlined and open pit facilities and the immediate receiving environment. Existing community operational infrastructure is greatly incapable of managing these complex waste streams effectively.

The existing Waste Hierarchy, used by legislative designers, dates back to the 1970s. The aim of the waste hierarchy, as enacted through policy and strategy, is to provide a clear ranking system for waste management options, and it must remain flexible to managing systems in a constantly changing environment.

WRINT offers the EPA consider existing hierarchy models currently in use within Australia as points of reference for the development of the Territories future model. This will maintain jurisdictional and industry relevance and alignment with other states and territories across Australia.

***3. How important is language in encouraging reuse and recycling? Would 'materials' or 'resource' management or similar phrasing change your perceptions about, and approach to, reuse and recycling?***

Legislation must provide definitions and waste classifications that are unambiguous and must provide clear understandings of the roles and responsibilities of public and private organisations for delivering services.

***4. What may be some of the impediments or hindrances to improving reuse and recycling in the Northern Territory? How could these impediments or hindrances be addressed?***

This makes the assumption that we need to do more to recycle and recover product thus pre disposing that we already have sustainable and secure long term markets for the products we're recovering.

Recyclables have significantly higher recyclable value if they are captured early, and not allowed to be contaminated by other wastes. Mixed waste streams are often more complex and it is more difficult to sort quality materials from these streams, unless systems are designed from the outset to manage these.

Usually these mixed systems require higher capital costs of investment to manage them as compared to single stream materials thus leaving operators, and the systems themselves, at far higher risk from commodity returns, possibly jeopardizing the viability of the projects when markets soften. Education is the key to achieving better recycling, resulting in higher volumes, less contamination, presenting greater yields to operators and in return greater economic responses for the investment.

Development of Construction & Demolition as well Commercial and Industrial (C&D, C&I) resource recovery options is principally driven by the economics of landfill. Investment in significant new infrastructure for reprocessing these wastes will only be viable if the combination of processing costs, commodity sales and residual disposal costs remains less than disposing of mixed C&D or C&I and putrescible direct to landfill.

The focus should not only be about encouraging more recycling and reuse of product, but underpinning this objective by developing sustainable long term markets for products collected and processed in the Territory wherever possible. To achieve a sustainable outcome of recovering recyclables or products deemed recyclable or capable of being recycled, there has to be a self-funding process throughout the value chain. The link being that there remains stable long term markets for the materials recovered that underpin the commercial systems built to recover products.

WRINT offer potential models for the EPA's consideration that would greatly assist with increasing recycling and of changing community attitudes towards waste generation:

In co-operation with all other government agencies, the EPA could enshrine into legislation and develop guidelines that promote within all new designs of and the refurbishment to, existing commercial buildings including high density residential developments, facilities that collect, extract, and store recyclable materials and allow greater flexibility to the designed waste collection systems as a whole.

Developers should be required to supply detailed waste management plans as part of all development applications that should clearly articulate a focus on waste management and recycling systems that will be used for the finished product. Such plans should include a focus on locations of all equipment, estimates of tonnes of waste and recyclables to be managed, innovative systems proposed and these be included as a core development requirements in the approval for all new building and infrastructure projects.

Local Government tender frameworks for processing of green and organic wastes should be amended to include a mandatory requirement that all Councils purchase a minimum 20% of processed quality organics back as a part of any future procurement arrangement. This will create confidence to any compost operation that some base load of product off take is mandated by Government provided it meets quality and cost parameters. All purchased organics must meet agreed approved and published industry standards.

Local Government processing and mulching / grinding of green wastes should be required to meet approved industry quality standards if made available for local community reuse to eliminate vermin spread, weed and other flora problems as well as mitigate potential community health risks from partially processed and un treated garden organics.

All government infrastructure projects (local, Territory and Federal) should specify and report on the use of recycled aggregates, compost / soils purchased from local recycling operations, as well as used tyre rubber crumb in asphalt road laying operations. Any Northern Territory recycler should be afforded a higher order of purchase priority in the first instance as opposed interstate and international sources where the product is cost and quality competitive. The purchase of material streams related to secondary products cannot be used on any Government project unless the source of its generation is from an approved fully licensed operation registered in accordance with all Territory planning requirements.

Territory significant projects are required to use a minimum agreed recycled content across the full project cycle where this material meets engineering, quality and competitive pricing processes with like virgin material streams. This should also be linked to all development conditions applied in all approval processes.

##### ***5. What types of waste management activities should require a license?***

The current licensing arrangement requires only operators managing listed wastes to be licensed. As result Government has no ability to track, monitor or capture accurately data in macro terms as this relates to the sector including products that are recovered and recycled. The absence of this data therefore directly impacts the design of all policy and legislation reform.

It is WRINT's position that all operators must be registered, all waste transporters regardless of the type of waste they are managing be licensed, and all shadow industry and unlawful operations forced into compliance. Such a legislative environment then gives business the confidence its assets and investments in capital and technology and the capacity to produce and market quality recycled outputs where these are economically viable are protected from unlawful and inappropriate business activities.

## **6. How can we improve our knowledge about the type and amount of wastes being generated, reused and recycled in the Northern Territory?**

Refer WRINT's responses provided previously.

## **7. Should the Territory Government consider imposing levies? To what types of activities or wastes would the levy be applied?**

Government and all its stakeholders must have accurate waste generation and diversion data on which to quantify and measure the problem it is intending to address, when considering the introduction of waste levies or other forms of tax. As the current operating landscape is largely unknown, (as is the quantum of the problem or not) facing the Territory including identifying issues impacting waste management and recycling opportunities, it is WRINT's view that any current consideration and discussion of the principles behind introducing waste taxes or levies is an unnecessary distraction to the broader legislative reform process.

To be truly effective Government needs to have the confidence in its policy that the problem is clearly articulated and that industry has the infrastructure and business systems in place to manage such an operating environment, and that all stakeholders have a clear understanding of the needs analysis and objectives in achieving better waste management and recycling outcomes. Such a needs analysis must include a full Regulatory Impact Statement that clearly articulates the value proposition and cost problem / and or opportunity. The waste management strategy currently in design needs to be agreed as a start point and its objectives well understood including the articulation and realization of the problems to be addressed in macro terms before this debate can be truly effective.

As this quantum and operating environment is largely unknown and until a whole of waste management system and needs analysis is determined and quantified, such a conversation at this early juncture will only detract from framing the appropriate and necessary legislative and regulatory reforms that are long overdue.

Alternative measures to achieve a similar result that could also be considered is the introduction by Government of mandated preprocessing landfill bans for select waste streams. In this model where the opportunity for recovery of recyclable materials that are contained in select waste streams has been identified i.e. C&D wastes, that have concrete items, timber or steel it could be mandated that these items are banned from being landfilled and only residuals with no recyclable options are sent to the landfill.

However as is the same case with the introduction of waste levies such a scheme imposed to be effective and viable is totally conditional on the availability of local markets for the products recovered. This is an essential pre requisite for any mechanism introduced by Government including waste levies and totally reliant on volume, quality, market sustainability and cost alternates.

Similarly Territory based product stewardship schemes could also be applied on select material streams, but again quantification of the problem must be evaluated before ambit ideology of waste minimization schemes are imposed.

It is recommended Government clearly establishes the data of current waste generation and identifies a potential end point for reducing the Territories waste generation before it jumps straight into a conversation about waste levies, particularly when large parts of the Territory don't have manned facilities or gate fees for the wastes they are currently managing, nor know what their local issues / problems facing the communities are.

**8. What other infrastructure and industries would improve opportunities for recycling and reuse? Would these be required before a levy could be imposed?**

The Territory Government should undertake a needs analysis to quantify and list the entire existing operating infrastructure it currently has as well model future investment needs against this. Only after conducting this exercise can the needs analysis and future projections in macro terms be quantified for new or future opportunities and investments.

With an expanding local meat processing industry, ( huge generation of paunch and liquids) the mining and resources sector and currently very limited liquid waste processing options in the Territory an urgent review should be conducted into developing composting and organics operations which are capable of managing both liquid and organic wastes successfully that then produce a beneficial secondary resource.

This is both an immediate economic and waste disposal opportunity particularly for the Darwin region and will lead to a reduction in potential environmental harm occurring result the generation of these complex wastes being illegally disposed or disposed of at inappropriately designed and capable facilities..

**9. Should the management of contaminated sites be given a greater focus in the Northern Territory?**

Yes.

**10. How do you suggest we approach management of potentially contaminated sites? Should the management of contaminated sites be given a greater focus in the Northern Territory?**

EPA officers currently have no regulatory capability to undertake inspections or have authority of what happens on any mining leases respect to the wastes generated until these leave the mine / lease site for disposal. There is an urgent need to revise legislation that allows EPA officers the authority to inspect and instigate actions on mining operations for managing the wastes that are generated and also to assess the real numbers of contaminated sites that might need to be managed. The Government should undertake a full audit and quantify the facts and identify the scale of any potential problem in macro terms.

This question also assumes Government currently has an accurate register of all contaminated sites across the Territory which is a false premise to start with.

**27 Would provisions such as those in Queensland and Tasmania which make it easier for the public to participate in litter enforcement activities assist to manage illegal dumping and litter?**

Wherever practical it is preferable and essential that individual jurisdictions regulatory and legislative environments align with other Australian states and that these are consistent in their intent and provisions.

The Queensland WRR Act litter model has a number of significant flaws contained within it that are impacting commercial operators. WRINT is happy to provide advice on the issues industry has observed as being unintended perverse outcomes if the EPA would find this counsel useful?

**29. What other actions or incentives could be implemented to reduce the incidences of illegal dumping?**

WRINT advocates for a direct link to be enshrined in the future WMPC Act that provides an effective legislative and regulatory framework for reducing the impact of illegal dumping across the NT. With the region generally exposed to very cheap landfill rates and high amounts of illegal dumping that is now occurring particularly in rural areas, the problem will only grow as Government refines and reworks its legislative environment.

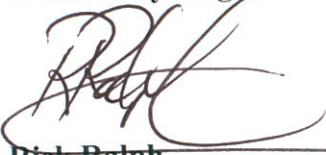
Powers must be increased to enable both EPA officers as well Local Government employees improved resources to effect prosecutions on all unlicensed demolition and civil operators found to be illegally dumping construction and demolition wastes.

With an observed increase in the illegal dumping of asbestos laden streams result redevelopments from the demolition of asbestos laden old buildings, this is a major area of focus for improving and stopping the illegal dumping of wastes that will if left unresolved directly impact human health and cause increasing environmental harm.

WRINT thanks the NT EPA for the opportunity to provide industry's observations for the review and looks forward to engaging further as the revision process unfolds.

Yours Sincerely

**Waste Recycling Industry Association (NT) inc**



**Rick Ralph**  
**Executive Officer**