



WESTERN AUSTRALIAN
LOCAL GOVERNMENT ASSOCIATION

WALGA Submission on the Landfill Ban

Investigation into the environmental, social and economic impacts of a potential ban on disposal of household recyclable packaging, recyclable building products and organic waste to landfill.

Status of this submission

This submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (the Association). The Municipal Waste Advisory Council is a standing committee of the WA Local Government Association with delegated authority to represent the Association in all matters relating to solid waste management.

In addition to general consultation, MWAC held a workshop open to all Local Government representatives to elicit direct feedback on the Investigation. The workshop was attended by 29 Local Government representatives (20 metropolitan and 9 non-metropolitan) and 7 Regional Government representatives. Discussion from the workshop is the primary driver for this submission.

Summary

This submission is divided into three parts. The first part is primarily directed at the structure and focus of the Investigation; as it is considered that these areas of the investigation are incorrect on a number of levels. The second part of the submission specifically responds to the conclusions made by the Investigation. Recommendations and the reasoning behind them are provided in both the first and second sections of this submission. The third part of the submission focuses on the Investigation's recommendations; explaining the reasoning behind Local Government's stance on each. The Association does not provide any further recommendations in this section of the submission.

It is understood that comments and recommendations made in this submission will be used by the Department of Environment and Conservation (the Department) to inform future consideration of possible bans to landfill, rather than to change the report itself. Therefore, the general comments and, in particular, the recommendations provided below are made with regard to future investigations that may be undertaken by the Department.

Submission Recommendations

WALGA Recommendation 1: Any future investigations into a potential ban to landfill for any material type only be undertaken as a part of a multi-tool approach incorporating EPR programmes and other appropriate policies and mechanisms.

WALGA Recommendation 2: Using the Waste Management Board's priority matrix as a guide; future programmes for diverting waste from landfill should, in as much as possible, focus on investigating and instigating strategies for one priority waste stream at a time.

WALGA Recommendation 3: If used as a part of an investigation, desktop analysis of existing (applicable) waste management programmes should, where possible, focus on Australian examples. The analysis should also provide at least a basic understanding of the context and relative success of the programme.

WALGA Recommendation 4: That the key consideration for banning a material to landfill be the mitigation of potential risk posed to the public or to the environment.

WALGA Recommendation 5: That investigation of any proposed regulatory waste management instrument incorporate a triple bottom line impact analysis applied specifically to the Western Australian context.

Part 1: Structure and Focus of the Investigation

Focus on a Ban to Landfill

The investigation focus on evaluating the impacts of a ban to landfill is considered fundamentally misplaced. Local Government recognises that banning certain items from landfill, in some instances, may act as an effective tool to assist resource recovery. However, as the report itself concludes, bans can not be effective as stand alone instruments. In fact, it is considered that banning any material in isolation to other complementary programmes inevitably raises the risk of illegal dumping and unsafe storage or disposal. As such, it would seem that little can be gained from an investigation that focuses exclusively on bans in isolation to other mechanisms for diverting waste.

Local Government considers that market development is the key to driving improved recycling rates. It is acknowledged that bans to landfill can assist market development in some circumstances by improving the supply of materials. However, bans also act as very blunt instruments. By their nature, they almost inevitably carry high enforcement costs; which would presumably be met largely by Local Government and the community as a whole. Bans also do very little to ensure the viability of end markets, beyond improving accessibility to product. A ban in itself can't ensure demand for an end-product will increase and can't ensure appropriate infrastructure develops.

Experience with programmes such as 'drumMUSTER' and 'Chemclear' has demonstrated that industry involvement in waste management through extended producer responsibility (EPR) programmes is a more effective way to ensure markets and infrastructure are created. Therefore, Local Government is overwhelming of the opinion that any future consideration of a ban of any materials to landfill must be preceded by, or undertaken as a part of, a triple-bottom line analysis of a range of extended producer responsibility instruments in addition to other appropriate policies and mechanisms.

WALGA Recommendation 1: Any future investigations into a potential ban to landfill for any material type only be undertaken as a part of a multi-tool approach incorporating EPR programmes and other appropriate policies and mechanisms.

Scope of the Investigation

In attempting to spread the focus of the Investigation over three very different material types; the report fails to deliver any genuinely substantiated conclusions or recommendations. The three materials types considered - household recyclables, building waste and organics - have vastly different management characteristics. These individual characteristics create very specific issues for each material type. Drawing overarching conclusions regarding the impacts of a landfill ban on all three materials types ignores these obvious differences. It is considered that the investigation would have been immeasurably more effective if it had focused on just one material type and followed a multi-tool investigation strategy, such as that outlined previously.

The following briefly outlines the key management characteristics of each material type considered:

- **C + D waste**
 - Basically inert, and is therefore readily able to be stockpiled for long periods;
 - Different components have different values but overall has a low value;
 - Large volumes are involved and it is usually heavy compared to say kerbside recycling volumes; and
 - Future markets have been identified (primarily government procurement for roads), but are largely dependant on general acceptance that the final product is safe and of acceptable quality.

- **Organic waste**
 - Putrescible and so needs to be used as soon as possible to mitigate significant health and environmental impacts;
 - Significant differences between the management characteristics of kerbside green-waste and organic food waste;
 - Worth about negative \$15 to \$0 a tonne to process and sell, although this is expected to improve over time;
 - Landfilling is an option (although possibly not best) that works when considering these issues; and
 - Future markets have been identified (primarily broad-acre farms), and there is broad market acceptance for using the material if it is properly composted. However, market hurdles remain with regard to transport and spreading costs.

- **Household recyclables**
 - Basically inert, but subject to high contamination with putrescible waste. Sorting therefore significantly increases the costs;
 - Low volumes, low density with vastly different values (e.g. glass vs. metal);
 - Recycling infrastructure is currently close to capacity so any increase in supply would be problematic;
 - Sorting and collection infrastructure is expensive to provide when compared with other management options for other waste streams; and
 - It provides an easy focus, as it is primarily a Local Government consideration, but it is not the most significant source of waste to landfill.

WALGA Recommendation 2: Using the Waste Management Board's priority matrix as a guide; future programmes for diverting waste from landfill should, in as much as possible, focus on investigating and instigating strategies for one priority waste stream at a time.

Analysis of Existing Bans in Other Jurisdictions

This section of the investigation did not really provide a greater understanding of the potential impacts (positive and negative) of a landfill ban. That is, it does not provide any usable information to indicate the successes (or failures) of the bans (for example success in meeting recycling targets, market development for recycled products, implementation and enforcement costs, and negative impacts such as an increase in illegal dumping). It also fails to explain any additional instruments that may have been used to support the bans. Further, no analysis was provided of any Australian jurisdictions; despite the fact existing selective bans on building waste in South Australia are discussed later in the document.

It is acknowledged that the experience of other jurisdictions would not be directly applicable to the Western Australian situation. However, it is considered that this section could have been used to paint a more thorough picture of the potential impacts of a ban to landfill. It is considered that, where future bans or other waste management instruments are considered in the future, such a study could be used as an effective initial tool for identifying the theoretical applicability of the programme to Western Australia.

WALGA Recommendation 3: If used as a part of an investigation, desktop analysis of existing (applicable) waste management programmes should, where possible, focus on Australian examples. The analysis should also provide at least a basic understanding of the context and relative success of the programme.

Validity of Information Used

Notwithstanding any other issues with the Investigation, it is evident that incorrect or out-of-date information has been used throughout the document. Many of these errors are of a high enough magnitude to invalidate key conclusions and recommendations of the Investigation. An example is provided below.

However, rather than detailing each issue, the Association considers that the main point to be drawn from these errors is that they are most likely the result of too-broad an investigation brief. It is considered that many of these errors might have been avoided if the Investigation was focussed on a single material. **The questionable validity of the information used in the Investigation serves to further highlight the need for greater focus in future investigations, as outlined in Recommendations 1 and 2.**

Example of information problems - The assertion made that 'Veolia' is the only major processor of building waste in metropolitan Western Australia is patently wrong. 'C+D Recycling', 'Capital' and 'All Earth' all operate in the same field. Further, a number of companies value building waste as a source of clean-fill for engineering works and this market is completely ignored. Whilst clean-fill may not be considered as valuable an end-use as recycling, it is clearly a market that should have been considered. Further, in comparing the cost of recycling building waste to landfill, incorrect recycling charges are presented (according to Adrian Lester of 'C+D Recycling') and consideration of the resale value of the recycled products is omitted. The likelihood of increased volumes of building product increasing the viability of the market overall (particularly in view of the ability of building wastes to be stockpiled) is also ignored.

Part 2: Specific comments on the Investigation Conclusions

1. Local Government supports the general conclusion that none of the materials investigated by the report should be considered for a landfill ban. However, it is considered that the report itself lacks any true analysis from which to draw its conclusions. For example, the conclusion that the cost of kerbside services would treble if a ban was introduced is reached by simply assuming a Local Government would treble its yellow bin collection. This is clearly an over-simplistic analysis and leads to a baseless conclusion.

See Validity of Information Used and WALGA Recommendations 1 and 2.

2. The report concludes that a ban should only be considered if there is sufficient demand for the material and adequate recycling infrastructure and services are available. Local Government considers that, in fact, mitigation of risk to the public or the environment should be the primary driver for exclusion from landfill.

A more workable conclusion may be that a ban should only be considered, at least in the short-term, on such materials that create a risk to the public or the environment through being land-filled. Such a ban would have to be supported by complementary mechanisms, such as EPR schemes, to ensure viable markets and collection, transport and disposal infrastructure is created. It is acknowledged that hazardous materials fall largely outside the scope of the three material types investigated. However, Local Government believes this is a key principle that should be adopted in future considerations of potential landfill bans.

WALGA Recommendation 4: That the key consideration for banning a material to landfill be the mitigation of potential risk posed to the public or to the environment.

3. The conclusions lack any consideration of how market creation through EPR schemes or other instruments might act to mitigate the impacts of a ban. It is considered that a credible analysis of the impacts of a ban must incorporate a complementary analysis of potential markets; including the potential use of market-based instruments for market and infrastructure creation. The Investigation rather focuses on evaluating how readily existing infrastructure and markets might deal with the ban by using a limited set of basic scenarios (see the comment concerning the cost for collecting recyclables trebling). This is probably the result of the misplaced focus of the report, discussed in greater detail in part 1 of this submission.

See WALGA Recommendations 1 and 2.

4. The conclusion regarding the increased enforcement costs resulting from a ban lacks detail:
 - a. Greater consideration needs to be given as to how a ban will be practically enforced and funded, particularly at unmanned landfill sites. Who would be prosecuted in the event of a collection truck arriving at a landfill with a contaminated load? What would happen to the load?
 - There is concern that the only available option for dealing effectively with rejected loads would be high temperature mass burn incineration. The implications of requiring this option to make a ban workable need to be incorporated into an analysis of the potential impacts of a ban.

- b. Greater consideration is also required with respect to an analysis of whether a ban would be worthwhile when compared to the increased enforcement costs.

WALGA Recommendation 5: That investigation of any proposed regulatory waste management instrument incorporate a triple bottom line impact analysis applied specifically to the Western Australian context.

5. The conclusions made with regard to the environmental benefits of a ban are questioned. It is agreed that there are likely to be some net-environmental benefits from diversion from landfill. However, the analysis presented in the paper is extremely simplistic and has little regard for issues specific to the Western Australian context, such as distances to market. The Investigation broadly discounts the environmental externalities associated with recycling programmes in its analysis and, in this, probably overstates the potential environmental benefits of a landfill ban. A genuine Western Australian life-cycle analysis of the materials in question would be required before supportable conclusions concerning the benefits of a ban to landfill could be drawn.

See WALGA Recommendation 5

6. The conclusion that carbon trading would not be available to Alternative Waste Treatments (AWTs) if a ban was imposed is acknowledged; and highlighted as an issue that may not be limited to potential bans to landfill. The Association has limited knowledge of the precise workings of the Carbon Trading Scheme. However, advice has been provided by the Southern Metropolitan Regional Council (SMRC), who is an active participant in the programme; operating an approved abatement project and trading in carbon credits. They advise that one of the criteria for project eligibility in the Greenhouse Friendly Scheme operated by the Australian Greenhouse Office is that the project was not “implemented to meet regulatory compliance obligations under any Australian Laws”. The Association therefore considers that it is of paramount importance for the State and Federal Governments to have regard for the potential of a legislative change to impact on Local Government’s (and other entity’s) eligibility to participate in carbon credits trading.

It would certainly seem that a ban would penalise those AWTs already operating, or currently in the middle of negotiations, that may have already factored in carbon credits as part of their profit and loss formulae. Future affordability of AWTs could well be put in jeopardy, stifling the development of any new technologies such as the Atlas and Organic Resource Technologies (ORT) innovations.

See WALGA Recommendation 5, incorporating the impact of a regulatory change on eligibility of an AWT to claim carbon trading credits.

Part 3: Specific comments on the Investigation Recommendations

Investigation Recommendation 1: In view of the current level of services and recycling infrastructure in WA, a landfill ban should not be considered in the short term for any items; particularly in regional WA.

- This is agreed and supported.

Investigation Recommendation 2: The efforts of the State Government should be first channelled towards improving and monitoring collection services and recycling infrastructure, particularly for C+D and organic waste.

- This recommendation is not supported.
 - Further clarification is required on what is meant by recycling infrastructure and what types of projects are envisaged for support? There is concern that funding may be restricted for some project types, for example single bin collections with MRF sorting.
 - Clarification is required as to where the funding will come from for improving and, in particular, monitoring collection services. There is concern that this may become an additional burden on Local Government.
 - It is considered that, rather than focusing on Local Government, a better focus would be the introduction of EPR schemes to drive market creation, as per WALGA Recommendation 1. Local Government is able to collect recyclables, but cannot generate markets. Industry responsibility is considered the key requirement for market generation.

Investigation Recommendation 3: Rather than a blanket ban to landfill, waste generators should be targeted to reduce waste and increase recycling rates.

- This recommendation is supported.
 - Local Government considers the focus on municipal waste collection to improve recycling rates is generally misplaced. Whilst Local Government may be able to collect recyclables, they are unable to generate markets for them.
 - It is considered that a better focus (or at minimum, an additional focus) of this report would have been a consideration of the role EPR schemes (market-based instruments, container deposit systems, take-back schemes, selective levies applied to certain waste streams etc) could play in dealing with additional materials generated by a landfill ban.
 - Notwithstanding general Local Government support for the use of EPR schemes, it is considered that the consequences of any scheme on existing programmes and infrastructure should be investigated and understood prior to implementation.
 - It is worth noting that the effect of Advanced Waste Technologies (AWT's) on disposal/processing options has already produced significant turn around for the kerbside recycling stream. The SMRC is looking at weekly collections for recycling to increase volumes and the City of Joondalup has introduced a universal recycling bin programme into its waste strategy. This is a simple result of AWTs impacting significantly on disposal costs and kerbside recycling becoming more attractive.

Investigation Recommendation 4: If a landfill ban is considered, extensive research is required to quantify waste streams and treatment facility capacities across the State.

- This recommendation is not supported.
 - A landfill ban is not considered appropriate for any materials at this point and is rejected by Local Government.
 - Notwithstanding this rejection, if a ban is considered, focus should be on how it will operate, from initial collection through to transport and processing and finally to market. This extends far beyond an assessment of infrastructure. It is considered that infrastructure will naturally follow if profitable markets exist. However, it is important not to assume that markets and infrastructure will naturally follow an increase in the availability of materials. For example, the glass reprocessing infrastructure in Perth closed down in the face of increased kerbside collection of glass containers. It is also questioned at what point an increase in supply warrants an increase in infrastructure. That is, for example, how much PET plastic would have to be diverted from landfill before a reprocessing plant was considered viable in Perth? It is considered this question will always hinge on the profitability of markets rather than the availability of recyclable product.
 - It is considered that resources should not be invested in unnecessary research. Before any investigations are undertaken, it is considered important that a clear brief of what is required is developed; taking into account existing information (RRRS + Zero Waste Plans). This comment is drawn out in more detail in part 1 of this submission.
 - An example of this duplication is the recently released APrince Consulting report 'Waste Infrastructure Census'. This report seems to have a high level of duplication with the information requested by the DEC in the first part of the Zero Waste Plans.

Investigation Recommendation 5: If a landfill ban is to be considered, it should be done so as a part of a long-term waste management policy, in a staged process. Specific materials such as glass or paper may be targeted; and applied only to the metropolitan area.

- This recommendation is considered inappropriate and rejected.
 - It is considered that currently there is no long-term policy for any of the materials discussed in the investigation.
 - Glass, as an example, has been recycled for a number of decades. Despite this, no long-term policy exists through which a ban from landfill might be considered workable. This is true for common container glass, but even more so for other types of glass such as window (plate) glass.

Investigation Recommendation 6: Due to the wide disparity of recycling services and infrastructure across WA, it is difficult to uniformly impose mandatory recycling across the State. A better option is to assist Local Governments, particularly those in regional WA, to carry out more source separation.

- This recommendation is rejected overall, although the first sentence is agreed.
 - Source separation is not always considered to be the best response. The focus on source separation through the document is considered faulty. In some

instances, other means of recovering recyclables may be preferred. Source separation at collection can be unaffordable, not always environmentally preferable, and creates social issues from increased traffic. The use of a one bin system, such as used in Stirling, is just one example where source separation may not be the better option.

- The recommendation is questioned as it again places an unwarranted focus on household waste and Local Government collection services.
 - It is considered that a better option would be to assist the waste management industry (commercial and Local Government) to establish markets through EPR schemes and other support options.

Investigation Recommendation 7: If a ban was to be implemented, a grace period of approximately 18 months should be given to allow recycling companies and other stakeholders time to prepare.

- This recommendation is rejected.
 - Notwithstanding issues with the report generally, the Investigation does clearly illustrate that landfill bans are not currently appropriate for the materials investigated. As such, a ban is not supported by Local Government.
 - The 18 months recommended in the report is unworkable and shows a general lack of understanding of the difficulties inherent in setting up resource recovery facilities. Simply reaching an operational point for such a facility can (and has) taken years.
 - Premature talk of a ban could create political pressure for rushed decisions regarding issues such as siting and technology selection. As mentioned previously, there is concern that high temperature mass burn incineration may be required to support a landfill ban. However, given siting issues and public opposition to this technology, it is doubtful if even this option is realistic in the timeframe given.