



16 August 2010

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To the Project Manager – Queensland's Waste Strategy

**RE: ACLCA Qld Submission – Queensland's Waste Strategy Consultation**

I am writing to make a submission on behalf of the Queensland Chapter of the Australian Contaminated Land Consultants Association, Inc (ACLCA Qld) as part of the consultation process for the Queensland Waste Strategy currently being undertaken by the Queensland Department of Environment and Resource Management (DERM). ACLCA Qld believes that, in its current form, the proposed Waste Strategy has the potential to negatively affect the operation of the contaminated land industry. **A number of issues with the proposed Waste Strategy are discussed in this letter and ACLCA Qld requests that DERM seek further input from ACLCA Qld as a key stakeholder as the Waste Strategy is further developed and refined.**

#### **Introduction to ACLCA Qld**

ACLCA Qld is an association comprising companies providing contaminated land services in Queensland. Nationally, ACLCA was formed in 1995 to provide a voice to decision makers in Australia on matters associated with contaminated land management. The association represents the major environmental consulting firms involved in the assessment and management of contaminated sites in Australia. It currently has representation in New South Wales, Victoria, South Australia, Queensland and Western Australia.

ACLCA's goals are:

- To provide a forum for member companies to develop, discuss and respond to issues that affect us in our responsible management of contaminated lands;
- To establish and maintain a strong working relationship with regulatory authorities and other related agencies that have an interest in the management of contaminated lands;
- To encourage others to accept ACLCA as the consulting industry's peak representative group on contaminated land issues;
- To assist in the development and maintenance of appropriate industry practices and encourage members to adopt these practices;
- To promote and encourage the open exchange of information between members and other interested bodies;
- To promote an awareness and provide information to outside parties on the professional skills in the area of contaminated land management.

Membership is on a company basis and currently ACLCA Qld represents 22 member companies (membership list included in **Appendix A**) with these companies undertaking a large portion of all contaminated land projects completed in Queensland.

Amongst other activities, ACLCA Qld regularly communicates with DERM's Contaminated Land Unit in an effort to improve both environmental outcomes achieved as part of the site assessment and remediation process and the level of service provided by DERM in relation to the management of contaminated land in Queensland.



## Understanding of the Consultation Process

ACLCA Qld notes that DERM has recently released a number of documents presenting the proposed Queensland Waste Strategy and also understand that one of the drivers for the strategy is the need to comply with recently introduced Commonwealth requirements. ACLCA Qld agrees that there are many potential benefits stemming from an appropriately formulated and implemented Waste Strategy to the environment, community and industry and ACLCA Qld would like such a strategy to be implemented.

ACLCA Qld member companies have significant experience in the management of contaminated sites, the drivers behind the effective management of these sites and the application of waste strategies both in other Australian states and internationally. From a contaminated land perspective, ACLCA Qld does not believe that the proposed Waste Strategy in its current form will deliver these potential benefits and, indeed, has the potential to result in negative outcomes.

**As a key stakeholder likely to be notably affected by the implementation of the proposed Waste Strategy and as a stakeholder able to contribute to the development and implementation of an effective Waste Strategy, ACLCA Qld requests that DERM:**

- Consider and address the issues raised in this letter; and
- Include ACLCA Qld in future stakeholder consultation.

## Understanding of Proposed Strategy and Levy

### *Understanding*

It is understood that the main objective of the Queensland Waste Strategy is to implement a "process to help meet current and future waste management and resource recovery challenges". The goals of the strategy as stated in the *Waste Avoidance and Recycling Consultation Draft* (DERM 2010) are to:

1. *Avoid and reduce waste*
2. *Optimise recovery and recycling*
3. *Develop sustainable waste industries and jobs*
4. *Foster sustainable partnerships*

As part of the proposed Queensland Waste Strategy, it is understood that a Waste Levy will be introduced. The *Proposed Industry Waste Levy Consultation Draft* (DERM 2010) (Levy Consultation Draft) states that the application of a levy will provide:

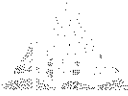
- *a price signal to encourage waste generators to change behaviour*
- *a source of funding to assist local government, business and industry establish better waste avoidance and resource recovery practices, and to improve waste management overall*
- *an incentive for industry investment in resource recovery infrastructure*
- *a disincentive for unnecessary landfill disposal*
- *a level playing field with waste disposal costs compared to other states.*

The Levy Consultation Draft also states that the "levy funds will deliver one of the most advanced waste management and resource recovery programs in Australia".

In principle, ACLCA Qld is in agreement with these goals and objectives and supports any initiatives to improve environmental management and apply sound sustainable practices in Australia and internationally. ACLCA Qld also appreciates the complexities in the practical implementation of the multiple facets of sustainability where environmental, social and financial aspects all require consideration.

### *Potential Benefits*

ACLCA Qld has considered that the proposed Waste Strategy and associated Waste Levy may have the following potential benefits in both general terms and specifically for the contaminated land industry:




- Improved waste management practices generally - through the further development of workable procedures aimed at the waste and resource management hierarchy;
- Greater transparency in the management of waste in Queensland - allowing better self-regulation by local government authorities and more confidence in environmental practitioners to appropriately advise both their private and public sector clients;
- Reduction in the volume of materials going to landfill that could be beneficially re-used - through a change in the philosophy of considering 'waste' more as a resource.
- Greater consideration by waste generators for alternatives to landfill disposal and the generation of hazardous wastes - through financial disincentives and financial and administrative assistance (direct or indirect) from regulators to waste generators;
- Introduction of new legislation and guidelines (refer below for further explanation).
- More transparent application of waste classification practices - through use of expected new waste classification guidelines and changing the apparent current practice of *ad hoc* application of Brisbane City Council Waste Guidelines and / or adoption of specific landfill Licence Conditions by other landfills.
- Greater consideration of the environmental settings where landfills are located and the suitability of certain landfills to accept particular wastes.
- Greater resources for DERM to enforce Site Management Plans (SMPs) in order to achieve and demonstrate the general objective of SMPs being the protection of human health and the environment from residual contamination (refer below for further explanation).
- Opportunity of linking new waste legislation and guidelines to contaminated land and other guidelines such as (but not limited to) the *Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland* (Department of Environment 1998), *Queensland Acid Sulphate Soil Technical Manual* (ASSQ, QLD NRM and NHT) and the pending update of the *National Environment Protection Measure (NEPM) for Assessment of Site Contamination* (National Environment Protection Council).
- Opportunity to develop a robust and transparent levy exemption process so that contaminated land, in certain circumstances, can be remediated without undue hardship to the entity that may have not been responsible for the identified contamination but is however charged with the responsibility of remediating land as a responsible corporate citizen or individual.

ACLCA Qld also envisages that a direct benefit to the contaminated land industry will be the raising of additional resources for DERM to enforce and monitor the performance of DERM approved SMPs. It is considered that the implementation of the Waste Levy will result in a greater number of sites appropriately containing wastes such as contaminated soils on site rather than disposal to landfill. In response to this, a greater number of SMPs will be required to manage and monitor residual contamination. Currently, the combined experience of ACLCA Qld member companies is that there is insufficient monitoring and enforcement of existing SMPs by DERM and, therefore ACLCA Qld assumes that a significant amount of new resources for this aspect will be required prior to the levy implementation. On this basis ACLCA Qld perceives a benefit of the proposed Waste Strategy to the contaminated land industry provided such resources can be allocated.

The concepts of 'Beneficial Reuse' and 'waste as a resource' are considered important by ACLCA Qld. It is expected that a robust and transparent process for approving the beneficial re-use of materials that would have otherwise been landfilled, will be developed and documented in new guidelines prior to implementation of the levy. This is also perceived as a significant benefit for all stakeholders.

Finally, ACLCA Qld believes that all proceeds from any levy system should be reinvested in the waste management and contaminated land industries. ACLCA Qld would particularly like a portion of the levy to be invested in improving DERM's delivery of contaminated land services. This should occur through both improved staffing and the implementation of improved systems.



### *Supporting Requirements*

ACLCA Qld considers that a new legislative framework will be required to successfully implement the Waste Strategy and welcomes this for the perceived benefits presented above. It is stated in the *Waste Avoidance and Recycling Consultation Draft* (DERM 2010) that "new legislation is needed to provide regulatory underpinning for the strategy...". It is expected that through the implementation process, DERM and other legislators will also need to develop guidelines (to support industries affected by the Waste Strategy and associated levies) for aspects potentially including but not necessarily limited to: Waste Classification, Beneficial Re-use, Waste Avoidance and Reduction, Management of Hazardous Wastes, Asbestos Management, Soil Remediation Technologies, Bio-solids, Prescribed Industrial Wastes and Specific Waste Stream Management Guidelines. Such guidelines have been developed by other states such as NSW and Victoria, where waste levies have already been implemented. It is acknowledged by DERM that "relying on the levy as a price signal alone, without supporting programs, is less successful at achieving behavioural change".

It is also stated in the Levy Consultation Draft that "Further work will be undertaken prior to the levy starting in order to classify the lower and higher hazard regulated waste. This will be undertaken in consultation with stakeholders...". ACLCA Qld welcomes such consultation and intends to participate in this process so that all aspects of the process can be defined prior to implementation of the levies. Implementation of levies prior to new legislation, support programs and guidelines would likely result in undue hardship to both industry and regulators.

### **Issues Identified with the Strategy as Proposed**

ACLCA Qld has considered the Strategy as proposed by DERM and identified a number of issues with the proposed strategy with the potential to result in negative outcomes to the environment, community and industry. A discussion of these issues is provided below.

#### *Cost of Levy*

The proposed costs of the levy (minimum \$35/tonne) are much higher than existing costs for disposal of soil to unlined and lined landfills with a minimum net increase to soil disposal costs to rise by 400% and 100% respectively. Such an increase is expected to result in the following outcomes:

1. Delays in the remediation of contaminated sites until land values increase to support higher remediation costs potentially resulting in environmental harm as a result of delays in remediation;
2. Reduction of remediation works on-site to enable reduced sensitivity land use (e.g. site clean-up to allow an industrial land use rather than a residential land use).
3. Encouraging the disposal of contaminated waste to alternate / unlicensed sites and facilities; and
4. Encouraging the remediation of contaminated soils on sites which are not amenable for this purpose, (e.g. remediation of fuel-impacted soils adjacent to sensitive land uses such as residential buildings and schools).

All of these options are expected to have a negative impact on the environment (air, soil, surface water and groundwater) compared to current management strategies.

#### *Application of Levy to Contaminated Soils*

The introduction of a standard levy does not differentiate between different quality of soils being disposed or between remediation of site contamination resulting from inappropriate environmental management practices at a site (e.g. inadequate containment of pollutants) and contamination resulting from accepted past practices (e.g. filling of sites in flood prone areas with power station ash). Historic filling with gasworks and power station waste has been identified as widespread across Brisbane suburbs including Brisbane, Newstead, New Farm, West End and South Brisbane.

The implementation of a levy without exemptions is expected to result in a higher percentage of sites impacted by disposed waste remaining unremediated which, in turn, is likely to result in negative environmental and communities outcomes.



#### *Application of Levy to Partially Remediated Soils*

The introduction of the levy in its current form does not recognise remediation or recycling activities undertaken prior to landfill disposal. For example, remediation works completed on-site or at a landfill to reduce concentrations of volatile contaminants (e.g. BTEX) with less environmentally relevant fractions (e.g. waste oils present in soils) result in the same disposal cost to landfill despite different environmental risks being posed by the materials.

The levy also does not recognise good environmental controls already in place by individual landfill sites (i.e. gas extraction, leachate collection and the remediation and/or recycling of contaminated soils).

#### *Application of Levy to Acid Sulfate Soils*

Remediation and reuse of fine-grained Acid Sulphate Soils / Potential Acid Sulphate Soils (ASS/PASS) on sites is not generally practical due to the environmental risks posed by remediation on the site. Such risks include runoff (acidic or alkaline to sensitive ecosystems) and the large quantities of lime required to neutralise high level ASS (up to 650kg/m<sup>3</sup>). Additionally, lime-neutralised fine grained ASS is generally not geotechnically suitable for reuse as fill. In general, a landfill is a preferred option for management of ASS/PASS due to reduced environmental sensitivity and the disposal of high-level PASS by submerging within buffered landfill lakes is expected to be the most environmentally sustainable option for managing PASS.

#### **Concluding Comments**

ACLCA Qld thanks DERM for the opportunity to provide this submission for the proposed Queensland Waste Strategy. Based on our understanding of the proposed Queensland Waste Strategy, ACLCA Qld believes that:

1. The implementation of a properly formulated waste management strategy will result in improved outcomes for the environment, community and industry;
2. The Queensland Waste Strategy currently proposed will not achieve all of the possible benefits;
3. The Queensland Waste Strategy currently proposed will result in some negative outcomes for the environment, community and industry;
4. In its current form, the Queensland Waste Strategy does not provide sufficient detail to allow a complete understanding of the likely outcomes of the implementation of the strategy;
5. The nature of the proposed levies applied to the disposal of contaminated soils will change the management of soil contamination in Queensland;
6. Significant additional resourcing both within DERM and within the contaminated land industry would be required to ensure the effective management and regulation of such changes;
7. Through the combined experience and technical background of ACLCA Qld member companies, ACLCA Qld is well placed to continue to contribute to the further development and improvement of the Queensland Waste Strategy.

**ACLCA Qld requests that DERM seek further input from ACLCA Qld as a key stakeholder as the Waste Strategy is further developed and refined.** Please call me on 0414 449 561 to discuss how ACLCA Qld will contribute to this consultation process in the future.

Yours sincerely,

Greg Swain  
State President - ACLCA Qld



## Appendix A – ACLCA Qld Member Companies

Aecom  
Aurecon  
Butler Partners  
Cavvanba Consulting Pty Ltd  
Coffey Environments  
Douglas Partners  
Duke Environmental  
E3 Consulting Australia Pty Ltd  
Environmental Earth Sciences  
Environmental Resources Management  
Geo Environmental  
GHD Pty Ltd  
Golder Associates  
IMEMS Pty Ltd  
Lambert & Rehbein  
Lloyd Consulting  
Otek Australia  
Parsons Brinckerhoff  
SKM  
Waste Solutions  
WSP  
URS Australia