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Enquiries: Louis Bettini
Our Ref: D20#396721
Your Ref: NA

14 May 2020

Sarah McEvoy
Executive Director Strategic Policy
Department of Water and Environmental Regulation
Locked Bag 10
Joondalup DC, WA, 6919

Dear Sarah,

Attention: Iqbal Samnakay

Submission - Closing the Loop and Review of the Waste Levy

Main Roads Western Australia (Main Roads) would like to take up the opportunity to provide a submission on the two waste reform consultation papers from the Department of Water and Environmental Regulation (DWER), *Closing the loop: Waste reforms for a circular economy* and *Review of the waste levy*.

Main Roads supports sustainability and the circular economy. Main Roads has been working with industry and government to increase the reuse of waste materials in road construction for over a decade. There are a number of synergies between our work in this space and the waste reform consultation papers. Following a number of recent examples of work in this space:

- Crush Recycled Concrete (CRC) is a waste product and potential road building material making up 50 per cent of Western Australia's waste stream. We recognise our role in establishing an ongoing practice for the use of this material. A key project has been a collaboration with the DWER, the Waste Authority and Industry to pilot the Roads to Reuse Program. A new product specification, that enables CRC to be used as road sub-base, has been released by DWER to manage the risk of contaminants including asbestos. Under the Waste Strategy 2030, we have committed to increasing our use of CRC to 100,000 tonnes.
- Waste tyres are another significant challenge of the Waste Strategy 2030. We currently utilise crumbed rubber in resealing works, which could potentially be sourced using recycled tyres. We have committed to develop and implement alternative crumbed scrap rubber bituminous binders to double our and local government's usage to over 1,200 tonnes per year.
- While the preference is for glass to be recycled into glass, we allow the use of crushed recycled glass in some aspects of road construction such as fill material. Recently Northlink Northern Section used 30,000 tonnes of crushed recycled glass in project activities.
- The use of up to 10% reclaimed asphalt pavement (RAP) is standard practice in road construction. More recently, we have developed new specifications to allow for a greater percentage (up to 25%) of RAP to be used in pavement mixes.



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Main Roads submission to DWER on the consultation papers is included in the attached table addressing your consultation questions. If you wish to discuss any of Main Roads responses further please contact our Manager Environment Martine Scheltema [REDACTED]

Yours sincerely

[REDACTED]

Doug Morgan

Executive Director Planning and Technical Services



Review of Waste Levy Consultation Questions

Review of Waste Levy – Consultation Questions	Main Roads Response
Chapter 2 – Consultation questions	
<p>1. Are there any beneficial outcomes that can be achieved by a levy beyond those identified in the objectives of Waste Strategy 2030?</p> <p>The strategy contains the following objectives:</p> <ul style="list-style-type: none"> • Avoid: Western Australians generate less waste. • Recover: Western Australians recover more value and resources from waste. • Protect: Western Australians protect the environment by managing waste responsibly. 	<p>Benefits that ongoing levies could achieve include:</p> <ul style="list-style-type: none"> • Funding an independent random audit testing scheme and procedural audits to ensure robust safety and environmental processes are followed. • Subsidising cost of industry testing for contamination. • Subsidising cost differential of reusables/recyclables if more expensive than virgin materials. • Funding contribution to establish infrastructure (such as glass bottle cleaning/sterilisation to reuse bottles, or a glass cullet processing facility to make new glass from cullet) • Funding research and trials of potential new recyclable materials. • Funding knowledge transfer workshops and promotional material to encourage broader use of reusable and recyclable materials.
Chapter 3 – Consultation questions	
<p>1. Are there any other strengths or weaknesses of a waste levy as an instrument for achieving the objectives of Waste Strategy 2030?</p>	<p>Waste levies encourage illegal dumping. Germany has the reverse approach and applies levies to the use of virgin materials.</p>
Chapter 4 – Consultation questions	
<p>1. How has the waste levy benefitted or affected your waste business or operations?</p>	<p>The waste levy has subsidised the 25,000t Crushed Recycled Concrete Pilot Project for the reuse of waste concrete as a road building material.</p> <p>Waste levies have provided encouragement for the better use or more efficient of resources on major construction projects including better waste management practices. Potentially, may have resulted in more products with recycled content being available in the market.</p>
<p>2. Can you advise of any recycling and waste diversion opportunities that would become viable if the waste levy was increased or applied in a different way? What rate of levy could be required to make these viable?</p>	<p>Incentives and/or levies have been widely used very effectively in Europe to encourage consumers do most of the cleaning and sorting of waste materials (eg plastics into separate polymer groups, bottles recovered for refill. Providing incentives for improved practices for waste management, better behaviours and</p>



	using materials with recycled content may be better suited to achieving some of the goals of the waste strategy that a levy is for certain scenarios or industries.
3. Please provide information on potential impacts which may result from increasing the waste levy.	Increasing the waste levy may lead to more illegal dumping. Main Roads road network and road reserves, in particular within our greater regions, is subject to illegal dumping. Illegal dumping results in negative environmental and amenity impacts both within the road reserve and from a State perspective. Funding allowing, the illegally dumped litter is collected, sorted and responsibly managed. There is significant costs associated with this process. As an example, our Mid-West Gascoyne Region, 1 of 8 regions, spends greater than \$100,000 per annum to manage this issue.
4. If you knew when the waste levy was going to be varied, how would it affect your decisions about managing waste or related investments?	No comment
Chapter 5 – Consultation questions	
1. How might the Government best balance the need for responsiveness to emerging knowledge about best practice waste management with the benefits of providing the confidence about future waste levy rates?	No comment
Chapter 6 – Consultation questions	
1. Are there opportunities for the recovery of regional waste that would be made more viable by a regional waste levy?	Yes, but the implementation of the regional waste levy would need to be carefully managed so to not encourage illegal dumping. The South West, Mid-West and Pilbara Regions have potential to produce crushed recycled concrete products such as reconstituted blocks for retaining walls. Levies could help subsidise back-loading to Perth.
2. Where are these opportunities most likely to be viable?	Bunbury, Geraldton, Karratha.
3. What rate of waste levy could be required to make them viable?	
4. Under specific circumstances, it is possible that an expanded waste levy area could make evasion less financially attractive. How does the cost of transporting waste over long distances compare with the cost of the levy?	Only if there is effective enforcement on evasion.



5. What other advantages or disadvantages could arise from a regional waste levy?	No comment
Chapter 7 – Consultation	
1. Waste Strategy 2030 proposes that by 2020, only residual waste will be used for energy recovery. How will this requirement affect your waste management operations?	No comment
2. Would a waste levy on energy recovery have a different effect on your operations?	No comment
3. Are there any other waste management options where applying a levy could help achieve the objective of Waste Strategy 2030?	No comment
Chapter 8 – Consultation	
1. What other changes to the design or implementation of the waste levy could help make it more effective or efficient in achieving the targets of Waste Strategy 2030?	<p>A formal process could be designed to allow for practical trials and tests of various waste derived products. The CRC pilot project, while successful, had a number of hurdles to overcome resulting in the project taking some time to complete. From a broader industry perspective this may not encourage innovative waste derived products to be developed and tested.</p> <p>Consideration needs to be given to allowing longer periods of time for the commercialisation of new waste derived products. This could be in the form of longer pilot trials or subsidy periods or the graduated withdrawal of subsidies or incentives. Recent feedback from Waste and Recycling Industry Association has suggested there have been negative impacts from the sudden withdrawal of the subsidy for crushed recycled concrete creating uncertainty of the future viability of the industry.</p> <p>An alternative scheme to the waste levy could involve major manufacturers or suppliers of various products/components that produce significant quantities of priority waste streams (rubber, e-waste, etc) been given the responsibility to manage the product/waste at the end of its life i.e. tyre manufacturers being required to take back tyres at the end of their life to sell into WA.</p>



Closing the Loop Consultation Questions

Closing the Loop – Consultation Questions	Main Roads response
Chapter 7 - Consultation questions	
1. If you are the operator of a licensed waste facility under the EP Act, please provide feedback on Options 1 and 2. Please describe potential benefits or costs from these changes, and any unintended consequences which may occur.	No comment
2. If Option 2 is progressed, what support, guidance or infrastructure will be required by waste stakeholders to implement new licence conditions?	No comment
3. Are there any other policy approaches which will support better alignment between the EP Act, WARR legislation and the Waste Strategy 2030?	No comment
Chapter 8 – Consultation questions	
1. If you are the licensee of a waste facility, please provide feedback on your preferred option for modernising key terms in waste legislation, and when the waste levy will apply. Please provide supporting information where possible.	No comment
2. What are the potential benefits or cost impacts that may result from the proposed legislative options? Please provide supporting information where possible.	No comment
3. Please provide any further suggestions to improve terminology under WARR legislation and the application of the waste levy in Western Australia.	No comment
Chapter 9 – Consultation questions	
1. If you are a waste stakeholder, what is your preferred option for the landfill licensing categories under the EP Act? Please provide supporting information where possible to support your response.	No comment
2. Should Category 89 landfills be required to be licensed under the EP Act to improve the management of	No comment



environmental and health risks, or for the effective implementation of the waste levy? Please provide evidence where possible to support your response.	
3. If you are a local government with a Category 89 landfill, please provide information on the benefits or costs associated with the licensing of Category 89 landfills under Options 2 and 3.	No comment
4. If a licensing exclusion is available for Category 89 landfills, please comment on a proposed scope of the exclusion, and a justification for the approach.	No comment
5. Should operators of Category 66 landfill premises that accept hazardous wastes be liable to pay the waste levy as "waste disposal premises"?	No comment
6. Please provide feedback on the proposed approach for Category 53 (fly ash disposal) outlined in section 9.1.5 – Should fly ash disposal be regulated as a separate process, or should it be regulated as a licensed landfill? Please provide information where possible to support your response.	No comment
Chapter 10 – Consultation questions	
1. Please identify a preferred option for regulating solid waste storage premises outlined in Options 1, 2 and 3. Please provide information where available.	No comment
2. Will the proposed changes to the solid waste categories (Categories 56, 57, 61A, 62) support further re-use and reprocessing of solid waste and used/waste tyres? Please provide evidence or further information.	No comment
3. Under Option 3, the proposed licensing threshold for the new category which merges Categories 13, 61A and 62 will be 1000 tonnes or more per year. Please provide feedback on the impacts of this proposed threshold.	No comment
4. Please provide feedback on the proposal to regulate large MRFs under Options 2 and 3. Please provide evidence or further information where available.	No comment



<p>5. If you are the occupier of a used tyre storage facility, what will be the potential benefits or costs impacts if Option 3 is implemented? Should tyre storage premises which store more than 100 used or waste tyres (but less than 500 used or waste tyres) and less than five tonnes of tyres, be subject to licensing? Please provide evidence or further information.</p>	<p>Main Roads road network and road reserves, in particular within our greater regions, is subject to illegal dumping. Funding allowing, the illegally dumped litter is collected, sorted and responsibly managed. A number of initiatives have been introduced to manage and discourage illegal dumping, included establishing an MOU with Keeping Australia Beautiful Council and investing approximately \$440,000 in supporting the MOU itself. A significant waste stream collected through our maintenance activities are tyres. Once collected the tyres are sent for recycling which in some scenarios is a significant distance away (i.e. 1000 kms or more). To undertake these activities in a cost effective manner, used tyres need to be stored at our depots or facilities, often in volumes greater than 100. The requirement for licensing would be an additional impost given significant resources are already used to collect the litter from the roadside. Consideration should be given to exemptions from the license if introduced. i.e for organisations that have existing processes for the responsible management of materials or the broader environment.</p>
<p>6. Please provide feedback on whether metal scrap yards in Western Australia should be licensed under Category 47 because of potential risks to human health and the environment. Please provide evidence or further information.</p>	<p>No comment</p>
Chapter 11 - Consultation questions:	
<p>1. Please provide feedback on the proposal in Option 2, which will impose the waste levy if waste is not removed from specified waste storage facilities within 12 months if it is not processed, and it is not going to be sold or used. If you are the operator of a waste facility, what are the potential consequences or impacts of this proposal? Please provide evidence or further information.</p>	<p>No comment</p>
<p>2. Please provide feedback on the proposal in Option 3, which will impose upfront levy liability and payment, with transport related levy exemptions. If you are the operator of a waste facility, what are the potential consequences or impacts of this proposal? Please provide evidence or further information.</p>	<p>No comment</p>



3. The proposals in Options 2 and 3 are intended to address long-term waste stockpiling at waste storage facilities. Will the proposals in Options 2 and 3 provide a sufficient financial incentive to remove waste stockpiles at waste storage facilities? Please provide evidence or further information.	No comment
4. If you are a local business specialising in the re-use, reprocessing or recycling of waste materials, will the proposals in Options 2 and 3 support your business, or contribute to new business opportunities in waste? Please provide evidence or further information.	No comment
Chapter 12 - Consultation questions:	
1. Please provide feedback on Option 2, which intends to clarify and strengthen existing waste levy exemptions. If you are the licensee of a waste facility, what are the expected impacts or benefits of these proposed changes? Please provide evidence or further information.	No comment
2. Please provide feedback on the proposed time limit for retrospective applications for an exemption under Option 2, including potential impacts.	No comment
3. Please provide feedback on the proposed levy exemptions relating to regulation 5(1)(b) in Option 3. Are the proposed exemptions and timeframes for removing the waste suitable? Please provide evidence or further information.	No comment
4. Please provide general feedback on the proposed waste exemptions, and if other waste levy exemptions need to be considered to support the Waste Strategy 2030. Please provide evidence or further information.	No comment
Chapter 13 - Consultation questions:	
1. If you are a licensee or occupier of a licensed waste facility, please provide feedback (with supporting information) on your preferred option in relation to solid waste data reporting. Please provide evidence or further information.	No comment



2. Are there any other waste data reporting approaches which should be considered as an alternative for Options 1, 2 and 3? Please provide evidence or further information.	No comment
3. If you are a licensee or occupier of a licensed waste facility, do you collect information on the weight or volume of waste, and the type of waste, received by your facility? If yes, do you store this data electronically? Please provide evidence or further information.	No comment
4. What would be the expected cost impacts for licensed waste facilities to implement new reporting requirements under Options 2 and 3 (e.g. data collection, electronic record keeping, and monthly reporting)? Please provide evidence or further information.	No comment
5. Please provide feedback on the proposed timeframes and data requirements under Options 2 and 3, and if they support the collection of accurate solid waste data across the State. Please provide evidence or further information.	No comment
6. Introducing mass balance reporting will support other proposals outlined in this paper (e.g. Chapter 11 – waste stockpiling). Will Options 2 and 3 (and Appendix	No comment
1) align with other legislative proposals in this paper? Please provide evidence or further information.	No comment
7. What other factors need to be considered to establish mass balance reporting in Western Australia for solid waste, and if progressed, what should be the timeframe for its introduction? Please provide evidence or further information.	No comment
Chapter 14 - Consultation questions	
1. Please provide feedback on the compliance measures to address unlawful waste disposal under Option 2. What are the potential benefits and impacts for waste stakeholders? Please provide evidence or supporting information.	Compliance is a significant issue for Main Roads. The problem is transferred to Main Roads when illegal dumping occurs within our road reserve (example described previously). Dumping often occurs in remote areas where there is a significant opportunity not to be caught. Further, it is understood that there is a low percentage of convictions to act as a deterrent if perpetrators are caught.



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2. Please provide feedback on the proposed GPS and record-keeping requirements for vehicles carrying leviable waste in the Perth metropolitan region under Option 2. What types of trucks, and which waste streams, should be tracked by GPS to minimise unlawful waste disposal in Western Australia? Do all waste transportation vehicles require tracking? Please provide evidence or further information.	No comment
3. Please provide feedback on the proposed imprisonment option for serial waste offenders committing multiple breaches of the EP Act under Option 2, and whether this penalty be a suitable deterrent for illegal waste activity.	No comment
4. Please provide information on any other compliance and enforcement proposals which could be considered to address illegal waste disposal in Western Australia.	Incentives to deposit material at designated waste recovery locations may be more effective to assist in reducing illegal waste dumping, rather than compliance and enforcement, in particular in regional or remote scenarios.