

Environment Protection (Waste to Resources) Policy 2010 **Guidelines on resource recovery processing – the making of clause 11(8) determinations regarding sufficient treatment**

Issued August 2012

EPA 977/12: Determinations referenced in clause 11(8)(c) of the Environment Protection (Waste to Resources) Policy 2010 regarding treatment of waste must be made in accordance with these guidelines.

Purpose

This document provides guidance to the waste and resource recovery industry when undertaking resource recovery processes. In particular, it describes what steps a person must take to determine, in accordance with clause 11(8)(c) of the *Environment Protection (Waste to Resources) Policy 2010* (the EPP), when waste can be disposed of to landfill without treatment or further treatment for resource recovery. This document comprises guidelines published by the Environment Protection Authority for the purposes of clause 11 of the EPP.

1 Introduction

The EPP was created under the *Environment Protection Act 1993* (the EP Act). It seeks to support *South Australia's Strategic Plan 2011* target of reducing waste to landfill by 35% by 2020 and the objectives of *South Australia's Waste Strategy 2011–2015*.

From 1 September 2012, a person must not dispose of waste¹ produced in metropolitan Adelaide to a landfill depot unless the waste results from, or has been subject to, resource recovery processes² carried out–

- a at an appropriate licensed material recovery facility or composting depot; or
- b at some other facility that has been approved by the Authority; or
- c in accordance with the waste management hierarchy and to the extent reasonably achievable³.

A landfill operator must not receive this waste for disposal unless the waste has been subject to such a resource recovery process⁴.

¹ Wastes excluded from the need to be treated are set out in EPP Schedule 3.

² Refer to EPP clause 11(8), and the definitions of 'resource recovery' and 'treatment' in clause 3 for the meaning of this term.

³ EPP clause 11(3).

Under the EPP, resource recovery processes means processes carried out for resource recovery, which may include a determination, following examination of the waste, that the waste does not require treatment, or further treatment, for resource recovery so long as any determination made is in accordance with—

- a any licence conditions that are expressed to apply for the purposes of clause 11; or
- b any resource recovery facility approval conditions; or
- c any guidelines published by the Authority for the purposes of this clause⁵.

[Appendix 1](#) provides the full text of clause 11.

This document comprises the guidelines that are to be followed under clause 11(8)(c) of the EPP when making a determination that a waste does not require treatment, or further treatment for resource recovery prior to disposal to landfill. Boxed text sets out requirements and terms used have the same meaning as in the EPP.

2 Who determines whether waste needs any further treatment for resource recovery prior to disposal?

- For waste produced in metropolitan Adelaide that is received at:
 - a licensed material recovery facility authorised to receive that type of waste,
 - a licensed composting depot authorised to receive that type of waste, or
 - another EPA approved facility,

that facility operator will need to determine whether the waste has been subject to sufficient treatment for resource recovery and can be disposed to a landfill depot. For such cases, a landfill depot operator can then simply receive waste for disposal⁶.

- For waste produced in metropolitan Adelaide and regulated by clause 11 that is subject to a resource recovery process carried out in accordance with the waste management hierarchy and to the extent reasonably achievable [per clause 11(3)(c)], a person undertaking that resource recovery process will need to determine whether the waste can be disposed to landfill without further resource recovery treatment. However, for such cases, to help avoid any risk of breaching their obligations, it is the EPA's view that the landfill depot operator should prudently be able to demonstrate that they were satisfied that the waste was received from a clause 11(3)(c) process and that a determination has been made⁷.

3 Making clause 11(8) determinations in accordance with the guidelines

These guidelines advise when a person, whether acting to satisfy clause 11(3)(a), (b) or (c), will be able to determine when waste regulated by clause 11 does not require any treatment, or further treatment, prior to disposal to landfill. Such determinations can also be made in accordance with any licence conditions that are expressed to apply for the purposes of clause 11 or clause 11 approval conditions⁸.

⁴ EPP clause 11(4).

⁵ EPP clause 11(8).

⁶ Refer EPP clause 11(5).

⁷ Refer EPP clause 11(4).

⁸ EPP clause 11(8).

An operator of any clause 11(3) facility or process can determine to dispose of wastes to landfill without undertaking treatment, or further treatment, of the waste for the purposes of clause 11(8) of the EPP if:

- 1 by 1 December 2012 or upon commencing operations (whichever is later), the depot operator or operator of a clause 11(3) process—
 - a has staff on-site at all times during opening hours who are trained in accordance with a Standard Operating Procedure (per paragraph 1b),
 - b has written procedures specifying the steps for treating any recoverable waste(s) found (ie a Standard Operating Procedure or SOP) to the extent reasonably achievable, including:
 - i examination of waste and identification of recoverable wastes
 - ii physical removal of the recoverable wastes from mixed waste streams (if relevant),
 - iii storage and management of recoverable wastes, and
 - iv for—
 - > transfer stations (including skip bin facilities), and
 - > clause 11(3) processes involving the collection of waste in order to sort, store and have waste transported to other storage or processing facilities—

redirection requirements for sending retrieved wastes for further resource recovery processing at a facility or process that reuses the waste, separates or extracts materials from the waste for processing into useable materials or reprocesses materials into useable materials or substances (whether for original or other purposes).
- 2 the depot operator or operator of a clause 11(3) process retrieves, recovers or directs to further resource recovery processing, recoverable wastes in accordance with its SOP (per paragraph 1b, once established) and pursues resource recovery of waste to the extent reasonably achievable.

NOTE:

- 1 An operator of any clause 11(3) facility or process is responsible for ensuring that a SOP will also support their compliance with other legislation applying to their activities, including occupational, health and safety requirements and, where whitegoods are handled, the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.
- 2 It is acceptable for a SOP to form part of, or to cross-reference, broader or other operating procedures that exist for the facility or process (eg an environmental or quality management system) provided that the SOP's required elements are readily identifiable.
- 3 These guidelines are consistent with and in addition to the EPA guidelines for the making determinations under clause 12 regarding prohibited landfill wastes (ie banned wastes) by these activities. Licensed clause 11(3) facilities must also continue to comply with all licence conditions (including those drawing from EPA guidelines such as standard conditions relating to the treatment of waste under cover and stockpiling restrictions).

Please note handling requirements and minimum acceptable processing applications for electronic wastes have been proposed in Table 1 of the draft AS/NZ Standard for the collection, storage, transport and treatment of end of life electronic equipment which underwent consultation from March–May 2012. It is expected to be finalised in late 2012. The EPA will consult about adopting requirements from the standard for minimum resource recovery processing requirements for televisions and computers following its finalisation.

Any operator of a clause 11(3) facility or process not meeting these requirements but disposing of waste to landfill (and if other relevant licence conditions or clause 11 approval conditions do not apply) could have enforcement action taken against them for breach of clause 11(3), a mandatory provision, on the basis that waste has been sent to landfill without

being subject to resource recovery processes, given the requirements arising under clause 11(8)(c). Also, if a facility holds a clause 11(3)(b) approval, that approval could be revoked.

4 Promoting enhanced resource recovery

To best support the treatment of waste for resource recovery processing, the EPA also encourages that where a depot receives wastes from other people—

- a at least once per annum, the depot operator provides advice in writing to all organisations that deliver waste regulated by clause 11 to the depot pursuant to a contractual arrangement with the depot operator advising the manner in which wastes should be presented to best support resource recovery at the facility. Advice should also be provided at the time of entering any new contractual arrangement, and
- b the depot operator establishes and maintains information on the depot's website (if it has one) advising the manner in which wastes should be presented to best support resource recovery at the facility.

Review

The EPA will commence a review of this guideline in December 2013. Stakeholder consultation will be undertaken as part of the review process.

Further information

Legislation

Legislation may be viewed on the Internet at: <www.legislation.sa.gov.au>

Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet
Adelaide Service SA Centre
108 North Terrace
Adelaide SA 5000

Telephone: 13 23 24
Facsimile: (08) 8204 1909
Website: <shop.service.sa.gov.au>

For general information please contact:

Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Telephone: (08) 8204 2004
Facsimile: (08) 8124 4670
Freecall (country): 1800 623 445
Website: <www.epa.sa.gov.au>
Email: <epainfo@epa.sa.gov.au>

Appendix 1 Clause 11 of the policy

Extracted from the EPP dated 24 November 2011. Please check for currency at www.legislation.sa.gov.au.

Definitions of terms used in this provision may be found in the EPP and EP Act. The Act sets out offence amounts.

11—Waste to be treated prior to disposal to landfill

(1) This clause applies to waste produced in an area specified in Schedule 2 other than waste excluded from the application of this clause by Schedule 3.

(2) This clause will not apply until the second anniversary of the day fixed by the Governor for this policy to come into operation.

(3) A person must not dispose of waste to which this clause applies at a landfill depot unless the waste results from, or has been subject to, resource recovery processes carried out—

- (a) at an appropriate licensed material recovery facility or composting depot; or
- (b) at some other facility that has been approved by the Authority for the purposes of this clause; or
- (c) in accordance with the waste management hierarchy and to the extent reasonably achievable.

Mandatory provision: Category B offence.

(4) The operator of a landfill depot must not receive waste to which this clause applies for disposal at the depot unless the waste results from, or has been subject to, resource recovery processes carried out—

- (a) at an appropriate licensed material recovery facility or composting depot; or
- (b) at some other facility that has been approved by the Authority for the purposes of this clause; or
- (c) in accordance with the waste management hierarchy and to the extent reasonably achievable.

Mandatory provision: Category B offence.

(5) For the purposes of this clause, waste received at a landfill depot will be taken to result from, or have been subject to, resource recovery processes if it has been received from—

- (a) an appropriate licensed material recovery facility or composting depot; or
- (b) some other facility that has been approved by the Authority for the purposes of this clause.

(6) The Authority may—

- (a) grant an approval to a facility for the purposes of subclauses (3), (4) and (5) subject to such conditions as the Authority thinks fit (and the Authority may vary those conditions from time to time);
- (b) revoke such an approval on such grounds as the Authority thinks fit.

(7) The conditions of an approval may be varied by the addition, substitution or deletion of 1 or more conditions.

(8) In this clause—

resource recovery processes means processes carried out for resource recovery, which may include a determination, following examination of waste, that the waste need not be subject to treatment, or further treatment, for resource recovery so long as any such determination is made in accordance with—

- (a) any licence conditions that are expressed to apply for the purposes of this clause; or
- (b) any conditions that apply under subclause (6); or
- (c) any guidelines published from time to time by the Authority for the purposes of this clause.