

# Managing combustible recyclable and waste materials in Victoria

## Response to comments

### Purpose of this document

This document summarises the issues, concerns and comments raised during the Victorian Government's recent consultation on the proposed approach to managing combustible recyclable and waste materials (CRWM) in Victoria.

It also provides the Victorian Government's response to each issue and explains how the feedback has informed the final *Waste Management Policy (Combustible Recyclable and Waste Materials)*.

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### Abbreviations and acronyms

CFA	Country Fire Authority
CRWM	combustible recyclable and waste materials
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority Victoria
EP Act	Environment Protection Act 1970
MFB	Metropolitan Fire Brigade
PAN	pollution abatement notice
PIA	policy impact assessment
SV	Sustainability Victoria
WRRGs	waste and resource recovery groups

### Context

After a fire at SKM Recycling Coolaroo in July 2017, the Resource Recovery Facilities Audit Taskforce was established. An interim *Waste Management Policy (Resource Recovery Facilities)* was made under section 18B of the *Environment Protection Act 1970* (EP Act), because there were special reasons to declare the policy without delay. As a result, the interim policy will expire after 12 months, on 28 August 2018.

The interim policy enables EPA to take action to improve fire safety standards at sites that receive CRWM, to minimise risks of harm to human health and the environment from fire.

The taskforce and the interim policy complement the existing powers of fire service agencies and local councils.

A new policy has been prepared under section 16A of the EP Act to replace the interim policy when it expires.



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## Regulatory process

Under section 18A of the EP Act, a new policy must be made available for public comment, along with a policy impact assessment (PIA), for 90 days.

All submissions must be considered and responded to.

The proposed draft *Waste Management Policy (Combustible Recyclable and Waste Material)* was available for comment on [Engage Victoria](#) between 9 April and 1 August 2018.

## Consultation process

We provided a range of opportunities for anyone likely to be impacted by the policy to learn about and discuss the proposed approach. Engagement activities included in-person meetings, phone calls, site visits, workshops and information sessions.

## Submissions received

We received 26 written submissions. We also heard feedback through workshops held across Victoria with representatives from local councils and waste and resource recovery facility operators. Attendees came from industry operators of all sizes, including metal recyclers, organic waste reprocessors, waste tyre facilities, landfill operators, waste transfer station operators, e-waste reprocessors and insurance industry associations.

Feedback generally supports EPA continuing to regulate fire risk at waste and resource recovery facilities, but important concerns were raised which are summarised and addressed in this document.

This consultation also informed review of EPA publication 1667, *Management and storage of combustible recyclable and waste materials - Guideline*. This guideline will support compliance with the policy, in the same way that it supported compliance with the interim policy. EPA is now improving the guideline to better support waste and resource recovery operators to comply with the policy. A revised guideline will be published later in the year.

Those who made written submissions and provided feedback are listed in Appendix 1, and all non-confidential submissions are available to view at <https://engage.vic.gov.au/crwm>.

## Summary of changes to the policy

Feedback received during consultation has been very useful and has helped shape the final policy.

The most significant changes are:

- Updating the objective and obligations of the policy to clarify that the aim is to minimise risks of harm to human health and the environment from fire.
- Adding more detail to clarify the definition of CRWM.
- Adding new clauses to require waste and resource recovery facilities to assess and manage their risks and to prepare an emergency management plan for fire.

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## Feedback on the waste management policy

Table 1 lists the comments that were specifically about the draft waste management policy. Table 2 summarises the broader issues raised.

Responses to all issues are provided.

**Table 1: Feedback on the waste management policy**

Issue	Comments	Response
<b>Policy design</b>		
<b>Policy objective</b>	<p>Some feedback indicated that the objective of the policy was unclear, whether it was to minimise the risk of fire occurring, or to minimise the impacts from fires.</p> <p>One submission recommended including in the objective “minimising escalation of fire”.</p> <p>One submission suggested the objective include minimising breakout of fires as well.</p>	<p>The objective of the policy is now “to ensure that combustible recyclable and waste materials at waste and resource recovery facilities are managed and stored in a manner that minimises risks of harm to human health and the environment from fire.” Other relevant clauses have been amended to be consistent with this objective.</p> <p>This is consistent with the purpose of the <i>Environment Protection Amendment Bill 2018</i> – section 5(1)(k) “to enable the Environment Protection Authority and authorised officers to ensure compliance with the Act and require action to manage risks of harm to human health and the environment from pollution or waste.” This alignment will aid transitioning the policy into the future environment protection legislation.</p> <p>Minimising escalation or occurrence of fires is implicit in minimising risks of harm from a fire.</p>
<b>Application to and definition of “waste and resource recovery facilities”</b>	<p>One submission suggested including a volume threshold in applying the policy, to exclude retailers or residences.</p> <p>Some commenters were concerned that material recovery facilities may not consider themselves to be within the definition of waste and resource recovery facilities.</p> <p>One submission expressed concern that the policy does not explicitly refer to large waste and resource recovery facilities storing large volumes of CRWM.</p>	<p>The policy applies to all waste and resource recovery facilities, regardless of size, and includes a definition of “waste and resource recovery facilities” that reflects this: “a premises that receives waste intended for recycling, reprocessing, recovery, purification or sale.”</p> <p>A residence does not fit the definition of a waste and resource recovery facility.</p> <p>The policy requires all waste and resource recovery facilities to be aware of and manage their fire risks. It gives EPA powers to enforce those requirements in a risk-based manner. That means the level of risk posed by a site will inform the degree of compliance activity undertaken by EPA to improve fire safety practices at a site.</p> <p>The refined definition of CRWM also clarifies who is captured by the policy, by clarifying the materials this applies to.</p>

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Issue	Comments	Response
<b>Definition of “waste”</b>	<p>Feedback sought clarity on the definition of “waste”, as some waste and resource recovery facilities may view what EPA defines as “waste” as a product or resource.</p>	<p>“Waste” in the policy has the same meaning as in the EP Act. This definition has been included in the policy for clarity.</p> <p>Section 4 of the EP Act defines “waste” as:</p> <p>“(b) any discarded, rejected, unwanted, surplus or abandoned matter;</p> <p>(c) any otherwise discarded, rejected, abandoned, unwanted or surplus matter intended for—</p> <p>(i) recycling, reprocessing, recovery or purification by a separate operation from that which produced the matter; or</p> <p>(ii) sale...”</p>
<b>Definition of CRWM</b>	<p>Some feedback suggested other combustible waste materials such as batteries and mattresses should be explicitly included in the definition of CRWM.</p> <p>One submission suggested including burn temperature or similar combustibility characteristics in the definition.</p>	<p>The definition of CRWM has been amended to include criteria for identifying these materials. That is, ‘recyclable and waste materials that are capable of creating a fire hazard’. This definition clearly captures all materials relevant to the policy objective, including batteries and mattresses.</p> <p>It is not possible to provide an exhaustive list of such materials. The list of common and significant examples included in the definition is now prefaced with "including but not limited to" to clarify that this list is not exhaustive.</p>
<b>Application to metal recycling industry</b>	<p>The Metal Recycling Shredding Industry Group, and representatives of this industry sector, proposed that non-combustible metals be excluded from the definition of CRWM, and flammable metals be listed separately in this definition. They stated that fire risk at metal reprocessing facilities results from combustible contaminants in material accepted for processing, such as batteries and waste oil, and residual waste from processing activities, known as shredder floc. The risk is low in relation to processed ‘clean’ metals, applying the policy to this material is unnecessary and may reduce throughput and profitability of this sector.</p>	<p>We acknowledge that most metals are not combustible, although there are significant fire risks at metal reprocessing facilities. The definition of CRWM has been amended to more clearly capture the materials of concern, namely “metal and other materials with combustible contaminants,” and “combustible by-products of metal processing activities.” The revised guideline will provide guidance on how to apply a scalable, risk-based approach to managing risks from fire at any waste and resource recovery facility.</p> <p>The policy does not apply to flammable materials, these are instead regulated by dangerous goods legislation.</p>

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<p><b>Application to unlicensed waste tyre storage facilities</b></p>	<p>Feedback indicated that, as <i>licensed</i> waste tyre storage facilities are exempt from the policy, it was unclear that the policy applies to <i>unlicensed</i> waste tyre facilities. It was suggested that “tyres and tyre derived waste” (i.e. shredded or crumbed tyres) be included in the definition of CRWM, rather than implicitly capturing these materials as “rubber.”</p> <p>One submission highlighted concerns that the regulatory burden imposed on licensed waste tyre storage facilities was disproportionately greater than on unlicensed facilities, noting that while the policy imposes fire-focussed obligations on sub-licence threshold facilities, the broader environmental obligations of a licence are not imposed.</p> <p>It was suggested that the licence threshold be lowered from 5,000 to 100 equivalent passenger units, as in other Australian jurisdictions. It was also noted that increased regularity of engagement with EPA through maintaining a licence would encourage conversations about fire risks.</p>	<p>“Tyres and tyre derived waste” has been included in the definition of CRWM.</p> <p>The licence threshold prescribed by the Environment Protection (Scheduled Premises) Regulations 2017 targets large processors and handlers of waste tyres. Like the policy, a licence requires a facility to minimise risk of harm to human health and the environment from fire. A licence also imposes obligations to manage broader environmental impacts, and administrative costs.</p> <p>The additional burden of a licence is considered appropriate given the much larger scale of operations and risk at licensed, compared to unlicensed, waste tyre facilities.</p> <p>The objective of the policy is to address immediate risks of harm to human health and the environment from fire at all waste and resource recovery facilities.</p> <p>Reformed environment protection legislation, if passed by Parliament, will commence in 2020. This will impose a general environmental duty obliging operators to manage all environmental risks on their site. This will be complemented by a tiered system of permissions to support risk based and proportionate regulatory oversight by EPA.</p>
<p><b>Application to indoor storage</b></p>	<p>Concerns were raised that it is unclear if the policy applies to waste stored indoors.</p> <p>Respondents also highlighted a lack of information and guidance around indoor storage controls and compliance approaches.</p>	<p>The policy applies to waste stored both indoors and outdoors.</p> <p>The guideline will be revised to explain the legal requirements for indoor storage of waste and how to minimise risks of harm to human health and the environment from fire at facilities storing CRWM indoors.</p>

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Issue	Comments	Response
<p><b>Risk assessment and fire management plan</b></p>	<p>Feedback suggested the risk assessment and fire management plan in the guideline should be required by the policy.</p> <p>Requests were also made for greater clarity on what these documents must consider and contain, and how they should be developed, as well as for support to undertake this effectively.</p>	<p>Risk assessment and fire management planning are core to minimising the risk and impacts of fire. New clauses have been added to require all facilities to:</p> <ul style="list-style-type: none"> <li>• assess and manage risks (clause 6: Risk management).</li> <li>• prepare a fire management plan (clause 8: Emergency management plan). Facility operators can incorporate this aspect into existing emergency planning, or develop an emergency management plan addressing fire. This must be done in accordance with EPA's <i>Management and Storage of Combustible Recyclable and Waste Materials – Guideline</i>. The revised guideline will provide guidance on how to develop a plan.</li> </ul>
<p><b>Risk assessment; frequency and adequacy</b></p>	<p>Varied feedback was received on the appropriate review schedule to maintain a risk assessment and undertake adequate risk management for a facility. Some facility operators were concerned that the guideline suggestion of six-monthly reviews was too frequent, while others felt it was not frequent enough, suggesting review whenever the operating risk environment changes due to fluctuations in type and volume of material stored, and seasonal changes.</p> <p>Some feedback suggested that an independent assessment/audit of risks and management plans should be required.</p>	<p>Clause 6, risk management, now addresses review frequency by requiring that a risk assessment should be reviewed and revised 'whenever the nature of the risks change at the facility'.</p> <p>EPA recently released publication 1695 <i>Assessing and Controlling Risk: A Guide for Business</i>. This guide provides businesses with a risk management framework that can be applied to help prevent harm to human health and the environment. Its principles can be applied to businesses of any size, and of varying levels of risk. The revised <i>Management and Storage of Combustible Recyclable and Waste Materials – Guideline</i> will refer to publication 1695, as well as setting out improved guidance for fire risk assessment, developed in consultation with Country Fire Authority (CFA).</p>
<p><b>Defining “fire management plan”</b></p>	<p>There was some confusion about the phrase “fire management plan,” which is generally used to refer to regional fire management plans. Suggestions were made that the fire management plan instead form part of a broader emergency management plan for the facility.</p>	<p>The new clause 8 requires an emergency management plan with specific fire and impact management requirements. This plan must be developed in accordance with the guideline, which will be revised to provide further detail on meeting this requirement, scalable to different types of facilities.</p>
<p><b>Exclusion of licensed landfills and waste tyre storage facilities</b></p>	<p>Some respondents raised that it is unclear why licensed landfills and licensed waste tyre storage facilities are exempt from this policy. There was concern that their licence conditions may not manage fire risks and impacts adequately.</p>	<p>EPA is confident that licensed landfill and waste tyre storage facilities already have adequate conditions within their licence to require appropriate minimisation of harm to human health and the environment from fire.</p>

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Issue	Comments	Response
<b>Application to other combustible materials</b>	<p>Concerns were raised that the policy does not apply to manufacturers generating CRWM and storing it onsite, or to manufacturers and other operators who store large volumes of combustible non-waste materials.</p> <p>One submission raised that addressing these risks through other regulatory approaches could create inefficiency and confusion.</p>	<p>Facilities that do not accept waste but either produce combustible wastes or handle combustible non-waste materials are not captured by the policy. Recent fire data suggests that these facilities pose less risk compared to waste and resource recovery facilities. This issue will continue to be monitored.</p> <p>In the short term, the fire services agencies, CFA and Metropolitan Fire Brigade (MFB), will develop a fact sheet for manufacturers to help them manage their risks. These facilities can voluntarily use the advice in the guideline to better manage their risks and impacts.</p> <p>Through the government's <i>Managing fire risk at resource recovery facilities: Action Plan</i>, over the next 12 months DELWP will undertake a broad assessment of this regulatory framework.</p>
<b>Application to other operators</b>	<p>Some commenters asked if the policy is intended to or should apply to other operators such as op shops, skip bins, public rubbish bins, and computer repair and recycling businesses.</p>	<p>The policy applies to all facilities that receive waste, to ensure that they minimise their risks of harm to human health and environment from fire. A facility receiving waste should understand its risks and seek advice from EPA if it is unclear how the policy might apply.</p> <p>E-waste reprocessing facilities accepting more than 500 tonnes each year of specified e-waste require a works approval and licence. Australian Standard AS5377 also offers guidance on management of e-waste at sites not requiring a licence.</p>
<b>Guideline incorporation</b>	<p>Some feedback indicated that clause 7(a) of the policy was confusing; "as in force from time to time" implies that the guideline may not be in force at times.</p>	<p>These references to the guideline have been reworded to "as amended from time to time".</p>
<b>Defining the Authority</b>	<p>Commenters raised that it was unclear who the responsible authority was for enforcing the policy.</p>	<p>The Authority is defined by the Environment Protection Act 2017, this definition has been included. The Authority is EPA.</p>
<b>Transport of 'hot loads'</b>	<p>Commenters questioned whether the policy applies to 'hot loads' (materials being transported that are already burning).</p>	<p>Under the EP Act, EPA can only regulate transport of prescribed industrial waste, which does not include CRWM. The legislative framework for safely transporting waste is provided by WorkSafe Victoria and dangerous goods legislation.</p> <p>Facilities should determine how to manage hot loads within their emergency management plan and work with their suppliers to improve fire risk management throughout the supply chain.</p>

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<b>Compliance concerns</b>		
<b>Process for complying</b>	<p>Greater clarity was requested on which authority will determine compliance and how, considering the potential for conflicting advice from different agencies conducting site inspections.</p> <p>More information was requested regarding the mechanisms for assessing compliance and enforcement against non-compliance.</p> <p>Commenters also queried how compliance with a remedial notice would be acknowledged by the regulator.</p>	<p>EPA administers this policy. The policy now includes the definition of “the Authority” to clarify this.</p> <p>EPA’s publication 1388 <i>Compliance and enforcement policy</i> indicates how businesses can expect EPA to regulate.</p> <p>Remedial notices may be issued to facilities, which require them to remedy an environmental hazard or non-compliance with the policy. A notice will be accompanied by examples of how to comply and an expected time frame for compliance.</p> <p>A notice will be revoked if compliance is achieved within the allocated period. Further sanctions may be considered for non-compliance with a notice.</p>
<b>Support to comply</b>	<p>Industry representatives sought a clear understanding of what compliance support is available to them.</p> <p>Besides the guideline, there were many suggestions for how industry could be supported, including:</p> <ul style="list-style-type: none"> <li>- user-friendly resources and tools</li> <li>- standards for site selection and operation</li> <li>- low interest loans to upgrade sites.</li> </ul>	<p>The revised guideline will provide better support and advice for the wide range of facilities that are subject to the policy. This will include templates for risk assessment and emergency management plans, and links to other sources of support.</p> <p>When EPA issues remedial notices, it also offers examples of how to comply and explains the reasons it found the facility to be non-compliant with the policy.</p> <p>Government is exploring a range of options to complement the guideline and further support industry to comply.</p>
<b>Penalties and enforcement approaches</b>	<p>One submission expressed concern that penalties are not explicitly referred to in the policy or guideline.</p>	<p>Penalties for non-compliance with waste management policies are set out in the EP Act.</p> <p>Remedial notices may be issued in response to non-compliance with a policy but are not themselves penalties. Notices ensure there is a formal record that EPA has required action to remedy a risk or prevent further harm, and that people are treated consistently.</p> <p>Failure to comply with a notice, or other non-compliances, can lead to enforcement measures. These measures include penalties or prosecution and will vary depending on the infringement.</p>

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<b>Compliance to an “equivalent” level</b>	<p>Several commenters were concerned that it is unclear how alternative compliance would be achieved, as there was insufficient guidance on what constitutes an “equivalent level” of compliance compared to the guideline.</p> <p>One submission suggested including a subclause allowing a tailored compliance approach to be developed by a facility.</p> <p>Feedback also indicated it is not clear how alternative compliance would be acknowledged by the regulator, with concerns regarding inconsistency in interpretation by individual compliance officers.</p> <p>One submission was concerned that an alternative compliance option is not needed, as the guideline is flexible enough. Having an alternative approach available may lead to weaker controls and inefficient use of regulator resources that are diverted to assessing alternatives and ensuring adequacy, and potentially allow rogue operators to avoid regulatory burden.</p> <p>Another submission was concerned that this flexibility may reduce regulatory certainty for the sector, with implications for business planning.</p>	<p>Clause 7(2)(b) of the policy clarifies how this alternative compliance can be achieved, namely; “in a manner that minimises risks of harm to human health and the environment from fire at the facility to a level at least equivalent to that under the [guideline].” The revised guideline will provide advice on documenting and demonstrating equivalence and seeking relevant advice to support this.</p> <p>The policy is broad in scope, and it applies to a range of facilities of different scales, locations and types. That’s why the policy allows tailoring of compliance approaches by facilities. It is not possible to capture all these possible options in the guideline.</p>

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Issue	Comments	Response
<p><b>Level of compliance activity and engagement</b></p>	<p>Concerns were raised about whether compliance activity would be sufficient to improve safety standards at waste and resource recovery facilities.</p> <p>One submission suggested that licensing enabled more regular engagement with the regulator, producing better fire risk awareness and management outcomes.</p> <p>Another submission recommended using EPA's Illegal Dumping Strikeforce to identify unknown stockpiles and remedy rogue operators.</p> <p>Another submission raised the need for industry education around the policy and guideline.</p>	<p>Since its establishment in August 2017, the <u>Resource Recovery Facilities Audit Taskforce</u> has conducted 295 on-site inspections across 114 sites, and issued 70 remedial notices and 10 sanctions (as at 3 July 2018). Around 50 per cent of remedial notices issued have been revoked after compliance with the policy requirements was achieved by those facilities. The Taskforce has been actively working with facilities through those inspections to improve their understanding of obligations under this policy.</p> <p>EPA's Illegal Dumping Strikeforce is particularly focused on the intentional and deliberate dumping of waste. The scope of the Strikeforce includes waste stockpiles that have been abandoned at premises not intended as legitimate resource recovery facilities.</p> <p>Over time, and as safety standards improve in the sector, the audit and inspection work of the Taskforce will transition to become part of EPA's standard compliance activities. Ongoing EPA activity will be conducted in accordance with EPA publication 1388 <i>Compliance and enforcement policy</i>. That publication articulates EPA's approach, method and priorities for ensuring compliance with legislation and carrying out compliance and enforcement powers.</p> <p>EPA uses a balanced regulatory approach, with a mix of compulsory and voluntary methods including education and advice.</p>

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Issue	Comments	Response
<p><b>Time and cost to comply</b></p>	<p>Commenters highlighted the time needed to secure funding for, and undertake significant works to comply with, the policy.</p> <p>Some were also concerned that timeframes granted by EPA in a remedial notice may not be feasible.</p> <p>Concerns were raised about the phasing of remedial works in relation to financial cycles for local councils, who operate many waste and resource recovery facilities.</p> <p>Some feedback expressed concern that issuing a facility with successive remedial notices did not provide a stable regulatory environment for the industry.</p> <p>Information was also requested on whether funding will be available to assist industry to implement changes required by the policy.</p>	<p>The interim policy has imposed similar compliance obligations for 12 months now, being applied in a risk-based manner by EPA. Facilities requiring significant works in order to comply should already be well engaged in that process.</p> <p>Pollution abatement notices (PAN) generally have a 30-day compliance timeframe, plus a 10-day service period. Issuing of successive notices may lead to further sanctions under section 27A of the EP Act, if appropriate and in line with EPA's <i>Compliance and enforcement policy</i>.</p> <p>An EPA authorised officer may issue a draft notice, at which point compliance dates may be discussed in line with EPA publication 1418 <i>Remedial Notices Policy</i>. If the duty holder has concerns, they can discuss with the EPA officer to determine how and when compliance can be achieved.</p> <p>Initially, successive PANs may need to be issued to sites, however this is not anticipated to be required in the long term. Once compliance with the policy has been achieved, a facility would be expected to continue to comply after revocation of their PAN. If compliance lapsed, it may be deemed necessary to issue another PAN or to escalate to penalties.</p> <p>A lack of funding certainty due to timing of remedies in relation to financial cycles will generally not be accepted as a defence for non-compliance with the policy. It is important that the risk of fire is mitigated as soon as possible.</p> <p>The government has allocated a range of funding to assist the sector with improvement and upgrades to waste management infrastructure, including:</p> <ul style="list-style-type: none"> <li>• The \$13 million Resource Recovery Infrastructure Fund, which aims to support development of infrastructure to improve collection and processing of recycled materials. To date, funding rounds have awarded approximately 27 infrastructure projects in metro and regional Victoria with over \$9 million. An additional \$8.3 million for these grants was recently announced.</li> <li>• <u>Recycling Industry Transition Support Grants</u> comprised \$1 million to support development of infrastructure across Victoria to improve collection and processing of recycled materials.</li> <li>• \$15 million has been allocated to local councils through the <u>E-waste Infrastructure Support Program</u>. This will support local councils to upgrade e-waste collection and storage facilities across the state and ensure e-waste is managed and stored safely.</li> </ul>

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Issue	Comments	Response
<b>Neighbours</b>	Questions were raised regarding who is liable if a fire starts on a neighbouring property and spreads to a waste and resource recovery facility.	The responsibility of the facility occupier is to minimise harm to human health and the environment from fire at the facility. It doesn't matter how a fire at the facility starts, the facility operator should have good practices and planning in place to minimise harm.
<b>Landlord obligations</b>	Clarity was sought about the obligations of landholders to share risk knowledge with waste and resource recovery facilities operating on their land.	A landowner should ensure any tenants operating a waste and resource recovery facility are aware of their obligations. This can help mitigate future compliance issues or management costs for the landowner.
<b>Insurance implications</b>	Concerns were raised about the impact of the policy on the insurability of facilities, both compliant and non-compliant.	<p>The goal of the policy is to improve the safety standards at waste and resource recovery facilities, which should improve insurance risk perception. It is a necessary tool to transition the industry to a less risky and more sustainable sector.</p> <p>Being issued a remedial notice for not complying with the policy is an opportunity to improve fire safety at the site.</p>
<b>Abandonment of waste</b>	One commenter asked whether there is a tool to enforce against abandonment of waste.	Section 27A(2)(a) of the EP Act addresses waste which is inappropriately dumped, deposited or discarded at a place not licenced to receive industrial waste.
<b>Wilful non-compliance</b>	The question of how wilfully non-compliant/illegitimate operators will be managed was raised.	<p>Where wilful non-compliance is detected, sanctions under s27A(2)(a) or s27A(1)(a) of the EP Act will be applied depending on the nature of the offence. Illegal dumping offences can be used to deal with illegitimate operators not seeking to undertake a resource recovery activity.</p> <p>Penalties are set out in the EP Act and include penalty infringement notices or prosecution and will vary depending on the infringement.</p>
<b>Contractor obligations</b>	It was asked how compliance would be pursued where a contractor is responsible for the operation of a facility.	A definition of "occupier" has been included in the policy, and this includes contractors who are responsible for operating a facility.

The new Waste Management Policy (Combustible Recyclable and Waste Materials) will be available on EPA's website at <https://www.epa.vic.gov.au/about-us/legislation/waste-legislation/waste-management-policies>

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Table 2: Summary of broader issues and responses

Issue	Comments	Response
<p><b>Market development and interventions</b></p>	<p>Some concerns were raised about broader market development for the recycling sector.</p> <p>One submission suggested that Government should focus on driving investment in recycled products to stimulate demand and require manufacturers to take back end-of-life products, including introduction of a container deposit scheme.</p>	<p>The Government is investing at record levels in programs to develop markets for recovered resources and facilitate private investment in resource recovery infrastructure.</p> <p>In July 2018 the Government launched the Recycling Industry Strategic Plan - a \$37 million blueprint for a safe, resilient and efficient recycling system in Victoria. The plan includes a set of complementary actions which will create a more stable and productive recycling sector, improve the quality of recycled materials, and develop new markets for these materials.</p> <p>This includes funding for key initiatives:</p> <ul style="list-style-type: none"> <li>• boosting the Resource Recovery Infrastructure Fund, which leverages private investment in recycling infrastructure, to over \$21 million</li> <li>• expanding the existing market development program, which supports research institutions and industry to identify new uses for priority waste materials</li> <li>• delivering an education campaign that will ensure Victorians clearly understand what they should place in their recycling bin</li> </ul> <p>The plan includes the \$13 million support package announced in February to help councils and industry in the short term, which followed China's decision to stop importing low-quality recyclable materials.</p> <p>The plan will see commitment from the Victorian Government to support the development and commercialisation of recycled content products. This commitment will be met by driving demand for recycled content and products through leveraging government procurement to drive demand for recycled materials and increasing investment in research and development, which will strengthen demand for recovered resources within Victoria and strengthen end markets.</p> <p>In relation to a container deposit scheme, the Government is monitoring what happens in other states as they introduce their schemes, to learn from those experiences and consider their implications for Victoria. Any new scheme needs to be a good fit for Victoria and its benefits need to outweigh the costs.</p>

# Managing combustible recyclable and waste materials in Victoria

Issue	Comments	Response
<p><b>Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP)</b></p>	<p>One submission highlighted the need to increase engagement with the private sector on the objectives of the SWRRIP and benefits of aligning future planning with it.</p> <p>The submission recommended the government:</p> <ul style="list-style-type: none"> <li>- support operators to locate their business in areas prioritised by the SWRRIP</li> <li>- encourage local processing on smaller sites</li> </ul>	<p>SV engages regularly with the waste and recycling sector on a range of issues, including long-term waste infrastructure planning. SV is committed to ensuring Victoria’s waste and resource recovery providers are aware of the SWRRIP and its objectives and can plan to meet those objectives.</p> <p>The SWRRIP and the seven complementary Regional Waste and Resource Recovery Implementation Plans identify waste and resource recovery hubs, in many instances identifying the suitability of these sites for establishment of resource recovery infrastructure. The waste and resource recovery groups (WRRGs) support development of these hubs, liaising with local government and businesses to identify appropriate development of waste facilities.</p> <p>SV offers an Investment Facilitation Service which may include supporting investors to identify potential sites/areas. Such sites are frequently but not exclusively in waste and resource recovery hubs. Coordination is undertaken to integrate waste and land use planning systems, and to support appropriate use of land. SV and the WRRGs also work with local government to ensure that waste and resource recovery facilities are considered in strategic land use planning and municipal planning schemes, to enable the retention and establishment of buffers so that facilities can operate without impacting communities.</p> <p>The SWRRIP recognises that smaller scale reprocessing could play an increasing role in recovering our resources, subject to the aggregation of sufficient material to create economies of scale.</p>
<p><b>Unintended consequences for recycling</b></p>	<p>It was questioned if the policy limits recycling markets by preventing stockpiling of materials that could be recycled, leading to landfilling of this material.</p>	<p>The policy objective is not to prevent the storage of CRWM but to require occupiers of waste and resource recovery facilities to take all reasonable steps to manage and store CRWM in a manner that minimises harm to human health and the environment from fire.</p> <p>We are not aware of any additional kerbside-collected recyclable materials being disposed to landfill as a result of China’s new limits on imported low quality waste paper and plastic. Through the Recycling Industry Strategic Plan, announced on 3 July 2018, the Victorian Government has committed to a suite of actions that will develop local markets, and increase capacity to domestically reprocess these materials.</p>

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<p><b>Industry engagement</b></p>	<p>One submission recommended the government work with industry associations to:</p> <ul style="list-style-type: none"> <li>- co-design guidance materials and standards that are fit-for-purpose and aligned</li> <li>- channel communications and engagement activities</li> <li>- build industry capacity and capability</li> <li>- capture issues and challenges faced by industry</li> </ul>	<p>In recognition of the role of industry associations in representing and engaging their sectors, consultation with industry associations is a priority for government engagement processes. Early, focussed engagement with industry associations is undertaken where practicable.</p> <p>The government's <i>Managing fire risk at resource recovery facilities: Action Plan</i> commits to encouraging and supporting industry leadership in better site management, including managing fire risks. Industry associations will have an important role in achieving this.</p>
<p><b>Regulatory certainty for the sector</b></p>	<p>One submission expressed concern that further regulatory review planned with the current overhaul of environment protection legislation would lessen certainty for the sector, undesirable given the large degree of change the industry are currently experiencing. Relying on fire prevention notices was proposed as a preferable approach given this uncertainty.</p>	<p>The policy will manage fire safety standards in the sector at least until the reformed environment protection legislation, if passed by Parliament, commences in 2020. All policies under the existing environment protection legislation will be reviewed in preparation for transitioning to the new framework. The drafting of the policy is compatible with the general duty approach adopted in the Environment Protection Amendment Bill 2018. It is unlikely that substantive change will be adopted immediately from 2020, even though the form of the legislative instrument will need to change to fit under the new Act.</p> <p>This policy, and the interim policy it replaces, was developed to address the clear and present risk of harm to human health and the environment posed by unsafe management of CRWM at waste and resource recovery facilities. The policy provides EPA with a clear statutory basis to take action against facilities failing to manage and store CRWM in a way that minimises risks of harm from fire.</p> <p>Broader questions around the way government agencies work with industry to manage risks of harm to human health and environment from fire need to be addressed through subsequent regulatory review, which may inform changes to the regulatory approach in the longer term. This review is committed to in the government's <i>Managing fire risk at resource recovery facilities: Action Plan</i>.</p>

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<b>Consideration of environmental justice and community needs</b>	It was questioned whether environmental justice and community needs were considered when developing the policy.	<p>The interim <i>Waste Management Policy (Resource Recovery Facilities)</i>, which this policy will replace in its objectives, was established with the express purpose of protecting communities and the environment from fires at waste and resource recovery facilities that result from unsafe practices. This purpose acknowledges that it is not reasonable or just to expose communities that are collocated with these facilities to greater risks than communities not in these regions. Greater regulation of these facilities seeks to improve environmental justice and community outcomes.</p> <p>Environmental justice ensures decisions about the environment are made in a way that is fair, inclusive and transparent. The Victorian Government is currently developing a whole-of-government approach to environmental justice as part of the response to the <i>Independent Inquiry into the Environment Protection Authority</i>.</p>
<b>Community education</b>	There were suggestions that community education is needed to improve recycling behaviours and a result reduce the amount of contamination in waste streams.	<p>Contamination in kerbside collection bins reduces the quality and market value of recyclable materials and makes sorting and processing difficult and costly. One of the goals of the Victorian Government's <i>Recycling Industry Strategic Plan</i> is to increase the quality of recycled materials. SV will deliver a three-year, state wide education campaign to equip Victorian's with information on effective recycling. This will include a campaign targeting best practice recycling within households.</p> <p>The campaign will provide clear, consistent information across the State and will be integrated into existing education programs, such as ResourceSmart Schools and the recently launched e-waste education campaign.</p>
<b>Urban heat island effect</b>	One submission suggested the policy should capture the impact of the urban heat island effect.	The urban heat island effect is not considered a significant contributor to fire risk, and waste and resource recovery facilities are predominantly located in urban fringe or regional areas where this phenomenon is not pronounced.
<b>Waste to energy</b>	Some commenters suggested that supporting waste to energy should be the Government's priority regarding managing CRWM.	<p>Waste to energy presents opportunities to recover resources from wastes that cannot be reused or recycled. Most CRWM stored and managed by waste and resource recovery facilities can be recycled.</p> <p>We should first reduce our waste, then consider reuse and recycling. Recovering energy from our waste can generally provide better environmental and economic outcomes than landfill or other disposal.</p> <p>Late last year we released a discussion paper to help us develop our thinking and explain the government's preliminary views. You can view the discussion paper at <a href="http://www.engage.vic.gov.au/waste">www.engage.vic.gov.au/waste</a>. We received valuable feedback on the opportunities, challenges and risks of waste to energy technologies, and we are currently considering all the feedback we received.</p>

## Summary of feedback relating to the guideline

We received a lot of valuable feedback regarding how EPA's *Management and Storage of Combustible Recyclable and Waste Materials - Guideline* (publication 1667) could be improved. This feedback will be considered in the revision of the guideline, to be finalised later this year.

Feedback to improve the guideline included:

- better support for risk-based application of the policy, with guidance that is flexible and scalable to type, size, location, and level of risk of facilities
- better integration with other relevant regulatory requirements and compliance support resources
- a need for more user-friendly support, including tools such as templates
- better guidance on the regulatory framework for indoor storage of CRWM and on how CRWM stored indoors should be managed
- a need to clarify language, both prescriptive and flexible, and what constitutes a 'stockpile'
- better consideration of the relative risk of different types of CRWM
- more clarity around roles and responsibilities of those involved in managing CRWM
- guidance on managing and understanding ignition sources.

## Appendix 1

Written submissions were provided by:

1. Individual 1 - 3029
2. Individual 2 - 3000
3. Individual 3 - 3122
4. Individual 4 - 3677
5. Individual 5 - 3001
6. Individual 6 - 3995
7. ARCC
8. Benalla Rural City Council
9. Golden Plains Shire Council
10. Municipal Association of Victoria
11. Victorian Ratepayers Action Group
12. Visy Industries
13. Greenchip Recycling
14. WM Waste Management Services
15. TCPA
16. North East Waste and Resource Recovery Group on behalf of the north east councils
17. Towong Shire Council
18. Golder Associates Pty Ltd on behalf of the Metal Recycling Shredding Industry Group
19. North East Waste and Resource Recovery Group
20. SKM Recycling
21. Tyre Stewardship Australia
22. Tyrecycle
23. Victorian Waste Management Association
24. Bingo Industries
25. Fire Protection Association Australia
26. Hobsons Bay City Council