

Submission on the Department of Environment Regulation Background Paper and Environmental Standard: Assessing leachates from waste-derived materials



August 2015

Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate. This Submission therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

Due to the timeline for consultation this Submission has not yet been considered by MWAC. The Submission will be considered by MWAC on Wednesday 27 August and the Department informed of any changes.

Introduction

The Association understands the importance of ensuring that any material applied to land is not going to have an unacceptable impact of the environment. The comments in the Background document provide a good introduction to the case for testing materials in a range of ways which would more accurately take into account the receiving environment. However, in using a risk based approach to waste derived material it is important to understand the input controls in place and consequently the risk associated with the use of the material and the likelihood of leaching any harmful products. The Background Paper highlights some of these considerations in relation to the variability of the receiving environment.

From discussions with the Department it is understood that the intent is to transfer all the current Waste Derived Material documents from Guidelines to Environmental Standards (ES). Also that the leaching Environmental Standard would only applying to those using the Case by Case Waste Derived Material process.

Scope

The Association is concerned with the current wording in the scope which states that the Standard will apply to material "disposed of on land surfaces" in the context of the DER Guideline on Regulating Waste Derived material anything that is disposed of would be considered a 'waste'. The Association suggests that this should be amended to say material 'applied to land'. Regarding the second area in the scope, DER clarified that material used as soil amendment would only be subject to the leaching test after the material had been blended.

Recommendation: Amend the scope to say material 'applied to land' and clarify that leachate testing would apply to soil amendments after blending.

Application of Test Methods

The section identifies the range of testing regimes that could be required and provides some background on each. However, it does not identify the circumstance in which each testing regime would be required. It is understood from discussion with DER that this would be determined on a case by case basis. The Association suggests this be clarified in the document.

Sampling and Sample Preparation

The ES notes that SW-846- Chapter Three and Four should be used. It is suggested that the following clarification be included, taken from the US EPA, which identifies how these approach should be used and by whom.

SW-846 is not intended to be an analytical training manual. Therefore, method procedures are written based on the assumption that they will be performed by analysts who are formally trained in at least the basic principles of chemical analysis and in the use of the subject technology

In addition, SW-846 methods, with the exception of required method use for the analysis of method-defined parameters, are intended to be guidance methods which contain general information on how to perform an analytical procedure or technique which a laboratory can use as a basic starting point for generating its own detailed standard operating procedure (SOP), either for its own general use or for a specific project application. Performance data included in this method are for guidance purposes only, and must not be used as absolute quality control (QC) acceptance criteria for purposes of laboratory QC or accreditation.¹

Analysis and Reporting

The ES requires NATA accredited Leaching Environmental Assessment Framework (LEAF) testing. The Association is concerned about the very limited number of Laboratories in WA which are able to perform the testing. Investigation indicates that only, perhaps, the ChemCentre is able to perform the tests.

For the testing regime to be economically viable, and to encourage organisations to apply for case by case determinations under the Waste Derived material framework, more laboratories will need to be NATA accredited to deliver these tests.

Recommendation: DER investigate the capacity of WA based Laboratories to undertake the LEAF testing and facilitate capacity building to enable the testing to occur.

¹ US Environmental Protection Authority (2012) Liquid-Solid Partitioning as a function of extract pH using a parallel batch extraction procedure <http://www.epa.gov/epawaste/hazard/testmethods/sw846/pdfs/1313.pdf>