

19 February 2010

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Policy and Process Management
Environmental Regulation Division
Department of Environment and Conservation
Locked Bag 104
Bentley Delivery Centre WA 6983

To Whom It May Concern

**Submission into the Draft Policy on Acceptance of Acid Sulphate Soils at
Landfill Sites**

Thank you for the opportunity to comment on the above policy. This is an interim submission to the Department of Environment and Conservation (DEC) representing the view of Western Australian (WA) Local Governments.

This submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). The Municipal Waste Advisory Council 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). This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

Local Governments are responsible for the management and operation of 87 of the 97 landfills throughout the metropolitan and south west of WA (7 of these are private/Local Government partnerships). Most of these landfills are Class II category landfills. As such, any change to the requirements for the acceptance of acid sulphate soils (ASS) at landfill sites has the potential to affect Local Government.

MWAC supports the development of an acceptance of ASS at landfill sites policy, as it will potentially give more direction to landfill operators as well as those depositing the material. MWAC also supports the diversion of ASS from landfill for other reuse options. There are a few details, however, that we would like clarified/amended.

General Comments:

- When are the 'draft' guidelines referenced to be finalised (one is from 2003)?
- How will ASS be regulated? For example, how is it assured that the developers generating ASS are disposing of the material appropriately? What is the rationale for the 15% blending rate? There is concern regarding the divergent regulation of landfill operations depending upon which Branch of the DEC writes the policy.
- There is some unease amongst Local Government in regards to the possibility of increased work load due to this policy. The main concern is that stockpiling or treating ASS would incur an additional workload and cost, especially considering this is not core Local Government business.
- MWAC supports the treatment of ASS to be used in landscaping, treated to a similar level and disposed of in a Class I landfill. There is an additional benefit in that Class II metropolitan airspace is not filled up unnecessarily.
- There are a variety of soil types in the metropolitan areas. This should be taken into consideration when assessing the suitability for ASS disposal.

Aim

'To ensure occupiers of licensed landfills meet legislative requirements when accepting ASS.'

Recommendation 1: That the term 'occupiers' be changed to 'operators' to be consistent with legislation and current practice.

Background

'Most ASS can be treated for re-use as compost or soil amendment and should not be simply considered as a waste product.'

This statement contradicts what is written in Appendix 1. In Appendix 1 it is stated that 'ASS can also be incorporated in compost or soil amendments.'

Recommendation 2: That DEC amend the 'Background' of the policy to reflect that ASS can be incorporated in compost or soil amendments, although treated ASS cannot be used as compost.

Table 1: Acceptance of ASS at landfill sites

Concern has been raised over the perceived inconsistency between an unlined Class I landfill being prohibited from accepting treated ASS, whereas an unlined Class II landfill is permitted to accept the same material. Furthermore, treated ASS can be reused in a non-landfill application with apparently no restriction, and a lined Class III or Class IV landfill is treated identically to an unlined Class II landfill.

Recommendation 3: That the DEC reworks Table 1 to remove possible inconsistencies.

Use as cover in landfill

'3. After treatment in accordance with DEC guidelines Draft treatment and management of soils and water in acid sulphate soil landscapes, and subject to Landfill waste classification and waste definitions 1996 (as amended) (2005), suitable chemically treated ASS can be used as daily cover material at a landfill of Class II, II, or IV, and at no more than 15% of the cover mixture.'

A restriction on depth of cover has not been specified elsewhere in this document, and as a result there is a concern that there may be instances where final cover depth is unrestricted except where treated ASS is incorporated into it, in which case the depth is restricted to 2 metres. There is also the possibility of further complications if a compost blend incorporated treated ASS is used in the final cover, leading to a final cover depth restriction. MWAC is of the opinion that, as depth of cover is an issue which will be covered by already existing operation guidelines and determinations will be site specific. The ASS policy is not the appropriate document to cover these requirements, unless there is a specific reason why the cover depth, if using treated ASS, should be limited.

Recommendation 4: Remove reference to cover depth, unless clear scientific rationale for the restriction is presented.

Long term storage

6. Prior to entering a licensed landfill, or following acceptance, ASS need to be chemically treated in accordance with Draft treatment and management of soils and water in acid sulphate soil landscapes. Where a licence permits chemically treated ASS to be stored at a landfill for 12 months or more, a condition of licence will require that the stored ASS is periodically tested by appropriate laboratory analysis to ensure that its acid buffering (acid neutralising) capacity has not been depleted (ie. as in Draft treatment and management of soils and water in acid sulphate soil landscapes).

There is a concern that the requirements outlined relating to the stockpiling and the testing of ASS delivered to landfill will have a direct impact on the work load, cost and resources of landfill operators. The policy is likely to lead to Landfill operators being less willing to accept ASS.

Conclusion

MWAC would welcome the opportunity to contribute further to the development of the policy on the acceptance of ASS at landfill sites and included in any further consultation to ensure the appropriate representation of Local Government.

In the meantime, MWAC would like clarification from the DEC on a few key points:

1. Details on how the policy is to be regulated.
2. Clarification on the rationale for the 15% blending rate.
3. Clarification on the rationale for the limit to cover depth.

If you have any queries in regards to this submission, please contact MWAC Waste Policy Coordinator, Erin Fuery on (08) 9213 2086 or efuery@walga.asn.au.

Yours sincerely

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