

# Submission on the Draft Environmental Guidelines - Solid waste landfills

June 2015

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## Opening

Local Government NSW (LGNSW) is the peak body for councils in NSW. It represents all the 152 NSW general-purpose councils, the special-purpose county councils and the NSW Aboriginal Land Council. In essence LGNSW is the 'sword and shield' of the NSW Local Government sector.

LGNSW is a credible, professional organisation representing NSW councils and facilitating the development of an effective community-based system of Local Government in NSW. LGNSW represents the views of councils to NSW and Australian Governments; provides industrial relations and specialist services to councils; and promotes NSW councils to the community.

LGNSW welcomes the opportunity to comment on the *Draft Environmental Guidelines - Solid waste landfills* (the Guidelines). In development of this response, LGNSW sought feedback from NSW councils and regional waste groups. This feedback has been incorporated into the submission.

This submission provides a high-level response to the Guidelines, including a response to the newly proposed Quality Assurance requirements. This is followed by a detailed response to the minimum standards and other technical requirements which are of relevance to Local Government.

Please note that this submission is provided in draft form, in anticipation of LGNSW Board endorsement on 7 August 2015. LGNSW will advise the NSW Environment Protection Authority (EPA) of any amendments to the submission after this date.

## Response

Local Government commends the EPA for developing the second edition of the Guidelines and acknowledges the level of detail provided and effort involved in updating the 1996 edition of the guidelines.

Overall, Local Government is supportive of the Guidelines as an appropriate tool to support our sector in landfill operations. Local Government also considers the Guidelines to be well-presented and easy to read.

Although the Guidelines do not form a regulatory instrument in themselves, Local Government is concerned that elements of the Guidelines may be written into licence terms, affording these elements equivalent regulatory force. LGNSW requests the EPA guarantee that they remain guidelines and are not called up in licences.

### Prescriptive vs. fit for purpose

In general, the new Guidelines are more prescriptive than the previous edition of guidelines. Local Government would prefer additional flexibility to be provided in the Guidelines, especially in highly prescriptive areas. In general, the level of prescription should be lowered to allow for cost-effective outcomes to be achieved at the local level. This submission highlights a number of prescriptive aspects within the Guidelines which should be altered to be fit for purpose, rather than prescriptive.

Local Government seeks clarity on the pathway through which deviations from the Guidelines can be made. It is noted that the 1996 edition contains an excellent introductory section explaining the role of landfilling as well as an explanation of the performance-based approach.

The draft Guidelines could benefit from a similar inclusion detailing the process flow anticipated in application of the Guidelines.

### **Quality assurance**

The new requirement for a Construction Quality Assurance Plan and Construction Quality Assurance Report by an appropriately qualified and experienced engineer are not supported by Local Government. This new requirement which is located at the rear of the document will have a significant impact on Local Government which already operates on tight budgets. A similar quality assurance system has been in place in Victoria for a number of years and landfill operators have reported significant increases in cell and landfill costs as a result.

The proposed Quality Assurance system is both onerous and unreasonably costly for the community. As all Local Government costs are effectively passed onto the community, Local Government supports a system which is flexible, cost effective, efficient and safe for the community.

### **Technical detail and minimum standards**

#### ***Siting restrictions***

Local Government does not support the proposed siting restrictions in relation to existing sites. Many councils operate existing landfills which do not meet the proposed siting restrictions, nor hold existing development consents for expansion. The application of these restrictions to new cells at these sites is likely to be problematic and impractical. Local Government recognises the need for reasonable human health and environmental protection, however these new guidelines should not be applied retrospectively to existing sites.

#### ***Leachate barrier system***

In order to standardise systems, it is recommended that the 1000mm requirement for compacted clay liners be adjusted to 900mm in accordance with Section 15 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

Further the requirement for flexible membrane liners to “consists of a thin plastic film, minimum 2mm thick, manufactured from high density polyethylene” is considered too prescriptive. This dot point could be deleted as the performance objectives are clearly stated in the second dot point.

As you would be aware, landfilling on closed cells is very common and reduces the need for new landfill developments. The guidelines provide an avenue for *Landfilling on Closed Cells* to occur and thus the opening paragraph of section 1.10 relating to ‘piggybacking’ is considered unnecessary. If the EPA retains this paragraph, an evidence-based explanation should be provided.

#### ***Leachate storage and disposal***

The Guidelines do not generally support reinjection as a solution for all leachate generated at a landfill. Local Government encourages the EPA to relax this requirement as reinjection is an effective solution in some cases, especially when there is no sewer or for landfills with suitable climatic conditions.

#### ***Amenity issues: odour, dust, noise, litter and fire control***

The operational practice for dust control which requires landfill operators to “stop excavation works and reduce operations on dry, windy days or when the prevailing wind is blowing in the directions of sensitive receptor locations” is considered onerous and impractical. This requirement is considered too prescriptive and as is understood across the industry alternative dust control and suppression measures are available which produce acceptable results.

### ***Waste acceptance and site security procedures***

The requirement for supervision on the tipping face to be carried out by someone other than the compactor driver is considered to be overly onerous. In many cases this will result in the need for a new staff member to be employed, an additional expense which is neither necessary nor practical. Local Government suggests that adequate supervision should be demonstrated by each site as opposed to applying a prescriptive requirement to all sites.

### ***Covering of waste***

The use of virgin excavated natural material as daily cover promotes the quarrying of these natural materials, increases landfill operation costs and is not considered sustainable. Accordingly, Local Government supports the introduction of a wider range of pre-qualified alternative daily cover materials in the Guidelines. However the trial process to identify suitable alternative daily cover materials proposed in the Guidelines is considered overly onerous. It is suggested that the Guidelines include a wider list of pre-tested and approved alternative materials for daily cover, a move which would also promote resource recovery and reuse.

As cover materials are landfilled for environmental protection purposes, Local Government supports a levy exemption for all cover materials.

### **Guideline review and application**

Local Government urges the EPA to establish a review date for this document to ensure the Guidelines remain relevant and up-to-date for landfill operators into the future, a minimum 4-5 year update schedule is recommended.

In application of the Guidelines, once published, Local Government recommends that the EPA carries out extensive training to ensure all EPA waste compliance staff apply the Guidelines in a consistent manner, including any circumstances and processes for deviating from the Guidelines.

Local Government often experiences delays in receiving advice/approvals for licensing applications, variations and operational purpose deduction assessments. This could be improved by establishing an assessment response timeframe within the Guidelines.

While it is clear that the intent of the Guidelines is for licensed landfills only, Local Government also operate many landfills that do not require licensing (unlicensed landfills). Following this review process, Local Government would support the development of a set of basic principles for unlicensed landfills, noting that further consultation would be necessary.

### **Conclusion**

Overall Local Government is supportive of the Guidelines and welcomes them as a useful guide for landfill operators. A key concern for Local Government is the Quality Assurance minimum standard which is likely to result in significant additional cost to Local Government and ultimately the community. The benefits of the proposed Quality Assurance system have not been demonstrated in the Guidelines and are unlikely to outweigh the overall costs. This submission also raises a number of technical concerns from a Local Government perspective, as well as some recommendations for review and implementation of the Guidelines.

LGNSW appreciates the opportunity to provide this feedback on behalf of Local Government in NSW.