

5 March 2021

Environment Protection Authority
Victoria

Via website: <https://engage.vic.gov.au/waste-and-resource-recovery-determinations>

Dear Sir/Madam

PROPOSED WASTE AND RESOURCE RECOVERY DETERMINATIONS DISCUSSION PAPER FEBRUARY 2021

The Construction Material Processors Association (CMPA) is dedicated to the representation and service of its Members in the Victorian Earth Resources industry. The CMPA represents a broad spectrum of businesses that extract and process hard rock, gravel, sand, clay, lime, and soil. CMPA members also operate recycling businesses.

CMPA members are typically small to medium sized family and private businesses, local government and utilities. Many are regionally based employers and service local construction, infrastructure and road maintenance needs. The extractives sector is a key pillar within the construction industry underpinning the growth and economic development of Victoria through supply of the construction materials.

In 2019/20, the sector supplied 63 million tonnes of construction materials to the market, at a value of approximately \$1.1 billion. Small to medium quarries account for approximately half of this production.

The CMPA supports the principle of responsible, balanced legislation that is in the best interests of the State of Victoria and Australia.

Thank you for the opportunity to comment on the Proposed Waste and Resource Recovery Determinations Discussion Paper February 2021 and discussions held Monday 1 March 2021 with CMPA members.

p.3

“Determinations set specifications and conditions for the receipt of industrial waste which, when met, will enable the lawful use of these recovered materials without any further self-assessment or EPA approval.”

CMPA comment

Removal of unnecessary barriers to the reuse of construction and demolition waste will enable robust recycling of the products.

p.30 2nd para

“Fill material is waste soil which is defined in the Regulations as having ‘contaminant concentrations not exceeding the upper limits for fill material contaminant concentrations specified in the Waste Disposal Categories —Characteristics and Thresholds¹; and does not contain asbestos’. It can be used for various purposes, such as construction, filling voids and as landfill cover.”

CMPA Comments

Insert at the end of the 2nd para “...***instead of virgin construction material.***”

p.34 2nd para

“For the purposes of this determination, ‘recycled aggregates’ means: Any industrial waste or mixture of industrial waste comprising of crushed: concrete, brick, ceramics or natural rock.”

CMPA Comments

‘recycled aggregates’ is the wrong term to use, a more appropriate term would be recycled construction material.

Industrial waste should also include glass and reclaimed asphalt pavement.

Note, natural rock (including virgin excavation rock), sand and gravel are **not** an industrial waste.

p.34 3rd para

“The determination will apply to recycled aggregates formed from industrial waste materials and does not apply to aggregates that are not industrial wastes.”

CMPA Comments

Virgin excavation rock from a subdivision is also not industrial waste.

p.34 4th para

“Recycled aggregates are valued in road bases and foundations due to their cement content which can form a harder and more stable base than virgin aggregates.”

CMPA Comments

The above statement is misleading: not all recycled construction material contains cement. Replace “Recycled aggregates” with “Some recycled concrete”.

p.35 1st para

*“In Victoria, C&D activities generated over 1,000,000 tonnes of C&D landfill waste in 2018-19...”
“Recycled concrete is a cost effective and comparable alternative source for aggregate materials that can be used in a range of applications and though Victorian and local government agencies regularly utilise recycled aggregates in civil works, road infrastructure and maintenance projects...”*

CMPA comments

Construction and demolition activities generates approximately 6 million tonnes recycled construction material per annum. Note that the supply of virgin construction materials is 63 million tonnes per annum (2019/20) and so supply of recycled construction material (which is dependent on demolition activity) equates to ~10 % of the construction material market.

Recycled concrete does not equate to the same strength of natural construction materials but may be used for infrastructure where fit-for-purpose, such as lower traffic volume roads.

p.36 2nd para

“Preferring to rely on virgin mined materials for use in pavements, foundations and construction, adds to energy and landfill demands, and greenhouse gas emissions.”

CMPA Comments

Firstly, the paragraph should read “virgin ~~mined~~ **quarried construction** materials”. Secondly, where is the evidence that reliance on virgin construction materials adds to energy and landfill demands and greenhouse gas emissions?

p.36 4th para

“Small-scale residential renovation and building projects tend to generate C&D waste that is often sent directly to landfill due to lack of economies of scale and net environmental benefits. Contributing factors include low volumes, low value for processed materials, high transport costs, lack of nearby processing facilities and distribution channels, and manual sorting not making recovery and processing economically viable relative to landfill costs.”

CMPA comments

At a CMPA/EPA online meeting held 1 March 2021, it was explained to EPA that small scale renovations/renovators do not have the expertise in identifying contaminants, for example, asbestos, making them high risk for acceptance and so are generally refused. Other contributing factors include the cost of compliance and obligations the “Lawful place” takes on.

p.36 5th para

“The Regulations allow duty holders to receive industrial waste (including recycled aggregates) that is not a priority waste, for onsite storage of less than 5 m³ or immediate use. In these circumstances a person will not need to interact with the determination. While this Regulation may alleviate some administrative and regulatory burden on industry, it is unlikely that the limit of 5 m³ for onsite storage or for immediate use of aggregates will meet the needs of larger industry stakeholders.”

CMPA Comments

The above regulation will not alleviate any administrative and regulatory burden on industry being on site storage of 5 m³. What is the definition of immediate use 1 hour, 1 day, 1 week, 1 month? It would be almost impossible to define the time recycled construction material would remain onsite. Additionally, is there a very short-term exemption (say a week) for incorrectly identified or refused material? There are instances where material is received at sites and identified as not meeting specifications the waste producer is required to arrange collection and proper disposal which can take some time.

The term “*aggregates*” is used instead of “*recycled aggregates*”, for example, p.36 5th para, p.37 1st line, p.37 2nd para, p.37 4th para, p.38.

p.37 1st para

“Where recycled aggregates are to be reused onsite and there is no change in management or control of the waste, the waste duties will not apply, and the person will not need to interact with the determination. In these circumstances the GED will continue to apply.”

CMPA Comments

It is highly unlikely that the recycled construction material will be reused on site (unless through blending with natural aggregates to meet, for example, a VicRoads specification) and so the determination will apply in the majority of cases.

p.37 2nd para

“Currently under the Act 1970, aggregates are non-prescribed industrial waste, not subject to waste transport certificates, transport permits or an EPA licence to receive. While there are industry standards for recycled aggregates and EPA guidance for the management of C&D waste, these are currently voluntary, though sanctions can be imposed for illegal dumping and polluting land.”

CMPA Comments

Virgin construction materials (natural aggregates) are not a waste even if non-prescribed. Consideration should be given to renaming recycled construction and demolition waste to recycled construction materials.

p.37 4th para

“In addition, the lack of a clear specification for processing standards can make it difficult to determine when recycled aggregates can be used. In the meantime, the waste aggregate continues to be stockpiled and, without any immediate value, is sometimes abandoned.”

CMPA Comments

There are clear specifications available through VicRoads for road construction materials. Waste construction and demolition materials are generally stockpiled for campaign processing.

p.37 5th para

“While a DoU will be available for the immediate use of aggregate wastes under the Act 2017, during the public consultation on the first exposure draft of the Regulations, concerns were raised that due to the high transaction frequency with respect to aggregates, the DoU may involve an unnecessary administrative burden.”

CMPA Comments

Yes, a Declaration of Use (DoU) would be an unnecessary administrative burden.

p.37 6th para

“It is intended that this determination will support and improve the already well-functioning recycling practices in the C&D sector and ensure the new waste framework does not work to impede this market.”

CMPA Comments

It is good that the already well-functioning recycling practices of the construction material industry are recognised.

p.38 *industry scenario*

CMPA Comments

Generally, construction and demolition waste is processed by a third party with permission to recycle, for example, at a Work Authority (quarry site). The advantages being that being that the quarry site already has the ability to better control amenity impacts; and utilise site and workforces skilled in the task of processing recycled construction materials. Construction and demolition companies do not currently hold EPA permissions only planning permits. The end users of the recycled construction materials should not need authority to receive the recycled products as this will inhibit the reuse of recycled construction material.

p.39 table

“Risk type

- *The presence of debris and other inert wastes may be detrimental to the reuse of potential aggregates and is not suitable for unrestricted use.*

- *Risks to human health and safety (glass, metal, asbestos) and risk of pollution to the environment (breakdown of plastics).*
- *Risks to human health and the environment from contaminants commonly found in C&D and other wastes used to form aggregates.”*

CMPA Comments

- Glass is not a contaminant in many cases and is in fact a recycled construction material.
- Metal is also not a contaminant in some cases.
- Testing for hydrocarbons is not common practice, however, the waste producer will be required to provide evidence of such.
- The difficult question of whether fill material containing arsenic may be used to fill voids where the naturally surrounding material has far greater concentrations of arsenic needs to be answered by EPA.

Summary

- The term “recycled aggregates” is wrong: recycled construction materials would be more understood and appropriate.
- Natural rock (including virgin excavation rock), sand, or gravel are all virgin construction materials and are not industrial wastes.
- Recycled construction and demolition waste is a well-established industry that utilises approximately 90% of recycled construction material to various specifications such as for VicRoads.
- Care must be taken to ensure that the current successful industry use of recycled construction materials is not destroyed overnight for little or even negative environmental benefit when the EP Act 2017 comes into force on 1 July 2021 through needless and excessive requirements for bureaucratic administration.

I would be happy to discuss our submission further at your invitation.

Yours sincerely



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