



# EPA DISCUSSION PAPER

# THE FUTURE OF HAZARDOUS WASTE MANAGEMENT IN VICTORIA

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## Overview

Hazardous wastes, which are called 'prescribed wastes' in Victoria's environment protection laws, can be by-products from producing everyday goods and services, like the manufacture of motor vehicles and plastics, or the dry-cleaning of clothes.

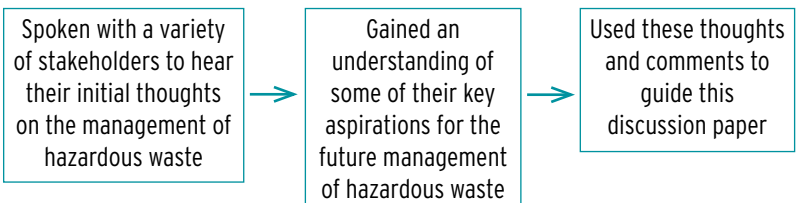
How we manage these wastes in Victoria is currently being reviewed and, through this discussion paper, EPA Victoria is seeking your input on the future regulation and management of hazardous wastes. EPA is engaging with its stakeholders by ensuring people are involved at the earliest possible opportunity to develop a new and sustainable regulatory framework for hazardous waste.

We will be using a range of feedback tools – some for the first time – to ensure all of our stakeholders have the opportunity to help us develop a new framework that delivers sound outcomes for the community, economy and the environment. We will be welcoming your ideas and feedback through this review.

EPA is engaging with industry, the community and any other interested stakeholders to hear your thoughts and ideas on how we manage hazardous wastes into the future and to ensure the protection of the environment and human health in a way that is simple, safe, efficient, clear and transparent.

To help us prepare this discussion paper, we have had informal conversations with a selection of stakeholders from non-government organisations, industry groups, community groups and environment groups, gauging their initial thoughts on what questions need to be asked for the future management of hazardous waste in Victoria.

In the process of developing this discussion paper we have:



# Objectives

The main objective of this discussion paper is to stimulate your ideas and comments on the future management of hazardous waste in Victoria.

EPA is looking to you for advice and innovation in developing Victoria's future hazardous waste framework and will incorporate your advice and recommendations to the maximum extent possible. The questions posed through this discussion paper will provide a basis for meaningful discussion, either through written responses, or participating in independently facilitated workshops. We invite you to contribute to this process and details on how to do so are provided later.

The State Government has stated its objective for an end to the landfill disposal of higher hazard wastes by 2020. This discussion paper starts a process to explore what new regulatory and non-regulatory approaches could help to meet this objective, while considering the potential implications on the community, the economy and the environment.

## A Brief History of Hazardous Waste in Victoria

### 1970s

Low Understanding of the Effects of Hazardous Waste

### 1980s

Developing Standards to Manage Hazardous Waste

### 1990s

Improving Landfill Standards and Reducing the Amount of Waste Being Sent to Landfill

### 2000s

Working to Ensure Safety for the Environment and Community and Planning to Reduce Hazardous Waste Generation

### FUTURE

Implementing Programs to Avoid Generating Waste and Building Recognition that Waste can be a Valuable Resource

## Working with this discussion paper

This discussion paper provides some information on the current regulatory framework and considerations for the future. Questions have been presented to help frame your contribution. It is important to remember that when the regulatory framework is right, the outcome can indeed complement the interests of the community, the economy, and the environment.

A useful source of background information for you, as you work through this discussion paper are EPA's Progress Reviews of the Policy available on EPA's website, [www.epa.vic.gov.au/waste](http://www.epa.vic.gov.au/waste). They provide an overview of EPA's progress in implementing the existing policy since December 2000.

This discussion paper satisfies EPA's requirements of a Development Plan, as outlined in EPA publication 484, *Protocol for development of regulations and the preparation of regulatory impact statements*.

**FACT 1:** Where no suitable alternative to landfill disposal exists, the following system is used to classify hazardous waste destined for landfill:

**Category A** – highest hazard waste that requires a very high level of control to protect human health and the environment. This material is banned from landfill.

**Category B** – high-hazard waste that requires higher levels of control to protect human health and the environment. Landfill disposal of this material is a last resort and Lyndhurst landfill is the only facility that can accept it.

**Category C** – low-hazard waste that poses a low hazard, but still requires control. This material can have an effect on your local environment (e.g., odour). There are a number of landfills licensed to accept these wastes; however, landfill disposal remains a last resort.



## WHERE WE ARE TODAY – WHAT WORKS AND WHAT COULD BE DONE BETTER

The community expects that hazardous wastes are handled and managed safely and responsibly, that the environment is protected, and that industry and our economy can grow. The *Industrial Waste Management Policy (Prescribed Industrial Waste) 2000* ('the Policy') and the *Environment Protection (Prescribed Waste) Regulations 1998* ('the Regulations') are the two existing regulatory tools that have provided the framework for managing and controlling hazardous waste across Victoria for the past 10 years. Through this discussion paper we will be reviewing the application of the Policy and Regulations, and giving special thought to what is required of a future framework to manage hazardous wastes.

The existing Policy has provided the overall direction of hazardous waste management in Victoria by detailing the key objectives, intent, guiding principles and responsibilities for those generating, treating, managing or disposing of hazardous waste. The Policy has also provided a hazard classification system (see **Fact 1**) for prescribed wastes, which better defines the risk posed by the various types of hazardous waste, and subsequently seeks to ensure the most appropriate management option for the protection of human health and the environment.

The existing Regulations outline what waste types are hazardous waste, as well as the rules that direct how these wastes are handled, transported and tracked through a series of vehicle permits, transport and waste certificates. It is acknowledged that this system of controlling the handling, transport and disposal of hazardous waste is complicated and time consuming, and in some cases imposing considerable compliance costs to industry and the community.

Implementation of the current regulatory framework has seen the following benefits to environment, industry and community.

### Environment

- Reduced hazardous waste generation.
- Safer and controlled transport of hazardous waste.
- Improved landfill design and engineering requirements.
- Classification and pre-treatment of hazardous waste to ensure safe disposal to landfill.

### Industry

- Financial support for cleaner production and research and development support to drive the avoidance, reuse, recycling and treatment of prescribed wastes.
- Reduced hazardous waste generation creating business benefits in avoided landfill costs.
- A level playing field created for the management of hazardous waste.

### Community

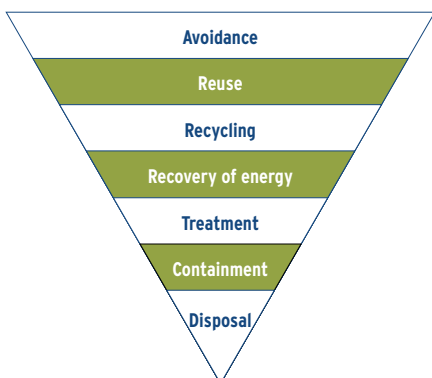
- Reduced hazardous waste generation.
- Category A, higher hazard waste, is banned from landfill disposal and requires treatment to at least category B levels before landfilling is considered.
- Several other waste streams (eg: used oil filters) are also banned, as commercially viable recycling opportunities now exist.
- Improved landfill design and engineering requirements, further protecting human health and the environment.



**FACT 2:** In January 2007 the Victorian State Government announced it would not proceed with the development of a proposed long-term containment facility at Nowingi. This meant that there would be no new disposal or containment facility for higher hazard prescribed wastes developed in Victoria. The Lyndhurst landfill in Melbourne's south-east is therefore the State's only remaining facility that can accept these wastes.

### FACT 3: WASTE HIERARCHY

EPA is committed to reducing the amount of waste generated in Victoria and uses this Waste Hierarchy as the key guiding principle.



While the existing framework has delivered many improvements and benefits, it has not been without its critics. EPA is the first to acknowledge that the framework could be improved, be more effective and more innovative. Your feedback to this discussion paper will help shape what the future regulatory framework looks like. So, our first question to you is...

*What aspects of the existing framework are working well, and what aspects could be improved or changed to deliver better social, economic and environmental outcomes?*

An objective of the current Policy was to establish a long-term containment facility but as this is no longer on the agenda (see **Fact 2**), it's important that Victoria accelerates its efforts to avoid the generation of prescribed waste, particularly the higher hazard category A and B prescribed wastes.

## WHERE WILL WE BE TOMORROW – THE NEW REGULATORY FRAMEWORK AND LOOKING TO 2020

On 21 July 2009, the current Regulations will sunset, meaning that they will no longer be law and so a new regulatory framework will need to be in place to succeed the present one. Not long after this, the Policy is also due for review, so it makes sense that both the Regulations and Policy are reviewed together. The new regulatory framework will provide the guidance for hazardous waste management through to 2020.

It is recognised that the current regulatory framework for hazardous waste is laborious and complicated and does not necessarily provide the best environmental outcome. For example, the landfilling of hazardous wastes remains easier than recycling it and we are yet to realise the full resource potential of waste by-products. It is therefore really important that the new regulatory framework addresses these issues. To do this we are looking to you for advice and innovative ideas/suggestions in developing Victoria's new framework that addresses the environmental, social, political and economic challenges of hazardous waste.

The State Government has stated its objective for an end to the landfill disposal of higher hazard wastes by 2020.

*Given this objective, EPA believe that it should be achieved in a way that maximises environmental protection and community confidence, while providing economic benefits in a framework that is simple, safe, efficient, clear and transparent.*

*How do you respond to the above statement?*

Working within the principles for environment protection\* (for example **Fact 3**), EPA has an open mind as to what is needed for the future. The current Policy, Regulations and our guidelines and supporting materials are all 'up for grabs' as we seek your help to design a better framework for the future. So tell us...

*What other initiatives, tools or drivers do you believe could accelerate hazardous waste avoidance, reuse or recycling?*

\* Environment Protection Act 1970, sections 1b to 1L





# Responding to this discussion paper

**EPA is looking to you for advice and innovation in developing Victoria's new hazardous waste framework and will incorporate your advice and recommendations to the maximum extent possible.**

This discussion paper will be available for public comment until **29 August 2008**. We encourage you to use either, or both, of the following avenues.

## Option 1: Participating in stakeholder workshops

EPA will host a series of half-day stakeholder workshops through August 2008. These workshops will have an independent facilitator to ensure everyone has the opportunity to contribute to and elaborate on the questions posed in this discussion paper. The facilitator will use a range of interactive, progressive and engaging discussion tools, ensuring everyone has the opportunity to contribute in relaxed but outcome focussed sessions.

Who should attend the workshops?	What will happen in the workshops?	How can you register your interest to attend a workshop?
<p>These workshops will bring together a range of interested stakeholders from community, industry and government to share views and ideas on the future direction of hazardous waste management. Broad participation is encouraged. It would be ideal if one or two people from a single organisation attended, to allow broader representation in the workshops. EPA encourages representatives from the same organisation to attend two different workshops. This would broaden your exposure and contribution to the ideas discussed.</p>	<p>The workshops will enable all participants to be heard, and work towards finding general agreement on the broad future direction of hazardous waste management in Victoria.</p> <p>These workshops will give participants the opportunity to explore and discuss the themes and questions introduced in this discussion paper.</p> <p>A creative and productive environment will allow stakeholders to provide ideas and develop innovative solutions.</p>	<p>Register your interest to attend a workshop by Monday 28 July 2008 to secure your place. For workshop details and to register visit <b><a href="http://www.epa.vic.gov.au/waste">www.epa.vic.gov.au/waste</a></b>.</p> <p>You will receive a confirmation email and agenda within three days of registering to attend a workshop. Please note EPA needs to ensure venues can adequately service the number of attendees within capacity. EPA may need to ask you to attend a workshop on a different date therefore your second preference will be requested when you register.</p> <p>If you are unable to attend a workshop, you can still contribute by providing a written response via email or post, as detailed below.</p> <p>If you do not have access to the internet to register for a workshop, please call (03) 9695 2722 or 1800 444 004.</p>

## Option 2: Providing written feedback on this discussion paper

Providing EPA with written feedback to this discussion paper is a fantastic opportunity to get your thoughts and ideas heard.

This discussion paper provides some background information, and poses a series of questions which have been developed to help frame your contribution.

Your written response on this paper can either be emailed by 29 August 2008 to: **[prescribedwaste@epa.vic.gov.au](mailto:prescribedwaste@epa.vic.gov.au)**

or posted to: **Project Manager - Prescribed Waste  
Waste Management Unit  
EPA Victoria  
GPO Box 439500  
Melbourne VIC 3001**

*EPA is committed to an open and transparent process in the review and development of the new hazardous waste regulatory framework. If you wish to keep your contribution confidential and for EPA's information only, please make this clear when you provide your written response.*





## Next steps

At the close of the comment period for the discussion paper, EPA will collate the outcomes of the workshops, along with the written feedback received from the release of this discussion paper. EPA will incorporate your responses to the maximum extent possible and prepare a draft of Victoria's new regulatory framework for hazardous waste.

It is expected that the draft regulatory framework will be ready for release and public comment in November 2008. This will give interested stakeholders a final opportunity to provide input into the new framework before it is finalised in 2009.

### THE NEXT STEPS

1. Register to attend one of the workshops online at [www.epa.vic.gov.au/waste](http://www.epa.vic.gov.au/waste)
2. Provide EPA with a written response to this discussion paper.
3. Visit EPA's website, follow the progress of the review through the prescribed waste page, and see how your input is contributing to the development of the new regulatory framework.

**[www.epa.vic.gov.au/waste](http://www.epa.vic.gov.au/waste)**

4. Review and provide your thoughts on the draft prescribed waste regulatory framework and the associated impact assessment when it's released in late 2008.

## Ongoing stakeholder engagement

This discussion paper launches an ongoing engagement program that will extend through each phase of developing the new prescribed waste regulatory framework. Below is a summary of EPA's upcoming engagement activities through each phase:

	Framework development phase	Engagement Activity (How you can be involved and informed)
<b>July 08</b>	Release of discussion paper (first opportunity for broad public comment)	1) Independently facilitated workshops 2) Seek written responses based on discussion paper
<b>Nov 08</b>	Release of draft regulatory framework (second opportunity for public comment)	1) Newsletter developed and published 2) Information session 3) Seek written/email responses based on draft framework
<b>April 09</b>	Finalise regulatory framework incorporating feedback from public comment period	Newsletters/emails to keep stakeholders updated on progress
<b>July 09</b>	Release the 'Response to public comments' document Launch new regulatory framework	Provide advice to stakeholders on the implementation of the new regulatory framework (via newsletters/emails)