

25 October 2013

waste.exemptions@epa.nsw.gov.au

Manager Waste Strategy and Innovation
Environment Protection Authority
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Dear Chris

The Australian Sustainable Business Group (ASBG) welcomes the opportunity to comment on *The Amendments To The Raw Mulch Exemption 2008, The Food Waste Exemption 2009 & The Food Waste Compost Exemption 2008*.

The [Australian Sustainable Business Group](http://www.asbg.net.au) (ASBG) is a leading environment and energy business representative body that specializes in providing the latest information, including changes to environmental legislation, regulations and policy that may impact industry, business and other organisations. We operate in NSW and Queensland and have over 130 members comprising of Australia's largest manufacturing companies. Members were fully involved in the development of this submission and ASBG thanks them for their contribution.

ASBG strives to assist regulatory agencies to prepare more efficient regulatory process, with the outcome of achieving practical, efficient, low cost solutions to achieve high environmental outcomes.

ASBG welcomes the process to facilitate the land application of food waste via a more comprehensive and updated set of Resource recovery Exemptions. As is always the case with environmental controls there is a fine line for the EPA to regulate that encourages both the resource recovery of certain waste and a reasonable level of protection environment.

ASBG members have identified a number of issues with the draft exemptions, especially the *Liquid Food Waste Exemption* (LFWE). The draft LFWE is considered excessively risk adverse as it sets unnecessarily high environmental protection standards which exceed that for spraying effluent. Effluent permitted for spray irrigation are designed for liquids which contain additional contaminants at much higher concentrations than liquid food waste and are permitted to be applied in a means that has far more environmental risk — i.e. spraying vs subsurface soil injection.

With the draft LFWE some of the issues include:

- Under s 9.5 the depth of subsurface injection is set between 10 and 30 cm, but this does not represent the industry practice, which commonly inject at depths over 30 cm. Hence, the range provided would not only be extremely difficult to work within, it achieves a lower level of environmental protection. It would be better to specify a minimum depth rather than a range, but this should be discussed with the industry practitioners to achieve a realistic workable value.

- The buffer zones in Table 3 appear to have, in part, based on Table 4.9 from the [Environmental Guidelines: Use of Effluent by Irrigation](#) (Effluent Guidelines) but further added to with additional buffer zones. In fact the LFWE is even more conservative than the Effluent Guidelines with *residential buffers* up to 500m and the use of *animal enclosures, native forests, farm driveways and farm dams and drainage lines* added to buffer zone list. The Effluent Guidelines permit smaller buffers, based on site specifics, where low strength effluent is used, but this is lacking in the LFWE.

ASBG does not understand why liquid food wastes have been set larger buffer zones compared to sprayed effluent. Sprayed effluent is by far a more environmental risky process as the effluent, unlike liquid food wastes, can contain heavy metals and herbicides at concentrations which can adversely affect agricultural soil quality. Such substances would not be in food wastes at anywhere near the concentrations of concern found in spray effluent.

Members contest that these buffer zones are:

- Not applicable to subsurface soil injection of food wastes as it applies to spray irrigation of effluents. Subsurface injection, if done properly, eliminates many of the environmental concerns related to spray irrigation such as runoff, spray drift, odour and exposure to pathogens.
 - The Effluent Guidelines permit the spray irrigation of sewage based effluents which contain far higher and likely more dangerous pathogens, higher heavy metal concentrations and high concentrations of pesticides. Hence, the application of these buffer zones is inconsistent and scientifically irrelevant with surface soil injection of food wastes. Yet more conservative buffer zones apply to food waste.
 - Application of these buffer zones will prevent most farmland in the Sydney basin from being able to practically accept liquid food wastes. Farmland with paddock sizes that have portion of land outside the buffer zones would be very small in comparison to current practices. This contradicts EPA's Waste strategies to facilitate the land application of food wastes, as it will prevent vast numbers of farmland in the Sydney Basin from continuing with this currently acceptable practice.
 - Limiting the paddock sizes would raise the costs of transporting the liquid food waste to more distant farmland, which increases the greenhouse emissions of this process.
- There is no evidence that current correct applications of liquid food wastes are causing environmental harm. The current criteria and industry practices are working unless there is evidence which is not been made available.
 - Section 9.9 also appears a heavy handed risk adverse response to a practice that has been operating for many years with no evidence of environmental harm caused from proper applications. So what is required is a proper review involving the industry practitioners to participate in an improved set of RREs.

The other RREs covering Compost and Garden Waste all contain new requirements for additional testing requirements and report keeping. Requiring NATA analytical testing will substantially increase the administrative costs to process these wastes. Hence, the EPA should re-consider the need for such NATA accredited laboratory testing replacing it where possible with simpler tests or criteria where persons in the field can assess if it passes or not. This will not only be a lower cost for the RRE user it should make policing of RRE easier. In any case the use of laboratory analytical methods lacks clarity on volumes, frequency and which test is required or suitable.

Above are just some of the issues, as there are more, with parts of the draft RREs. Further work will be required to adjust these drafts to bring them to a better scientific standard and more reflective of good industry practice.

ASBG members involved in the industry of food waste management have worked with the EPA in the past and been through a process of consultation on food waste subsurface injection. At the time scientific assessments and reports were used as the basis for establishing the way in which the legitimate operators now work. It appears this scientific work has been ignored and replaced with *ad hoc* changes based on the unrelated Effluent Guidelines.

ASBG recommends the draft food exemptions be subject to a review using a consultation committee including industry practitioners and relevant experts be formed to develop a better set of Resource Recovery Exemptions which reflect the science and current good practices used in this sector of environmental management.

ASBG looks forward to working with EPA on the above recommendation to develop a quality set of RREs and will welcome an additional meetings and or discussion with the EPA on the above.

Should you require ASBG to clarify or elaborate on the above matter please contact me.

Yours Sincerely



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