

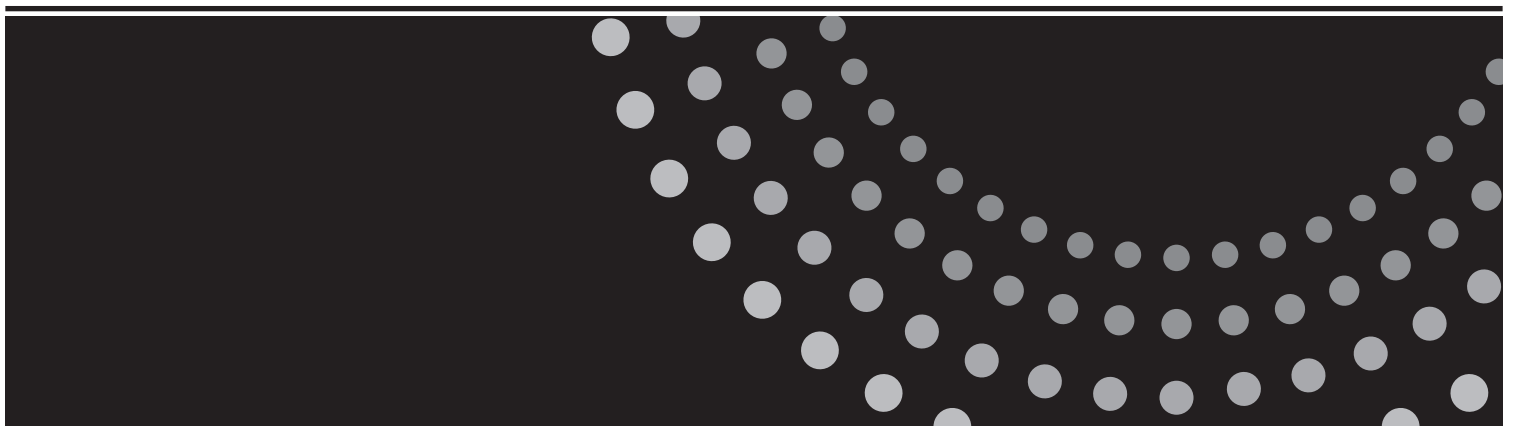


Ministry for the
Environment
Manatū Mō Te Taiao



Waste Minimisation in New Zealand

SUMMARY OF SUBMISSIONS



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Purpose of this document

This document provides a brief summary of the main issues raised in submissions on the Ministry's discussion document *Waste Minimisation in New Zealand: A Discussion Document from the Ministry for the Environment*. The discussion document was released in March 2009 and submissions closed on 15 May 2009.

Numbers and source of submissions

The origin of submissions on the document is outlined in the table below:

Organisation	Number of submissions	Percentage of submissions
Individual	61	24
NGO	28	11
Community recycling organisation	17	7
Industry (waste)	32	13
Industry (non-waste)	44	18
Local government	50	20
Central government	4	2
Academic/researcher	4	2
Consultant	6	2
Unspecified	3	1
Total:	249	100

Part 1: Revising targets for the New Zealand Waste Strategy

The discussion document proposed a set of 14 new high level targets for the NZ Waste Strategy. Feedback was sought on the new targets.

The reaction to the proposed targets was mixed and in cases, especially target 1, those wanting major change outnumbered those supporting the proposed wording.

Many submitters wrote in support of the draft targets. In the words of one council these were "realistic and achievable".

However, many other submitters questioned the value of having national targets or expressed a need for them to be relevant to regions. Cost and feasibility issues were also raised around the proposed targets. Other submitters commented that the proposed targets were weak, and that they were weaker than existing targets. Some commented that targets were too low and others that the timeframes were too long. Other significant changes were sought by many of these submitters.

Some submitters noted the proposed change in structure of the Waste Strategy and commented that some overarching goals, methods and responsibilities are also needed. There was also comment that the proposed targets focus on harm and that more emphasis could be placed on resource efficiency. Others commented that a greater focus should be put on reduction.

Target 1 – Total waste disposed of

There was mixed reaction to the proposed target. While there was some support for the target, more submitters wanted it to be substantially revised. Some questioned the rationale of the target and noted that the costs and benefits of such a national target have not been assessed.

Others suggested that as it is worded it must be a national target and that it can not be applied locally as each region has a different waste situation and starting point for waste minimisation. Some of these submitters suggested that more suitable targets could involve phased implementation or be region or waste stream specific (eg, household waste). Comment was made that ambitious targets have the effect of raising the priority of an action, especially for councils.

Some submitters felt that not all wastes have the same impact, so the focus of targets should be on particular wastes. Other questions raised were about the reason for focusing on tonnage of waste rather than volume.

Submitters felt that the assignment of responsibility for achieving the target needs to be clear. It was not clear what role the commercial sector has for achieving the target. Councils, in particular, noted that they were only responsible for the management of a proportion of waste and that they each faced different challenges in reducing waste. Some councils have already reduced waste to landfill and this means they are at different starting points. One suggested that the Waste Strategy should focus more on methods of reduction without setting numeric targets.

A number of submitters commented on the need to clearly define what is meant by ‘landfill’ in the target; specifically, whether it includes cleanfills as well as landfills accepting municipal waste.

The baseline date of 2010 was questioned. This could affect how viable it is to achieve the target. The effect of economic factors, such as the level of GDP, have not been considered in setting the target. Some viewed the 20 per cent figure as being an easy target, and sought higher percentages, others thought it was reasonable and some felt that it was too difficult.

Targets 2, 3 and 4 – monitoring the composition of waste, organic waste and construction and demolition waste

Comment on these targets was related as all three are monitoring targets as currently written. Some submitters commented that there is a need to look at composition at transfer stations.

A majority of submitters felt that monitoring targets are important. Some noted that responsibility for them should lie with the Ministry for the Environment.

A sizeable number of submitters wanted these targets to be changed. Some stated that action to achieve reduction or diversion is more important than monitoring. This applied especially to organic waste. Others questioned the worth and practicality of monitoring diverted organic and construction and demolition material. Costs could be high and the timeframes may not be

practical. Some of these submitters felt that the focus of any monitoring should be on the residual waste stream, especially for organics. Council submitters noted the overlap between target 3 and 4 on the one hand and target 2, especially if diverted material is not monitored.

Targets 5, 6, 7 and 8 – hazardous waste

Targets 5 and 6 were supported by a majority of submitters. Some asked why these actions had not been taken already.

Many submitters, especially councils and individuals, noted that the WasteTRACK system is already established and felt that the use of this should be made mandatory. Others noted that the Hazardous Substances and New Organisms (HSNO) Act 1996 rules already require the tracking of many hazardous substances which includes some waste material. Others noted that there is a need to define what is meant by 'hazardous waste'. This would need to be done as part of an analysis of each waste. Target 5 was seen by submitters as being a Ministry for the Environment responsibility. Other submissions noted that the cost of waste tracking could be significant.

It was noted that target 6 could involve use of HSNO Act measures. There should also be a risk analysis of each waste before any regulation.

The submissions on the product stewardship targets (7 and 8) were split. Many agreed with the targets while others wanted significant changes. Many saw the targets as not being ambitious. Some wanted more explicit targets and many asked for better definition of "industry". More explicit targets would involve identifying the industry involved (and defining what an industry is). Some submitters wanted more regulation while others emphasised their support for voluntary product stewardship only.

Targets 9 and 10 – contaminated land

While over half of those stating a clear position supported these targets, a sizeable number of submissions sought major changes. Some, however, felt that contaminated sites work did not fit within a waste strategy and that it should be dealt with outside of the Waste Strategy.

One council noted that the Hazardous Activities and Industries List (HAIL) assessments were on-going so the wording of target 9 needs amendment. It was noted that the timeframe for the targets could be hard to meet as land owners are often resistant to the council doing the assessment.

Many councils noted that while the investigation of contaminated sites in target 10 was a regional council function the remediation action required of them by the target goes beyond their role and could be ultra vires. These submitters noted that the site owners have some responsibility for remediating their sites.

Targets 11 and 12 – waste disposal

There was mixed comment on target 11. Some submitters wanted this target removed as compliance with the law is already a requirement. The timeframe was questioned as being too long by some. Others thought it was too ambitious to be achievable.

The majority of submissions agreed with target 12. The need for better standards for many of the cleanfills and other lightly regulated sites was commented on. One council noted there is a risk of unintended consequences associated with national environmental standards as compliance with them is a legal requirement in all situations. Instead, the council suggested development of a standard as an alternative. Some other submitters felt that existing guidelines covered the issue so the target is unnecessary.

Targets 13 and 14 – monitoring and reporting

Target 13 was supported by most submitters. Some council submissions noted that councils should receive the data concerning their districts as they need it for planning. Many councils also wanted diverted materials to be monitored and for this data to be provided to councils.

Target 14 was also supported by most submissions. Questions were raised as to the timeframe and as to whether local targets should also be set.

Part 2: Identifying products that are priorities for product stewardship

The discussion document proposed three products as being the ones that the Ministry should initially focus on work on product stewardship. Feedback was sought on the priorities.

In total, 166 submissions made comment on priorities for product stewardship. Most submitters saw the need for priorities to be established.

Of products that should be made priorities, the most frequently mentioned were agricultural chemicals, waste oil, tyres, e-waste and packaging.

A large number of council submissions listed agricultural chemicals, waste oil, tyres, e-waste and packaging as being the priorities. Some commented on specific types of packaging (with many identifying glass, plastic bags and polystyrene in particular).

Other products listed by submitters included mercury containing lamps, ‘liquid hazardous waste’ (ie, household chemicals, paint etc.), treated timber, agricultural bale wrap, plastics (one specifically identified those plastics not marked with a recycling symbol), batteries, disposable nappies, refrigerant chemicals, and motor vehicles.

Many submissions included some detail on the products mentioned.

A number of submissions from the electronics industry discussed a proposal for an advanced fee to fund recovery of used equipment. This proposal includes the requirement for regulation as some businesses would not participate in the scheme if it is voluntary. Others in the industry submitted that regulation poses risks to minor players in the industry and competition generally. Some submissions commented that any product stewardship in electronics should focus on design and obsolescence and not just on take-back and recycling schemes.

In the case of treated timber, submissions noted that the problem extends beyond the disposal of the product. Ash from burnt treated timber is contaminated and has implications for waste recovery, particularly for composting.

Aspects of packaging were discussed. Glass is seen as being a particular problem by a number of councils. Mandatory container deposits were supported by a number of submitters.

Tyres were discussed by a number of industry submissions. These related to the role and limitations of Tyre Track and outlined barriers to improving the management of used tyres. The risks that large volumes of stockpiled tyres pose to the environment were highlighted. One submitter wanted to use used tyres for energy production and commented on the desirability of regulation to ensure long term supply of tyres for this purpose.

Refrigerant gases were discussed by a number of submissions. Many submitters stated that these were not a priority as existing arrangements to manage ozone depleting gases were already dealing with the problem. Others, including those in the industry closely involved with the issue, thought refrigerant gases should be a priority as not all harmful gases were ozone depleting so not all gases are covered by existing arrangements. One commented that only some gases should be targeted. Another submitter thought that regulation should extend to the licensing of handlers.

A few submitters saw no need to have a short list of products. Others questioned how the three products in the discussion document were selected and others commented that there is already some action on these and other products mentioned in the discussion document.

Some submitters made wider comments on product stewardship. Some submitters strongly support voluntary product stewardship rather than regulation. Others stated that there is a need for more regulation. The need for proper cost benefit and other analysis before any regulation is undertaken was also raised. Some submitters stated that it needs to be clear that product stewardship involves industry being responsible for dealing with these waste products, rather than councils being left to deal with the resulting waste.

Some industry submissions raised issues that they were having in undertaking product stewardship and complying with the Commerce Act. One included a copy of a letter from the Commerce Commission regarding a suggestion to charge for plastic bags.

Part 3: Identifying funding criteria for the Waste Minimisation Fund

The discussion document proposed a set of criteria for assessing applications to the Waste Minimisation Fund, along with some additional ones that could be included. Feedback was sought on the proposed criteria.

In total, 92 submissions made comment on the criteria and the Fund. There was broad support for the criteria from most submitters.

In particular some submitters noted the need to ensure good case-by-case consideration of applications and a focus on national benefit from the Fund. A number of suggestions for minor changes were made, including a wording change to provide certainty that the project will deliver its aims.

Some council submitters asked for an explicit weighting to be applied to the criteria.

A few submitters wanted preference to be given to waste reduction in the criteria to reflect the waste hierarchy. Another suggestion was that the scale of diversion likely to be achieved would be the key consideration.

Much of the comment related to scale. Many submitters felt that small-scale projects were important and should be explicitly provided for. This could be done by allocating a proportion of the Fund specifically to small projects. One suggestion was for 33 per cent of funding to go to projects that cost less than \$250,000. Others were opposed to a fixed allocation as it is inflexible. These submitters felt that a range of scales were likely to be funded based on criteria relating to benefit without there needing to be segmentation of the Fund.

A number of submissions stated that community groups or community recyclers should have a portion of the Fund reserved for them. It was felt that these groups could be disadvantaged in a general pool.

A number of submissions commented on funding research from the Fund. Some stated a clear preference for projects that undertook waste minimisation rather than researched it. These submitters felt that research should be undertaken only as part of a larger, operational project. Others thought research should be funded. Some noted that the criteria concerning research should be designed to dovetail with science funding from other sources. One submitter noted that often these sources only provide part-funding. One submitter felt that all new information resulting from research paid for by the Fund should be made publicly available.

Some submitters felt that the criteria should identify specific waste streams for funding, but did not identify these streams. One submitter cited the Energy Efficiency and Conservation Authority's energy efficiency funding as a good model for this approach. Others opposed this approach as being inflexible.

A number of councils suggested that the criteria should require that projects be supported by councils. Other related suggestions from councils included the criteria supporting joint council-private sector projects or that projects should be assessed as to whether they supported local government waste minimisation and management plans.

The need for the criteria to recognise the problems facing districts with extreme changes in demand for waste services due to large fluctuations in visitor numbers through the year was raised by a number of submitters. A particularly detailed submission outlined the issue as it applies to the Thames Coromandel area.

There was some support for funding to be by way of loans for some projects, especially for the more commercial projects. Others opposed loans as being too cumbersome.

The ability of the Fund to provide multi-year projects with funding was seen by some as being important. Other areas identified by individual submissions that should be within the scope of the Fund were waste exchanges and human resource development (extending the type of work the Extractive Industries Training Organisation (EXITO) does now).

There were a number of areas that some submitters felt should not be funded. One did not want uneconomic or environmentally unsound projects to be funded. A number stated that contaminated sites should not be covered. Some felt that legacy waste should be dealt with along with contaminated sites.

Others stated that funding for weighbridges and kerbside recycling should be out of scope as this should be funded by landfill operators or local councils. A number of submitters

commented that commercial product stewardship schemes should not be funded as these should internalise costs. A number of NGOs in the recycling area were opposed to using the Fund for price support for existing recycling schemes.

A number of submitters raised issues relating to the levy and the Fund that were beyond the scope of the questions regarding fund criteria. Some voiced their opposition to the levy and hence to the Fund on the basis that there was no case for charging the levy. Instead, they suggest that those disposing of waste should face the full cost of its disposal. There were others in support of the levy, including a suggestion that the levy should be progressively increased. Others wanted all of the levy money allocated through the contestable fund with no automatic allocation to councils. Some councils commented on why they should get half of the levy funding in anticipation of comment to the contrary. One council sought council representation on the panel that will assess applications.

Part 4: Monitoring waste in New Zealand

The discussion document proposed regulation to require waste facility operators to report the tonnage of waste disposed of at landfill in broad compositional categories. Feedback was sought on the proposed monitoring programme.

In total, 109 submissions made comment on the monitoring proposals.

The majority of submitters stated that they supported the mandatory reporting of composition data by landfill operators. One of the reasons given for this support was the need for consistency and complete coverage of waste in the data. Some councils also wanted the data as they could not obtain it themselves, particularly where diverted material is involved. These submitters saw data collection and dissemination as being a function for the Ministry for the Environment.

Only some thought the proposed classifications would be useful. Many questioned whether the proposed classifications would give useful information, suggesting that the classifications were too broad. For example, in some regions, most waste passes through transfer stations so the classification of all this waste would be 'transfer station' which gives little meaningful information. In some landfills, mixed loads would also prove a problem. Some of these submitters felt that solid waste analysis protocol studies should be undertaken.

Some submitters noted the complexity of the measuring composition and commented on the possible high cost of collecting the data. Some councils, noting the costs that the proposal could impose, questioned who would pay for this, and one suggested that levy funding could be used to meet the costs.

Others suggested that waste is better managed at source rather than at the landfill.

A number of submitters submitted that cleanfills, farm dumps and other disposal sites should also be covered if we are to get proper composition data as these receive a portion of many wastes.

Part 5: Improving the operation of the waste levy

The discussion document sought feedback on a proposal to exempt cover material from the waste levy.

In total, 76 submissions made comment on the proposal.

There was a split in opinion on the issue of cover material being subject to the levy. More submitters favoured having cover material brought in from off-site being subject to the levy than opposed it. The scope for operators to avoid the levy on waste by calling it cover and a view that the levy is part of the operating cost of business were cited as reasons for cover material being subject to the levy.

All landfill operator and council (with only one exception) submissions were opposed to the levy being charged on bought-in cover material. Most council submissions qualified this by specifying that cover should be inert material.

There was little support for cover material being defined as a blanket percentage of material, as the maximum would soon become the standard. Additionally, a blanket percentage limit would present other issues: for example, a percentage limit that would be appropriate for a large landfill would be too low for small landfills.

The most supported method for determining how much material should be designated as cover was on a case-by-case basis based on landfill consents (and the associated landfill management plan). If 'definition by composition' is used to define cover then the preferred approach should be inert material as specified in the Cleanfill Guidelines.