

### Wellington City Council: submission

To: The Ministry for the Environment

Submission on: 'Waste Minimisation in New Zealand'  
discussion document

Closing date: 15 May 2009

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#### **1. Introduction**

Wellington City Council welcomes the opportunity to comment on the 'Waste Minimisation in New Zealand' discussion document.

Wellington City (Council) plays a significant role in waste minimisation and management in the Wellington region and is generally supportive of the proposals for implementing the Waste Minimisation Act as they narrow the focus from the broad intended outcomes of the Act to more specific areas for immediate and mid-term attention. This submission provides specific feedback on the proposals as they relate to the activities of local government. Wellington City Council would welcome the opportunity to be involved further in the development and/or trialling of the policy proposals.

#### **2. Specific comments on the discussion document**

##### ***Part 1: Revising targets for the New Zealand Waste Strategy***

##### *1. What is your view on each of the 14 proposed targets?*

The targets need to be measureable and informative. Overall, the Council considers that the 14 targets proposed in the discussion document are realistic and achievable. The Council supports bringing some targets forward, provided adequate resourcing is available.

The Council is however concerned that the revised targets are based on a three-year-old review of progress against the previous NZWS targets. The 2006 review of progress against the previous NZWS targets may not provide an accurate picture of what is happening in 2009.

For instance, while recycling schemes have been in place in the Wellington region for many years, the commodity markets and operational costs, particularly for transportation of materials, have changed significantly since 2006. As a consequence, the recycling schemes are generally reliant on sustained funding support. Further, the current locations and availability of processing facilities and markets mean that schemes may inadvertently support uneconomic or environmentally unsound practices.

The uptake and effectiveness of some existing business waste minimisation and producer responsibility schemes is not strong, given they are all voluntary. A move towards mandatory product stewardship schemes for products containing materials that cause environmental harm when they are disposed of is supported by Council.

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Detailed beneath are the Council's specific comments on the proposed targets:

**Target 1:** Due to the nature of waste this will only be useful as a national target as no meaningful regional comparisons or benchmarks will be available. It will be important to report on the full range of disposal approaches and facilities, including disposal of sewage, to ensure that information is not lost.

This target fails to capture information on the higher order goals of the waste hierarchy. A target focussing attention on the reduction in the generation of waste, such as packaging, should be considered.

**Targets 2, 3 and 4:** National consistency of data collection will be needed to optimise data quality and usefulness. It will set consistent expectations, facilitate the sharing of effective practice and provide impetus for establishing processing services and for the uptake and development of new technologies. Some local authorities will require additional resources in order to contribute to achieving these targets. For others, including Wellington City Council, the additional work required will be relatively minor.

Target 3 will need to be approached with some care to ensure there is not a proliferation of composting operations set up without due consideration being given to efficient processing and to development of markets for the product.

Achievement of Target 4 will be closely related to the success of the current MfE work to develop guidelines for cleanfill operations.

**Target 5:** The Council considers that more information on the national tracking system for hazardous waste should be made available so that its potential impact on local authorities can be better understood. The Council considers that having a single system, such as the *Waste Track* system currently operating for liquid waste, would provide an efficient approach and consistent data.

**Target 6:** The Council considers that a timeline of 2010 would be achievable for this target.

**Targets 7 and 8:** It is recommended that these two targets note that the Government can impose accredited product stewardship schemes on specific industries.

**Targets 9 and 10:** These targets seem to be more closely related to Resource Management Act issues than to waste minimisation or the Act.

It is not clear who (local or regional authorities, landowners or polluters) will pay for regional councils to investigate the contaminated sites that are identified as having high environmental risk. This should be clarified and a clear process provided.

Instead of requiring all regional councils to establish their own systems to record information on contaminated sites, the Council recommends a standardised national database system be developed by MfE for regional councils to use.

**Targets 11 and 12:** The Council is concerned by the length of the proposed timeframes during which some facilities may remain non-compliant. The timelines for Target 11 appears to underemphasise the priority needed on ensuring the safe and hygienic disposal of waste, given that this is one of the

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primary objectives of the Act. The Council recommends that the MfE identify opportunities, on a case-by-case basis for accelerating individual compliance timelines. For Target 12, any environmental standard identified as being necessary should be developed by 2012.

**Targets 13 and 14:** The Council recommends bringing forward the timelines for developing the tools that local authorities will use.

The Council supports all landfills being included to ensure the full national picture is captured on the composition of waste disposed to landfills for Target 13. However, the Council recognises that the compliance costs for some owners of small, unsupervised landfills in rural areas may result in the loss of some services for rural communities. Clear guidelines, such as a size trigger, should be provided to identify under what circumstances, if any, a landfill may be exempt from supplying data.

### 2. *Is the timeframe for achieving each proposed target realistic?*

Overall, the Council believes that the timeframes set for achieving each of the proposed targets is realistic. The Council believes that some of the timelines can be brought forward to more clearly signal the priority being given to the minimisation and management of waste. The suggested changes and additions to the timelines for targets shown in Table 1 are considered achievable and are intended to optimise the rate of change and timeliness of support provided to local authorities.

Given that the collection of data commences from 1 July 2009 and that waste management and minimisation plans are to be agreed by 1 July 2012, the Council considers it important that the development and trial of national systems for monitoring and reporting data on waste streams and their composition should be progressed with urgency so that local and regional authorities can use these tools to guide the development of their waste minimisation plans.

**Table 1: Recommended changes and additions to target timelines**

	<b>Target</b>	<b>Proposed date</b>	<b>Recommended changes/additions</b>
	<b>Monitoring</b>		
1	Waste disposed per capita - Baseline - 20% reduction	2010 2015	No change
2	System in place to monitor composition of waste to landfill	2010	2010 developed 2012 implemented
3	System to monitor composition of organic waste landfilled and diverted	2012	2010 developed 2012 implemented
4	System to monitor generation, composition and diversion of construction and demolition waste	2012	2010 developed 2012 implemented
5	National tracking system established for all hazardous waste	2012	2010 developed 2012 implemented
1 3	National waste monitoring and reporting programme in place	2012	2010 developed 2012 implemented

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1 4	MfE and territorial local authorities have national reporting template	2012	2010 developed 2012 implemented
	<b>Standards</b>		
1 2	National standard investigated for environmental management of solid waste disposal facilities	2010	2010 investigated 2012 standard developed if needed
11	All waste disposal facilities meet existing regulatory standards	2015	2010 compliance plans agreed with MfE for all non-compliant facilities
	<b>Hazardous waste</b>		
6	Regulatory standards investigated, and proposed if needed, for the handling of hazardous waste	2011	2010
7	At least 3 product stewardship schemes in place to focus on hazardous components	2012	No change
8	At least 2 more product stewardship schemes - reducing hazardous substance production at source	2014	No change
	<b>Contaminated sites</b>		
9	Regional councils have system to record information on contaminated sites. All high risk sites are identified	2015	2010 established 2012 high risk sites identified
1 0	All high risk contaminated sites investigated	2020	2015

### 3. Are there any additional high-level targets you would like to propose?

Wellington City Council has contributed through the submissions process during the development of the Act and considers the proposed high-level targets appropriate at this stage.

***In response to Part 1 of the discussion document, the Council submits that the MfE should:***

- Ensure data collection provides for a full coverage of local, regional and national information requirements.
- Provide guidance and resourcing as necessary to local authorities to support consistency in monitoring and data collection. This should occur early so councils can use the tools and data to inform their waste minimisation plans.
- Provide clear guidance on the relationships between the Act and the Resource Management Act.
- Provide councils with more information on the national tracking system for hazardous waste, and its potential impact on local authorities.
- Note that accredited product stewardship schemes can be imposed on specific industries by the Government in Targets 7 and 8.

- Provide councils with clarity on the process through which contaminated sites will be assessed and prioritised, and responsibility for site investigation and management allocated.
- Create a standardised national database system to record information on contaminated sites.
- Ensure appropriate priority is given to the safe and hygienic disposal of waste by optimising the rate of change and timeliness of support provided to local authorities.
- Provide clear guidelines on the process for identifying under what circumstances, if any, a landfill may be exempt from inclusion under Target 13.
- Bring forward the target timeframes as shown in Table 1.

### ***Part 2: Identifying priorities for product stewardship schemes***

The Council supports the MfE in investigating mandatory product stewardship schemes for the three products identified in the discussion document, being agricultural chemicals, refrigerant gases and used oil.

The Council considers that the MfE should also consider:

- investigating a mandatory product stewardship scheme for the packaging industry, a major contributor of avoidable waste in Wellington and New Zealand. Industry efforts to establish a voluntary scheme have yet to prove effective for this waste stream
- encouraging the mercury-containing bulbs and electronic waste (e-waste) industries to engage in voluntary schemes on the basis that if these industries cannot develop voluntary schemes within agreed timeframes, the MfE will implement mandatory product stewardship schemes for these products. The Council identifies these wastes as significant in Wellington because of:
  - their potential to cause harm in the environment, including in regard to landfill resource consent conditions
  - the difficulties in their safe treatment and disposal
  - the ease with which a disposer can include such items with their general waste.

### **Packaging Waste**

The Council believes that packaging is a waste stream that should have a mandatory product stewardship scheme. Currently, there is no accountability on producers, manufacturers or consumers for management of their packaging waste.

Harm is occurring at all phases of the life cycle of packaging materials, but more so at the disposal stage. The volume of waste from packaging in Wellington is estimated to be 13,000t per annum.

Collection and disposal of materials in the packaging waste stream is currently provided for through the Council's operations and user charges. The ability to offset costs against revenue from sale of materials is dependant on the

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commodity markets. However, the processors of used materials, such as packaging, only pursue those materials from which profits can be made. There is no market for packaging such as polystyrene, where recycling is unprofitable.

The Council believes that in managing packaging waste, the MfE should ensure that the responsibility lies with producers and consumers. Existing waste management tools have proved ineffective for addressing this issue. Where a market for used materials from packaging is diminished councils are often expected to step in, effectively subsidising the packaging industry, and some materials, over others. This situation is inequitable. It is also financially unsustainable as councils have no control over consumption or manufacturing practices, or indeed the recycling markets.

The Council seeks to ensure suitable and adequate facilities and services are provided while also seeking to reduce the volume of waste to landfill. With limited funding available, the Council can gain better value from its investment in waste streams if it is able to prioritise those materials which are more harmful and difficult to handle, leaving responsibility for most packaging to the producers and consumers, and the marketplace.

The Council does not consider there to be alternatives to product stewardship in regard to packaging. Industry resistance will be the main barrier to implementing new measures for packaging. Regulations provide an opportunity to effectively manage packaging waste. If mandatory product stewardship for this product is introduced, higher targets could be set for reducing volumes of packaging waste and co-benefits, such as reduced street litter, achieved.

Producers and consumers should bear the cost of establishing a product stewardship scheme for packaging. Long term, a reduction in the volume of packaging and an improvement in material choices to reduce the environmental impacts would be expected. This would help reduce costs to producers, consumers and councils.

### **Mercury-containing lamps and electronic waste**

The Council recommends that product stewardship schemes for mercury-containing lamps and e-waste should be a priority. If the respective industries are unable to agree on voluntary schemes by 2012, mandatory schemes should be implemented by 2014.

Mercury-containing lamps and e-waste contain heavy metals and other highly toxic materials. They are both commonly used products and it is anticipated that their usage will grow. This would mean higher volumes of mercury-containing bulbs and e-waste being disposed of to landfills.

Electronic products, such as computers, continue to transform our society and our industries. The speed of technological change has created a very high redundancy rate for these products, with a consequent impact on the volume of this waste stream. Mercury-containing lamps play an important part in making households and businesses more energy efficient and in reducing greenhouse gas emissions but also create waste that is difficult to manage.

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While the Council acknowledges that the environmental effects of mercury-containing bulbs and e-waste may be less than the three priority products proposed by the MfE, it would however demonstrate commitment to achieving multiple environmental goals if product stewardship for these two products were also prioritised.

Many of the sectors investigated by the MfE for product stewardship schemes involve hazardous chemicals and materials. In developing product stewardship schemes, the MfE needs to ensure health and safety and environmental standards are also met, both in New Zealand and, as far as possible, overseas.

***In response to Part 2 of the discussion document, the Council submits that the MfE should:***

- Accelerate the rate of progress on product stewardship in New Zealand and engage in regulatory enforcement where necessary.
- Implement mandatory product stewardship schemes for agricultural chemicals, refrigerant gases and used oil by 2012.
- Implement a mandatory product stewardship scheme for packaging by 2012.
- Encourage voluntary product stewardship schemes for mercury-containing bulbs and electronic waste by 2012 and implement mandatory schemes by 2014 if the voluntary process does not produce results.
- Ensure that high health and safety and environmental standards are maintained across the supply chain for voluntary and mandatory product stewardship schemes.

### ***Part 3: Identifying funding criteria for the Waste Minimisation Fund***

1. *Are the criteria identified by the MfE appropriate for determining projects that may be funded by the Waste Minimisation Fund?*

Overall, the Council agrees with the criteria that have been identified, subject to the further qualification and additions listed below.

2. *If you do not agree with the criteria, what changes would you suggest?*

Any weighting of criteria should be declared and the criteria should be prioritised. The Council recommends that the MfE consults further on the complex issue of criteria prioritisation and would welcome the opportunity to contribute to this discussion.

The criteria should not support schemes which are at risk of being uneconomic or environmentally unsound.

3. *Do you think additional items should be included in the criteria?*

The Council would like to see greater guidance for and encouragement of collaboration between councils, between councils and the private sector, and between private sector entities.

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Projects with the potential to deliver environmental, economic or social co-benefits should be prioritised. For example, a project might divert materials from landfill for use in producing heat or electricity. The energy produced could replace energy required from fossil fuel sources and thus reduce greenhouse gas emissions. A project such as this, with the potential to reduce waste to landfill, reduce methane emissions from landfill and reduce emissions from energy generation and consumption, would be assigned a high priority.

The Council believes that the following should be included as criteria:

- Collaboration with and between councils and the private sector.
- Potential to deliver environmental economic or social co-benefits.

4. *Do you have any other comments to make on the operation of the Waste Minimisation Fund?*

To ensure against the entire project funding pool becoming fully committed, with no capacity for supporting new initiatives, project funding should be time bound. Some project funding may be allocated for establishment purposes, with a view to projects becoming self sustaining, or for specific aspects of a project only.

In determining the specific funding conditions for each project, its individual merit, including its potential contribution to the national and regional matrix of provision, would need to be considered.

***In response to Part 3 of the discussion document, the Council submits that the MfE should:***

- Prioritise the funding criteria. The Council recommends that the MfE consults further on the complex issue of criteria prioritisation and would welcome the opportunity to contribute.
- Provide guidance on and encouragement for collaboration between councils and the private sector.
- Include collaboration in the criteria.
- Set clear boundaries around project funding.

### ***Part 4: Monitoring waste in New Zealand***

1. *Do you consider that waste facility operators should be required to supply data on the composition of waste disposed of at landfills?*

The Council considers that waste facility operators should be required to supply data on the composition of waste disposed to landfills. However, it is currently not clear how the various waste streams are to be identified and how mixed waste is to be handled.

There is a need to identify a landfill trigger volume below which a landfill owner or operator may apply to be excluded from the data provision regime.

2. *If so, are the waste classifications proposed the right ones?*



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The proposed classifications closely match those currently in use by the Council and are considered appropriate subject to clarification as described in 1. above.

3. *What are the practical implications of gathering the compositional data?*

The waste classifications proposed need to acknowledge that the monitoring costs will be passed on to customers and hence on to waste generators.

4. *Do you think it will impose additional costs on landfill operators, what will those costs be and do you think they are reasonable?*

The Council considers that the extent of additional costs imposed on landfill operators will depend on the level of detail and frequency of reporting required. There will also be issues of scale and the timing of impost, with initial high costs reducing over time. Some cost reduction benefits would be expected through use of the information collected and from learnings in other jurisdictions.

***In response to Part 4 of the discussion document, the Council submits that the MfE should:***

- Provide clear guidelines for identifying under what circumstances a landfill may be exempted from supplying data on the composition of waste disposed.
- Note that monitoring costs will be passed on to customers and hence on to waste generators.

### ***Part 5: Improving the operation of the waste levy***

1. *What is the maximum amount of cover material required for effective environmental management purposes.*

Cover material/cleanfill is primarily used for:

- covering waste at landfill sites to prevent odour, pests or disease and other environmental problems such as air and water pollution
- mixing with waste materials to achieve the required density and compaction so that it can be properly disposed of in a landfill.

The maximum volume of cover material/cleanfill required is dependent on the type of waste delivered for disposal and can vary from 10% to 25%. On average, to maintain proper landfill management and ensure odour suppression, not less than 15% of cleanfill/cover material is needed. This does not include the development of new cells where cleanfill requirements are substantial.

2. *Should material used for environmental management purposes be exempt from the waste levy? If not, why not?*

The levy should be charged on everything that is imported into a landfill to mitigate perceived inequities and avoid opportunities for levy avoidance.

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Transporting cover material sourced on site to a weighbridge and then back to the landfill face for use would be impractical. Because of these additional compliance costs, material sourced on site for environmental management purposes should be exempt from the levy. All material received by a landfill, including material imported for environmental management purposes, should be levied.

*If so:*

- *What should be the maximum allowable percentage of cover material exempt from the levy?*
- *What are the benefits of a zero rate for cover material?*
- *Would this impose any additional operational costs?*

Without cover/cleanfill material, landfill operations would be environmentally unsustainable. The amount of cover/cleanfill material needed depends on the design of the landfill and the material being covered. The levy should be charged on everything that is imported to a landfill site.

Excluding cleanfill operators from the levy appears to be inconsistent with the intent of the Act; the minimisation and safe disposal of waste. If the levy is imposed on cover/cleanfill material disposed of in landfills, but not in cleanfills, all cover/cleanfill material will be taken to cleanfills. The only option for landfill operators to attract cover/cleanfill would be to pay for the cover/cleanfill material, and for the levy on it. The levy applied to cover material could be adjusted to encourage sustainable landfill management practices.

3. *Are there any other options for addressing the potential perverse effects of applying a \$10 per tonne levy rate?*

Cleanfill operators may receive mixed waste which is then sorted on site for sale or disposal in the cleanfill, or at another location. This may incentivise potential receipt of non-cleanfill waste at cleanfill sites and non-approved disposal in the cleanfills.

***In response to Part 5 of the discussion document, the Council submits that the MfE should:***

- Exempt from the levy all material sourced on site for environmental management purposes.
- Levy all material received by a landfill, including material imported for environmental management purposes.
- Levy all material received by a cleanfill and then rebate the material actually disposed of in the cleanfill.