



Environmental Protection Act 1986

**Hon Albert Jacob MLA
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST CONDITIONS OF LICENCE – L7751/2001/7, CLASS I INERT LANDFILL, BUCKINGHAM ROAD, JELCOBINE, SHIRE OF BROOKTON

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 102(3)(a) of the *Environmental Protection Act 1986* in objection to the conditions of Licence L7752/2001/7. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellants:	Australian Tyre Recyclers Association, Australian Council of Recycling and Tyrecycle Pty Ltd
Licence Holder:	STEG Waste Management Pty Ltd
Prescribed Premises:	Class I inert landfill site, Buckingham Road, Jelcobine, Shire of Brookton
Minister's Decision:	The Minister allowed the appeal in part
Date of Decision:	30 July 2014

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Department of Environment Regulation (DER) on the matters raised in the appeals. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeals.

The Minister understood that appellants objected to waste tyres or conveyor belt rubber being sent to the landfill. The Minister understood appellants are concerned that the continued disposal of used tyres to landfill amounts to a loss of a reusable/recyclable resource and that the well documented environmental, social and economic benefits of reusing/recycling used tyres will not be realised in Western Australia if they continue to be disposed to landfill. The Minister noted that appellants are also concerned that the licensing of landfill facilities to accept used tyres risks the viability of newly established recycling

facilities in Western Australia which depend directly on the availability of waste tyres for recycling at commercial rates.

The Minister was advised by the DER that it considers the conditions of the licence are appropriate to prevent, control and abate potential emissions and discharges resulting from the burial of tyres, the most significant of which is dust, and that it considers the buried tyres are managed in an environmentally acceptable manner and do not pose a fire risk.

The Minister was advised by the DER that the facility is the only landfill in the Tyre Landfill Exclusion Zone established under Part 6 of the *Environmental Protection Regulations 1987* which is licensed to bury waste tyres (up to 5,000 tonnes per annum). The Minister understood the facility operates as a monofill, whereby tyres are not mixed with other waste types, with the intention that the tyres can be recovered in the future, if market demand for used tyres increases. The Minister was also advised by the DER that based on previous experience, it considers the availability of some alternative disposal options to tyre recycling reduces the risk of problems of stockpiling and illegal dumping occurring in the future.

The DER has also advised that it is reviewing existing information and monitoring options for the management and recycling of used tyres following the recent launch of the national voluntary Tyre Product Stewardship Scheme and the establishment of Tyre Stewardship Australia to administer the scheme. The Minister understood that the operation of the Tyre Landfill Exclusion Zone and possible regulatory and non-regulatory options for managing used tyres will also be considered as the industry scheme matures.

Taking into account the advice provided to him by the DER and consistent with the advice of the Appeals Convenor, the Minister was of the view that no amendments to the waste acceptance criteria in the licence are necessary at this time. However, the Minister agreed with the DER that Condition 1.3.5 should be amended to remove reference to Inert Waste Type 1 being used as a cover material and to refer to 'soil excavated on the premises or Clean Fill' as the cover material. The Minister's decision will be given effect by the DER pursuant to section 110 of the Act.

In relation to the broader issues raised in the appeals in respect to the capacity of local recyclers to process tyres currently being sent to the facility for burial, the Minister understood that the licence holder has expressed a willingness to discuss alternative opportunities with the tyre recycling industry, and encouraged the appellants to make contact with the licence holder to discuss possible opportunities further.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

Office of the Appeals Convenor

Level 22, 221 St Georges Terrace
Perth WA 6000

Tel: (08) 6467 5190

Fax: (08) 6467 5199

www.appealsconvenor.wa.gov.au