CEMENT CONCRETE & AGGREGATES AUSTRALIA

24 January 2025

Dr Jon Gorvett
Chief Executive
EPA SA
211 Victoria Square
Adelaide, SA 5000

CCAA Submission – Review of the Environment Protection (Waste to Resources) Policy 2010

Dear Dr Gorvett

CCAA is please to make a submission to the Review of the Environment Protection (Waste to Resources) Policy 2010.

Industry Background

Cement Concrete & Aggregates Australia (CCAA) is the voice of the heavy construction materials industry representing cement manufacturers, concrete suppliers, and extractive operators throughout Australia. Our members range from large global companies to SMEs and family operated businesses and are engaged in the quarrying of sand, stone and gravel, the manufacture of cement and the supply of pre-mixed concrete. These businesses service local, regional, and national construction and infrastructure markets to meet South Australia's building and construction needs through the provision of roads, railways, bridges, ports, airports, hospitals, schools, and footpaths. The reliable and cost-effective supply to these markets is fundamental to sustainable growth and it is CCAA's aim to promote policies that recognise the importance of these materials to Australia's sustainable future.

Recommendations

In addition to the points and supporting information outlined below and our referenced submissions, CCAA makes the following specific recommendations:

1. CCAA strongly supports objectives to avoid waste generation and promote source segregation for reuse and recycling for the most appropriate highest order value, while also taking into account other considerations such as overall greenhouse gas considerations, demand for the highest order value use, and providing for economic considerations.
2. CCAA supports a policy framework that enables the effective and efficient recovery and use of materials, not otherwise recyclable, for co-processing and for use as supplementary cementitious or other recovered or recycled materials, lowering natural resources consumption and the carbon intensity of manufacturing, and creating long lasting construction materials for more sustainable development.
3. The EPA should avoid conflating energy from waste disposal including incineration, with the use of RDF as a fuel product.

4. That the revised Policy provides a supporting streamlined framework to further circular economy innovations for recovering and reusing secondary materials as recovered products not subject to regulation as waste. The retention of clause 4(1)(b) mechanism or similar for innovation and supporting recovered materials to be recognised as not waste is essential
5. That the EPA is encouraged to proactively acknowledge existing frameworks and standards for commonly used secondary materials not requiring regulation as waste, including relevant Australian Standards that already recognise various recovered materials as genuine feedstock inputs to manufacturing processes.
6. That the EPA should align to and not duplicate reporting and regulation already in place at a federal level for climate change mitigation.
7. That climate change regulation is already and should remain significantly a matter for federal government regulation.

Industry commitment to Environmental outcomes

CCAA members are strongly committed to the protection and improvement of environmental values and minimising environmental impacts when they arise, and we strongly believe that we have an obligation to supply construction materials in an environmentally responsible and sustainable manner. We work within a very complex array of Federal, State and Local Government legislation which aims to protect Australia's unique biodiversity, natural landscapes and lifestyle and we are keen to continue to work with the South Australian Government and the wider South Australian Community to maintain these protections.

Our industry's approach and commitment to the circular economy is outlined in CCAA's ***CCAA Submission to the Productivity Commission Inquiry into Opportunities in the Circular Economy***[1] document which was put together in November 2024. This document makes twelve clear recommendations, many of which are relevant to South Australia. The document also highlights our industry commitment and provides examples of that commitment through industry case studies.

In 2021, our industry publicly declared its ambition to deliver net zero carbon cement and concrete to Australian society by 2050[2]. Our sector's Climate Ambition Statement makes three key points:

- Australia's Cement and Concrete Industries recognise the challenges of climate change and adaptation;
- Our industries hold an ambition to reduce their CO_2 footprint and deliver society with Net Zero Carbon Concrete by 2050; and
- We are committed to working across the value chain to deliver this in a circular economy, whole-of-life context to support a sustainable built environment.

The Extractive sector has always acknowledged that the initial stage of our supply chain – the extraction of raw materials from the earth's crust (quarrying) - has the potential to impact the surrounding natural environment. However, we equally believe that these impacts can be addressed through inception planning, onsite environmental management measures and the development and implementation of effective and progressive rehabilitation and restoration of quarry sites which contribute to significant, long-term environmental outcomes.

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[1] CCAA Submission to the Productivity Commission Inquiry into Opportunities in the Circular Economy

[2] Cement and Concrete Industry declares its ambition to deliver net zero carbon cement and concrete by 2050

Broadening the Circular Economy Policy Objective to include Climate Change (7.1)

CCAA is supportive of these principles being reflected in objectives of the Policy, however we note that as many of our members have operations across multiple states and territories, that it is critical to:

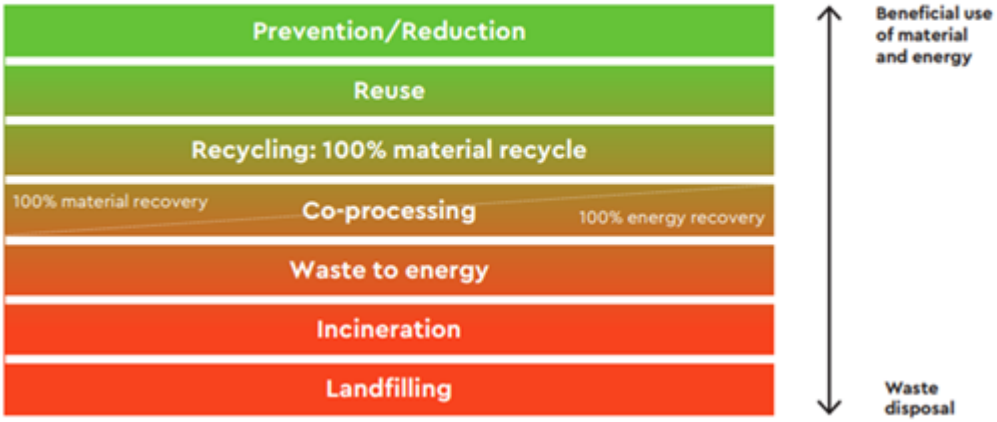
1. Avoid policy misalignment with the Federal Government in particular, but also with other state and territories.
2. Avoid duplication of federal processes and reporting.
3. Provide regulation that is not overly prescriptive or prohibitive in sustainable production design.
4. Recognize that not all circular economy options are available to all geographic regions in equal measure, such as the availability certain supplementary cementitious materials.
5. Recognize that there are multiple Government agencies that impact on circular economy principles, such as material specifications for infrastructure, as well as Australian Standards.

Expanding the waste management hierarchy (7.2)

While CCAA understand the intention behind expanding the waste hierarchy and in principle are supportive, however we have concerns that:

1. Refuse Derived fuel is considered as 'Waste disposal by incineration' described in Table 2 of the discussion paper. This is in direct conflict with the EPA's own Refuse Derived Fuel Standard developed in alignment with clause 4 of the current Environment Protection (Waste to Resources) Policy 2010 as material declared not to be waste. We highlight that pp12-16 of the RDF Standard purposefully articulates the differentiation between RDF use as a beneficial product no longer subject to regulation as a waste, as distinct from disposal by incineration. To ensure accurate reflection of the role of alternative fuels and raw materials, the EPA should avoid conflating energy from waste disposal including incineration, with the use of RDF as a fuel product. The existing EPA Standard for the Production and Use of Refuse Derived Fuel published in line with the Waste to Resources clause 4(1)(a) Materials declared not to be waste, directly makes this distinction for RDF as a product. The use of RDF as a fuel product to replace natural gas is clearly beneficial to a circular economy and provides a higher value alternative to energy from waste disposal via either landfill or incineration. As such, any review of the waste hierarchy must ensure this clear distinction existing in EPA Policy and RDF Standard is retained. As noted by the Global Cement and Concrete Association (GCCA), the use of cement kilns for co-processing is situated in the waste hierarchy in between recycling and energy recovery (GCCA Sustainability Guidelines for co-processing fuels and raw materials in cement manufacturing, November 2018).

Figure 1: Co-processing in the waste hierarchy



2. The proposed hierarchy as set out in Figure 7 is much more complex and may result in individuals and industry being less clear about the best action to take.
3. Over prescription may result in sub optimal decision being made and does not consider that many circular economy activities rely on regular availability of materials to make them efficient and viable to recover and recycle.

Managing resources to Preserve Value (7.3) and Waste Definitions (7.4)

CCAA supports the principle of a closed loop system where resources are kept in use for as long as possible, with their value preserved and waste minimised. On page 28 of the discussion paper under “Reduce”, it suggests “Redesign: Design for quality, durability and longevity; design for service; design for product reuse and repair.” This also ties in with the principle of considering greenhouse gas emission over the life of the product, building or infrastructure, rather than simply taking onto account the upfront greenhouse gas emissions. Accordingly, Government should consider whole of Government policies which include designing to take into account circular economy principles and whole of life greenhouse gas emissions. An example of this would include building concrete roads, which have a longer life and require less maintenance.

We continue to support source segregation and prioritising the highest value use or reuse of recovered materials. For materials not able to be recovered for onsite closed loop recycling, the EPA should continue defining standards and specifications and where appropriate for end of waste criteria. However, to ensure timely ability to create site specific and evolving improvement in recovered product use beyond EPA published standards, the end of waste clause 4(1)(b) should also remain. This supports the principles established in its Waste-derived materials—guiding principles for determining approval processes and product standards for suitable and beneficial use of recovered materials to maximise value and minimise adverse impacts.

7.3.1 The concept of highest value use or reuse is a logical objective but may not be achievable in all cases. The rejection of a proposal to reuse a waste material, because a higher value use is considered to exist, may be unreasonable in practice. A reuse proposal should not be rejected simply because there is a higher value reuse option available, as it may be that there is an insufficient market for the higher value use, or that it may create higher greenhouse gas emissions or other negative consequence.

7.3.2 Requiring proposals that reuse waste derived materials, to demonstrate that it is a beneficial and genuine reuse (which the paper suggests includes keeping the resources and materials in use and at their highest possible value), may result in in unintended consequences of that material not being reused at all, particularly in a market where we still have much waste going to landfill. This would be more appropriate where the circular economy was truly mature, and the aim is to then maximise the circular outcomes. It would be better to determine that the use is simply beneficial. It may also be difficult to determine what is the highest and best use where the outcomes between options for reuse may be significantly different.

7.3.3 CCAA would like further clarification about what is meant by “If dilution of waste with other materials (source separated recovered materials or virgin materials) is prohibited, are there any situations where diluting waste with other materials should be acceptable, and what are these?” Can the EPA provide examples? For example, might this preclude the existing use of some forms of beneficiated fly ash or slag as supplementary cementitious materials in concrete, and recycled aggregates as replacement for quarried aggregates?

7.3.4 CCAA is concerned about a blanket proposal to source separation of waste to be incorporated into the EPP as a requirement, rather it should be a guiding principle, to ensure that there are no unintended consequences. For example, most concrete batching plants do not have the space available to separate returned concrete into its constituent components, however returned concrete is reused in a variety of different ways, including make products such as retaining wall blocks which are hen sold and used for a valuable purpose. While this suggestion by the EPA may not be intended to cover returned concrete, it does highlight that a blanket requirement may not be fit for purpose.

Defining Waste (7.4)

There is an opportunity to remove a duplication of process, and exempt operating mines and quarries, that have already been assessed and approved for the use of Construction and Demolition (C&D) waste under the *Mining Act, 1971*, to be exempt from the requirement for an EPA Licence to process wastes listed under the WDF Standard.

Construction and Demolition waste from nearby developments can be received at a quarry, and crushed and reused as a quarry product, or crushed (or broken down using a rock breaker attachment) for use as rehabilitation backfill.

Currently, the processing (crushing) of C&D waste requires an EPA licence (and development approval) which acts as a barrier to some operations to receiving and reusing the C&D waste.
Many of these sites are already approved to crush material under the *Mining Act, 1971* and operate in accordance with mining programs that include monitoring and management commitments for aspects such as dust and noise.

Quarries and mines are required to complete an impact assessment ahead of being approved to receive and use C&D waste, and Waste Derived Fill, under the *Mining Act, 1971* and are also required to operate in accordance with the Waste Derived Fill Standard.

Product Stewardship Requirements (7.5)

A legislative framework for broad product stewardship risks creating an additional layer of green tape which may have unintended consequences. Should the EPA wish to consider progressing this item, it should separately and broadly consult with industry to ensure that the benefits outweigh the compliance burden through a full and proper regulatory impact assessment. CCAA recommends identifying and addressing specific products of concern rather than broad legislation.

Circular Procurement (7.9)

Consideration should be given to ensuring that the W2R EPP does not mandate or include prescriptive regulation that prevents the use of products that may have no alternative.

Waste Depot reporting (7.16)

Quarry operations are generally required to record information in relation to the source and volume of Waste Derived Fill received at the site in accordance with the approved program under the Mining Act, 1971, which will align the EPA Standard for the production and use of Waste Derived Fill.

Waste Derived Fill received is either fit-for-purpose with a beneficial reuse (rehabilitation) and does not require an EPA Licence, or requires processing for reuse, or is blended and sold, in which case an EPA licence is required.

To ensure any additional reporting requirements are not overly onerous, a reporting template should be designed to only require essential information be reported, and that the reporting process is efficient and straight-forward.

Overarching Principle

As an overarching principle, an updated Waste to Resources Policy should have caution in relation to mandating and prescribing elements of the policy that may unintentionally restrict or prevent the circular economy through green tape or ideology.

Furthermore, some existing government requirements restrict the circular economy. For example, in the receiving of concrete returns for recycling. Currently a company can receive concrete returns at their quarries from themselves but not from other companies and seeking permission to receive concrete returns from other companies can potentially trigger a review of the approved mine operations plan.

Once again, CCAA thanks you for the opportunity to comment on the Review of the Environment Protection (Waste to Resources) Policy 2010 and we encourage the South Australian Government to consider our thoughts and suggestions.

CCAA would appreciate the opportunity to discuss our submission further. Please contact Jason Kuchel, State Director on 0448 848 848 or email jason.kuchel@ccaa.com.au

Yours sincerely

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