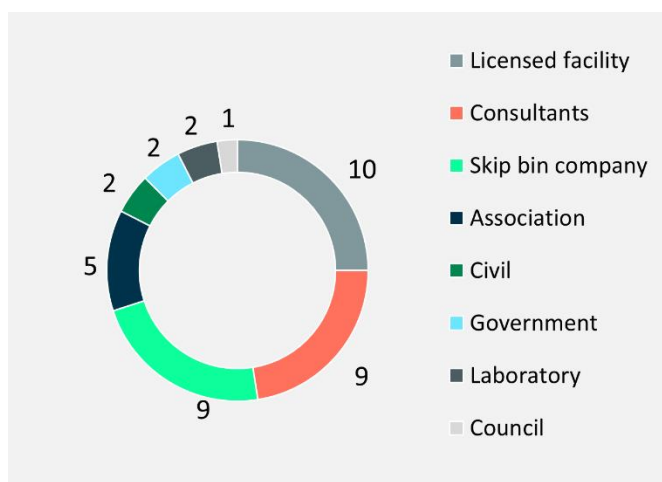


Consultation Summary – Recovered fines & Recovered soil

The NSW Environment Protection Authority (EPA) consulted with industry, community and government stakeholders on the EPA's intention to revoke the resource recovery orders and exemptions for recovered fines, and on the draft conditions for a recovered soil order and exemption in September and October 2021.

Who did we engage with?

In total there were **50 submissions**, with 27 submissions for recovered soil and 23 submissions for recovered fines.



What did we hear for recovered soil?

For **recovered soil**, we heard the following:

- Most submissions were supportive of the draft recovered soil order and exemption conditions.
- Most submissions requested further clarity around the purpose and intent of recovered soil and where it fits amongst excavated natural material (ENM), virgin excavated natural material (VENM) and other resource recovery wastes in relation to fill.
- Submissions raised some issues around the requirement to undertake a desktop assessment, particularly in relation to the level of detail that would be required in the assessment.
- Submissions requested further clarity around the asbestos test method as well as the rationale around the proposed chemical limits.
- There were questions regarding blending, and whether blending or processing was a requirement of the draft recovered soil order.
- Submissions raised concerns around the definition of recovered soil, particularly around how to demonstrate the material is 98% natural material, and that industry's experience suggest that soil is often mixed with building and demolition waste which the draft order does not include for reuse.
- Some submissions suggested: more sampling and testing should be undertaken for asbestos (recommending that 10L samples are taken in addition to the draft conditions); that in-situ sampling for recovered soil is permitted; and that certified environmental practitioners should be required to undertake sampling.

What did we hear for recovered fines?

For **recovered fines**, we heard the following:

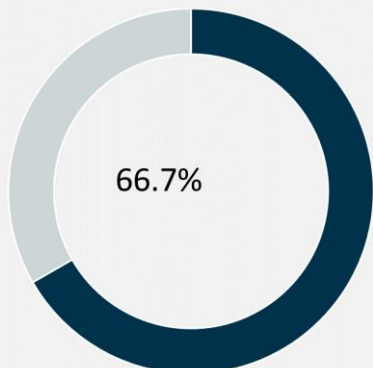
- Most submissions were not supportive of the EPA's intention to revoke the recovered fines orders and exemptions.
- Most submissions focused on the business and economic impacts, such as potential job losses, increase in costs for recycling, reduction in recycling rates, and potential impacts to the NSW economy if the recovered fines orders and exemptions were revoked.
- Most submissions recommended the EPA reconsider revoking and instead set very high standards for recovered fines requirements and undertake more enforcement activities to ensure industry complies.
- Some submissions raised concerns about the EPA's review findings and claimed that industry is currently performing at a higher standard than reported.
- Most submissions did not address the EPA's findings in relation to the compliance data reviewed by EPA, nor the findings in relation to asbestos, microplastics, synthetic mineral fibres, and chemically treated timbers found in recovered fines.
- Some submissions requested:
 - Mixed construction and demolition waste to be included in making recovered fines.
 - Batch sampling and testing as opposed to continuous process sampling.
 - Using recovered fines at depth for construction purposes and not for landscaping.
 - Using certified environmental practitioners for sampling and testing.
 - Using independent auditors to undertake audits of waste processors against the conditions of the orders.
 - Further clarification on, and an increase in foreign material limits.

What are the next steps?

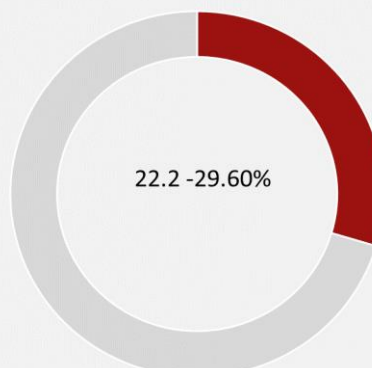
The EPA has considered every submission it has received including additional information provided after the end of the consultation period. This submissions report will inform the EPA's decision on the way forward for regulation of recovered fines and recovered soils.

Key submission themes for recovered soil

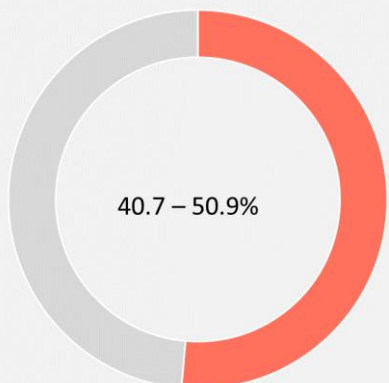
Support Recovered Soil



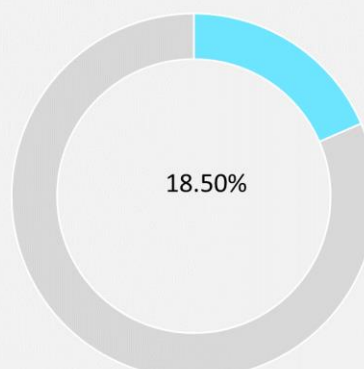
Request clarity about asbestos test method, chemical limits, sampling & blending



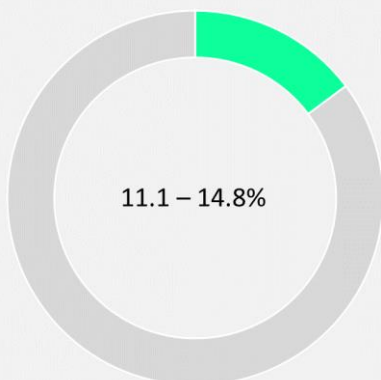
Request clarity around purpose of recovered soil, foreign material limits, and desktop assessment requirements



Request clarity around B&D, practitioner, and 98% natural material definition

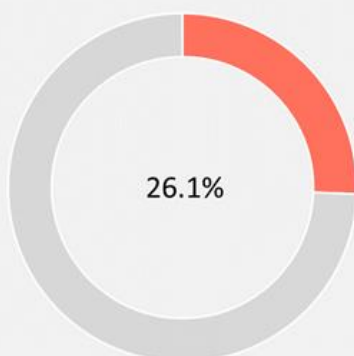


Request more sampling, in-situ sampling, and using certified practitioners

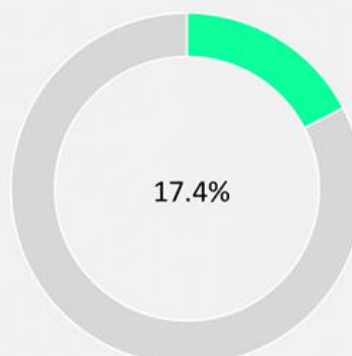


Key submission themes for recovered fines

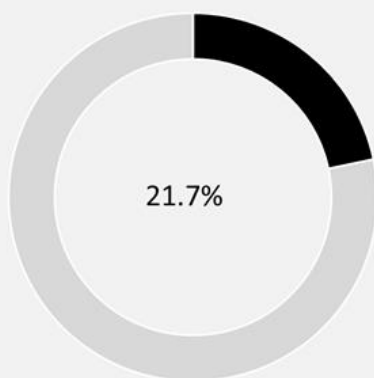
Request mixed C&D to make fines



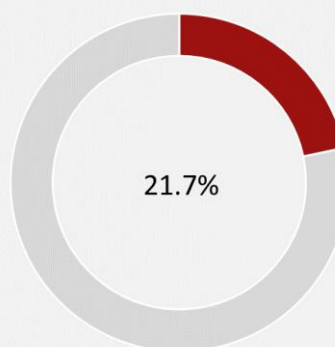
Request independent sampling & increase foreign material limits



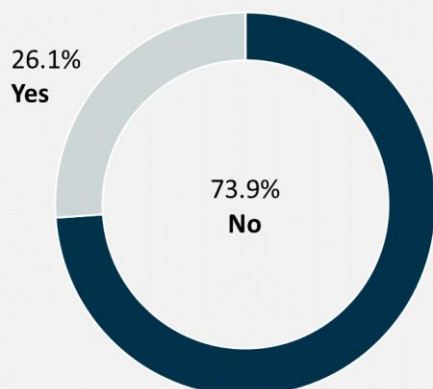
Request recovered fines used at depth for construction



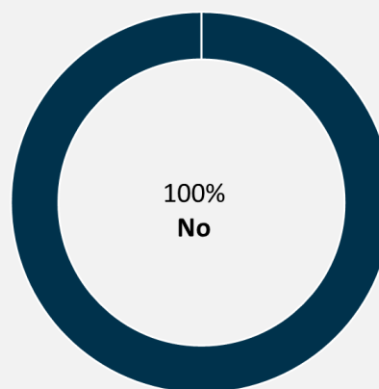
Request batch sampling, and using independent auditors



Revoke continuous Recovered fines



Revoke Batch Recovered fines



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