

Attachment:

## **E-Waste at SHOROC**

### **1. Background**

Motivated by concerns of environmental risks from the continuing disposal of E-Waste at the Kimbriki landfill, a meeting of Kimbriki Joint Services Committee on 19 February 2009, resolved to:

- *investigate imposition of a ban on the collection of E-Waste in kerbside clean-up collection services,*
- *investigate a ban on the disposal of E-Waste at the Kimbriki landfill,*
- *consider introducing both bans with effect from 1 January 2010, and*
- *make representations to State and Federal Ministers demanding the mandatory introduction of an extended producer responsibility scheme for E-Waste that would have binding obligations on manufacturers.*

A key objective of the initiative is to elicit manufacturer response to participate in an EPR program.

SHOROC Councils are relatively unique amongst Sydney metropolitan Councils in that they own and operate their own local landfill and are positioned to enforce specific acceptance criteria on disposals at the landfill.

### **2. E-Waste in NSW**

The NSW Department of Environment and Climate Change (DECC) has listed E-Waste as one of ten priority wastes to be addressed under an Extended Producer Responsibility (EPR) Schemes, in a 2004 statement – *Extended Producer Responsibility Statement 2004*.

After some time working with industry sectors, it has become apparent that the NSW Government prefers that the EPR arrangements be developed and introduced at a national level.

At the national level, the multiple jurisdictions working through the Environment Protection and Heritage Council (EPHC) have reached a stage where an EPR scheme is near with television manufacturers, but still some time away with computer manufacturers. EPHC is currently in the process of developing a Regulatory Impact Statement (RIS), a 12-month process that is a necessary precursor to the introduction of the regulatory intervention that would introduce the EPR scheme for televisions. The

RIS is due for completion some time in 2010, with a scheme for television sets introduced some time after that, if all goes according to plan.

In the interim, some 32 Councils across NSW have undertaken trials of some form or another with the collection of E-Waste, of which half (16) have decided to maintain some form of on-going arrangements for E-Waste in their communities. In 2009, two additional Councils have indicated that they will undertake a trial E-Waste collection.

The 32 Councils cover 41 percent of the population of NSW, 19 are in the metropolitan area and 13 in regional areas.

The trials have involved various means for re-aggregating the E-Waste including dedicated collections, collections as a part of kerbside hard waste clean-up, dedicated drop-off and drop-off in conjunction with the DECC hazardous chemicals drop-off scheme.

Irrespective of re-aggregation approach, the current market cost for E-Waste receipt and processing is \$500 per tonne, on top of which are transport, handling and logistics, plus any collection costs. Anecdotal information indicates that the cost to these Councils varies significantly, up to as high as \$1,500 to \$2,000 per tonne, depending on the collection approach adopted.

### 3. Introducing a Ban on E-Waste

**(a) The Bans** – two bans would be introduced:

- a ban prohibiting the disposal to landfill at Kimbriki of designated E-Waste, and
- a ban prohibiting uplift of designated E-Waste from kerbside hard waste clean-up collections on the part of the designated collection contractor.

The *first ban* sets out the basis or rationale for the move – no further designated E-Waste to Kimbriki landfill to minimize future environmental risks. This ban would prevent designated E-Waste being received and dropped off to landfill at Kimbriki.

The *second ban* prevents designated E-Waste being collected in kerbside hard waste clean-up collections and thus delivered to Kimbriki for disposal.

**(b) Notice of the Bans** – advance notice of intent to introduce the bans will be required for SHOROC residents and customers of Kimbriki, who might want to discard designated E-Waste. This notice must include:

- unambiguous definition of the designated E-Waste items to which the ban applies,

- actions to be taken at Kimbriki when designated E-Waste is discovered in a load destined for landfill disposal,
- actions to be taken by collection contractors when designated E-Waste is discovered in the hard waste set out for collection,
- resident responsibilities when designated E-Waste left un-collected at kerbside,
- alternative options available to residents and customers of Kimbriki for the disposal of the designated E-Waste.

Advance notice of intent to introduce the bans will be required for collection contractors, responsible for up-lift of hard waste in kerbside clean-up services. This notice must include:

- unambiguous definition of the designated E-Waste items to which the ban applies, and
- standard operating procedures to be adopted when designated E-Waste is discovered in the hard waste set out for collection.

Advance notice to manufacturers and suppliers of the designated E-Waste will be strategically important to alert them to the impending bans and allow them time to consider whether and/or how they will respond to the bans. This notice must include:

- unambiguous definition of the designated E-Waste items to which the ban applies, and
- alternative options available to residents and customers of Kimbriki for the disposal of the designated E-Waste.

Advance notice to relevant State and Federal jurisdictions will be strategically important to alert them to the impending bans and allow them time to consider whether and/or how they will respond to the bans. This notice must include:

- unambiguous definition of the designated E-Waste items to which the ban applies, and
- alternative options available to residents and customers of Kimbriki for the disposal of the designated E-Waste.

Advance notice to residents. Notice of intent to introduce a ban on designated E-Waste will require a significant and comprehensive marketing and awareness raising campaign across the SHOROC Councils in order to convey some critical messages:

- it will be essential to clearly identify the designated E-Wastes to which the bans will apply,
- Councils must clearly articulate their position that continued disposal to landfill of the designated E-Wastes is no longer acceptable,
- the bans are a response to the failure of industry to take responsibility for the products they manufacture,

- Council action has become necessary due to the State and Australian Governments failing to act,
- residents have alternative discard opportunities to disposal to landfill,
- Councils will have an information point where residents can get further details on the bans and alternative options.

**(c) *Alternative Arrangements*** – before the implementation of the bans, SHOROC Councils must be clear that there are alternatives available to residents for the disposal of unwanted designated E-Waste, and that the residents are aware of those alternative options.

Alternatives might include commercial services on a fee for service basis or drop-off of designated E-Waste in conjunction with household hazardous wastes periodically organized by DECC in collaboration with Councils.

**(d) *Implementing the Bans*** – once introduced the bans must be enforced to avoid either/both political embarrassment and Councils assuming responsibility for designated E-Wastes.

Key to the implementation of the bans will be clear and unambiguous definition of the designated E-Wastes. In this initiative, the definition is likely to be relatively narrow (computers, peripherals and televisions), since one objective is to focus attention on a select group of manufacturers. Therefore, there should be little confusion with landfill operators, kerbside clean-up collection contractors or residents as to what the bans cover.

At Kimbriki, implementation will involve load checking at the weighbridge and as wastes are discharged at the face. Both are good landfill management practice and both are well implemented already to prevent discard of other nominated wastes that are banned from Kimbriki – e.g. food wastes.

In the event that designated E-Wastes are detected, the customer must be instructed not to off-load the items, told to remove them from the site, and given information on the availability of other services for disposal of the designated E-Wastes. This procedure is already in place at Kimbriki for other banned wastes.

At kerbside, collection contractors already have in place work practices that are designed to prevent up-lift of wastes that are already banned from kerbside hard waste clean-up collection services – e.g. paints and household chemicals.

In the event that designated E-Wastes are detected at kerbside, the collection contractor must isolate the items, not up-lift them, and leave them behind on the kerbside with instructions attached advising the resident that the designated E-Waste items are banned from kerbside hard waste clean-up services, and advising the resident on the availability of other services for disposal of the designated E-Wastes.

The contractor must note the incident and report this for follow-up to ensure the resident eventually retrieves the banned items from the kerbside.

**(e) *Enforcing the Bans*** – the key enforcement procedure at Kimbriki is load checking.

At kerbside, the key enforcement procedures are:

- checks by contractors on items presenting for up-lift and exclusion of designated items,
- recording of transgressions of the ban and the associated properties,
- follow-up visual kerbside checks after items have been rejected to ensure the resident has retrieved them from the kerbside,
- follow-up visit to premises by enforcement staff where repeat offences have been recorded or items not retrieved.

**(f) *Likely Collateral Ramifications*** – with a majority of residents it is reasonable to assume that they will take notice of the ban and desist from setting out the designated E-Waste at kerbside hard waste clean-up collections.

However, this will not be the case for a number of residents, who will, either unknowing, or in defiance, of the ban will continue to set the designated E-Waste out for kerbside collections. It is highly likely that a relatively large proportion of these non-complying residents will subsequently take little notice that the designated E-Waste has not been collected and will leave it at kerbside unattended.

For Councils this will mean:

- follow-up costs with enforcement staff trying to identify the specific non-complying resident,
- the designated E-Waste remaining at kerbside for an extended periods, with associated amenity and safety impacts,
- eventually Councils being forced to pick up the designated E-Waste items that have not been retrieved, using one-off collection resources, and to conclude,
- Councils obligated to take the designated E-Waste items to a reprocessing facility in the western suburbs since the Councils have determined that landfill disposal of the designated E-Waste items is not environmentally responsible.

The cost to Councils of this last-resort clean-up will be exceptionally expensive. It will be considerably more costly than clean-up of typical illegally dumped wastes, and the costs will be on top of the enforcement and advertising costs related to the ban.

#### 4. Strategic Issues of Concern with a Ban

- (a) **E-Waste Included** – the term has very wide coverage, for some it includes “anything with a plug”, meaning it extends to hair dryers, battery chargers and fans and the like.

For the initiative proposed at SHOROC, where the intended outcome is an EPR scheme with manufacture participation, the target group of electrical and electronic wastes would need to be reasonably specific so that specific manufacturers of product can be identified and obligated to participate.

For example, the ban might relate to “computers, computer peripherals etc”, or “televisions, radios, DVDs/VCRs etc”. In each example it will be essential to identify the manufacturers targeted and ascertain that there is a common product area for which they can be made responsible.

- (b) **Reputation Risk** – once a targeted ban, with designated E-Waste items and associated manufacturers has been announced, SHOROC Councils must be prepared to manage criticisms that such a ban is too limiting, that there will still be E-Waste going to the Kimbriki landfill, and that the future environmental risks will still exist unless all E-Waste is banned.

The criticisms will arise because the criticising parties are less-than-informed when it comes to the practical realities of implementing a ban where a key purpose is to encourage manufacturer response to participate in an ERP program.

From an environmental risk perspective, those criticisms will be valid and challenging to deflect.

- (c) **Councils Assumed to Underwrite Costs** – if Councils start visibly underwriting costs associated with collection and disposal of designated E-Waste under any formal scheme of arrangement, it will be exceptionally difficult to limit or eliminate that liability into the future. This will be due to a combination of community pressure for continuity of service plus industry and jurisdictional inertia to buy in to a system that appears to be already funded.

Under current arrangements there is no formal recognition of the processes in-place via which Councils manage the designated E-Waste. The designated E-Waste is either delivered to Kimbriki for disposal along with other mixed wastes or it is set out at kerbside for collection with other mixed wastes. The designated E-Waste is neither highlighted, nor is the cost of managing disposal of the designated E-Waste specifically crystallised and highlighted.

Setting up any formal process to manage designated E-Waste will signal preparedness on the part of Councils to underwrite costs associated with its management. Examples where Councils might inadvertently imply preparedness to underwrite costs include:

- separate up-lift or handling of designated E-Waste at kerbside hard waste clean-up collections (as might be the case with metals and organics under current arrangements),
- eventual clean-up of designated E-Waste that is left at kerbside by collection contractors under a ban, and not reclaimed by the resident responsible,
- stockpiling of designated E-Waste at a site within SHOROC (Kimbriki for example) for later up-lift and processing;
- collaborating with DECC for the drop-off of designated E-Wastes at the DECC sponsored chemical waste drop-off services.

To introduce a mandatory national EPR scheme, it is essential that sound economic rationale can be demonstrated. The economic arguments being formulated for the RIS that is being developed by EPHC to underpin introduction of a national EPR scheme for televisions, and eventually other E-Wastes, is predicated on pressure from the community to have E-Waste better managed coupled with the failure of the market to introduce a workable system for collection and re-aggregation of the products.

Councils introducing their own schemes are fundamentally undermining the rationale of the economic justification for a mandatory EPR scheme.

- (d) *Equity*** – the majority of Councils that have trialled or introduced a scheme of arrangement for the collection or re-aggregation of designated E-Wastes followed by discard to a reprocessing facility, distribute the cost of that service across the whole community, irrespective of ownership of the designated E-Waste items.

This is not an equitable situation for the wider community, and possibly becomes even more so when the definition of E-Waste is broadened with time. Uniformly dispersed costs across the community flies in the face of the “user pays” principle which is intended to make consumers more aware of the responsibilities and consequences of their purchasing choices.

- (e) *Councils Cornered*** – there is considerable possibility that there will be no action at State and Australian Government levels and none from industry – primarily on the argument that these parties are working towards an arrangement that they expect to come to fruition in the not too distant future.

In this event, the Councils must have a detailed plan for running with the bans and the collateral consequences of the bans. Backing out, having announced the bans is not a palatable option, and reverting to accepting the designated E-Wastes at Kimbriki for disposal after declaring concern for the environmental impacts is likely to be even harder.