



Mr Tony Chappel
Chief Executive Officer
NSW Environment Protection Authority
Locked Bag 5022
PARRAMATTA NSW 2124
By email: waste.exemptions@epa.nsw.gov.au

2 September 2025

Dear Mr Chappel

Re: Feedback on Draft Acid Sulfate Soil Order and Exemption

Thank you for the opportunity to provide feedback on the Draft Acid Sulfate Soil Order and Exemption ("ASS RRO/E"). WMRR understands that the intention of the ASS RRO/E is to streamline the process to enable the beneficial reuse of low acidity material that is fit-for-purpose for earthworks and engineering fill, noting that under the existing RRO/E framework, specific orders and exemptions are required.

The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$21 billion waste and resource recovery (WARR) industry. With more than 2,340 members from over 400 entities nationwide, we represent the breadth and depth of the sector, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. Our members are involved in a range of important WARR activities within the Australian economy, including infrastructure investment and operations, collection, manufacturing of valuable secondary raw products from resource recovery, energy recovery as well as community engagement and education. Over a third of our membership is based in NSW, where our sector directly contributes more than \$4 billion per annum to the State's economy and directly employs more than 8,500 workers.

Being at the forefront of the ongoing evolution towards whole-of-system action and the development of a circular economy, WMRR strongly advocates for a systems-based approach to managing materials in Australia to prolong life and mitigate carbon impacts. This includes fierce advocacy for the waste and resource management hierarchy, which promotes avoidance of waste, and the diversion of materials from landfill through design for reuse, recovery, recycling and composting of resources. In the case of recovered materials, including soils, WMRR advocates for their safe, fit-for-purpose reinvestment into the circular economy.

WMRR understands that acid sulfate soils are naturally occurring soils that are submerged in the natural state and harmless when left undisturbed. However, when exposed to air the sulfides react with oxygen to produce sulfuric acid and other contaminants which can be damaging to environment and infrastructure. Therefore, if disturbed, they must be managed and neutralised/ treated. The most common method of treatment is to mix an alkaline material into the soil, where it can react with acidity and neutralise it, which is commonly done with agricultural lime (powdered calcium carbonate—CaCO₃).

Earlier this year, WMRR provided feedback to the EPA on the RRO/E framework guidance, noting that the current system is onerous for applicants, who are essentially asked to fund research, reports, trials and evidence to be provided for an assessment to meet a threshold which is loosely worded as "beneficial" or "fit for purpose", often lacking clarity of what is required to meet these requirements. As such, there would be much to gain by providing improved levels of clarity and certainty.

WMRR NATIONAL OFFICE
57 ST JOHNS ROAD
GLEBE NSW 2037
(02) 8746 5000
INFO@WMRR.ASN.AU

WMRR.ASN.AU



The ASS RRO/E enables the use VENM and ENM with less than 18 mol H⁺/t for engineering fill and earthworks without the need for treatment. Requirements are more onerous for material exceeding 18 mol H⁺/t, requiring treatment and involvement of an environmental consultant to oversee incubation and testing, with approval of the Acid Sulfate Soils Management Plan (ASSMP) and validation by an accredited Acid Sulfate Soils expert. In the consultation webinar session with the EPA, it was clarified that the intention is for the order and exemption to apply to both Acid Sulfate Soils and Acid Sulfate Rock and WMRR recommends that the RRO/E should reflect this in its title.

From the outset, it must be stated that WMRR strongly supports this streamlined approach of the ASS RRO/E and understands the intention of the ASS RRO/E is to provide both clarity of requirements for suppliers and generators, and high levels of confidence for customers that material has been properly neutralised before being used by customers. WMRR contends that these crucial elements of regulatory certainty and consumer confidence should underscore all resource recovery frameworks.

WMRR makes the following comments in support of the ASS RRO/E:

- WMRR recognises that the framework is intended to provide customers with confidence that ASSs are being managed safely. While the approach of requiring proof of neutralisation being achieved for VENM and ENM with more than 18 mol H⁺/t creates some challenges—such as extensive testing and reporting requirements during the incubation phase, the need for specific ASSMP approvals, and the likelihood of frequent new approvals due to changes in source location, use, type, or volume of ASS (compounded by the limited number of accredited ASS experts) —WMRR also acknowledges that the NSW EPA is encouraging suitably qualified professionals to seek accreditation to address this shortfall and values that the RRO/E process is overseen by appropriately qualified technical experts. This should hopefully avoid bottlenecking EPA regulatory staff with highly technical documents and - subject to the availability of consultants and experts - hasten the process for RRO/E applicants.
- WMRR appreciates that flexibility has been written into the ASS RRO/E by enabling applicants to show neutralisation being achieved with a range of eight (8) -19 weeks incubation testing phase for material with more than 18 mol H⁺/t, and/or provide segregation reports for hot spots. This approach recognises that proof of performance testing can be difficult to pass.
- WMRR acknowledges that the Validation Checklist Report and Sampling Plan drafted have been based on industry feedback, with requirements of these and the ASSMP aligning with the 2024 *Queensland Technical Manual for Managing Acid Sulfate Soils*. WMRR supports achieving alignment between jurisdictions wherever possible to facilitate the reinvestment of recovered resources across our one (1) national market, and notes that many infrastructure projects take place across state borders.

Please contact the undersigned if you wish to further discuss WMRR's submission.

Yours sincerely

Gayle Sloan

Chief Executive Officer

Waste Management and Resource Recovery Association of Australia

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