Environment Protection Act 1993

(South Australia)
What does the Environmental Protection Act do?

- Ensures measures are taken to protect, restore & enhance the quality of the environment
- Provides for a licensing regime for polluting or potentially polluting activities
- Sets standards for pollution & waste in Environment Protection Policies (EPPs);
  - Air Quality
  - Burning
  - Waste Management
  - Water Quality
  - Motor Vehicle Fuel Quality
  - Noise
  - Used Packaging Materials
- Promotes ecologically sustainable development
Environment Protection Act 1993 (SA)

How does the Act apply to the University?

• The University & its employees have a “general environmental duty” to protect the environment through harm & pollution prevention

• Virtually all University activities as a land owner & occupier impact the environment

• Many teaching & research activities impact the environment, including through;
  – production & disposal of waste
  – excavation or alteration of land
  – construction of fencing & buildings
  – housing of animals on campus (eg. pigs & horses at Roseworthy)

• All ‘building work’ requires consideration & management of environmental risk, including the alteration & destruction of existing buildings

• The University requires ‘environmental authorisation’ (via a licence, works approval or exemption) from the EPA to undertake some activities
The Environment Protection Authority (‘EPA’) administers the Act. The EPA’s Compliance & enforcement responsibilities include:

- Issuing warning notices (verbal or written & formal or informal) & fines
- Issuing administrative orders, such as environment protection order, clean-up order or authorisations
- Cancelling, suspending or varying an authorisation
- Auditing the environmental risk of activities producing waste
- Making recommendations for civil action & penalties or criminal prosecution or better compliance regimes
The University Licence

- The University’s Environment Protection Licence (EPL) is a generic environmental authorisation which governs all of the University’s ‘environmentally significant’ activities

- The licence regulates storage, treatment, packaging, transportation & disposal of wastes

- The licence also specifies that the University must have written approval from the EPA to undertake activities that have the potential to;
  - increase the risk of environmental harm
  - or
  - increase pollutants or emissions
The University Licence: Waste Production

- The University is authorised to undertake activities producing ‘listed waste’, subject to the conditions of the licence.

- **Listed wastes** include:
  - Laboratory chemicals
  - Organic solvents
  - Pesticides
  - Paint sludge
  - Acids
  - Medical waste consisting of (among others):
    - Human tissue
    - Animal carcass
    - Needles & syringes

- Most activities in which listed waste is produced, are restricted to laboratory activities, research & experiments undertaken in the Faculties of Sciences & Health Sciences.
The University Licence: Waste Disposal

- The University has a **waste threshold** (specified in the licence) of more than 5 tonnes but not more than 100 tonnes of non-medical waste per year
  - The University must inform the EPA if it exceeds this limit

- Calculations of waste include estimates of disposed listed wastes from;
  - laboratory areas (such as animal parts & medical wastes); &
  - pesticides & chemicals

- Calculations **do not include**;
  - general wastes; &
  - listed wastes from excluded activities, such as building work, agriculture, carpentry & plumbing

- Calculations are cumbersome & rely on good record keeping practices
Approval for construction or ‘works’

- Generally, as stipulated in the *Development Act 1993*, **Development Approval** must be granted prior to any ‘work’ being commenced.

- If Development Approval is **not required** due to an exemption in the Development Act or Regulations a **Works Approval** may be required from the EPA if work has the potential to increase the risk of environmental harm, for example;
  - *Installation or alteration of plant equipment can increase the risk of harmful substances flowing into a drain*  
  - *Alteration or destruction of part of an old building can increase the risk of exposure to asbestos in the walls or ceiling*  

- Normally, EPA staff would ask for written confirmation from the relevant planning authority that Development Approval is **not required** before going through the Works Approval process.

- The Works Approval process may require the University to liaise with the EPA & provide plans for counteracting the risk of noise, fumes or dust.
Licence Exemption

- Some activities that have the potential for environmental harm, are *not* dealt with specifically in the University’s licence, for example:
  - *A festival or major event held on University grounds (noise pollution)*
  - *Disposal of unidentified chemicals post research activities (waste disposal outside of ordinary disposal activities)*

- For these activities, the University must apply for a separate *licence exemption*, which allows the activity to take place under certain conditions

- Prior to activity commencement, a demonstrable management process to minimise potential harm must be in place
Offences under the Act include

- Environmental pollution caused by noise, air, water or waste

- Environmental nuisance:
  - unsightly or offensive conditions caused by waste
    - smoke, noise, dust, fumes or odour
  - any adverse effect on features, benefits or advantages of the local environment
  - any adverse effect on the value of an area as a result of building works, or a gas or water leak

- Contravention of environmental protection policies

- Undertaking an activity of environmental significance without a valid EPA licence

- Violating a condition of a licence

- Hindering, obstructing, abusing, threatening or assaulting an authorised EPA officer
Environment Protection Act 1993 (SA)

What can happen if I don’t comply?

• Penalties to the University & an individual for breaching the Act range according to;
  – *actual or potential harm to health & safety of people*
  – *scale of environmental impact*
  – *level of environmental nuisance*

*Individual Consequences:*

• Potential liability exposure for Directors & Officers of the University

• Fines of up to $500,000 or 4 years jail

• A breach of the Act may be considered misconduct, actionable under the University’s Enterprise Agreement
What can happen if I don’t comply? (cont.)

University Consequences:

- Fines of up to $2,000,000 per breach
- Ongoing daily penalties
- Suspension or revocation of the University’s Environment Protection Licence
- Negative publicity
  - Damage to the University’s reputation
  - Attraction & retention of staff & students is compromised
  - Loss of funding or research grants
University obligations under the Act: All Staff

• Do not cause environmental nuisance or environmental harm

• Behave in a manner consistent with the University Sustainability Policy

• Ensure that any storage & disposal of materials is carried out in an environmentally responsible manner

• Keep accurate & up-to-date records of waste storage & disposal (for use in waste calculations)

• Support the development of sustainability targets & environmental conservation on all university campuses

• Use resources efficiently & responsibly by;
  – eliminating the wasteful consumption of energy, water, other natural resources & manufactured goods
  – using (where practicable) recyclable & recycled materials
Environment Protection Act 1993 (SA)

University obligations under the Act: All Staff (cont.)

• Learn to recognise environmental risk
  – undertake risk assessments for activities that may impact the environment
    • Contact Anne Hill, Manager Risk Services for more information
    • 8313 4603

• Co-operate with & assist the Environment Protection Authority if need be

**Immediately** notify Mathew Jeffrey or Dale Washington if;
  – you are contacted by the EPA; or
  – any environmental incident occurs
Environment Protection Act 1993 (SA)

If you are managing or supervising ‘works’ on University grounds

• Ensure you understand what works you are authorised to do on site

• Ensure that all contractors, site supervisors & site staff on University campuses;
  – are aware of University best practice environmental guidelines
  – comply with the requirements of the University Sustainability Policy
  – have an EPA licence (if required)

• Clearly set out the steps required to comply with an EPL in work procedures, for example;
  – control of dust emissions
  – noise restrictions
  – conditions for operating plant

• Clearly outline who is responsible for each aspect of EPL compliance & auditing of site activities
If you are managing or supervising ‘works’ on University grounds (cont.)

- Provide training & refresher training to site personnel when necessary

- Ensure the University is compliant with relevant legislation & regulations linked to the Environment Protection Act such as:
  - Occupational Health, Safety & Welfare Act
  - Development Act
  - Natural Resources Management Act
  - Building Codes

- **REMEMBER: If the University engages a contractor to undertake works on campus, it is responsible (& liable) for the environmental harm & any breach of the University’s EPL that may follow, regardless of whether the contractor was responsible for the contravention**
Additional Resources

- **Libby Dowling**, Environmental Project Officer
  - 8313 5871

- **Tony Reynolds**, Manager Campus Services
  - 8313 5556

- **University Sustainability Policy**

- **Sustainable Adelaide website**

- **University of Adelaide Collective Agreement**

- **Environment Protection Authority (EPA)**
  - Environment protection policies can be found under ‘Legislation’ on the EPA website

- **Environment Protection Act 1993 (SA)**
Disclaimer

The content of this material is intended only to provide a summary & general overview of the Environment Protection Act as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact Mathew Jeffrey, Environmental Projects Officer or Legal & Risk if you are unsure of your compliance obligations under the Act.