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Disappointing 'waste' definition judgement

The EPA has expressed disappointment over a court ruling that could have ramifications for South Australia's waste regulations and may lead to uncertainty how they apply to industry.

This follows a judgement that was delivered in the Environment, Resources and Development Court on Friday, over an EPA prosecution against Adelaide Resource Recovery (ARR).

The EPA pursued Adelaide Resource Recovery Pty Ltd (ARR) for a breach of its licence conditions, alleging that in 2013 it had stockpiled mixed construction and industrial waste in the open, when its storage and processing was required to take place in a covered area.

Judge Jack Costello ruled against the EPA and found ARR not guilty of breaching its licence.

EPA Chief Executive Tony Circelli said it was a disappointing outcome to a case that dates back to September 2013.

"Some wider aspects of the judgment appear to lead to administrative uncertainty so far as the regulation of recyclable waste and recycling companies is concerned," he said.

"This is of significant concern because it signals a clear departure on how the concept of waste is defined compared with how it is interpreted in other national and international jurisdictions," he said.

Mr Circelli said the EPA is considering its options for a review of the ruling.

"I am now considering our options including the possibility of appealing the decision in the context of the existing legislation."

"Until I have further legal advice, the EPA in the meantime, will hold its position under the *Environment Protection Act 1993* by maintaining its regulatory and administrative work."

The EPA will be making no further comment on this matter while legal options are further explored.

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