



DISCUSSION PAPER SUMMARY

Reforming waste management – Creating certainty for an industry to grow

August 2015



The Government's early engagement processes on the regulation of the waste management and resource recovery industry, including the Waste Summit in March 2015, have highlighted the need for waste reform to achieve industry certainty and

robust regulation that better supports a level playing field and a healthy environment.

Responses to this discussion paper, *Reforming waste management – Creating certainty for an industry to grow*, will guide legislative changes to be brought forward later this year. These changes will help foster growth in the industry and drive job creation.



The Hon Ian Hunter MLC
Minister for Sustainability, Environment and Conservation

This summary presents:

- an outline of the discussion paper
- a short explanation of each of the options for reform
- the questions posed throughout the discussion paper
- consultation with stakeholders – how you can learn more about waste reform in South Australia and have your say.

South Australia has introduced many waste management reforms over the past decade that have successfully promoted resource recovery in our state and established our reputation as a leader in this field.

Despite innovation and growth in this sector, feedback from stakeholders has consistently indicated the need for changes to regulatory settings to help unlock the next growth opportunities and address current challenges within the waste and resources industry.

The industry continues to be impacted by:

- static or growing stockpiles
- waste promoted as 'product' and issues around ensuring environmental risks are reliably tested
- potentially reuseable 'fill materials' ending up at landfill due to development pressures
- the need to deal with certain problematic wastes
- illegal dumping.

Opportunities also exist to respond to increasing interest in energy from waste schemes and to pursue further development of safe resource recovery activity.

The South Australian Government is seeking to help realise the economic potential from innovation in waste and resource recovery technologies while at the same time protecting our environment. It is committed to providing the right settings to attract investment, drive innovation and create jobs. This is being achieved through new initiatives such as the establishment of Green Industries SA and creating a regulatory regime that better underpins the confident and fair operation of this sector.

Your views on the options and questions presented in the paper will guide changes in the EPA's regulatory framework with an aim to further develop the industry.

Structure of the Discussion Paper

Sections 1–3 of the discussion paper provide the context of the waste management and resource recovery industry, strategic government objectives, an outline of previous reforms, and details of the issues and drivers influencing the industry.

Section 4 sets out the key issues that are currently faced in the waste management and resource recovery industry.

Section 5 identifies and discusses various options that may help with addressing these issues.

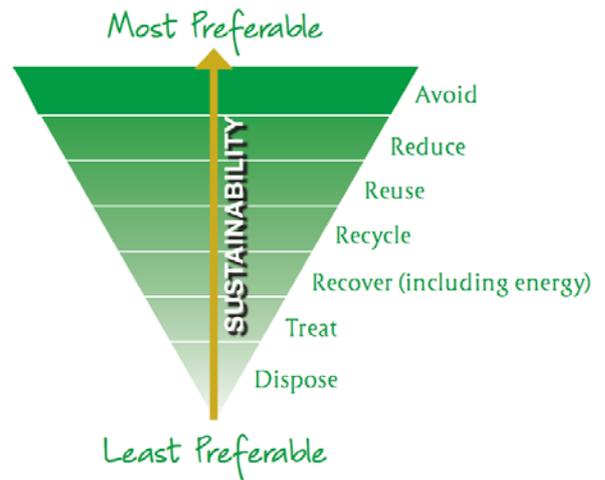
Section 6 goes on to discuss potential amendments to the Environment Protection Act 1993 to enhance tools to regulate the sector and better tackle illegal dumping.

Section 7 nominates several high-level ideas to deal with particular problematic wastes, to help avoid waste and enhance resource recovery.

Questions are posed throughout sections 5, 6 and 7 and appear in collated form at the end of the document.

Implementation of some of the proposals canvassed in the discussion paper will be reliant on additional resources. These would include the need for the development and implementation of an information system, contemporary technologies for monitoring waste, and additional data analysis and audit staff to administer mass balance reporting, upfront levy liability and certificates of compliance.

As part of this reform, the EPA will also consider the distribution of costs and work to ensure a better cost-recovery approach to reflect effort required, for example, for the assessment of potential products and potentially increased auditing requirements.



The waste management hierarchy



Materials recovered for recycling

Options for reform

- **Mass balance reporting** involves a proposal to amend the *Environment Protection Regulations 2009* (EP Regulations) to require licensed waste facilities including transfer stations, resource recovery facilities and waste disposal depots, to report on the monthly tonnages of materials that a site receives, stockpiles and processes and transfers for sale or disposal. It is anticipated that the scheme would be supported by requirements for annual volumetric and topographical survey. Views are sought on the reasonableness and scope of the proposal and the implications of requiring electronic tracking for wastes that are already tracked.
- **Upfront levy liability** involves a proposal to amend the EP Regulations to make a wider range of facilities liable for the waste levy, including those that store, recover, recycle or process waste. This liability would be extinguished when facilities send waste off-site for lawful reuse, processing or disposal. These facilities would only have to pay the levy if waste is stockpiled for more than 12 months or if more waste is stored than is legally allowed. Views are sought on the effectiveness of this proposal to deter stockpiling and the reasonableness of proposed timing.
- **Improving stockpiling controls** identifies the different impacts of stockpiling and the options to address these, including additional auditing and licence condition amendment to manage potential environmental risks, the broader use of financial assurances to address potential abandonment risks, and to explore expansion of the EPA's legislative powers to effectively manage excessive accumulation of material. Views are sought on the influencers of stockpiling and potential benefits of change.
- **Better managing waste soils and fill** briefly reports on this issue and the EPA's continuing review of the Standard for the production and use of waste derived fill, the intent to explore improvements to government procurement processes, the duties of large waste generators in respect of their waste and the potential use of soils banks. Views are sought on potential options regarding responsibility for large waste generators.
- **Changes to the waste levy** outlines the character of the current levy and its distribution, and then proceeds to explore the potential for the use of differential levies for problematic wastes, the potential for increases to the waste levy, and the manner of levy collection at landfills. Views are sought on what (if any) waste types should attract a differential levy, the likely impacts of changes to the levy, other options that should be considered and on levy expenditure.
- **Use of financial assurances** reports on the EPA's intention to develop a policy to support the effective use of financial assurances and the key features that such a policy will address. Views are sought on the types of financial assurance that may be preferred, the scope of use of financial assurances and the elements that a policy should address.
- **Expanded transport licensing** introduces the idea of licensing additional commercial transporters of waste to cater for collection of domestic waste by private operators, and the transport of construction and demolition waste. Views are sought on whether the proposals included are appropriate.
- **Proximity principle** discusses the concept that waste should be managed as close to its place of origin or generation as is responsibly possible. It discusses whether the introduction of a proximity principle could be a useful option for managing any South Australian wastes – either particular wastes or generally. Views are sought on whether this option should be explored further and what advantages or disadvantages are likely to arise from the use of this principle.
- **Enhanced recovered product plans** briefly reports on the EPA's intention to implement recovered products plans more effectively in order to better regulate the processing and use of recovered materials. The intention to review cost-recovery models for new products is outlined. Views are sought on what steps need to be taken to aid effective use of recovered product plans.

- **Certificates of compliance** discusses the EPA's intended approach to introducing the regular use of certificates of compliance for a licensee to self assess compliance with their conditions of licence annually and report this to the EPA. Views are sought on preferences around the how certificates of compliance are implemented.
- **Recovering illegally obtained economic benefit** outlines the EPA's intention to develop a policy to support successful recovery of economic benefits arising from contraventions of the *Environment Protection Act 1993* and discusses the matters that the policy will address. Views are sought on the likely value of the intended policy.
- **'Energy from waste' technical and policy guidance** outlines existing policy and briefly reports on the EPA's intention to develop further guidance in this area.
- **Improved site monitoring** briefly notes that the EPA will continue to explore how technological advances can support its regulatory work.
- **Options for changes** to the *Environment Protection Act 1993* explores a range of amendments to provide more effective tools to manage the waste and resource recovery sector and tackle illegal dumping, including amendment to the Objects of the Act, amendment of the definition of 'waste' to allow 'products' to be declared, new expiation powers, insurance requirements, scope of use of financial assurances, evidentiary provisions around waste, cost-recovery powers for the assessment of new product proposals, responsibility for pollution, tracking device use requirements, and authorised officer entry powers. Views are sought regarding these changes.
- **Innovative change ideas** introduces high-level conceptual ideas to gauge the level of early support for further exploration of reform proposals relating to banning the use of microplastics, managing expanded polystyrene food packaging, mandatory recycling of food waste and the idea of 'save as you throw' waste pricing. Views are sought on the viability of such options and potentially desirable alternatives or other innovative approaches.

Table A on the following pages summarises the key options explored in the paper that may help government to better address the identified problems, opportunities and underlying other issues for the future improvement of the waste management and resource recovery industry.

The table identifies the potential role of each option and its likely level of influence on each relevant matter. Some options are expected to result in major or moderate improvements. Other supporting changes are not expected to have a direct impact on an issue, but either underpin the success of other changes or will help with understanding and enforcement.

Table A Reform options to address identified issues– with potential level of influence on issue (major, moderate or supportive to improvements)

Proposed reform options – with potential level of influence on issue (major, moderate or supportive to improvements)	Problems, opportunities and other underlying issues								
	Static or growing stockpiles	Waste promoted as ‘product’ and ensuring environmental risks are reliably tested	Potential ‘fill’ materials end up at landfill due to development pressure	Dealing with problematic wastes	Illegal dumping	Increasing interest in ‘Energy from Waste’ schemes	Further developing safe resource recovery	Balancing risk-based flexibility and clarity/ certainty for reuse of wastes	Inability to identify detailed resource recovery requirements
Mass balance reporting (5.1)	Supporting	Supporting	Supporting	Supporting	Moderate	Supporting	Supporting	Supporting	Major
Upfront levy liability (5.2)	Major	Supporting						Supporting	
Improving stockpiling controls (5.3), eg licence conditions, audits	Major	Supporting	Supporting	Moderate			Supporting	Supporting	
Better managing waste soils & fill (5.4)		Major	Major					Major	
Changes to the waste levy (5.5), eg collection, differential levy, rate		Major	Major	Major	Moderate	Major	Major	Supporting	Supporting
Use of financial assurances (5.6)	Major	Major		Supporting		Moderate		Moderate	
Expanded transport licensing (5.7)		Supporting			Moderate		Supporting		
Proximity principle (5.8)				Moderate			Moderate		

Proposed reform options – with potential level of influence on issue (major, moderate or supportive to improvements)	Problems, opportunities and other underlying issues								
	Static or growing stockpiles	Waste promoted as 'product' and ensuring environmental risks are reliably tested	Potential 'fill' materials end up at landfill due to development pressure	Dealing with problematic wastes	Illegal dumping	Increasing interest in 'Energy from Waste' schemes	Further developing safe resource recovery	Balancing risk-based flexibility and clarity/ certainty for reuse of wastes	Inability to identify detailed resource recovery requirements
Enhanced recovered product plans (5.9)	Supporting	Major	Supporting	Supporting		Moderate	Major	Major	Supporting
Certificates of compliance (5.10)	Supporting	Supporting				Supporting	Supporting	Supporting	
Recovering illegally obtained economic benefit (5.11)	Major (potentially)	Major (potentially)			Major			Major (potentially)	
Energy from Waste technical and policy guidance (5.12)				Supporting		Major	Supporting		
Improved site monitoring (5.13)	Supporting	Supporting		Supporting			Supporting	Supporting	Supporting
Simplifying waste taxonomy and definitions (5.14)	Supporting	Supporting	Supporting	Supporting		Supporting		Supporting	
Environment Protection Act amendments (6)	Supporting - major	Supporting - major		Supporting	Supporting - major			Supporting - major	
Innovative change ideas (7)				Moderate	Moderate	Moderate	Major		

Questions

Submissions may address all question or focus on particular questions and issues only.

Options to address issues	Section 5, page 28
<p>1 Are there other options to address any of the issues faced in the waste management and resource recovery industry that you believe should be explored (either as alternatives or in addition to the proposals discussed here)?</p>	
Mass balance reporting – reporting and recording the movement and fate of waste	Section 5.1, pages 28–35
<p>2 Noting that impacts may be disproportionate between large and very small facilities, how might a threshold quantity for mass balance reporting and weighbridge requirements be determined? Should the threshold be the same level in metropolitan and regional areas? Should it be similar to the threshold set under the NSW scheme? Alternatively, should it apply only to a defined geographic area in the state?</p> <p>3 If you are a waste operator, do you already collect the information on amounts and types of waste that these provisions require? If yes, do you store it electronically?</p> <p>4 If you are a waste operator, do you already have a weighbridge or access to a weighbridge?</p> <p>5 What scale of cost increases do you anticipate incurring to comply with the data collection, electronic record keeping and electronic data reporting requirements of this proposal?</p> <p>6 Noting that these provisions would not only be used to collect mass-balance data, but would also be used to secure the upfront waste levy liability scheme (section 5.2), do you think the proposals in Appendix 2 are reasonable? If you have concerns please respond about specific provisions or requirements:</p> <ul style="list-style-type: none"> a record keeping b weighbridge requirements c volumetric surveys d potential topographic surveys e recording of all vehicles f vehicle movement plan g recording of materials imported for operational purposes h stockpile management identification details i potential use of video cameras <p>7 Do you think the proposals in Appendix 2 would be adequate to secure compliance with mass balance reporting, including for the purpose of determining waste levy liability?</p> <p>8 Generally, and given that these provisions would not only be used to collect mass-balance data, but would also be used to underpin the upfront waste levy liability scheme (section 5.2) and other proposed reforms, do you think the benefits that would arise from this proposal outweigh the costs of implementing the provisions? Why or why not?</p> <p>9 If waste mass balance data and statistics collected under these provisions were to be published would you or your organisation be able to use it to better manage waste or identify and exploit business opportunities? (Note that if publication were to be pursued, the EPA would ensure that any information published met confidentiality obligations with respect to individual operators).</p> <p>10 Would you have any concerns if required to use WasteTracker (vs maintaining a paper-based option) for wastes that are already tracked?</p>	

Upfront levy liability	<i>Section 5.2, pages 36–39</i>
<p>11 How effectively do you think an upfront levy liability will reduce speculative or long-term stockpiling of wastes?</p> <p>12 Should South Australian regulation align with and be consistent with the NSW upfront levy liability scheme?</p> <p>13 Noting that impacts may be disproportionate between large and very small facilities, how might any threshold be determined (eg similar to NSW)? Should the threshold be the same level in metropolitan and regional areas? Alternatively, should it apply only to a defined geographic area in the state?</p> <p>14 Are the activity types proposed to be excluded from the scheme appropriate (ie facilities only required to be licensed for clinical and related waste, liquid waste, composting or other organic waste treatment)?</p> <p>15 Do you think 12 months is an appropriate length of time for an upfront levy liability to fall due? Should any wastes or facilities have a different timeframe applicable (eg should electronic wastes and tyres require shorter time and soils longer)? Should there be any ongoing exceptions to this?</p> <p>16 Do you have any views on what the approach of the EPA should be if an exemption from the proposed general 12-month levy liability requirement is sought in respect of any stockpile? What level of justification would be required, eg evidence of impact of a financial crisis on sales, case by case if a financial assurance is used?</p> <p>17 What views do you have about whether the liability should apply to products available at waste and resource recovery facilities as well as ‘waste’ to support regulation of material flow?</p> <p>18 Will holding a liability on stockpiled material present a barrier to the conduct of your business in general and the financial management of your business specifically?</p> <p>19 What are the ways that an upfront levy liability system could be undermined by operators?</p>	

Improving stockpiling controls	<i>Section 5.3, pages 40–44</i>
<p>20 How has the level of stockpiling changed in recent years?</p> <p>21 Have increases in the waste levy had any noticeable impacts on stockpile volumes? Do you consider any apparent trends would continue with further levy changes?</p> <p>22 What are the factors that you view as most significant in driving fluctuations in the amount of stockpiling? For example:</p> <ul style="list-style-type: none"> a the general level of economic activity and/or major projects, such as RAH, Adelaide Oval, major road upgrades b trends in particular sectors, eg construction, particular commodity prices c other factors affecting the profitability of facilities, including competition amongst different operators d minimum scale requirements for cost-efficient transport of materials for further recovery or treatment (eg hazardous wastes, tyres, recyclables in regional areas). <p>23 What types of benefit do you expect would arise from reducing the amount of material that is currently being stockpiled and to whom would these benefits accrue?</p> <p>24 Do you have information that can help us quantify the likely scale of benefits from reduced stockpiling?</p> <p>25 What are your views about the options presented in section 5.3.2 for helping to address stockpiling?</p> <p>26 Do you have any comments on the EPA routinely setting site-specific stockpile limits at waste and recycling depots through licence conditions? Do you consider that the EPA should first be able to require operators to submit proposed limits with justified reasoning for approval?</p>	

27 Do you believe appropriate maximum stockpile limits should be set for excessive accumulation of material on a 'material flow' basis rather than solely on the basis of environmental risks? If yes, what are the key elements that you believe could be used to define such limits?

Better managing waste soils, fill and related products

Section 5.4, pages 44–47

- 28 Would it potentially be practicable or desirable an expanded duty of care about the handling of waste to be applied to significant waste generators such that they are required to inquire whether a proposed service provider has the capacity to properly handle the volumes of waste proposed to be directed any given facility? What threshold(s) may be appropriate to be a 'significant waste generator'—either government or businesses generating specified volumes of waste in a defined period?
- 29 Would it be most appropriate for any such inquiries to be directed to the tendering waste service providers (with offences available for the provision of false or misleading information)?
- 30 Should there be a duty upon government agencies (and their contractors) to seek advice from the EPA regarding the compliance history of businesses tendering for significant waste service provision, including the provision of recovered products?
- 31 What other steps do you think could assist in improving government procurement practices for the management of waste from, and use of recovered products in, infrastructure projects?
- 32 Are there instances that you are aware of where potentially reusable soil has been disposed of by the waste generator?

Changes to the waste levy

Section 5.5, pages 48–53

- 33 What, if any, waste types do you think should attract a differential levy to promote waste minimisation and resource recovery in South Australia?
- 34 Do you think a differential levy or rebate system on defined asbestos products would be an appropriate incentive to encourage safe handling and disposal of asbestos for households?
- 35 Are there other options that could better promote the appropriate management of residual wastes or poor quality recovered products from recovery processes than a differential levy?
- 36 What, if any, unintended consequences do you think may arise from the implementation of any differential levy system in South Australia?
- 37 What advantages or disadvantages do you consider may arise from requiring all material received at landfill to be subject to the levy, with a clear set of permissible exemptions set out in the EP Regulations (comparable to the NSW levy collection process)?
- 38 How would an increased solid waste levy impact on your business or your community?
- 39 Do you have any views on the expenditure of any increased solid waste levy?

Use of financial assurances	Section 5.6, pages 53–55
<p>40 What type(s) of financial assurance do you consider to be appropriate to cover environmental or financial liabilities (including from excessive material stockpiling) that may occur during the operation, closure or post-closure of an activity of environmental significance?</p> <p>41 Should the Environment Protection Act be amended to prescribe the different types of financial assurance that may be used?</p> <p>42 Are there any other elements that should be considered in the policy to provide guidance on when and how financial assurances should be applied?</p>	

Expanded licensing of waste transporters	Section 5.7, pages 55–56
<p>43 Do you have any issues with broadening the clauses to ensure that the collection and transport of all domestic waste and/or all waste from domestic premises is licensed?</p> <p>44 Do you have any issues with the building and demolition waste exclusion in clause 3(6)(b) being removed?</p> <p>45 Should any such changes be supported by the EPA having an ability to determine that a licence is not required in limited circumstances—something similar to ‘excluding the collection or transport of waste that the Authority is satisfied poses a negligible risk of environmental harm having regard to the prescribed factors’ (such that the EPA would have regard to the nature and purpose of the activity; the scale and duration of the activity; the nature and amount of any waste or pollution produced by the activity; the manner of conduct of the activity; and any other factors considered relevant by the EPA—to clearly exclude landscape gardeners, tradesmen and the like)</p> <p>46 Do you have any information available to help the EPA assess the number of operators who could be affected any such changes to the scope of licensing?</p>	

Proximity principle	Section 5.8, pages 57–59
<p>47 Do you transport wastes long distances? If yes, how often and why?</p> <p>48 Should the EPA further explore the introduction of a proximity principle given other options being explored to address issues faced? If yes, for hazardous wastes only or for waste generally?</p> <p>49 What would be a reasonable maximum distance to allow in a proximity principle? Would there need to be exceptions (or different distances) for some regional or remote areas?</p> <p>50 What advantage or disadvantages, if any, would the introduction of a proximity principle have for you?</p>	

Enhanced recovered product plans	Section 5.9, pages 59–62
<p>51 What has helped or hindered you from successfully completing a RRP that satisfies all of the elements listed in section 5.9.2?</p> <p>52 What steps could the EPA take to help support you in submitting and abiding by RRP that meet all elements listed in section 5.9.2?</p> <p>53 What would you like to see the EPA do to improve its assessment processes for RRP?</p>	

Certificates of compliance	Section 5.10, pages 62–66
<p>54 Would you like to submit annual returns and certificates of compliance at the same time?</p> <p>55 Do you have a preference for a submission date or reporting period for certificates of compliance?</p> <p>56 Do you have any comments on the character of the proposed certificate of compliance structure as set out in Appendix 3?</p> <p>57 What impact, if any, would it have on your company to require the most senior Australian-based officer to certify the information in the certificate of compliance is true and correct?</p> <p>58 Do you have any concerns with the proposal to make certificates of compliance publicly available on the EPA website (with the omission of commercially sensitive information)?</p> <p>59 Are there any other elements that should be considered in the proposed approach to administer certificates of compliance?</p> <p>60 What sort of guidance or technology would make it easier for you to complete and submit a certificate of compliance?</p> <p>61 How would this proposed approach to use certificates of compliance impact on your business or community?</p>	

Recovering illegally obtained economic benefit	Section 5.11, pages 66–67
<p>62 Do you think that increasing the EPA's efforts to recover illegally obtained economic benefit will be useful in promoting compliance and deterring contraventions of the Act?</p> <p>63 Are there areas of your industry that you think the EPA should focus on in seeking the recovery of illegally obtained economic benefit?</p>	

Options for changes to the Environment Protection Act (EP Act)	Section 5.6, page 71
Amendment to the Objects – section 10 of the EP Act	Section 6.1.1, page 71
<p>64 Do you support amendment to the EP Act to clearly allow implementation of maximum stockpile limits and material flow controls to prevent excessive accumulation of material?</p>	

Definition of 'waste' – section 3 of the EP Act	Section 6.1.2, page 71
<p>65 What advantages or disadvantages do you consider could arise from amendment of the Environment Protection Act to clearly allow declaration of particular material as a 'product'?</p>	

New expiation for breaches of licence conditions – section 45 of the EP Act	Section 6.1.3, pages 72–73
<p>66 Do you consider that an expiation is a suitable tool to punish an offender who contravenes a condition of licence?</p> <p>67 Do you think the application of expiations, as opposed to criminal prosecutions, will deter non-compliance with the conditions of a licence?</p> <p>68 Should an expiation be limited to administrative breaches of licence condition or be applied to all breaches of licence conditions?</p> <p>69 What is an appropriate expiation amount for a person who contravenes a condition of licence?</p> <p>70 Should there be a new requirement that before the EPA pursues an expiation for a breach of licence condition the EPA must have regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors?</p> <p>71 How would such a power impact on your community or business?</p>	

Insurance requirement for a licence – section 45 of the EP Act	Section 6.1.4, pages 73–74
<p>72 Do you consider that the EPA should require a licence-holder to take out insurance for the payment of costs for clean-up action, and for claims for compensation or damages, resulting from pollution in connection with the activity or work authorised or controlled by a licence?</p> <p>73 How would such a requirement impact on you?</p> <p>74 Would there be insurers to insure such activities?</p> <p>75 What costs would the requirement to hold such insurance place on operators?</p> <p>76 Should insurance requirement be imposed as a financial assurance?</p> <p>77 Do you think that many operators would already be insured for the clean-up costs or compensation resulting from an activity of environmental significance controlled by a licence, under their current insurance policies?</p> <p>78 Are there other methods that you would prefer to be used to insure for the clean-up costs or compensation resulting from an activity of environmental significance controlled by a licence?</p>	

Application of financial assurances – section 51 of the EP Act	Section 6.1.5, pages 74–75
<p>79 Should the EP Act be amended to clarify that the EPA may impose conditions requiring the lodgement of a financial assurance where remediation work may be required because of activities under the licence irrespective of the potential for environmental harm (including in the event of abandonment of a site)?</p> <p>80 Are there any other methods that could be applied to licence-holders to ensure there are adequate funds available for necessary remediation of a polluted site?</p>	

Improve evidentiary provisions re waste - section 139 of the EP Act	Section 6.1.6, pages 75–76
<p>81 Should the burden of proving a material is not a waste be on the alleged offender?</p> <p>82 What impact would this change have on your business or community?</p>	

Potential ability to charge for the assessment of new product proposals – new section	Section 6.1.7, page 76
<p>83 Do you have any objections or comments to cost-recovery measures being adopted to support the efficient and thorough assessment of new product proposals by the EPA?</p>	

Options for changes to the Environment Protection Act to tackle illegal dumping	
Registered owner responsibility for pollution	Section 6.2.1, pages 76–77
<p>84 Should the EPA have the power to hold the registered owner of a vehicle responsible for the offence of pollution from their vehicles unless they can establish that they were not the driver?</p> <p>85 What other methods could be applied to ensure that the person responsible for the offence is identified?</p>	

Clarifying that illegal dumping includes the illegal disposing of waste – section 4 of the EP Act	Section 6.2.2, page 77
<p>86 Should section 4 of the EP Act be amended such that the wording in section 4 ‘discharged, emitted or deposited’ specifically includes all instances of disposing of waste, to ensure that it covers illegal dumping occurring from the disposing of waste?</p>	

Require nominated waste transporters to install approved tracking devices	Section 6.2.3, pages 77–78
<p>87 What impact would a requirement to install GPS on vehicles have on business?</p> <p>88 Who should bear the cost of installing GPS tracking units?</p> <p>89 Should the proposed system of tracking devices be extended to all waste transporter vehicles?</p>	

Increased powers of entry for authorised officers – section 87 of the EP Act	Section 6.2.5, pages 78–79
<p>90 Should authorised officers have the power of entry on a premises at any time if something may be found in the premises that is intended to be used in a contravention of the EP Act?</p> <p>91 Should authorised officers have the power to allow the marking of something that an authorised officer reasonably suspects is intended to be used in a contravention of the EP Act?</p>	

Innovative change ideas	
Registered owner responsibility for pollution	Section 7, page 80
<p>92 Do you have any innovative ideas that you consider should be investigated to better regulate our waste through promoting resource recovery, addressing illegal dumping or managing particular problematic wastes?</p>	

Banning microplastics	Section 7.1.1, pages 80–82
<p>93 Is a national ban on microplastics in personal care and cosmetic products a viable option for addressing the negative impacts of microplastics in the environment?</p> <p>94 Are there any other policy options that would assist in phasing out microplastics in personal care products?</p> <p>95 How would a ban on microplastics in personal care products impact your business or community?</p> <p>96 Should South Australia seek to act independently in the absence of a nationally agreed approach (as South Australia did in the case of banning single use lightweight plastic bags)?</p>	

Managing expanded polystyrene food packaging	Section 7.1.2, pages 82–83
<p>97 What are the barriers to replacing expanded polystyrene products with better alternatives?</p> <p>98 How would a ban impact on producers, suppliers and users of expanded polystyrene products, both in terms of costs and benefits?</p> <p>99 What alternative options are there to an expanded polystyrene product ban, and how could such alternatives be implemented?</p>	

Save as you throw (variable rate pricing)	Section 7.1.3, pages 83–86
<p>100 Is variable price charging a viable option to enhance resource recover for municipal solid waste and/or commercial and industrial waste streams? What other options should be considered as alternatives to variable price charging (eg enhanced education)?</p> <p>101 What would need to be considered as the main factors for planning and implementation of variable price charging in South Australia?</p> <p>102 What role do you think state government should play in supporting the development of weight based waste charging in the South Australian commercial and industrial waste services market?</p>	

Stakeholder consultation

Engagement and collaboration with members of the waste management and resource recovery industry and other key stakeholders has assisted the State Government in formulating the policy proposals raised in the discussion paper. This engagement has included the Waste Summit convened in March 2015 by the Minister for Sustainability, Environment and Conservation, the Hon Ian Hunter MLC, and the Waste Management Industry Reference Group.

Building on our early engagement, the objectives of the Reforming waste management Discussion Paper are to:

- summarise the key issues faced currently within the waste management and resource recovery industry
- discuss reform options to assist in achieving a better and more equitable industry while reducing environmental risk and damage cost effectively
- seek your views on selected draft reform options
- inform you of the intent and status of other reforms.

We are keen to obtain your observations and advice on the options and questions presented in this paper. You may choose to address all of the questions or focus on particular issues or options of interest and also seek to put forward other options to address the issues faced. Your views and answers to questions posed in this document will:

- assist in analysing the potential opportunities and costs that may arise from implementation of proposed reforms
- support examination of which option(s) will be best for dealing with an issue
- aid the detailed design of some reform options.

Submissions should clearly reference the section, question and page to which each comment relates and need to be submitted by **5 pm Friday 2 October 2015**.

Comments may be forwarded by mail or email (preferred) to:

Waste Reform Project
 Environment Protection Authority
 GPO Box 2607
 ADELAIDE SA 5001
 Email: epainfo@sa.gov.au (mark subject as 'Reforming waste management')

You can also join the online discussion on waste reform in South Australia at www.yoursay.sa.gov.au where you can influence government decisions.

All submissions received by the EPA during the consultation period will be acknowledged and treated as public documents unless provided in confidence, subject to the requirements of the Freedom of Information Act 1991, and may be quoted in EPA reports.

During the consultation period, the EPA will host:

- public information sessions, including in regional areas
- meetings with the Waste Management Association of Australia (SA Division) and other key stakeholders.

Next steps

Views and submissions received will be reviewed by government, along with resourcing considerations, to determine the options to be pursued for the reform program.

Implementation of some of the proposals canvassed in the discussion paper will be reliant on additional resources. These would include the need for the development and implementation of an information system, contemporary technologies for monitoring waste, and additional data analysis and audit staff to administer mass balance reporting, upfront levy liability and certificates of compliance. As part of this reform, the EPA will also consider the distribution of costs and work to ensure a better cost recovery approach to reflect effort required, for example, for the assessment of potential products and, potentially, increased auditing requirements.

Amendments to the *Environment Protection Act 1993* and its Regulations will be drafted on the basis of the state government's assessment of feedback received. Further, targeted stakeholder consultation will be undertaken for major reform proposals.

Concurrently, with these legislative reforms, staged work will continue on policy improvements and new policy generation as discussed in the paper. The EPA will continue to engage with all stakeholders during the reform process.

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