

# Waste & Recycling Reference Group

**Chair: Paul Stacchino**  
**16 September 2019**



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# Agenda

1. Welcome, apologies & introductions
2. Subordinate Legislation Reform  
Proposed regulations and standards
3. EPA Draft Charter of Consultation
4. Policy and Program Update
5. Other Business

# Subordinate Legislation Update

*Proposed subordinate legislation under  
Victoria's new Environment Protection Act*

<b>Jacquie Stepanoff</b>	<b>EPA</b>
<b>Nathan Steinhardt</b>	<b>DELWP</b>
<b>Mark Bannister</b>	<b>EPA</b>

# Contents

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1. Introduction
  - a) The new environment protection legislation
  - b) Principles for developing the subordinate legislation
  - c) Our stakeholder engagement
  - d) Our deliverables
2. Proposed Environment Reference Standard and Impact Assessment
3. Regulatory Impact Statement
4. Proposed Environment Protection Regulations
5. Public Comment and Next Steps.

# Introduction



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# New Environment Protection Legislation

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- New Environment Protection Act (EP Act) intended to come into effect July 2020.
- Introduces the criminally enforceable general environmental duty (GED).
- Strengthens the EPA giving it the powers and tools it needs to do its job and protect Victoria's environment.
- Victorian Government is now developing subordinate legislation that ensures the new Act functions as intended.



# Principles for Subordinate Legislation

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1. The General Environmental Duty (GED) and legislation is the primary way to manage risk of harm to the environment and human health.
2. Any regulations that sit beneath should:
  - be proportionate to the risk of harm
  - maintain or reduce regulatory burden in Victoria, where possible
  - offer flexibility to duty holders in how they comply with their obligations
  - be consistent and predictable to provide confidence in the system
  - be enforceable.



# Stakeholder Engagement

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- 100 individual/small group meetings
- 150 responses to RIS survey
- 5 segment-based stakeholder working groups
- Industry reference groups
- Local and state government



# Subordinate Legislation for Public Comment

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Consolidated Regulations

Consolidated Environment  
Reference Standards (ERS)

Regulatory Impact Statement  
(for regulations)

Impact Assessment  
(for ERS)

# Proposed Environment Reference Standard (ERS) and Impact Assessment



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# What is an Environment Reference Standard?

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- ERS is a **new instrument** under the EP Act which sets out:
  - environmental values (i.e. things about the environment we care about)
  - indicators and objectives for measuring if the values are achieved/maintained.
- It aims to:
  - articulate what we care about in the environment
  - support monitoring and reporting on the condition of the environment by providing a scientific benchmark
  - inform decision making.
- The ERS is not a compliance instrument – although the EP Act requires it to be considered in some decisions (e.g. licences)



# Proposed content of the ERS

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## Elements

- Environmental Values
- Indicators
- Objectives

## Segments

- Air
- Water
- Noise
- Land

# Deconstruction of the SEPP

## Current state

### SEPPs are made of

- Beneficial uses, objectives, indicators
- Duty holder obligations
- Specific licence considerations
- Council and protection agency obligations
- Attainment programs
- Mission statements

## Future state

Environment Reference Standards

- GED
- Regulations
- Notices

Obligations for Managers of Land & Infrastructure

- Compliance codes
- Strategy
- Referrals
- Guidance

# Impact Assessment for the ERS

- Has been released alongside the draft ERS, to support public consideration of the ERS
- Supports community understanding of the proposals
- Describes the intended operation and impact of the ERS.

## Impact Assessment

### Proposed Environment Reference Standard

Department of Environment, Land, Water and Planning (DELWP)

Environment Protection Authority Victoria (EPA)

This Impact Assessment assesses the proposed Environment Reference Standard (ERS) - a legislative instrument that may be made under the *Environment Protection Act 2017*. The Impact Assessment has been prepared in accordance with the requirements of the *Environment Protection Act 2017*, the *Subordinate Legislation Act 1994* and the *Victorian Guide to Regulation*.

The Impact Assessment has been prepared to facilitate public consultation on the proposed ERS. A copy of the proposed ERS is available from <https://engage.vic.gov.au/new-environmental-laws/subordinate-legislation>.

Public comments or submissions are invited on the proposed ERS. Submissions are considered public documents and may be published unless the submission clearly indicates the submission is confidential.

Please submit comments or submissions by no later than 31 October 2019, to:

[sublegreform@epa.vic.gov.au](mailto:sublegreform@epa.vic.gov.au) or to:

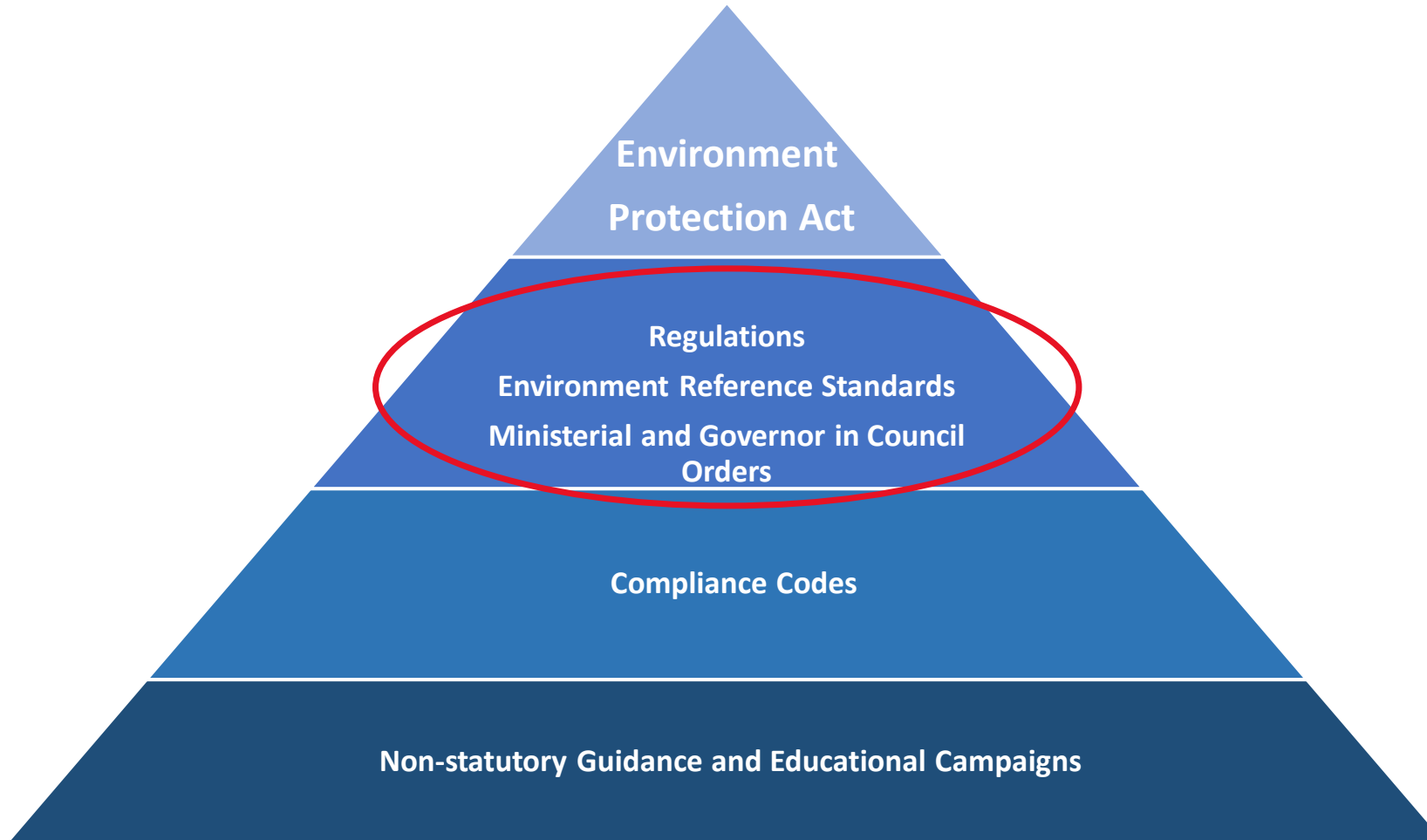
EPA Victoria  
Attention: Director of Policy and Regulation  
GPO Box 4395  
Melbourne Victoria 3001

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# The Environment Protection Framework



# Regulatory Impact Statement (RIS)



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# Regulatory Impact Statement (RIS)

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The RIS supports your understanding of the proposed regulations

What does the RIS do?

- Sets out the objectives of the proposed Regulations
- Assesses the problem that the Regulations seek to address
- Sets out the likely impacts
- Considers other options
- Implementation, monitoring and evaluation

# RIS: Setting out rationale for regulations

## Reasons for Regulations

- Necessary for legislation to function
- Significant risk of harm to environment or human health remains after Act/other controls
- Known risk of mismanagement
- Certainty and consistency

## Proposed Regulations

- Waste
- Litter
- Septics
- Air
- Fees
- Vehicle emissions
- Noise
- Water
- Contaminated environments
- Plastic bags
- Permissions

# Proposed Environment Protection Regulations



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# Permissions



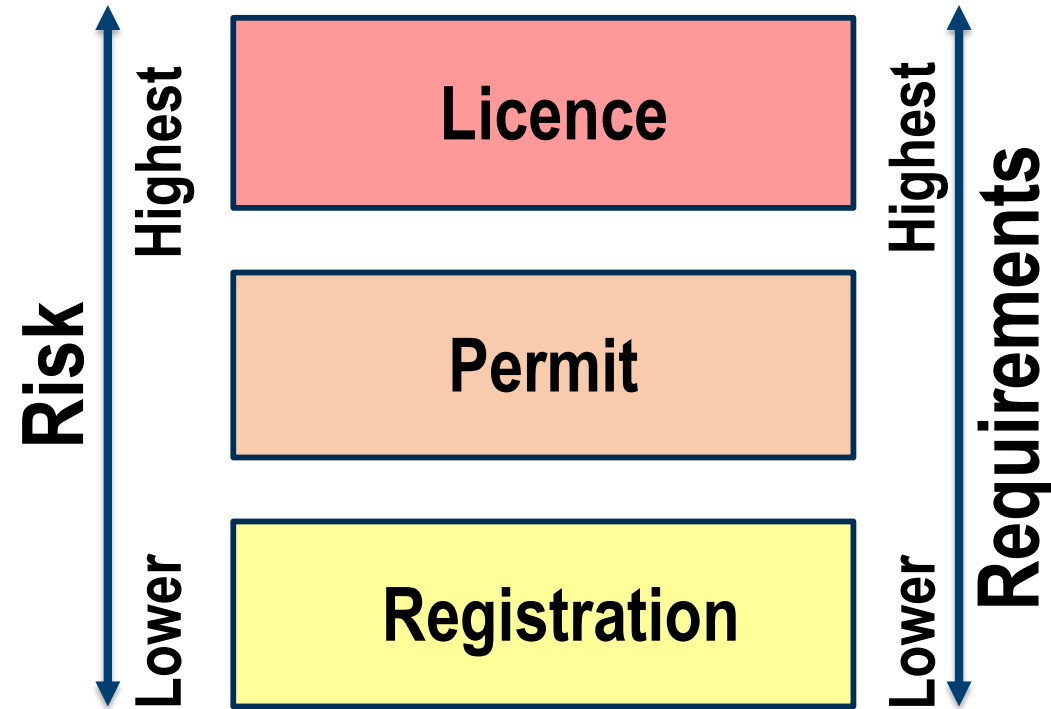
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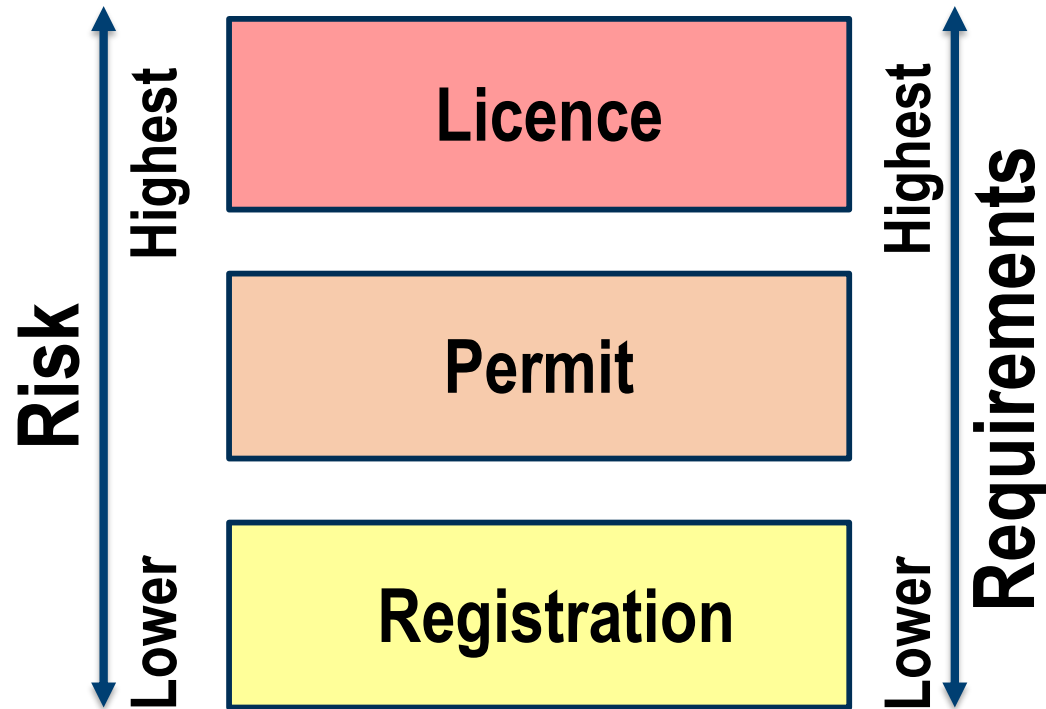
# Permissions: Tiered framework

*Regulations:*  
Chapter 3, Parts 8.1-8.5 and  
10.2, Schedules 1, 2 and 11



# Permissions: Example activities

*Regulations:*  
Chapter 3, Parts 8.1–8.5 and 10.2,  
Schedules 1, 2 and 11



## Example activities:

- Waste and Resource Recovery facilities (L, P or R)
- Using Reportable Priority Waste (P)
- Noise approvals for outdoor concerts (P)
- Dry cleaning using solvents (R)
- Reportable Priority Waste Transport (low hazard) (R)



# Contaminated Environments



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# Contaminated Environments

## The Act establishes:

- **Duty to manage** contaminated land
- **Duty to notify** of contaminated land
- The concept of 'background levels' of contamination
- A new **environmental audit system**
- Supported by the **preliminary risk screen assessment**
- Site management orders
- Better environment plans





# Contaminated Environments

*Regulations:*  
Regulation 5 and Part 2.1

## The regulations:

- Outline a process by which alternative ‘background levels’ of contamination may be determined
- Prescribe:
  - circumstances where contamination is notifiable
  - circumstances where contamination is *exempt* from the duty to notify
  - the requirement to include an ‘intended management response’ when notifying EPA of contamination.
  - obligations to clean up certain contamination.



# Air, Water and Noise

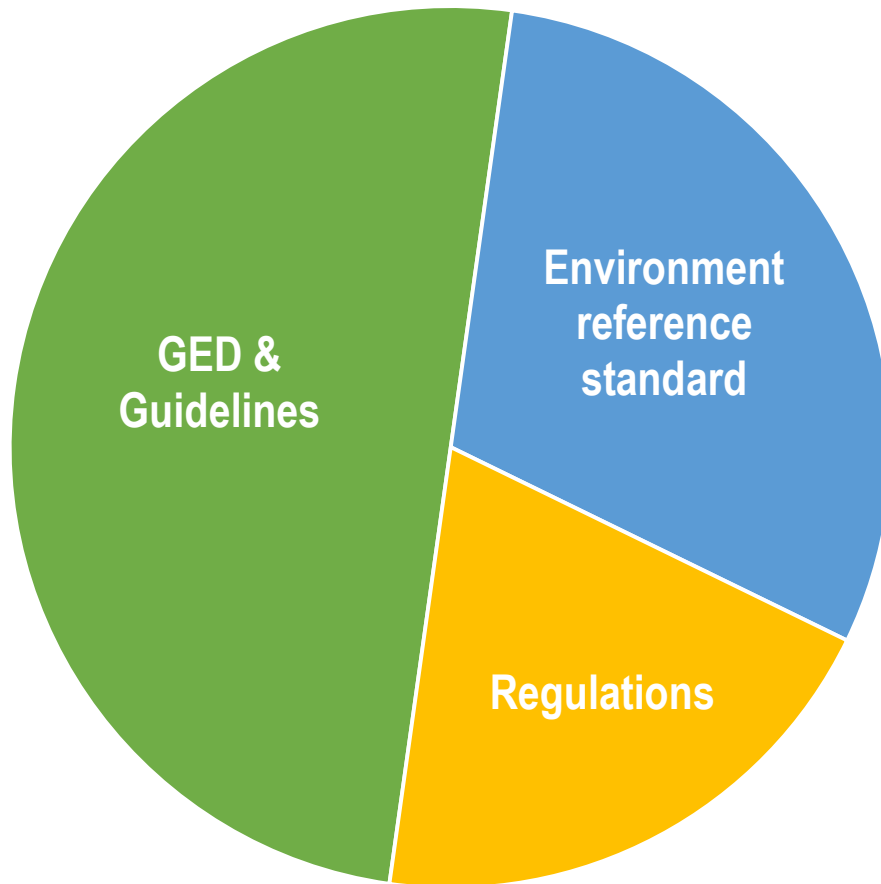


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# Proposed core elements in Air Framework

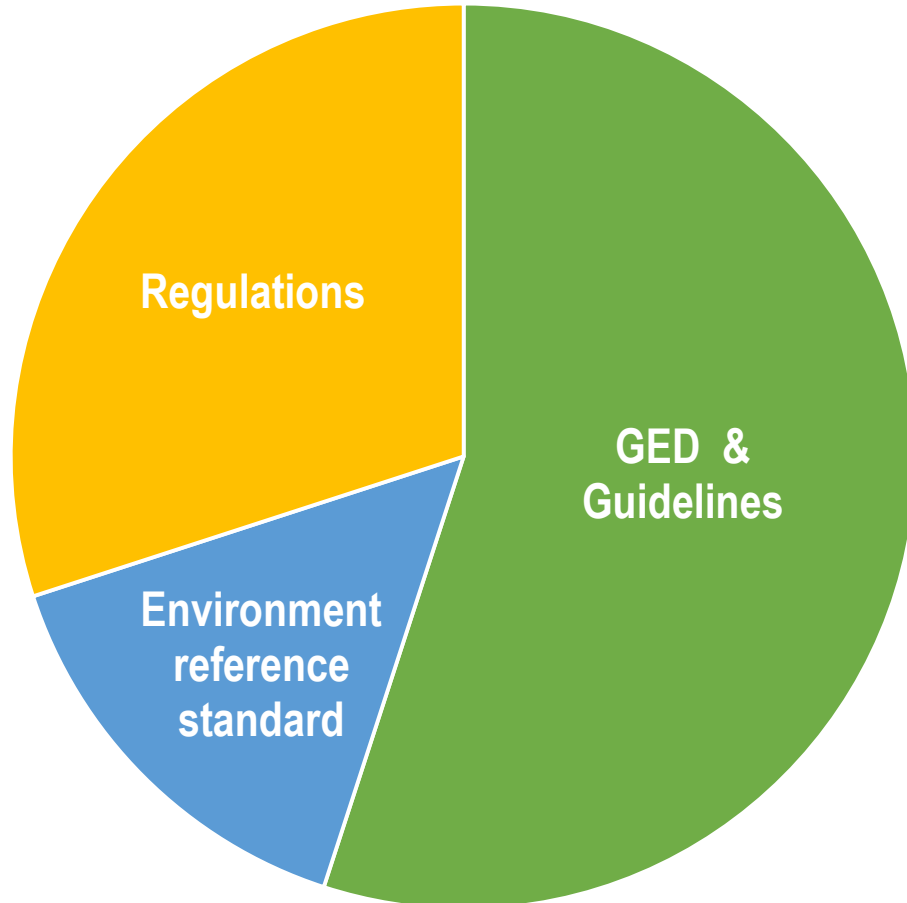


## Proposed Regulations

- Class Three Substances
- Solid Fuel Heaters
- Ozone Depleting Substances
- Vehicle Emissions
- National Pollutant Inventory



# Proposed core elements in Water Framework

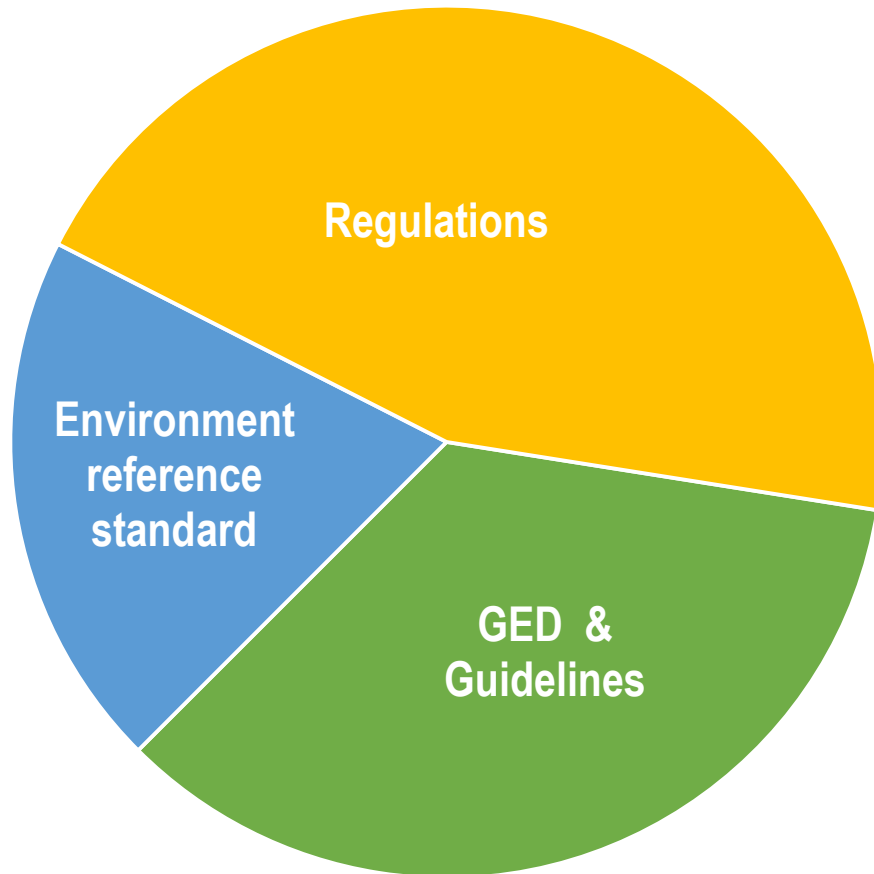


## Proposed Regulations

- Discharge of waste from vessels
- Special water supply catchments
- Clean up of non aqueous phase liquids
- Permission for waste discharge to aquifer (with exemptions specified)
- *Savings of selected clauses from SEPP Waters under proposed EP Transitional Regulations*



# Proposed core elements in Noise Framework



**Regulations define “Unreasonable noise” and “Aggravated noise” from**

- Residential Premises
- Industrial, Trade and Commercial Premises
- Entertainment Venues
- **Incorporated Noise Protocol**



# Proposed key changes – Noise Framework

## **Some differences in the Noise framework:**

- Defining unreasonable and aggravated noise: Residential, Commercial, Industrial and Trade Premises (CIT), and Entertainment Venues.
- Noise sensitive areas: Childcare centres, kindergartens and schools.
- Aggravated noise thresholds.
- 55db limit on noise at night in Victoria (CIT premises).
- Aligns urban growth boundary for Melbourne (noise control application).
- Retain exemption mechanism for applications of noise limits.



# Financial Assurances/Fees



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- As part of subordinate legislation program, fees have been reviewed
- Some fees are **unchanged**: e.g.
  - Development licence (application)
  - Operating licence (annual fee)
- Some are **revised**: e.g.
  - Reportable priority waste transport permits (application – decreased)
  - Development licence (transfer – increase)
  - Environmental audit statement and report (decrease)
- Some fees are **new**: e.g.
  - Better Environment Plan Submission
  - Operating licence surrenders





# Financial Assurances (FA)

*Regulations:*  
Parts 6.2 and 8.6

The Act establishes that a FA may be attached to:

- Permission activities (if prescribed)
- Site management orders
- Environmental action notices
- Environmentally hazardous substance orders

Minimal change in permissioned activities where an FA may be required

## Key change:

- regulations will prescribe financial assurance risk assessment criteria for case-by-case assessment of whether FA is required
- An FA may be required for licence or permit level waste and resource recovery activities.



# Waste



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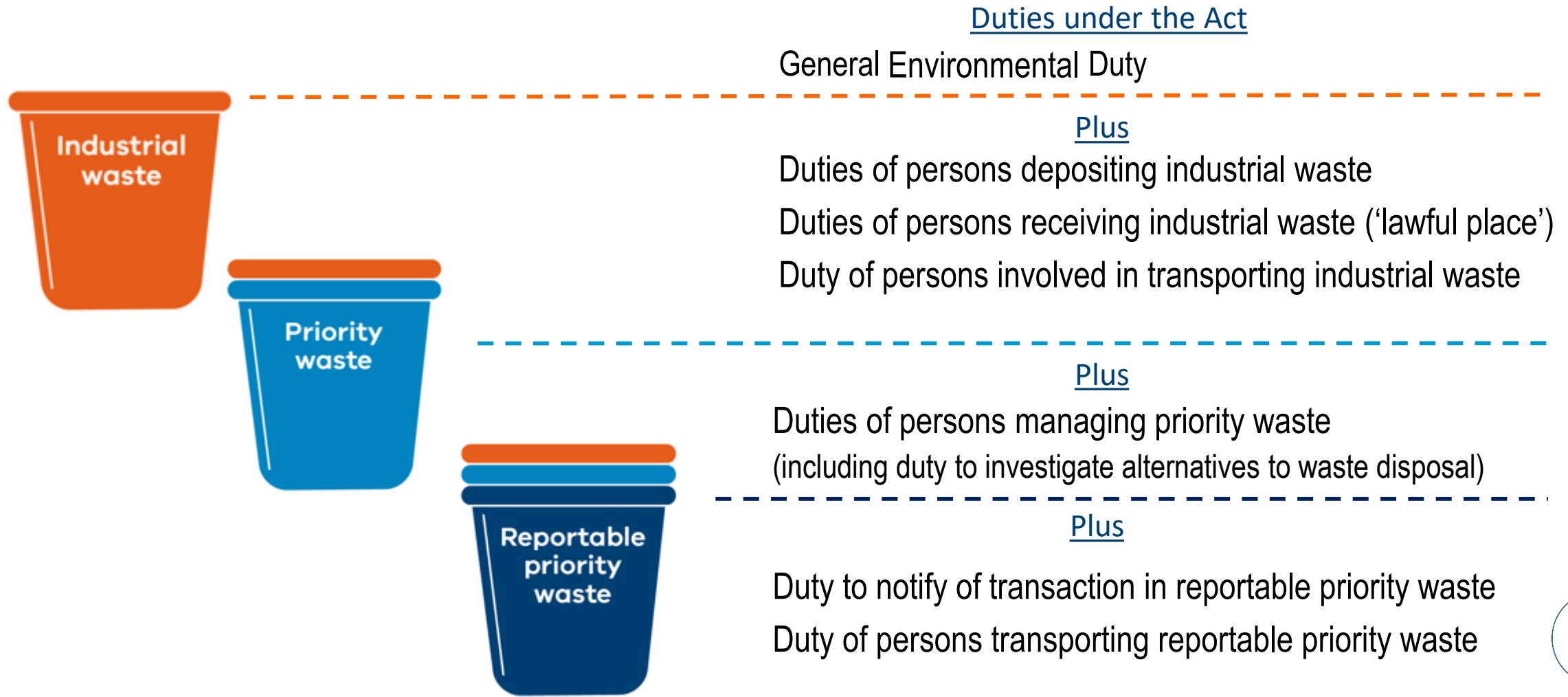
# Waste: Proposed Framework

*Regulations:*  
Chapter 4, Part 5.5, Schedules  
5-8



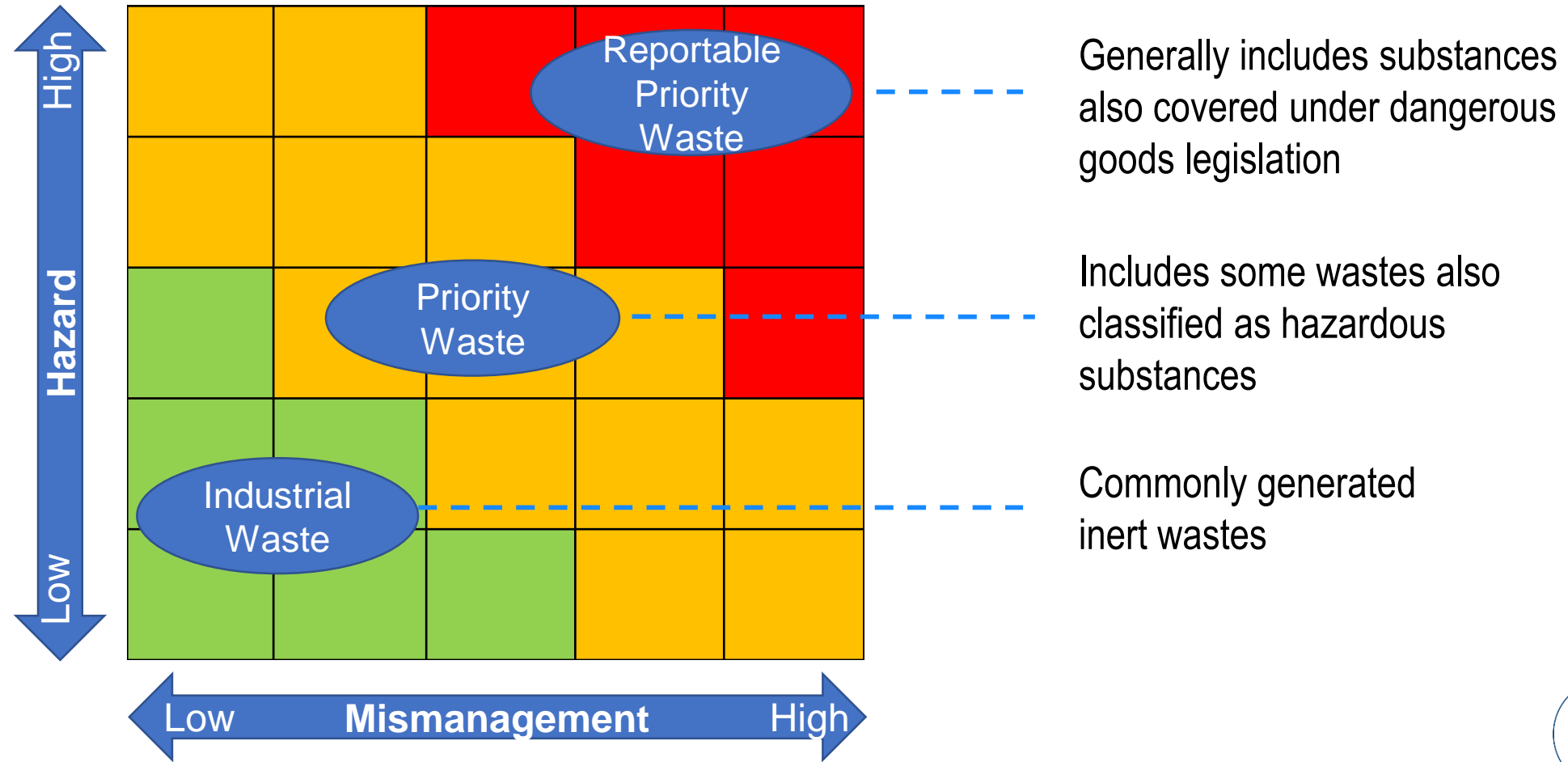
# Waste: Classification

**Regulations:**  
Part 4.2, Schedules 5-7



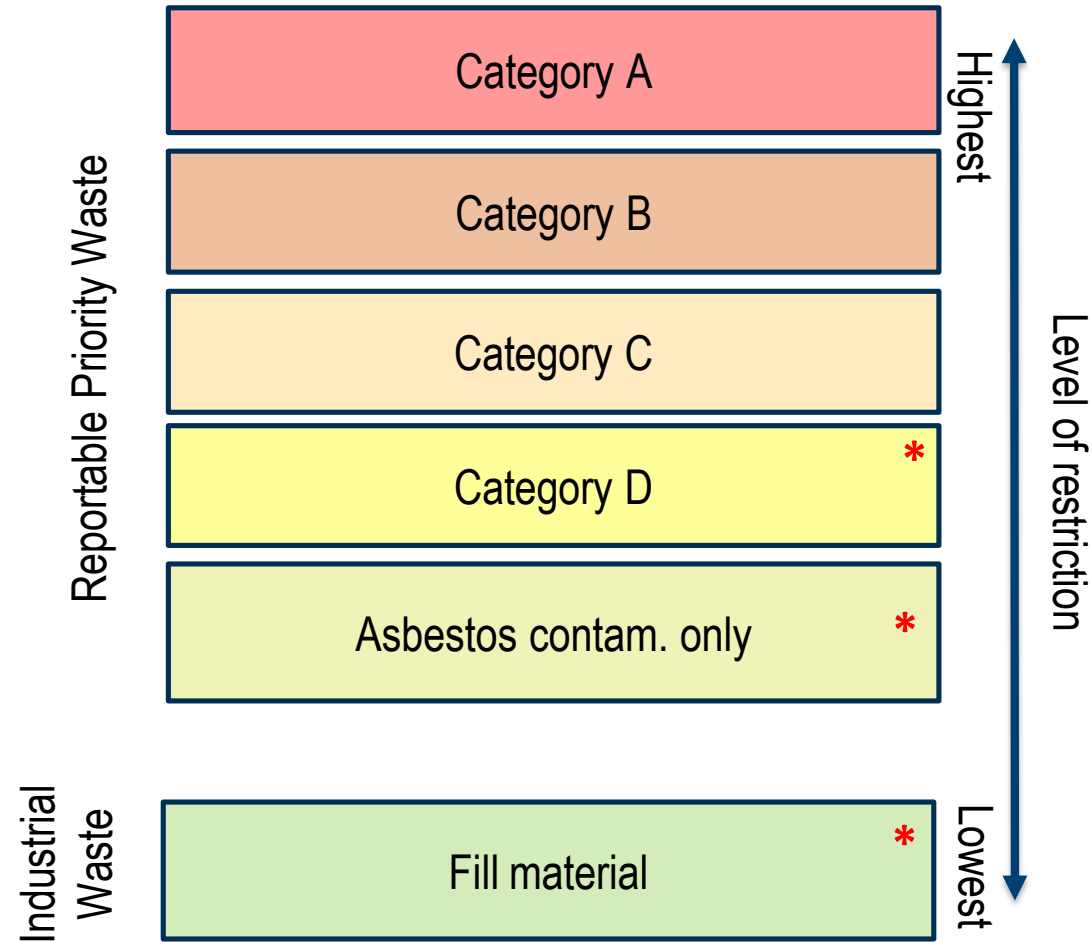
# Waste: Classification

Regulations:  
Part 4.2, Schedules 5-7



# Waste: Contaminated Soils

Regulations:  
Parts 3.6 and 4.2, Schedule 6



\* New category



# Waste: Declaration of Use

*Regulations:*  
Regulations 5, 63 and 64

What is Declaration of Use?:

- A self-assessment of a waste derived material:
  - Composition/characteristics
  - Risks and mitigations
  - Directions for use
- Passed between generator and receiver – does not normally require submitting to EPA

Purpose:

- Support safe reuse, recovery and recycling of materials derived from waste
- Low burden task for low risk situations



# Public Comment and Next Steps



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# Public Comment

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[www.engage.vic.gov.au/new-environmental-laws/subordinate-legislation](http://www.engage.vic.gov.au/new-environmental-laws/subordinate-legislation)

Public comment period is open from 2 September 2019 – 31 October 2019  
(60 days)

Public Comment is your chance to review and comment on:

- Draft regulations and Regulatory Impact Statement
- Draft Environment Reference Standard and impact assessment

# Next steps

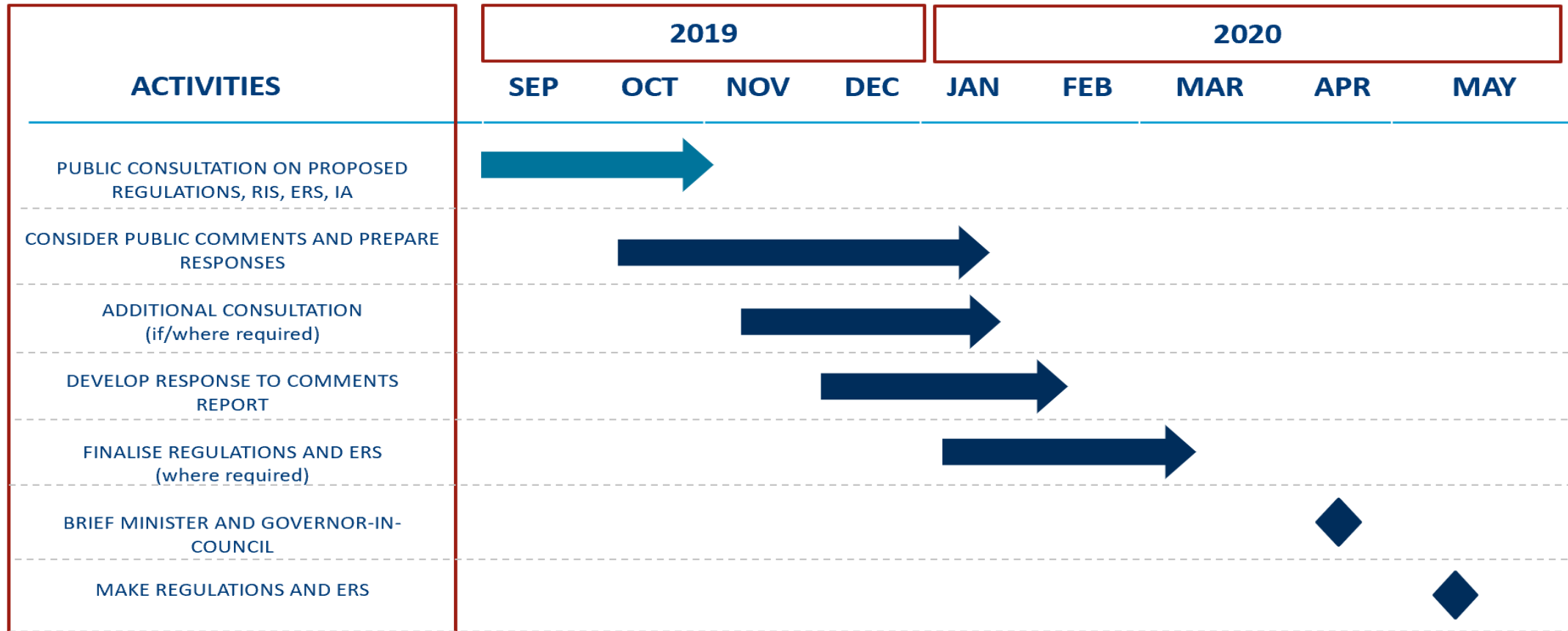
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- Via Engage Vic: ([www.engage.vic.gov.au/new-environmental-laws/subordinate-legislation](http://www.engage.vic.gov.au/new-environmental-laws/subordinate-legislation))
- Email: [sublegreform@epa.vic.gov.au](mailto:sublegreform@epa.vic.gov.au)
- Post: EPA Victoria  
Attention: Director of Policy and Regulation  
GPO Box 4395  
Melbourne Victoria 3001



# Next steps

Public comment will close on 31 October 2019



# Have questions?

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- Contact us at [sublegreform@epa.vic.gov.au](mailto:sublegreform@epa.vic.gov.au)
- Phone: 1300 372 842
- See Engage Vic for the proposed regulations and standards for review:  
[www.engage.vic.gov.au/new-environmental-laws/subordinate-legislation](http://www.engage.vic.gov.au/new-environmental-laws/subordinate-legislation)

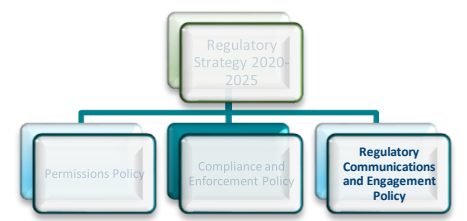
# Draft Charter of Consultation



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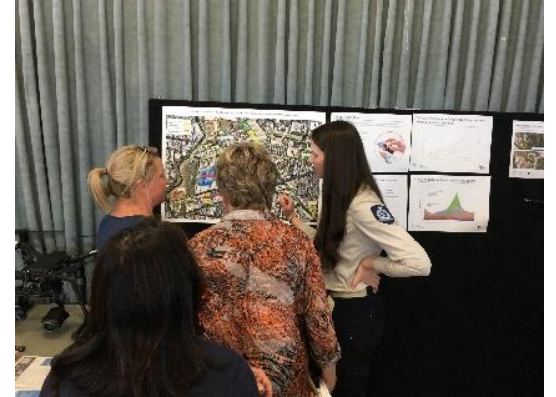


# Regulatory Comms and Engagement



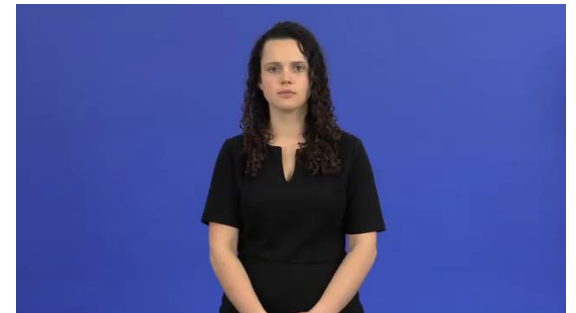
## Covers:

- How EPA provides information;
- How people can engage with EPA and participate in matters affecting them; and
- How our approach meets the circumstance and need (eg when we will inform vs consult, or when we will provide guidance and support vs issuing prohibition notice).



## Examples of Supplementary Policies:

- Charter of Consultation
- Public Register



# Charter of Consultation

Section 53 of new Act requires EPA to develop a Charter of Consultation

## S53(2) The Charter of Consultation—

- a) must include guidelines relating to processes for determining applications for permissions; and
- b) must include guidelines for the public notification of, and consultation relating to, applications for permissions; and
- c) must include any prescribed matters; and
- d) may include any other matters that the Authority considers appropriate.



# Consultation on the Draft Charter of Consultation

- A Draft Charter of Consultation has been prepared for public comment
- Public comment via Engage Vic from today, 16 Sep to 10 Nov 2019
- As key stakeholders, we would greatly value your input.
- Comments can be made through Engage Vic or to [charter@epa.vic.gov.au](mailto:charter@epa.vic.gov.au)





# Key components of consultation

The Charter outlines some of the key components of EPA consultation:

- Pre-application engagement
- Public notification
- Consultation timelines
- Permissions pathway assessment
- Conference of interested persons



# Lunch Break



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# High-risk and Hazardous Waste Sites Program



Date: 16 September 2019  
Peter Dobson



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# Program of Work

**The State Crisis and Resilience Council (SCRC) has established a program of work to improve the response to high-risk and hazardous waste sites, including:**

- *A co-ordination and prevention framework* to guide cross-agency response to high-risk sites
- *A financial risk management strategy* and options to minimise and recover costs of State action
- Identifying gaps / strengthening legal and regulatory controls
- Assessing infrastructure and market drivers and gaps

Supported by establishment of Oversight Group and Inter-agency Working Group within Victorian Government

- Key agencies include DELWP, EPA, Department of Justice and Community Safety, WorkSafe, Victoria Police, Emergency Management Victoria, fire agencies and local government.



## Co-ordinated Prevention and Response Framework



**To set out an agreed approach for the detection, management and remediation of high risk sites, including:**

- Consistent approach to risk assessment
- Agreed protocols for Government response
- Improved approach to intelligence gathering and sharing
- Identifying and addressing regulatory gaps

- Coordination activities occur informally at various stages of the regulatory cycle
- Intelligence sharing is fragmented and inconsistent
- Site leads are determined on a case by case basis
- Lack of resourcing affects response at various stages
- Regulatory controls and practices are focussed on known operators
- Powers of entry are limited to specific agencies under specific circumstances



- Analysis and development of options for infrastructure and market capacity to treat and dispose of priority hazardous waste streams.
- Current assessment of infrastructure needs for recycling, treatment and disposal of liquid chemical waste streams (including solvents, paints, resins)





Key partners and sources of information include:

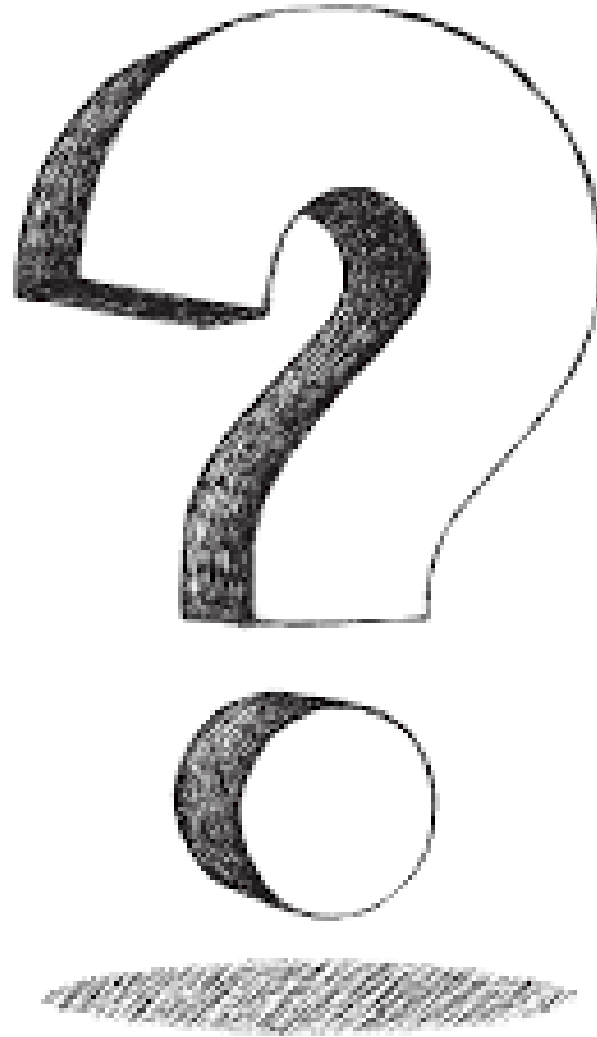
- Key Victorian regulators (EPA, WorkSafe) and response agencies (fire agencies, Victoria Police)
- Key peak waste and resource recovery bodies representing diverse organizations storing, transporting, processing, recycling and treating hazardous waste
- Councils experienced in regulating sites storing high-risk and hazardous waste





1. Framework finalised (Now – October 2019)
  - Information obtained from collaboration with local government and industry being used to develop the Coordinated Prevention and Response Framework and related work
2. Government endorsement (Nov–Dec 2019)
3. Framework implementation (from early 2020)
  - may involve further opportunities to consult with industry and local government.

# Questions?



# EPA Waste Compliance Initiatives Update

## Rachel Gualano



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# Current State Challenges - they remain

## Ban lifted on one recycle plant, three remain shut

Benjamin Preiss

Four of SKM's facilities were closed after the Environment Pro-

Waste management industry bodies call for action as Australian recycling crisis continues

## Eighth illegal toxic dump site found

## Ranges avoids waste crisis after EPA acts on recycler

Jessica Coates

THE Macedon Ranges has avoided a recycling crisis gripping councils across the state.

About 22 councils were

arranged for alternative facilities while SKM worked towards meeting the conditions set by the EPA.

Neither the council or Four Seasons would tell the *Leader* where the alternative facilities were.

Council's chief

Stork said. "Our community works hard to minimise waste."

Hume Council on the State Gov build more recycling after it was forced to accept recyclables in late 2017. EPA chief executive Cathy Wilkinson

## Dumping alert over skip bin discounters

## Crackdown on rogue operators as toxic waste dumps discovered

## Neighbours fear explosion risk at industrial sites

## Charges laid over recycling plant fire



# Increase in stockpiling since 2017



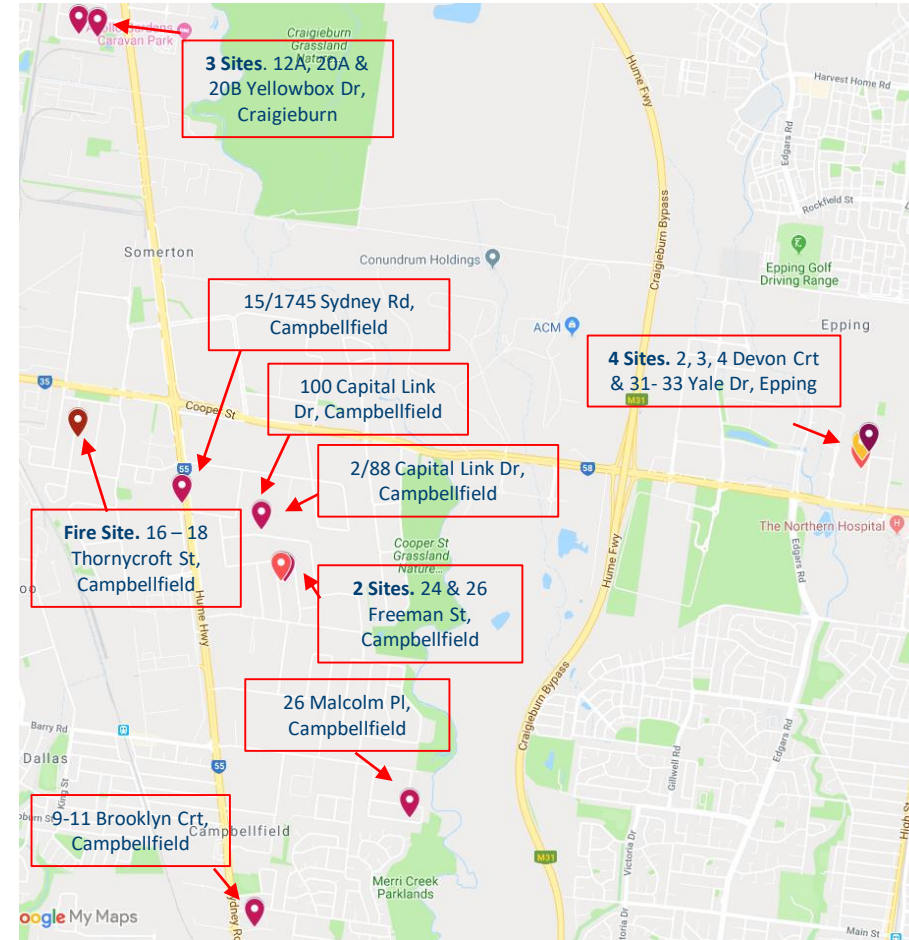


# Increase in waste crime





# Illegal chemical waste blitz – December 2018



# Dangerous Goods, Chemicals and Waste Co-Regulatory Program

## An enhanced response to waste crime in Victoria



Inspecting facilities across Victoria targeting inappropriate storing, handling or treating of chemicals, dangerous goods or waste materials to ensure safety measures and compliance requirements are in place



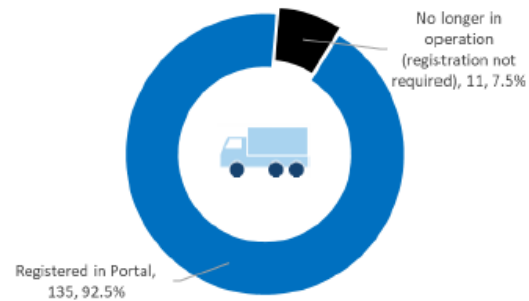
# Electronic Waste Transport Certificates

Transition to paperless WTC dashboard  
(as of 09 September 2019 4pm)



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## Accredited Agents (AAs) electronic transition status



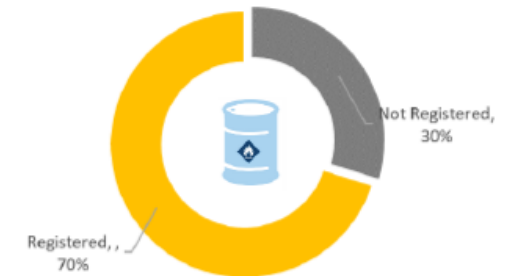
## Waste Transporter electronic transition status



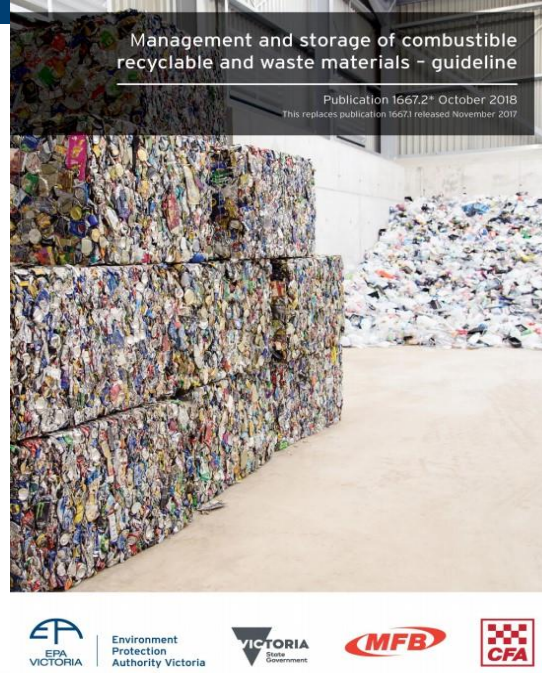
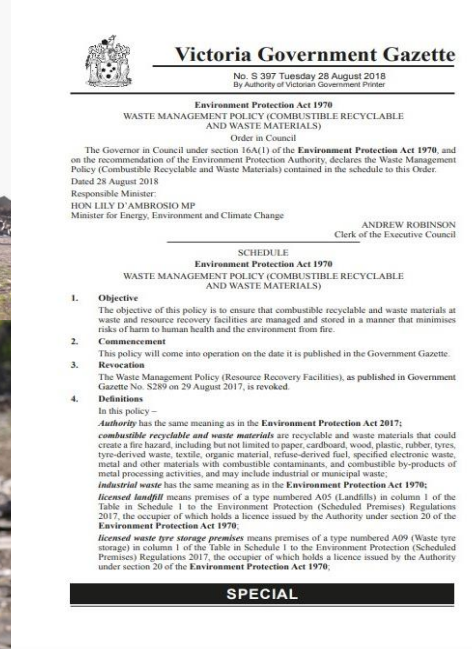
## Waste Receivers electronic transition status



## Waste Producers electronic transition status



# The Resource Recovery Taskforce



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# State-wide ban on E-Waste



TAKE  
YOUR  
E-WASTE  
TO A  
BETTER  
PLACE

Acknowledging the risks and opportunities associated with e-waste, the Victorian Government has banned e-waste from Victoria's landfill **from 1 July 2019**.

New regulatory measures, in the form of waste management policies, have been developed to ban e-waste from landfill and specify how e-waste must be managed.

EPA has published E-waste guidance to set compliance expectations that is available online

# E-Waste Compliance and Guidance

Victoria Government Gazette G 26 28 June 2018 1457

## ORDERS IN COUNCIL

### Environment Protection Act 1970 WASTE MANAGEMENT POLICY (E-WASTE) Order in Council

The Governor in Council under section 16A(1) of the **Environment Protection Act 1970**, and on the recommendation of the Environment Protection Authority, declares the Waste Management Policy (E-waste) contained in the schedule to this Order.

Dated 26 June 2018

Responsible Minister:

HON LILY D'AMBROSIO MP

Minister for Energy, Environment and Climate Change

ANDREW ROBINSON  
Clerk of the Executive Council

### Environment Protection Act 1970 WASTE MANAGEMENT POLICY (E-WASTE) SCHEDULE TO THE ORDER IN COUNCIL

#### 1. Objectives

The objectives of this policy are to –

- ensure the appropriate management of e-waste in Victoria, to complement the diversion of e-waste from landfill as set out in the *Waste Management Policy (Siting, Design and Management of Landfills) No. S264 2004*; and
- eliminate or reduce, so far as reasonably practicable, the risk to the environment and human health from e-waste; and
- maximise the recovery of materials from e-waste; and
- ensure records are kept and made available to assess compliance with this policy.

#### 2. Commencement

This policy will come into operation on 1 July 2019.

#### 3. Definitions

In this policy –

**AS/NZS 5377:2013** means the Australian and New Zealand Standard, *Collection, storage, transport and treatment of end-of-life electrical and electronic equipment*;

**collection** means an activity that involves receiving and handling e-waste;

**e-waste** means waste in the form of electrical or electronic equipment, devices or things (or materials or parts of such equipment, devices or things), the operation of which is dependent on, or designed for the generation, transfer or measurement of, an electric current or electromagnetic field;

**e-waste service provider** means any person who conducts a business or undertaking that accepts e-waste for collection, storage, handling, transport or reprocessing;

**material recovery rate** means the rate recorded in accordance with clause 6(3)(d);

**material recovery standards** means the standards set out in clause 6(3)(c);

**output materials** means the materials resulting from reprocessing which are suitable for reuse or recycling;

EPA Interaction Portal Portal help

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[Land and groundwater guidance](#)

[Landfill guidance](#)

[Liquid storage and handling guidance](#)

[Solid storage and handling guidance](#)

[Noise guidance](#)

## E-waste reprocessing in Victoria

On this page:

- [Overview](#)
- [Who is this information for?](#)
- [Why do you need to take action?](#)
- [What do you need to do?](#)
- [Storing and transporting e-waste](#)
- [Maximising material recovery](#)
- [Keeping appropriate records](#)
- [Controlling hazards and risks](#)
- [Useful links and resources](#)
- [More information on e-waste reprocessing in Victoria](#)

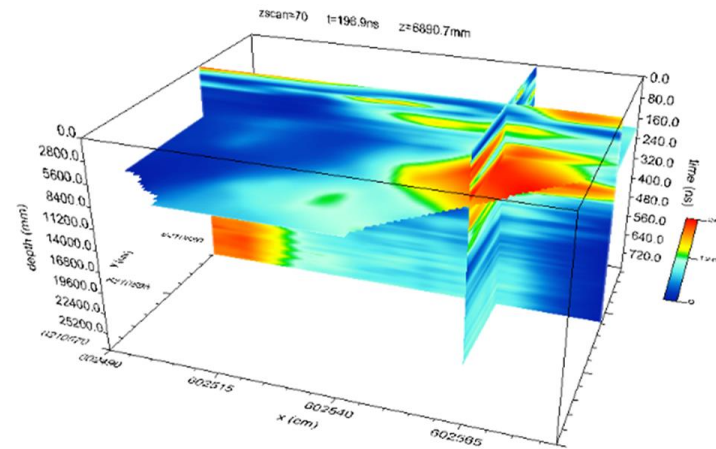


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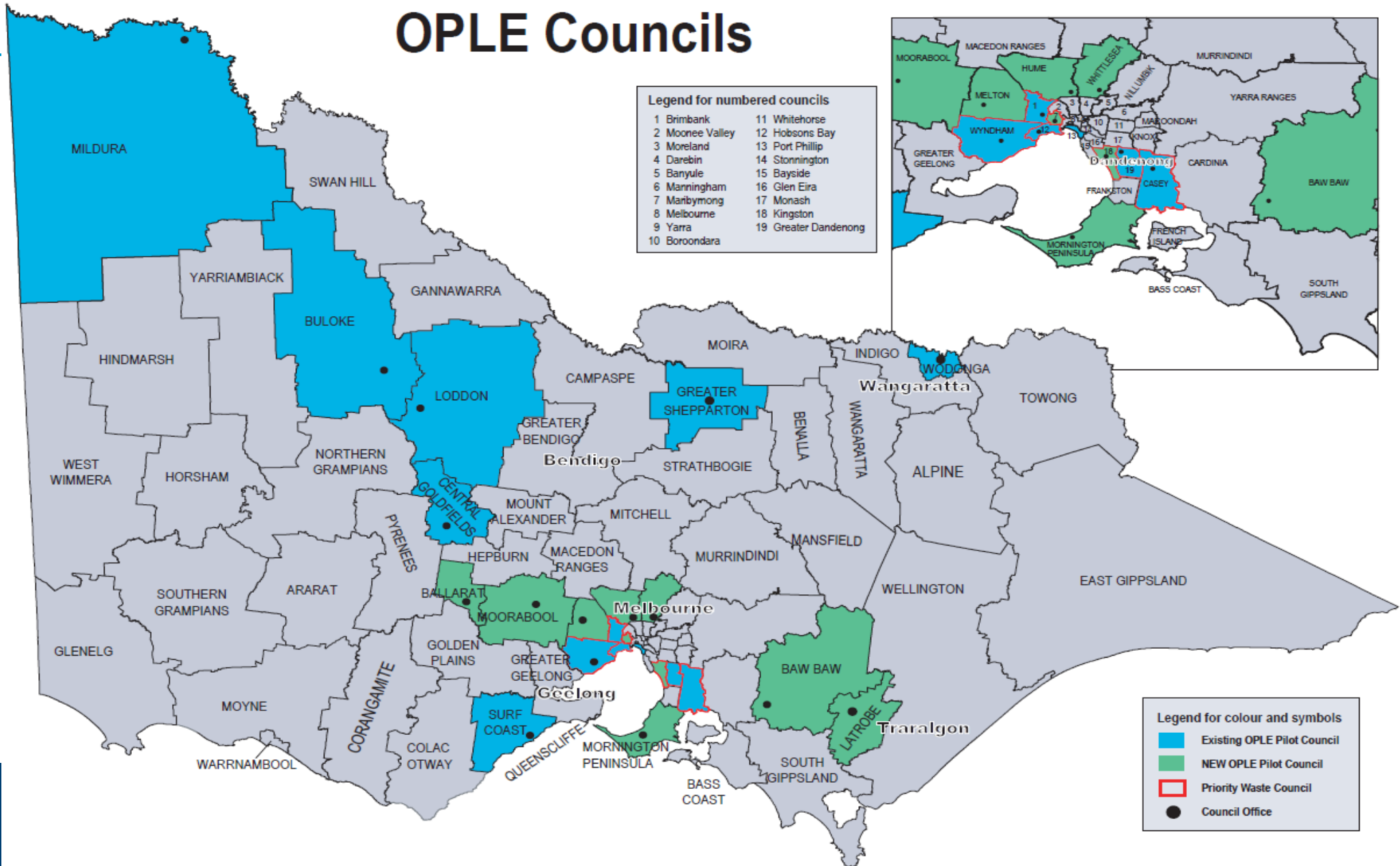


# Illegal Waste Disposal - Kaniva



# OPEL Pilot Program Expansion

## OPEL Councils





# State-wide ban on lightweight plastic bags



**VIC  
BAG  
BAN**

The Victorian Government will implement a state-wide ban on lightweight plastic shopping bags from November 2019.

**VIC BAG BAN**  
Retailer Transition Program

**INFORMATION FOR LOCAL BUSINESSES**  
The National Retail Association is visiting [our area](#) to offer free advice & information about the ban to local businesses.  
**More info:** [www.vicbagban.com.au/workshops](http://www.vicbagban.com.au/workshops)

Lightweight, single-use plastic shopping bags will be banned across Victoria from **1 November 2019**, under **new legislation introduced to parliament** by the Andrews Labor Government

## What bags will be banned?

Typical lightweight plastic shopping bags, including biodegradable, degradable and compostable lightweight plastic



## What bags will not be banned?



Barrier bags for fruit, vegetables, meat and fish



Garbage bags and bin liners



Animal waste bags

# Reducing risk to prevent harm

## A coordinated prevention and response framework





# Reducing risk to prevent harm





# Strong Joined up Regulatory Action





# Questions



# Other Business

# Future meetings

# How to stay informed

- Industry Reference Group
- Subscribe to our Business Bulletin  
[www.epa.vic.gov.au/subscribe](http://www.epa.vic.gov.au/subscribe)
- Contact EPA directly
- Key industry events

## EPA Business Bulletin

Issue 2/2019



Welcome to your second *Business Bulletin* for 2019. In the early part of the year, Victoria saw devastating bushfires in many parts of the state. We are working with those affected. Our recently issued fact sheet can help farms and businesses understand cleanup options for waste disposal.

As you may be aware, in recent days EPA has been assisting with the emergency response to a large industrial fire at Campbellfield in Melbourne's north. You can read more on our [website](#).

In this edition of *Business Bulletin* we're also talking recycling as well as landlord and agent responsibilities when it comes to stockpiled waste. We know that most businesses in the waste sector operate to strict standards, are fully compliant with their environmental obligations and want to do the right thing by the community and the environment.

However, the actions of a small number of operators are putting the community and environment at risk. That's why EPA's focus when it comes to stockpiled waste is on detecting criminal activity, and holding to account those who are careless, deliberately flout the law, or turn a blind eye to their obligations.

Lastly, there are upcoming events to further your business's involvement with EPA. We'll be at Farm World, National Manufacturing Week, and several more events across the state.

*Business Bulletin* is published quarterly. For frequent updates on event and news affecting your business, follow us on [LinkedIn](#), [Twitter](#) and [Facebook](#).

## EPA events

### EPA to exhibit at Farm World agricultural show

EPA's industry experts will be there to answer your questions about preventing harm from pollution and waste in the agriculture sector.

**When:** 11 - 14 April

**Where:** Lardner Park, Gippsland

**Cost:** This is a ticketed event, please see the promoter's website via the registration link below.





Thank you.



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