

Legislative Council—No 91

As introduced and read a first time, 2 December 2020

South Australia

**Environment Protection (Disposal of PFAS
Contaminated Substances) Amendment Bill 2020**

A BILL FOR

An Act to amend the *Environment Protection Act 1993*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Environment Protection Act 1993*

- 4 Amendment of section 47—Criteria for grant and conditions of environmental authorisations
 - 5 Insertion of Part 8 Division 3
 - Division 3—Restriction on authorisation for disposal of PFAS contaminated substances
 - 74 Restriction on authorisation for disposal of PFAS contaminated substances
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Environment Protection (Disposal of PFAS Contaminated Substances) Amendment Act 2020*.

2—Commencement

This Act comes into operation 4 months after the day on which it is assented to by the Governor.

3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Environment Protection Act 1993*

4—Amendment of section 47—Criteria for grant and conditions of environmental authorisations

- 15 Section 47(2)—after "(3) and (4)" insert:
 - and section 74

5—Insertion of Part 8 Division 3

After section 73 insert:

Division 3—Restriction on authorisation for disposal of PFAS contaminated substances

74—Restriction on authorisation for disposal of PFAS contaminated substances

(1) Despite Part 6 or any other provision of this Act, the Authority must not, on or after the commencement of this section—

- (a) grant a licence, or grant a licence subject to conditions; or
- (b) impose conditions on, or vary or revoke the conditions of, a licence; or
- (c) grant any other authorisation or approval,

that authorises, or has the effect of authorising, a landfill depot to receive a PFAS contaminated substance for disposal at the depot if the landfill depot is located (or is proposed to be located)—

- (d) in whole or in part in the Greater Adelaide planning region within the meaning of the *Planning, Development and Infrastructure Act 2016*; or
- (e) within 50 km of land used for the business of primary production; or
- (f) within a township or 5 km from the boundaries of a township.

(2) Subsection (1) does not apply to the renewal by the Authority of—

- (a) a licence, or a licence subject to conditions; or
- (b) any other authorisation or approval,

in force immediately before the commencement of this section if the licence, authorisation or approval authorised, or had the effect of authorising, a landfill depot to receive a PFAS contaminated substance for disposal at the depot before that commencement.

(3) In this section—

business of primary production means the business of agriculture, pasturage, horticulture, viticulture, apiculture, poultry farming, dairy farming, forestry or any other business consisting of the cultivation of soils, the gathering in of crops, the rearing of livestock or the propagation or harvesting of fish or other aquatic organisms or other activity prescribed by regulation;

landfill depot means a depot, facility or works for the disposal of waste to land;

PFAS means per- and poly-fluoroalkyl substances;

PFAS contaminated substance means a substance that contains PFAS in a concentration that exceeds the concentration prescribed by regulation (which may vary in relation to different substances) for the purposes of this definition (to be calculated in a manner determined by the Authority).

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