South Australia

Environment Protection Regulations 2009

under the *Environment Protection Act 1993*

Contents

Part 1—Preliminary

1 Short title
3 Interpretation
4 Monetary value of fee unit

Part 2—General provisions supporting Act

5 Prescribed national scheme laws (section 3)
6 Consultation with prescribed bodies required before certain regulations made (section 5A)
7 Board of Authority (section 14B)
8 Environment Protection Fund (section 24)
9 Normal procedure for making policies (section 28)
10 Simplified procedure for making certain policies (section 29)
11 Certain amendments may be made without following normal procedure (section 32)
12 Certain matters to be referred to Water Resources Minister (section 64)
13 Powers of authorised officers (section 87)
14 Issue of warrants (section 88)
15 Authority may recover civil penalty in respect of contravention (section 104A)
16 Public register (section 109)

Part 3—Environmental authorisations

Division 1—General provisions supporting Part 6 of Act

17 Notice and submissions in respect of applications for environmental authorisations (section 39)
18 Time limit for determination of applications (section 42)
19 Term and renewal of environmental authorisations (section 43)
20 Notice and submissions in respect of proposed variations of conditions (section 46)
21 Criteria for grant and conditions of environmental authorisations (section 47)
22 Annual fees and returns (section 48)
23 Transfer of environmental authorisations (section 49)
24 Conditions requiring financial assurance to secure compliance with Act (section 51)

Division 2—Application and authorisation fees

Subdivision 1—Works approvals

25 Works approvals—Application fee for grant, authorisation fee on grant or renewal and annual authorisation fee

Subdivision 2—Exemptions

26 Exemptions—Application fee for grant, authorisation fee for grant or renewal and annual authorisation fee

Subdivision 3—Licences

27 Licences—Application fee for grant and authorisation fee for grant or renewal
28 Licences—Annual authorisation fee
29 Flat fee component
30 Determining environment management component
31 Determining pollutant load-based component
32 Determining water reuse component
33 Adjustment of annual authorisation fee or projected annual authorisation fee after end of licence period or projected licence period
34 Cessation of activity

Division 3—Discounts and other benefits for accredited licensees

35 Benefits of accreditation
36 Accredited licences
37 Performance reports
38 Review of accreditation

Division 4—Miscellaneous fees relating to environmental authorisations

39 Late application for renewal (section 43(4))
40 Renewal without application (section 43(6))
41 Conditions requiring approval of certain works and processes (section 54C)

Part 4—Beverage containers

42 Beverage (section 65)
43 Collection depot (section 65)
44 Refund amount (section 65)
45 Exemption of certain containers by regulation (section 67)
46 Annual returns for collection depots and super collectors (section 69A)
47 Offence to claim refund on beverage containers purchased outside State or corresponding jurisdiction (section 69C)
48 Certain containers prohibited (section 72)

Part 5—Site contamination

Division 1—General provisions supporting Part 10A of Act

49 Occupier (section 103A)
50 Potentially contaminating activities (sections 103C and 103H)
51 Causing site contamination (section 103D)
52 Liability for property damage etc caused by person entering land—exemptions (section 103M)

Division 2—Site contamination auditors

Subdivision 1—Accreditation

53 Eligibility for accreditation
54 Application for accreditation
55 Grant of accreditation

56 Conditions of accreditation
57 Offence to contravene certain conditions of accreditation
58 Annual fee
59 Term and renewal of accreditation
60 Disciplinary action against site contamination auditors and voluntary suspension
61 Surrender of accreditation
62 Return of certificate of accreditation and identity card
63 Appeals
64 Register of site contamination auditors

Subdivision 2—Requirements applying to auditors

65 Annual returns by auditors (section 103Y(2))
66 Notifications by auditors after commencement or termination of audit (section 103Z(3))
67 Site contamination audit report summary and statement (section 103Z(4))
68 Site contamination audit statements to be provided to prescribed bodies (section 103Z(4))

Part 6—Waste depot levy

69 Approval of weighbridges
70 Waste depot levy (section 113)
71 Reporting of mass or volume of waste received at depots
72 Certain depots must have approved weighbridge
73 Exemptions from approved weighbridge requirements
74 Verification of returns by volumetric survey
75 Special provision for certain councils for waste fees

Part 7—Other fees and charges

76 Registration or cancellation of registration of environment protection order (section 95)
77 Registration or cancellation of registration of clean-up order or clean-up authorisation (section 103)
78 Registration or cancellation of site contamination assessment order or site remediation order (section 103R)
79 Prescribed fee for emergency authorisation (section 105)
80 Recovery of administrative and technical costs associated with contraventions (section 135)
81 Interest on amounts recoverable by Authority under sections 64D, 95, 103 and 103R
82 Further fees

Part 8—Miscellaneous

83 Payment of fees by instalments and recovery of fees
84 Authority may require copy of decision on development applications
85 Exemption from requirement for licence for transportation of controlled waste
86 Exemption from item 4(c) of Schedule 1 of *Environment Protection (Air Quality) Policy 1994*
86A Exemption from Act—Maralinga nuclear test site
87 Transitional provisions relating to bodies corporate under repealed Acts

Schedule 1—Forms

1 Form of notice of execution of warrant (regulation 14)
2 Form of notice of right to elect to be prosecuted (regulation 15)

Schedule 2—Environmental authorisations—application and authorisation fees

Part 1—Descriptions and maps of areas (regulation 3)

1 Interpretation
2 Adelaide airshed
3 Mount Gambier airshed
4 Port Pirie airshed
5 Port River region
6 Upper Spencer Gulf
7 Whyalla airshed

Part 2—Environment management component (regulation 30)

8 Interpretation
9 Environment management component

Schedule 3—Site contamination

Part 1—Potentially contaminating activities (regulation 50)

1 Interpretation
2 Activities undertaken in course of business
3 Domestic activities
4 Listed substances

Part 2—Annual returns by auditors (regulation 65)

5 Form of annual return

Part 3—Notifications by auditors after commencement or termination of audit (regulation 66)

6 Form of notification by auditor after commencement of audit
7 Form of notification by auditor after termination (before completion) of audit

Part 4—Site contamination audit statement (regulation 67)

8 Form of site contamination audit statement

Schedule 4—Miscellaneous fees

Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Environment Protection Regulations 2009*.

3—Interpretation

(1) In these regulations, unless the contrary intention appears—

accreditation, in relation to a site contamination auditor, means accreditation under Part 5 Division 2;

accreditation committee means a committee established by the Board under section 17 of the Act to advise the Authority in relation to accreditation of site contamination auditors;

accredited activity means a prescribed activity of environmental significance carried on by a licensee in respect of which accreditation is granted under regulation 36;

Act means the *Environment Protection Act 1993*;

Adelaide airshed means the area described in Schedule 2 clause 2;

agriculture includes horticulture;

approved estimation or monitoring technique for an activity means—

(a) an estimation technique set out in an EET manual for the activity; or

(b) a technique or method approved by the Authority for the activity by condition of licence or otherwise;

approved weighbridge means a weighbridge—

(a) that is operated in accordance with a licence issued under the *National Measurement Act 1960* of the Commonwealth; or

(b) that is approved by the Authority under regulation 69;

asbestos includes unbound or friable asbestos and bound or non-friable asbestos;

assessable site—see subregulation (2);

assessable vehicle—each vehicle approved by the Authority for the transport of waste under a licence that authorises a waste transport business is to be taken to be an assessable vehicle;

copper means copper and its compounds;

designated air pollutant means sulphur dioxide, nitrogen oxides, particulates, volatile organic compounds or lead, but does not include ethanol emitted in the course of a prescribed activity of environmental significance specified in Schedule 1 clause 6(2) or (11) of the Act (breweries, wineries and distilleries);

designated water pollutant means heat, suspended solids, nitrogen, phosphorus, organic matter, zinc, lead or copper;

dredging means the prescribed activity of environmental significance specified in Schedule 1 clause 7(4) of the Act;

earthworks drainage means the prescribed activity of environmental significance specified in Schedule 1 clause 7(6) of the Act;

EET manual for an activity means a manual setting out techniques for making estimates in relation to the activity published by the Commonwealth for the purposes of the National Pollutant Inventory—see www.npi.gov.au;

environment management component means the environment management component of an annual authorisation fee for a licence (see regulation 30 and Schedule 2 Part 2);

EPA odour criteria means the criteria specified in *EPA Guideline* 373/06 *Odour assessment using odour source modelling* as issued by the Authority in April 2007;

fee unit—see regulation 4;

flat fee component means the flat fee component of an annual authorisation fee for a licence (see regulation 29);

green waste means waste comprised of plants or plant matter, including leaves, twigs, branches, tree trunks, prunings, grass clippings, fruit, vegetables and fruit or vegetable scraps;

inert waste means solid waste that has no active chemical or biological properties and is not subject to biological or chemical breakdown;

lead means lead and its compounds;

licence period, in relation to a licence, means the period of 12 months from the first anniversary of the grant or renewal of the licence and each subsequent period of 12 months;

Note—

This is to be distinguished from the term of the licence (which is a period determined by the Authority under section 43 of the Act).

liquid organic chemical substances means oil, petroleum or biofuels, other than when stored in the fuel tank of a motor vehicle for the purposes of powering the vehicle;

listed substance means a substance listed in Schedule 3 clause 4;

marine environment means—

(a) marine waters; or

(b) land that is covered with marine waters (whether permanently or from time to time);

metropolitan Adelaide has the same meaning as in the *Development Act 1993*;

metropolitan coastal waters means the body of waters extending 3 nautical miles seaward from the coastline forming the western boundary of metropolitan Adelaide;

motor vehicle means a vehicle that is built to be propelled by a motor that forms part of the vehicle;

Mount Gambier airshed means the area described in Schedule 2 clause 3;

Mount Lofty Ranges Water Protection Area means the Mount Lofty Ranges Water Protection Area as declared under Part 8 of the Act;

National Pollutant Inventory means the inventory established as a result of the *National Environment Protection (National Pollutant Inventory) Measure*;

nitrogen means total nitrogen;

organic matter—see subregulation (3);

particulates means particulate matter 10 micrometres or less in diameter, and includes red dust particulates;

pesticides includes herbicides and fungicides;

phosphorous means total phosphorus;

pollutant load-based component means the pollutant load-based component of the resource efficiency component of an annual authorisation fee for a licence (see regulation 31);

Port Pirie airshed means the area described in Schedule 2 clause 4;

Port River region means the area described in Schedule 2 clause 5;

prescribed activity of environmental significance means an activity specified in Schedule 1 Part A of the Act;

red dust particulates means haematite or goethite;

reporting period means—

(a) for a licence authorising an activity in respect of which a report is provided to the Authority for the purposes of the National Pollutant Inventory—the period to which the report relates; or

(b) for any other licence—the 12 month period approved by the Authority for the licence by condition of the licence or by notice in writing to the licensee;

resource efficiency component—the resource efficiency component of the annual authorisation fee for a licence is comprised of the pollutant load-based component and the water reuse component (see regulation 28);

resource recovery, in relation to waste, means—

(a) reusing the waste; or

(b) recycling the waste; or

(c) recovering energy or other resources from the waste;

responsible auditor, in relation to a site contamination audit, means the site contamination auditor who personally carried out or directly supervised the work involved in the audit;

septic tank effluent means effluent that is ordinarily collected by means of a septic tank, waterless composting toilet, aerated wastewater treatment system or similar on-site waste collection system;

South East Water Protection Area means the South East Water Protection Area as declared under Part 8 of the Act;

Upper Spencer Gulf means the waters described in Schedule 2 clause 6;

vessel means—

(a) a ship or boat; or

(b) an air-cushion vehicle, or other similar craft, used wholly or primarily in transporting passengers or goods by water; or

(c) a structure that is designed to float in water and is used for commercial, industrial or research purposes;

waste fill means waste consisting of clay, concrete, rock, sand, soil or other inert mineralogical matter in pieces not exceeding 100 millimetres in length and containing chemical substances in concentrations (calculated in a manner determined by the Authority) less than the concentrations for those substances set out in the following table (but does not include waste consisting of or containing asbestos or bitumen):

Chemical substance	**Concentration (milligrams per kilogram of waste fill)**	**Chemical substance**	**Concentration (milligrams per kilogram of waste fill)**
Aldrin/dieldrin (total)	2	Ethylbenzene	3.1
Arsenic	20	Heptachlor	2
Barium	300	Lead	300
Benzene	1	Manganese	500
Benzo(a)pyrene	1	Mercury	1
Beryllium	20	Nickel	60
Cadmium	3	Petroleum hydrocarbons TPH C6-C9 (total)	65
Chlordane	2	Phenolic compounds (total)	0.5
Chromium (III)	400	Polychlorinated biphenyls (PCBs)	2
Chromium (VI)	1	Polycyclic aromatic hydrocarbons (PAH) (total)	5
Cobalt	170	Petroleum hydrocarbons TPH>C9	1000
Copper	60	Toluene	1.4
Cyanides (total)	500	Xylene (total)	14
DDT	2	Zinc	200

waste transport business means a waste transport business (category A) or a waste transport business (category B);

waste transport business (category A) means the prescribed activity of environmental significance specified in Schedule 1 clause 3(5) of the Act;

waste transport business (category B) means the prescribed activity of environmental significance specified in Schedule 1 clause 3(6) of the Act;

wastewater includes—

(a) sewage, and septic tank effluent, whether treated or untreated; and

(b) water containing commercial or industrial waste;

water reuse component means the water reuse component of the resource efficiency component of an annual authorisation fee for a licence (see regulation 32);

Whyalla airshed means the area described in Schedule 2 clause 7;

zinc means zinc and its compounds.

(2) For the purposes of these regulations, the following principles apply in relation to an ***assessable site***:

(a) each location specified in a licence at which a prescribed activity of environmental significance may be undertaken is to be taken to be an assessable site;

(b) if various places are specified in a licence as a single location, then the various premises are together to be taken to be an assessable site;

(c) if a licence authorises a prescribed activity of environmental significance to be undertaken by means of mobile works, then the various premises at which the mobile works are used are together to be taken to be an assessable site;

(d) the prescribed activities of dredging, earthworks drainage and a waste transport business are not to be regarded as being undertaken at an assessable site.

(3) A reference in these regulations to an amount of ***organic matter*** is a reference to the biochemical oxygen demand of the organic matter expressed in kilograms (determined in accordance with an approved estimation or monitoring technique for the activity that produces the organic matter).

4—Monetary value of fee unit

In these regulations, the monetary value of a fee unit is as follows:

(a) for the purposes of the annual authorisation fee for a licence (including a projected annual authorisation fee under regulation 27(4) and (5))—

(i) for the flat fee component—$54.00;

(ii) for the environment management component—$569.00;

(iii) for the pollutant load-based component—$5.30;

(iv) for the water reuse component—$13.40;

(b) for the purposes of the waste depot levy under regulation 70(1)(a)—$13.00;

(c) for all other purposes—$16.80.

Part 2—General provisions supporting Act

5—Prescribed national scheme laws (section 3)

(1) For the purpose of paragraph (a) of the definition of ***the prescribed national scheme laws*** in section 3(1) of the Act, the *National Environment Protection Council Act 1994* of the Commonwealth is the prescribed law of the Commonwealth.

(2) For the purpose of paragraph (b) of the definition of ***the prescribed national scheme laws*** in section 3(1) of the Act, the *National Environment Protection Council (South Australia) Act 1995* is the prescribed law of this State.

6—Consultation with prescribed bodies required before certain regulations made (section 5A)

(1) For the purposes of section 5A of the Act, the following bodies are prescribed in relation to the making of a regulation declaring something to be a pollutant or to constitute environmental harm:

(a) Ai Group (SA Branch);

(b) Australian Conservation Foundation Inc;

(c) Australian Institute of Environmental Health;

(d) Beverage Industry Environment Council (BIEC);

(e) Conservation Council of South Australia Incorporated;

(f) Environmental Defenders Office (SA) Incorporated;

(g) Environment Business Australia;

(h) Local Government Association of South Australia Incorporated;

(i) National Environmental Law Association Limited (SA Branch);

(j) Royal Australian Chemical Institute Inc.;

(k) South Australian Chamber of Mines and Energy Incorporated;

(l) South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA);

(m) South Australian Farmers' Federation Incorporated;

(n) South Australian Fire and Emergency Services Commission (established under Part 2 Division 1 of the *Fire and Emergency Services Act 2005*);

(o) The Nature Conservation Society of South Australia Incorporated;

(p) United Trades and Labor Council (trading as SA Unions);

(q) Waste Management Association of Australia Incorporated.

(2) For the purposes of section 5A of the Act, the following bodies are prescribed in relation to the making of a regulation declaring something to be waste:

(a) Ai Group (SA Branch);

(b) Conservation Council of South Australia Incorporated;

(c) Local Government Association of South Australia Incorporated;

(d) South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA);

(e) Waste Management Association of Australia Incorporated.

7—Board of Authority (section 14B)

(1) For the purposes of section 14B(4) of the Act, the Minister must, in relation to the selection of persons for appointment to the Board, consult with the following bodies:

(a) in relation to the selection for appointment of a person with practical knowledge of, and experience in, industry, commerce or economic development—

(i) Ai Group (SA Branch); and

(ii) South Australian Chamber of Mines and Energy Incorporated; and

(iii) South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA); and

(iv) South Australian Farmers' Federation Incorporated;

(b) in relation to the selection for appointment of a person with practical knowledge of, and experience in, environmental conservation and advocacy on environmental matters on behalf of the community—

(i) Conservation Council of South Australia Incorporated; and

(ii) Environmental Defenders Office (SA) Incorporated;

(c) in relation to the selection for appointment of a person with practical knowledge of, and experience in, the reduction, reuse, recycling and management of waste or the environmental management industry—

(i) Environment Business Australia; and

(ii) The Association of Consulting Engineers Australia; and

(iii) Waste Management Association of Australia Incorporated;

(d) in relation to the selection for appointment of a person with legal qualifications and experience in environmental law—

(i) National Environmental Law Association Limited (SA Branch); and

(ii) Environmental Defenders Office (SA) Incorporated;

(e) in relation to the selection for appointment of a person with practical knowledge of, and experience in, local government—Local Government Association of South Australia Incorporated.

(2) A body consulted by the Minister under subregulation (1) must, within a reasonable period of time specified by the Minister, nominate a panel of up to 3 persons, including at least 1 woman and 1 man, from which selection for appointment may be made.

8—Environment Protection Fund (section 24)

(1) For the purposes of section 24(3)(a) of the Act, the prescribed percentage of fees (other than expiation fees) to be paid into the Environment Protection Fund is 5%.

(2) For the purposes of section 24(3)(b) of the Act, the prescribed percentage of penalties recovered in respect of offences (other than expiation fees or penalties to which a council is entitled) to be paid into the Environment Protection Fund is 100%.

(3) For the purposes of section 24(3)(ba) of the Act, the prescribed percentage of amounts recovered by the Authority, by negotiation or as a result of civil proceedings, in respect of contraventions to be paid into the Environment Protection Fund is 100%.

(4) For the purposes of section 24(3)(e) of the Act, the prescribed percentage of levy payments under Part 15 of the Act to be paid into the Environment Protection Fund is 5%.

9—Normal procedure for making policies (section 28)

For the purposes of section 28 of the Act, the following bodies are prescribed:

(a) Ai Group (SA Branch);

(b) Australian Conservation Foundation Inc;

(c) Australian Institute of Environmental Health;

(d) Beverage Industry Environment Council (BIEC);

(e) Conservation Council of South Australia Incorporated;

(f) Environmental Defenders Office (SA) Incorporated;

(g) Environment Business Australia;

(h) Local Government Association of South Australia Incorporated;

(i) National Environmental Law Association Limited (SA Branch);

(j) Royal Australian Chemical Institute Inc.;

(k) South Australian Chamber of Mines and Energy Incorporated;

(l) South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA);

(m) South Australian Farmers' Federation Incorporated;

(n) South Australian Fire and Emergency Services Commission (established under Part 2 Division 1 of the *Fire and Emergency Services Act 2005*);

(o) The Nature Conservation Society of South Australia Incorporated;

(p) United Trades and Labor Council (trading as SA Unions);

(q) Waste Management Association of Australia Incorporated.

10—Simplified procedure for making certain policies (section 29)

For the purposes of section 29 of the Act—

(a) the following bodies are prescribed:

(i) Department of Environment and Climate Change (New South Wales);

(ii) Department of Environment and Conservation (Western Australia);

(iii) Department of Environment and Resources Management (Queensland);

(iv) Department of Environment, Climate Change, Energy and Water (Australian Capital Territory);

(v) Department of Environment, Food and Rural Affairs (United Kingdom);

(vi) Department of Natural Resources, Environment, the Arts and Sport (Northern Territory);

(vii) Department of Primary Industries, Parks, Water and Environment (Tasmania);

(viii) Department of Sustainability and Environment (Victoria);

(ix) Department of the Environment, Water, Heritage and the Arts (Commonwealth);

(x) enHealth Council (Commonwealth);

(xi) Environment Agency (United Kingdom);

(xii) Environmental Protection Agency (Ireland);

(xiii) Environmental Protection Agency (United States);

(xiv) Environment Protection Authority (Northern Territory);

(xv) European Environment Agency;

(xvi) International Organisation for Standards;

(xvii) National Health and Medical Research Council;

(xviii) Scottish Environment Protection Agency;

(xix) Standards Australia;

(xx) The Department of Climate Change (Commonwealth);

(xxi) United Nations Environment Program;

(xxii) Victorian Environment Protection Authority;

(xxiii) World Health Organisation; and

(b) the following bodies, formed under an agreement between the governments of the Commonwealth and the States and Territories of the Commonwealth and New Zealand and comprised of Ministerial representatives from time to time of those governments, are prescribed:

(i) Environment Protection and Heritage Council;

(ii) Health, Community and Disability Services Ministerial Council;

(iii) Ministerial Council on Mineral and Petroleum Resources;

(iv) Natural Resource Management Ministerial Council;

(v) Planning, Housing and Local Government Ministerial Council.

11—Certain amendments may be made without following normal procedure (section 32)

For the purposes of section 32(1)(c) of the Act, the Minister may make changes of the following kinds to the *Environment Protection (Burning) Policy 1994* by notice in the Gazette under that section:

(a) clause 4(2)(c) of the *Environment Protection (Burning) Policy 1994* may be amended so that—

(i) an additional council area or portion of a council area is referred to in the provision if the council for the area has applied to the Minister for that change to be made;

(ii) a reference to a council, council area or portion of a council area is changed to reflect a change in an official name;

(iii) a reference to a council, council area or portion of a council area is removed if the council or council area has ceased to exist or the portion has ceased to exist or ceased to be within a specified council area;

(b) Schedule 1 of the *Environment Protection (Burning) Policy 1994* may be amended so that—

(i) an additional council area or portion of a council area is referred to in the Schedule if the council for the area has applied to the Minister for that change to be made;

(ii) a reference to a council, council area or portion of a council area is changed to reflect a change in an official name;

(iii) a reference to a council, council area or portion of a council area is removed if the council or council area has ceased to exist or the portion has ceased to exist or ceased to be within a specified council area.

12—Certain matters to be referred to Water Resources Minister (section 64)

(1) For the purposes of section 64(2) of the Act, the period allowed for a response from the Water Resources Minister in respect of an application for an environmental authorisation referred to that Minister is 2 months.

(2) Pursuant to section 64(6) of the Act, the Authority must not make a decision on an application referred to the Water Resources Minister without having regard to the response of that Minister.

13—Powers of authorised officers (section 87)

For the purposes of section 87(3)(a) of the Act, the following are prescribed as vehicles in relation to which an authorised officer may exercise powers of entry and inspection:

(a) a vehicle used to carry waste;

(b) a vehicle used in the course of or in connection with an activity authorised or required to be authorised by an environmental authorisation;

(c) a vehicle reasonably suspected of being a vehicle referred to in paragraph (a) or (b).

14—Issue of warrants (section 88)

For the purposes of section 88(7)(a) of the Act, the prescribed form of a notice to be prepared by an authorised officer who executes a warrant is the form set out in Schedule 1 clause 1.

15—Authority may recover civil penalty in respect of contravention (section 104A)

For the purposes of section 104A(3)(a) of the Act, the prescribed form of a notice to be served by the Authority is the form set out in Schedule 1 clause 2.

16—Public register (section 109)

(1) For the purposes of section 109(3)(l) of the Act, the following information must be recorded in the register:

(a) if an environmental authorisation is subject to a condition requiring compliance with an environment improvement programme under section 44 of the Act—details of the environment improvement programme;

(b) such information as the Authority considers appropriate as to the results of tests or monitoring or evaluation undertaken in compliance with conditions of an environmental authorisation under section 52 of the Act;

(c) such information as the Authority considers appropriate relating to any determination of the Authority under section 58 of the Act;

(d) details of each environment performance agreement entered into under section 59 of the Act;

(e) details of each report of an environmental assessment carried out in relation to land for the purposes of—

(i) an approved voluntary site contamination assessment proposal under section 103I of the Act; or

(ii) an approved voluntary site remediation proposal under section 103K of the Act;

(f) details of each report of an environmental assessment carried out, for any other purpose and at any time in relation to land, by or on behalf of the Authority;

(g) details of each report known as a "Health Commission Report" prepared on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*) in relation to pollution of land or contamination of land by chemical substances;

(h) copies of each written warning issued by the Authority in relation to an alleged contravention of the Act;

(i) details of each pre-1 July 2009 site audit report carried out in relation to land;

(j) details of licences to operate a waste depot issued under the repealed *South Australian Waste Management Commission Act 1979* or the repealed *Waste Management Act 1987*;

(k) details of licences issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act);

(l) details of licences issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act);

(m) details of any records that the former South Australian Waste Management Commission held under the repealed *Waste Management Act 1987* of waste (within the meaning of that Act) being deposited on land between 1 January 1983 and 30 April 1995.

(2) In this regulation—

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

(a) site contamination (as defined in the Act) at the land; or

(b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the Authority as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

(a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and

(b) the suitability of the land for a particular use; and

(c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined in the Act) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit.

Part 3—Environmental authorisations

Division 1—General provisions supporting Part 6 of Act

17—Notice and submissions in respect of applications for environmental authorisations (section 39)

For the purposes of section 39(4) of the Act, notice is not required to be given to an owner or occupier of adjacent land in circumstances in which—

(a) the owner or occupier is the applicant; or

(b) the owner or occupier has previously received notice in relation to the same activity at the land albeit as part of a works approval application.

18—Time limit for determination of applications (section 42)

For the purposes of section 42 of the Act, the prescribed period is—

(a) in the case of an application that is required to be referred to the Water Resources Minister under Part 8 Division 1 of the Act—3 months; or

(b) in the case of an application in respect of which public notice is not required under section 39 of the Act—1 month; or

(c) in any other case—2 months unless the Authority determines that the application involves matters of special complexity or requires an extended period for consideration of submissions from interested persons, in which case, the period may be extended by the Authority to a period, not exceeding 4 months, determined by the Authority.

19—Term and renewal of environmental authorisations (section 43)

For the purposes of section 43(3) of the Act, an application for renewal of an environmental authorisation must be made—

(a) if the Authority has specified a number of days for that purpose by condition of the authorisation—not less than that number of days before the date of expiry of the authorisation; or

(b) in any other case—not less than 60 days before the date of expiry of the authorisation.

20—Notice and submissions in respect of proposed variations of conditions (section 46)

For the purposes of section 46 of the Act, notice of a proposed variation of a condition of an environmental authorisation is not required to be given to an owner or occupier of adjacent land if—

(a) the owner or occupier is the holder of the environmental authorisation; or

(b) the proposed variation consists of the revocation of an obsolete condition of the environmental authorisation.

21—Criteria for grant and conditions of environmental authorisations (section 47)

For the purposes of section 47(4) of the Act—

(a) the following South Australian Acts are prescribed:

(i) *Adelaide Dolphin Sanctuary Act 2005*;

(ii) *Aquaculture Act 2001*;

(iii) *Development Act 1993*;

(iv) *Mining Act 1971*;

(v) *Natural Resources Management Act 2004*;

(vi) *Petroleum Act 2000*;

(vii) *Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987*;

(viii) *Radiation Protection and Control Act 1982*;

(ix) *River Murray Act 2003*;

(x) *Water Resources Act 1997*;

(xi) *Zero Waste SA Act 2004*; and

(b) the following Acts of other States and Territories are prescribed:

(i) *Environmental Offences and Penalties Act 1989* (repealed) of New South Wales;

(ii) *Environmental Protection Act 1986* of Western Australia;

(iii) *Environmental Protection Act 1994* of Queensland;

(iv) *Environment Management and Pollution Control Act 1994* of Tasmania;

(v) *Environment Protection Act 1970* of Victoria;

(vi) *Environment Protection Act 1997* of the Australian Capital Territory;

(vii) *Protection of the Environment Operations Act 1997* of New South Wales;

(viii) *Waste Management and Pollution Control Act* of the Northern Territory;

(ix) *Western Australian Marine (Sea Dumping) Act 1981* of Western Australia; and

(c) the following Acts of the Commonwealth are prescribed:

(i) *Environment Protection and Biodiversity Conservation Act 1999*;

(ii) *Environment Protection (Sea Dumping) Act 1981*;

(iii) *Hazardous Waste (Regulation of Exports and Imports) Act 1989*;

(iv) *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

22—Annual fees and returns (section 48)

(1) For the purposes of section 48(2)(a) of the Act, the date in each year before which the holder of an environmental authorisation must lodge an annual return with the Authority is—

(a) if the Authority has fixed a date for that purpose by condition of the authorisation—that date; or

(b) in any other case—no later than 90 days before the anniversary of the grant or renewal of the authorisation.

(2) For the purposes of section 48(2)(b) of the Act, the date in each year before which the holder of an environmental authorisation must pay the annual authorisation fee to the Authority is—

(a) if a date is specified for the purpose in the authorisation—that date; or

(b) in any other case—the date falling 1 month after each anniversary of the grant of the authorisation.

(3) For the purposes of section 48(4) of the Act, the penalty for failure to lodge an annual return or pay an annual authorisation fee is—

(a) if the default occurs up to or including 30 June 2010—$20 plus 1% of the annual authorisation fee for the first month (or part of a month) for which the default continues and 2% of the annual authorisation fee for each further month (or part of a month) for which the default continues; and

(b) if the default occurs after 30 June 2010—$300 or 5% of the annual authorisation fee (whichever is higher) for each month (or part of a month) for which the default continues.

Note—

If there has been a failure to lodge an annual return and pay an annual authorisation fee, the penalty for default is payable in respect of each failure.

23—Transfer of environmental authorisations (section 49)

For the purposes of section 49(3) of the Act—

(a) the following South Australian Acts are prescribed:

(i) *Adelaide Dolphin Sanctuary Act 2005*;

(ii) *Aquaculture Act 2001*;

(iii) *Development Act 1993*;

(iv) *Mining Act 1971*;

(v) *Natural Resources Management Act 2004*;

(vi) *Petroleum Act 2000*;

(vii) *Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987*;

(viii) *Radiation Protection and Control Act 1982*;

(ix) *River Murray Act 2003*;

(x) *Water Resources Act 1997*;

(xi) *Zero Waste SA Act 2004*; and

(b) the following Acts of other States and Territories are prescribed:

(i) *Environmental Offences and Penalties Act 1989* (repealed) of New South Wales;

(ii) *Environmental Protection Act 1986* of Western Australia;

(iii) *Environmental Protection Act 1994* of Queensland;

(iv) *Environment Management and Pollution Control Act 1994* of Tasmania;

(v) *Environment Protection Act 1970* of Victoria;

(vi) *Environment Protection Act 1997* of the Australian Capital Territory;

(vii) *Protection of the Environment Operations Act 1997* of New South Wales;

(viii) *Waste Management and Pollution Control Act* of the Northern Territory;

(ix) *Western Australian Marine (Sea Dumping) Act 1981* of Western Australia; and

(c) the following Acts of the Commonwealth are prescribed:

(i) *Environment Protection and Biodiversity Conservation Act 1999*;

(ii) *Environment Protection (Sea Dumping) Act 1981*;

(iii) *Hazardous Waste (Regulation of Exports and Imports) Act 1989*;

(iv) *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

24—Conditions requiring financial assurance to secure compliance with Act (section 51)

For the purposes of section 51(4) of the Act, the interest payable in respect of an amount representing a pecuniary sum or part of a pecuniary sum that is to be repaid to the holder of an environmental authorisation is to be calculated at a rate 1% less than the rate earned from investment of the Environment Protection Fund (or the relevant part of the Fund) during the period that the amount has been credited to the Fund.

Division 2—Application and authorisation fees

Subdivision 1—Works approvals

25—Works approvals—Application fee for grant, authorisation fee on grant or renewal and annual authorisation fee

(1) The application fee for a works approval payable under section 38(1) of the Act is 10 fee units.

(2) However, if public notice is to be given under section 39(1), or section 39(1) and (2), of the Act in respect of the application, the amount otherwise payable under subregulation (1) is increased by the amount determined by the Authority to be the cost of publication of the notice but not exceeding—

(a) if the notice and other similar notices are to be published together by the Authority—5 fee units;

(b) in any other case—20 fee units.

(3) The application fee for the renewal of a works approval payable under section 43(2) of the Act is 10 fee units.

(4) The authorisation fee payable under section 40 or 43(5) of the Act, and the annual authorisation fee payable under section 48 of the Act, for a works approval is the number of fee units determined according to the estimated cost at the time of the grant of the works approval of the proposed works as follows:

Estimated cost of proposed works	Fee units
Up to and including $10 000	10
More than $10 000 but not more than $50 000	20
More than $50 000 but not more than $500 000	40
More than $500 000 but not more than $5 million	60
More than $5 million but not more than $50 million	100
More than $50 million	200

(5) In this regulation, a reference to the estimated cost of proposed works is a reference to the amount estimated by the Authority to be the total cost of the works to which the approval relates excluding any part of the costs determined by the Authority to be attributable to—

(a) the purchase of land; or

(b) building or other work that will not contribute directly or substantially to the prescribed activity of environmental significance to which the application relates.

Note—

An annual authorisation fee is only payable for a works approval granted or renewed for a term of 2 or more years (see section 48 of the Act).

Subdivision 2—Exemptions

26—Exemptions—Application fee for grant, authorisation fee for grant or renewal and annual authorisation fee

(1) The application fee for an exemption payable under section 38(1) of the Act is 43 fee units.

(2) However, if public notice is to be given under section 39(1), or section 39(1) and (2), of the Act in respect of the application, the amount otherwise payable under subregulation (1) is increased by the amount determined by the Authority to be the cost of publication of the notice but not exceeding—

(a) if the notice and other similar notices are to be published together by the Authority—5 fee units;

(b) in any other case—20 fee units.

(3) The application fee for the renewal of an exemption payable under section 43(2) of the Act is 10 fee units.

(4) The authorisation fee payable under section 40 or 43(5) of the Act, and the annual authorisation fee payable under section 48 of the Act, for an exemption will be at 1 of the following levels:

(a) 10 fee units;

(b) a multiple of 10 fee units up to 100 units;

(c) 100 fee units;

(d) a multiple of 100 fee units up to 2 500 units.

(5) The level of the authorisation fee and annual authorisation fee for an exemption is to be determined by the Authority at its discretion having regard to the following:

(a) the factors specified in section 25(2) of the Act;

(b) any relevant environment protection policy;

(c) whether the applicant will be bound by an environment improvement programme;

(d) the time of the day and the period for which the exemption will operate;

(e) the number of people affected by, or the extent of any other environmental impact of, the activity to which the exemption will relate;

(f) any relevant matter arising under the *Development Act 1993* or a Development Plan or development authorisation under that Act in relation to the location of the activity to which the exemption will relate;

(g) any other matter considered relevant by the Authority.

Note—

An annual authorisation fee is only payable for an exemption granted or renewed for a term of 2 or more years (see section 48 of the Act).

Subdivision 3—Licences

27—Licences—Application fee for grant and authorisation fee for grant or renewal

(1) The application fee for a licence payable under section 38(1) of the Act is 10 fee units.

(2) However, if public notice is to be given under section 39(1), or section 39(1) and (2), of the Act in respect of the application, the amount otherwise payable under subregulation (1) is increased by the amount determined by the Authority to be the cost of publication of the notice but not exceeding—

(a) if the notice and other similar notices are to be published together by the Authority—5 fee units;

(b) in any other case—20 fee units.

(3) The application fee for the renewal of a licence payable under section 43(2) of the Act is 10 fee units.

(4) The authorisation fee payable under section 40 of the Act for the grant of a licence is the amount determined by the Authority to be the ***applicant's projected annual authorisation fee***, being the amount of the annual authorisation fee (excluding the resource efficiency component) that would be payable by the applicant if the applicant were the holder of a licence liable to pay an annual authorisation fee under section 48 of the Act in respect of the projected licence period, calculated by reference to the Authority's reasonable assumptions as to what would be the nature and level of the applicant's activities if carried on for the whole of the period to which the calculations relate.

(5) The authorisation fee payable under section 43(5) of the Act for renewal of a licence is the amount determined by the Authority to be the ***applicant's projected annual authorisation fee***, being the amount of the annual authorisation fee that would be payable by the applicant if the applicant were the holder of a licence liable to pay an annual authorisation fee under section 48 of the Act in respect of the projected licence period, calculated by reference to the Authority's reasonable assumptions as to what would be the nature and level of the applicant's activities if carried on for the whole of the periods to which the calculations relate.

(6) For the purposes of determining the applicant's projected annual authorisation fee—

(a) a reference in regulation 28 to an annual authorisation fee is to be read as if it were a reference to the projected annual authorisation fee; and

(b) subject to subregulation (7), a reference in these regulations to the current licence period is to be read as if it were a reference to the projected licence period; and

(c) a reference in these regulations to activities authorised by the licence is to be read as if it were a reference to activities to be authorised by the licence.

(7) If the projected licence period is less than or more than 12 months—

(a) a pro rata adjustment is to be made to the amount of the environment management component, and, in the case of renewal, the resource efficiency component, by applying the proportion that the length of the projected licence period bears to 12 months; and

(b) the pro rata adjustment is to be made on the basis of months, parts of a month being counted as a full month; and

(c) for the purposes of determining the environment management component, if the number of fee units specified in Schedule 2 Part 2 depends on an indicator of the level of activity during the licence period, the indicator is to be determined by the Authority on the basis of the Authority's estimates in relation to the activity during a period of 12 months rather than during the projected licence period.

Examples—

1 If the term of the licence is 3 months, the proportion that the length of the projected licence period bears to 12 months would be ¼.

2 If the term of the licence is 3½ months, the proportion that the length of the projected licence period bears to 12 months would be ⅓.

(8) In this regulation—

projected licence period means—

(a) in the case of a licence for which the holder is not liable to pay an annual authorisation fee under section 48 of the Act (by reason of the fact that the term of the licence is less than 2 years or that it is an environmental authorisation of a prescribed class)—the term of the licence;

(b) in the case of a licence for which the holder is liable to pay an annual authorisation fee under section 48 of the Act—the period between the grant or renewal of the licence and the commencement of the first licence period for which an annual authorisation fee will be payable.

28—Licences—Annual authorisation fee

(1) The annual authorisation fee payable under section 48 of the Act for a licence is the sum of—

(a) the flat fee component determined in accordance with regulation 29; and

(b) the environment management component determined for the current licence period in accordance with regulation 30; and

(c) the resource efficiency component comprising—

(i) if the pollutant threshold is exceeded in the reporting period immediately preceding the current licence period—the pollutant load-based component determined in accordance with regulation 31; and

(ii) if the low salinity water threshold is exceeded in the reporting period immediately preceding the current licence period—the water reuse component determined in accordance with regulation 32.

Note—

An annual authorisation fee is only payable for a licence granted or renewed for a term of 2 or more years (see section 48 of the Act).

(2) The ***pollutant threshold*** is exceeded in a reporting period if—

(a) the amount of a designated air pollutant emitted to air during the period from an assessable site specified in the licence exceeds—

(i) in the case of sulphur dioxide or nitrogen oxides—10 000 kilograms; or

(ii) in the case of particulates or volatile organic compounds—1 000 kilograms; or

(iii) in the case of lead—100 kilograms; or

(b) the amount of a designated water pollutant discharged to waters during the period from an assessable site specified in the licence exceeds—

(i) in the case of heat—10 megawatts; or

(ii) in the case of suspended solids, nitrogen, phosphorus, organic matter or zinc—1 000 kilograms; or

(iii) in the case of lead or copper—100 kilograms,

in each case, assessed in accordance with an approved estimation or monitoring technique for the activity that produces the pollutant.

(3) The ***low salinity water threshold*** is exceeded in a reporting period if 10 megalitres or more of water is discharged to the marine environment during that period (whether directly or indirectly through pipes or channels) from an assessable site specified in the licence and the average salinity of water so discharged is less than 1 500 milligrams of total dissolved solids per litre (assessed in accordance with an approved estimation or monitoring technique for the activity that produces the water).

(4) The pollutant threshold or low salinity water threshold is to be taken to have been exceeded in the reporting period immediately preceding the current licence period (the ***relevant reporting period***) if—

(a) the Authority is satisfied that the threshold has been exceeded in the relevant reporting period on the basis of information reported to the Authority in relation to the activities authorised by the licence (for the purposes of the National Pollutant Inventory, conditions of licence or otherwise); or

(b) the Authority has not received information for the relevant reporting period or has not had an opportunity to determine whether it is satisfied as to the accuracy of information reported to the Authority for the relevant reporting period, but is satisfied that the threshold has been exceeded in the reporting period immediately preceding the relevant reporting period on the basis of information reported to the Authority in relation to the activities authorised by the licence (for the purposes of the National Pollutant Inventory, conditions of licence or otherwise); or

(c) the Authority is satisfied on the basis of its reasonable assumptions as to the nature and level of the activities authorised by the licence that the threshold would be exceeded if the activities were to be carried on over a 12 month period (whether or not they have in fact been carried on over such a period).

(5) If discharges of liquid pollutants from 2 or more activities authorised by separate licences (whether or not held by the same person) are mixed by use of the same pipe or channel or otherwise so as to constitute a single discharge to waters, the Authority is to—

(a) determine the annual authorisation fee payable for the licence as if the discharge to waters were the result of activities authorised by a single licence; and

(b) apportion the amount so determined between the separate licences concerned—

(i) on such basis as may be nominated by the holder of the licences, or, if there is more than 1 holder, on such basis as may be agreed by the holders; or

(ii) in the absence of such a nomination or agreement, on a basis determined by the Authority having regard to the respective environmental impacts of the discharges resulting from the activities authorised by the separate licences.

29—Flat fee component

(1) The flat fee component is 1 fee unit.

(2) If no environment management component is payable for the licence, no flat fee component is payable.

30—Determining environment management component

(1) The environment management component is comprised of—

(a) a separate amount payable for each assessable site specified in the licence as follows:

(i) if the licence authorises only 1 prescribed activity of environmental significance to be carried on at the site during the licence period—the number of fee units specified in Schedule 2 Part 2 for the activity;

(ii) if the licence authorises 2 or more prescribed activities of environmental significance to be carried on at the site during the licence period—the highest number of fee units specified in Schedule 2 Part 2 for any of the activities (or the higher number, in the case of only 2 such activities); and

(b) if the licence authorises a waste transport business—the number of fee units determined as follows:

(i) the number of fee units specified in Schedule 2 Part 2 for the activity for each vehicle that is an assessable vehicle during the licence period adjusted, if the vehicle is not an assessable vehicle for the whole of the licence period, by applying the proportion that the number of months during the licence period for which the vehicle is an assessable vehicle bears to 12 months;

(ii) for the purposes of the adjustment, part of a month is to be counted as a full month;

(iii) if the same vehicle is an assessable vehicle for the purposes of both a waste transport business (category A) and a waste transport business (category B) and a different number of fee units is specified in Schedule 2 Part 2 for the vehicle in those different businesses—the number of fee units for the vehicle is the higher number of fee units so specified adjusted, if the vehicle is not an assessable vehicle for the whole of the licence period, as set out in subparagraphs (i) and (ii); and

(c) if the licence authorises dredging—the number of fee units specified in Schedule 2 Part 2 for the activity for each day on which the activity is undertaken during the licence period; and

(d) if the licence authorises earthworks drainage—the number of fee units specified in Schedule 2 Part 2 for the activity for each day on which the activity is undertaken during the licence period.

(2) If the number of fee units specified in Schedule 2 Part 2 depends on an indicator of the level of activity during the licence period, the indicator is to be determined by the Authority on the basis of the Authority's estimates in relation to the activity during the licence period.

(3) Amounts determined under this regulation are subject to any necessary adjustment under regulation 33 after the end of the licence period.

31—Determining pollutant load-based component

(1) The pollutant load-based component is comprised of a separate amount payable for each assessable site specified in the licence.

(2) The amount payable for an assessable site is the sum of—

(a) the fee units for each designated air pollutant emitted to air from the site in the course of a prescribed activity of environmental significance during the designated reporting period determined in accordance with subregulation (3); and

(b) the fee units for each designated water pollutant discharged to waters (other than groundwater) from the site (whether directly or indirectly through pipes or channels) in the course of a prescribed activity of environmental significance during the designated reporting period determined in accordance with subregulation (4).

(3) The number of fee units for a designated air pollutant is to be determined in accordance with the following formula:

$$DAP = T \times N \times Z$$

where—

DAP is the number of fee units for the designated air pollutant

T is the weight (in tonnes rounded to the nearest 0.1 tonne) of the pollutant emitted to air during the reporting period, assessed—

(a) in accordance with an approved estimation or monitoring technique for the activity that resulted in the emission; or

(b) if the pollutant threshold is taken to be exceeded under regulation 28(4)(c)—on the basis of the Authority's own estimates and reasonable assumptions as to the nature and level of the licensee's activities

N is the number of fee units for the pollutant specified in Table 1

Z is the zone weighting determined in accordance with Table 1 by reference to the pollutant and the location of the assessable site from which the pollutant is emitted (and if the site is located in 2 areas listed in the table, the higher zone weighting applies).

Table 1—Fee units and zone weightings for designated air pollutants

Pollutant	Fee units	Location of assessable site	Zone weighting
sulphur dioxide	1	All areas	1
nitrogen oxides	1	Adelaide airshed	2
		Other areas	1
particulates	10	Mount Gambier airshed	2
		In the case of red dust particulates—Whyalla airshed	4
		Other areas	1
volatile organic compounds	10	Adelaide airshed	1.5
		Areas outside the Adelaide airshed that are within a council area	1
		Other areas	0.5
lead	100	Port Pirie airshed	15
		Other areas	1

(4) The number of fee units for a designated water pollutant is to be determined in accordance with the following formula:

$$DWP = T \times N \times Z$$

where—

DWP is the number of fee units for the designated water pollutant

T is—

(a) the weight (in tonnes rounded to the nearest 0.1 tonne); or

(b) in the case of heat—the number of megawatts (rounded to the nearest megawatt),

of the pollutant discharged to waters during the reporting period, assessed—

(c) in accordance with an approved estimation or monitoring technique for the activity resulting in the discharge; or

(d) if the pollutant threshold is taken to be exceeded under regulation 28(4)(c)—on the basis of the Authority's own estimates and reasonable assumptions as to the nature and level of the licensee's activities

N is the number of fee units for the pollutant specified in Table 2

Z is the zone weighting determined in accordance with Table 2 by reference to the pollutant and the location of the waters into which the pollutant is discharged (and if the pollutant is discharged into 2 areas listed in the table, the higher zone weighting applies).

Table 2—Fee units and zone weightings for designated water pollutants

Pollutant	Fee units	Location of waters	Zone weighting
heat	1	All waters of the State	1
suspended solids	10	Metropolitan coastal waters	2
		All other waters of the State	1
nitrogen	10	Port River region or Metropolitan coastal waters	3
		All other waters of the State	1
phosphorus	10	Port River region	2
		All other waters of the State	1
organic matter	10	Lake Bonney (South East)	2
		All other waters of the State	1
zinc	10	Upper Spencer Gulf	2
		All other waters of the State	1
copper, lead	100	Upper Spencer Gulf	2
		All other waters of the State	1

(5) If the pollutant threshold is taken to be exceeded under regulation 28(4)(b) or regulation 28(4)(c), the pollutant load-based component is subject to any necessary adjustment under regulation 33 after the end of the licence period.

(6) In this regulation—

designated reporting period means—

(a) if the pollutant threshold is taken to be exceeded under regulation 28(4)(a)—the reporting period immediately preceding the current licence period;

(b) if the pollutant threshold is taken to be exceeded under regulation 28(4)(b)—the reporting period immediately preceding the reporting period referred to in paragraph (a);

(c) if the pollutant threshold is taken to be exceeded under regulation 28(4)(c)—a hypothetical reporting period of 12 months.

32—Determining water reuse component

(1) The water reuse component is comprised of a separate amount payable for each assessable site specified in the licence.

(2) The water reuse component is 1 fee unit for each megalitre (rounded to the nearest megalitre) of wastewater discharged to the marine environment (whether directly or indirectly through pipes or channels) in the course of a prescribed activity of environmental significance during the designated reporting period—

(a) measured in accordance with an approved estimation or monitoring technique for the activity; or

(b) if the low salinity water threshold is taken to be exceeded under regulation 28(4)(c)—estimated by the Authority on the basis of its reasonable assumptions as to the nature and level of the licensee's activities.

(3) If the low salinity water threshold is taken to be exceeded under regulation 28(4)(b) or regulation 28(4)(c), the water reuse component is subject to any necessary adjustment under regulation 33 after the end of the licence period.

(4) In this regulation—

designated reporting period means—

(a) if the low salinity water threshold is taken to be exceeded under regulation 28(4)(a)—the reporting period immediately preceding the current licence period;

(b) if the low salinity water threshold is taken to be exceeded under regulation 28(4)(b)—the reporting period immediately preceding the reporting period referred to in paragraph (a);

(c) if the low salinity water threshold is taken to be exceeded under regulation 28(4)(c)—a hypothetical reporting period of 12 months.

33—Adjustment of annual authorisation fee or projected annual authorisation fee after end of licence period or projected licence period

(1) If the Authority is satisfied after the end of a licence period that the annual authorisation fee determined for the period (as based on estimates made by the Authority under this Division or under the substituted provisions) was an amount less than the amount calculated by reference to the activity as actually undertaken during the licence period or the reporting period immediately preceding the licence period, the Authority may, by notice in writing to the holder of the licence or by conditions of the licence, require the holder of the licence to pay to the Authority, within a specified period, the amount determined by the Authority to represent the difference between those 2 amounts.

Note—

If no resource efficiency component was payable because the pollutant threshold or low salinity water threshold was determined in accordance with regulation 28(4)(b) or (c) as not having been exceeded but information subsequently reported to the Authority shows that the threshold would have been exceeded under regulation 28(4)(a) if that information had then been available and the Authority had been satisfied as to its accuracy, this subregulation will apply and a resource efficiency component will become payable.

(2) If the holder of a licence satisfies the Authority (by such evidence as the Authority may require) after the end of a licence period that the annual authorisation fee paid for the period (as based on estimates made by the Authority under this Division or under the substituted provisions) was more than the amount calculated by reference to the activity as actually undertaken during the licence period or the reporting period immediately preceding the licence period, the Authority must refund to the holder of the licence the amount determined by the Authority to represent the difference between those 2 amounts.

(3) In this regulation—

annual authorisation fee includes a projected annual authorisation fee under regulation 27;

licence period includes a projected licence period under regulation 27;

substituted provisions means—

(a) regulation 10 of the *Environment Protection (Fees and Levy) Regulations 1994* as in force immediately before their variation by the *Environment Protection (Fees and Levy) Variation Regulations 2008*; or

(b) regulation 11 of the *Environment Protection (Fees and Levy) Regulations 1994* as in force immediately before the commencement of these regulations.

34—Cessation of activity

Despite regulation 28, the following provisions apply in the case of the cessation of a prescribed activity of environmental significance carried on pursuant to a licence:

(a) if—

(i) the licence has been renewed under section 43(6) of the Act or is subject to conditions under section 52A or 56(2)(b) of the Act; and

(ii) the activity ceased before the commencement of the current licence period,

no environment management component or flat fee component is payable for that period;

(b) in the case of an activity for which the amount of the environment management component does not depend on an indicator of the level of activity during the licence period—

(i) if the licence is subject to conditions under section 52A or 56(2)(b) of the Act and the holder of the licence satisfies the Authority that the activity is to cease during the current licence period, a pro rata adjustment is to be made to the amount of the environment management component for that period by applying the proportion that the number of months in that period before the activity is to cease bears to 12 months; and

(ii) if conditions are imposed on the licence under section 52A or 56(2)(b) of the Act during the current licence period and the activity ceases during that period, the Authority must, no later than the end of that period, refund to the holder of the licence a proportion of the environment management component for that period, being the proportion that the number of months remaining in that period after the cessation of the activity or the imposition of the conditions (whichever is the later) bears to 12 months; and

(iii) for the purposes of this paragraph, a part of a month is to be counted as a full month.

Division 3—Discounts and other benefits for accredited licensees

35—Benefits of accreditation

An accredited licensee is entitled to—

(a) a 50% reduction in the authorisation fee otherwise payable under section 40 or 43 of the Act, or the annual authorisation fee otherwise payable under section 48 of the Act, in relation to the accredited activity; and

(b) any other variations to the licence conditions favourable to the licensee considered appropriate by the Authority.

36—Accredited licences

(1) A licensee may apply to the Authority to be accredited as an accredited licensee in respect of a particular prescribed activity of environmental significance carried on at premises occupied by the licensee.

(2) An application for accreditation must be made in a manner and form approved by the Authority and accompanied by any information required by the Authority.

(3) Subject to this regulation, the Authority may grant accreditation if satisfied that—

(a) the activity is being carried on at the premises to a high level of environmental performance; and

(b) that performance can be maintained for the duration of the term of the licence.

(4) In determining the level of environmental performance for the purposes of subregulation (3), the Authority may take into consideration the following:

(a) the licensee's record of compliance with the Act and statutory instruments under the Act;

(b) whether the licensee has an environment improvement programme in place in respect of the activity;

(c) any other matter it considers relevant.

(5) The Authority must not grant accreditation unless satisfied that the licensee has in place in respect of the activity the following:

(a) an environment management system approved by the Authority;

(b) an environmental audit and compliance program approved by the Authority.

(6) The Authority must, within 14 days of granting an application for accreditation, publish a notice in the Gazette specifying the name of the accredited licensee, the premises at which the accredited activity is carried on and the nature of that activity.

(7) An accreditation may, with the approval of the Authority, be transferred simultaneously with the transfer of a licence under section 49 of the Act.

37—Performance reports

(1) An accredited licensee must submit a performance report to the Authority within 60 days after the end of each financial year or such further period as the Authority may approve containing details of environmental performance at the premises at which the accredited activity is carried on during the financial year.

(2) A performance report must—

(a) be prepared in a form approved by the Authority; and

(b) contain information or details required by the Authority; and

(c) be authorised by the licensee.

38—Review of accreditation

(1) The Authority may, at any time, review the accreditation of an accredited licensee.

(2) The Authority must give the licensee notice of its intention to conduct a review under this regulation.

(3) The Authority may cancel an accreditation if of the opinion that—

(a) the accredited activity is no longer being carried on at the premises to a high level of environmental performance; or

(b) the licensee has contravened the Act or a statutory instrument under the Act; or

(c) the licensee no longer has in place or is implementing in respect of the accredited activity—

(i) an environment management system approved by the Authority; or

(ii) an environment improvement programme approved by the Authority; or

(iii) an environmental audit and compliance program approved by the Authority.

(4) If a licensee's accreditation is cancelled, the licensee must pay to the Authority an amount equal to the licence fee reduction resulting from the accreditation multiplied by the proportion that the number of days in the remainder of the current licence period bears to the number of days in the licence period.

Division 4—Miscellaneous fees relating to environmental authorisations

39—Late application for renewal (section 43(4))

For the purposes of section 43(4) of the Act, the fee for late application for renewal of an environmental authorisation is—

(a) if the application is made before or on 30 June 2010—$20 plus 1% of the authorisation fee payable on renewal for the first month (or part of a month) for which the application is late and 2% of the authorisation fee for each further month (or part of a month) for which the application is late; and

(b) if the application is made after 30 June 2010—$300 or 5% of the authorisation fee (whichever is higher) payable on renewal for each month (or part of a month) for which the application is late.

40—Renewal without application (section 43(6))

If an environmental authorisation under which activities continue to be undertaken is renewed under section 43(6) of the Act (without application), the holder of the authorisation must pay the Authority the authorisation fee that would have been payable under section 43(5) of the Act had the authorisation been renewed on application.

41—Conditions requiring approval of certain works and processes (section 54C)

(1) The prescribed fee payable for an application for an approval required by conditions of an environmental authorisation imposed under section 54C(2) of the Act in relation to—

(a) the construction or alteration of a building or structure, or the installation or alteration of plant or equipment, for use for an activity carried on under the authorisation (***works***); or

(b) a change in process undertaken under the authorisation,

is the number of fee units determined according to the cost of the works or change in process estimated by the Authority as follows:

Estimated cost of works or change in process	Fee units
Up to and including $10 000	10
More than $10 000 but not more than $50 000	20
More than $50 000 but not more than $500 000	40
More than $500 000 but not more than $5 million	60
More than $5 million but not more than $50 million	100
More than $50 million	200

(2) If the application relates to both works and a change in process, the prescribed fee payable for the application will be determined as if separate applications had been made, 1 in relation to the works and the other in relation to the change in process.

(3) In this regulation, a reference to the estimated cost of works is a reference to the amount estimated to be the total cost of the works to which the application relates excluding any part of the costs determined by the Authority to be attributable to—

(a) the purchase of land; or

(b) building or other work that will not contribute directly or substantially to the prescribed activity of environmental significance to which the application relates.

Part 4—Beverage containers

42—Beverage (section 65)

The following liquids are excluded from the ambit of the definition of ***beverage*** in section 65 of the Act:

(a) concentrated fruit or vegetable juice, or concentrated fruit and vegetable juice, intended to be diluted with water before consumption;

(b) a health tonic that is—

(i) registered on the Australian Register of Therapeutic Goods under the *Therapeutic Goods Act 1989* of the Commonwealth; and

(ii) supplied with a label or other accompanying document specifying—

(A) that the tonic is for medicinal purposes; and

(B) a recommended maximum dosage.

43—Collection depot (section 65)

For the purposes of the definition of ***collection depot*** in section 65 of the Act, a reverse vending machine is a facility of a prescribed kind.

44—Refund amount (section 65)

For the purposes of the definition of ***refund amount*** in section 65 of the Act, the following refund amounts are prescribed:

(a) for category A containers—$0.10;

(b) for category B containers—$0.10.

45—Exemption of certain containers by regulation (section 67)

(1) Pursuant to section 67 of the Act, the following classes of containers are exempt from the application of Part 8 Division 2 of the Act:

(a) containers used for the purpose of containing milk (other than flavoured milk);

(b) containers used for the purpose of containing 1 litre or more of flavoured milk;

(c) containers used for the purpose of containing 1 litre or more of pure juice (comprising at least 90% fruit juice or vegetable juice or a mixture of fruit and vegetable juices);

(d) containers used for the purpose of containing more than 3 litres of beverage;

(e) containers constructed of cardboard and plastic, cardboard and foil, or cardboard, plastic and foil (commonly known as casks or aseptic packs) used for the purpose of containing 1 litre or more of wine, wine-based beverage or water (including mineral or spring water);

(f) containers constructed of plastic or foil or plastic and foil (commonly known as sachets) used for the purpose of containing 250 millilitres or more of wine.

(2) Pursuant to section 67 of the Act, until 28 February 2010, category A and category B containers marked with a former approved refund marking are exempt from the application of the following provisions of the Act:

(a) section 68(3)(a)(i);

(b) section 69B(1);

(c) section 69B(2).

(3) In this regulation—

flavoured milk means milk to which flavouring has been added;

milk means cow's milk or the milk of any other animal, soy milk, rice milk or coconut milk and, without limiting that meaning, includes milk that is 1 or more of the following:

(a) ultra heat treated or reconstituted milk;

(b) reduced fat milk;

(c) milk with added protein, milk fat, calcium, vitamins, minerals or other supplements;

wine-based beverage means a pre-mixed beverage that contains—

(a) wine and another beverage that is not a grape product; and

(b) less than 10% alcohol by volume at 20° Celsius.

46—Annual returns for collection depots and super collectors (section 69A)

(1) For the purposes of section 69A(1) of the Act, the date before which the holder of an approval to operate a collection depot or carry on business as a super collector must lodge an annual return with the Authority is, unless some other date is fixed by the Authority by condition of the approval, 30 September in each year.

(2) For the purposes of section 69A(2) of the Act, the penalty for failure to lodge an annual return is—

(a) for the holder of an approval to operate a collection depot—$20 plus 1% of the application fee set out in Schedule 4 for an approval to operate a collection depot for the first month (or part of a month) for which the default continues and 2% of that application fee for each further month (or part of a month) for which the default continues; and

(b) for the holder of an approval to carry on business as a super collector—$20 plus 1% of the application fee set out in Schedule 4 for an approval to carry on business as a super collector for the first month (or part of a month) for which the default continues and 2% of that application fee for each further month (or part of a month) for which the default continues.

47—Offence to claim refund on beverage containers purchased outside State or corresponding jurisdiction (section 69C)

For the purposes of section 69C(2) of the Act, a declaration to be completed by a person presenting containers must include the following:

(a) the full name and address of the person;

(b) proof of identity of the person in the form of—

(i) the person's driver's licence number; or

(ii) if the person is unable to produce his or her driver's licence—a passport, credit or debit card, concession card, gas, electricity or telephone account or similar document or card that has been issued to the person;

(c) if the person has delivered the containers by vehicle—the registration number of the vehicle and the State or Territory of registration;

(d) the signature of the person.

48—Certain containers prohibited (section 72)

For the purposes of paragraph (b) of the definition of ***prohibited container*** in section 72(1)(b) of the Act, a sealed glass container (commonly known as a plasti-shield container) that—

(a) is designed to contain more than 500 millilitres of beverage; and

(b) is not designed to be refilled; and

(c) is covered on the outside with a plastic sheath or coating,

is a sealed glass container of a prescribed kind.

Part 5—Site contamination

Division 1—General provisions supporting Part 10A of Act

49—Occupier (section 103A)

(1) For the purposes of the definition of ***occupier*** in section 103A of the Act, a person is to be taken to be an occupier of land if the person owns, or has operational control of, a tank or pipeline, or any works or structure, that—

(a) is installed on or traverses the land, whether below or above the ground; and

(b) is used to store or convey chemical substances or for some process employing chemical substances.

(2) For the purposes of subregulation (1), a person has operational control over a tank, pipeline, works or a structure if the person has the authority to introduce and implement environmental or health and safety policies or any other operating policies for the tank, pipeline, works or structure.

50—Potentially contaminating activities (sections 103C and 103H)

(1) For the purposes of sections 103C and 103H of the Act, the following activities are prescribed as potentially contaminating activities:

(a) an activity of a kind set out in Schedule 3 clause 2, undertaken in the course of a business;

(b) any other activity (other than an activity of a kind excluded under Schedule 3 clause 2 from the ambit of potentially contaminating activities) undertaken in the course of a business involving—

(i) the manufacture, production (including as a by-product or waste) or recycling of a listed substance or a product containing a listed substance; or

(ii) the storage at a discrete premises of the business of—

(A) 500 litres or more of a liquid listed substance; or

(B) 500 kilograms or more of a listed substance other than a liquid;

(c) a domestic activity of a kind set out in Schedule 3 clause 3.

(2) However—

(a) the Authority may determine that an activity of a kind referred to in subregulation (1)(a) is not a potentially contaminating activity if the Authority is satisfied that the activity has been carried on in such a manner or on such a scale as to present a negligible risk of site contamination; and

(b) the Authority may determine that an activity of a kind referred to in subregulation (1)(b) is not a potentially contaminating activity if the Authority is satisfied that the relevant listed substance has, at all times while at the premises of the business, been contained or incorporated in a product (other than a product that itself is or comprises a listed substance) or container—

(i) in insignificant concentrations; or

(ii) in such a way as to present a negligible risk of escape of the substance to the environment.

(3) For the purposes of this regulation, a reference to a discrete premises of a business is, in the case of activities authorised by a licence—

(a) a reference to each location specified in the licence at which activities authorised by the licence may be undertaken; or

(b) if various places are specified in the licence as a single location at which activities authorised by the licence may be undertaken—a reference to the various places taken together.

(4) To avoid doubt, an activity of a kind referred to in subregulation (1)(a) or (b) is not precluded from being undertaken in the course of a business merely because it is undertaken for the purposes of research.

(5) In this regulation—

recycling includes reprocessing, recovery and purification.

51—Causing site contamination (section 103D)

Changes in the use of land within the meaning of the *Development Act 1993* are a prescribed kind of change of use for the purposes of section 103D(2) of the Act.

52—Liability for property damage etc caused by person entering land—exemptions (section 103M)

(1) A person is exempt from the application of section 103M(2) of the Act if the person enters or does anything on land on behalf of the occupier of the land in order to carry out—

(a) the requirements of a site contamination assessment order or site remediation order that has been issued to the occupier; or

(b) a voluntary site contamination assessment proposal or voluntary site remediation proposal that has been approved by the Authority on the application of the occupier.

(2) A person is exempt from the application of section 103M(3) of the Act if the person enters or does anything on land on behalf of the owner of the land in order to carry out—

(a) the requirements of a site contamination assessment order or site remediation order that has been issued to the owner; or

(b) a voluntary site contamination assessment proposal or voluntary site remediation proposal that has been approved by the Authority on the application of the owner.

Division 2—Site contamination auditors

Subdivision 1—Accreditation

53—Eligibility for accreditation

(1) A person is eligible for accreditation as a site contamination auditor if the person—

(a) has the qualifications, experience, knowledge, understanding and ability set out in subregulation (2); and

(b) is a fit and proper person to be accredited.

(2) An applicant for accreditation must—

(a) have a tertiary qualification approved by the Authority in a relevant discipline; and

(b) have a total of at least 8 years of experience in the assessment and remediation of site contamination; and

(c) have knowledge and understanding at a level satisfactory to the Authority of—

(i) the provisions of the Act and these regulations relating to site contamination assessment, remediation, audits and auditors; and

(ii) codes of practice, guidelines and standards prepared or approved by the Authority that apply to site contamination assessment, remediation, audits and auditors; and

(iii) the field of site contamination assessment and remediation; and

(d) have a demonstrated ability to put the knowledge and understanding referred to in paragraph (c) into practice, to a degree satisfactory to the Authority.

(3) For the purposes of determining whether a person is eligible for accreditation under subregulation (1), the Authority may, without limitation, take into account—

(a) any recommendations made in relation to the person by an accreditation committee; or

(b) any offence committed by the person against the Act, these regulations or legislation similar to these regulations in force in another State or a Territory of the Commonwealth; or

(c) any offence punishable by imprisonment committed by the person; or

(d) the cancellation or suspension of accreditation or similar authority held by the person, or the disqualification of the person from practising as a site contamination auditor, under these regulations or under legislation similar to these regulations in force in another State or a Territory of the Commonwealth; or

(e) whether, during the period of 10 years preceding the application for accreditation, the person has been an undischarged bankrupt or subject to a composition or deed or scheme of arrangement with or for the benefit of creditors.

54—Application for accreditation

(1) An application for accreditation must—

(a) be made to the Authority in the manner and form approved by the Authority; and

(b) be signed by the applicant and completed in accordance with the instructions contained in the form; and

(c) subject to subregulation (2), be accompanied by the fee for an application for accreditation as set out in Schedule 4.

(2) The application fee referred to in subregulation (1)(c) is not payable in respect of a person entitled under the *Mutual Recognition Act 1992* of the Commonwealth, as adopted by the *Mutual Recognition (South Australia) Act 1993*, to be registered (as defined in that Commonwealth Act) in this State as a site contamination auditor.

(3) An applicant for accreditation must—

(a) consent to the conduct by the Authority of inquiries relating to any accreditation or similar authority held at any time by the person under these regulations or under legislation similar to these regulations in force in another State or Territory of the Commonwealth; and

(b) provide the Authority with any information required by the Authority (verified, if the Authority so requires, by statutory declaration) for the purposes of determining the application including (without limitation) criminal record checks relating to the applicant; and

(c) supply the Authority with 1 or more digital photographs of the applicant as specified by the Authority.

(4) The Authority may, on receipt of an application for accreditation under this regulation, refer the application to an accreditation committee and request the committee's written recommendations in relation to the application within a period specified in the notice (being not less than 14 days after referral of the application to the committee).

55—Grant of accreditation

(1) The Authority may refuse an application for accreditation if—

(a) the person has not made due application for accreditation under this Division; or

(b) the applicant has not complied with a requirement of this Part or a requirement of the Authority made in connection with the application; or

(c) the Authority is not satisfied that the applicant is eligible for accreditation.

(2) The Authority is not required, if it has assessed a person's qualifications, experience, knowledge, understanding or ability to be appropriate for accreditation, to assess the person's qualifications, experience, knowledge, understanding or ability again on a subsequent application by the person for accreditation (or renewal of accreditation).

(3) The Authority may decline to grant accreditation unless or until the fee for the grant of accreditation as set out in Schedule 4 is paid.

56—Conditions of accreditation

(1) The Authority may impose—

(a) a condition requiring the person to undertake ongoing professional development; and

(b) any other conditions the Authority thinks fit.

(2) Without limiting the effect of subregulation (1), the Authority must make it a condition of every accreditation that—

(a) the holder of the accreditation will, when acting as a site contamination auditor, act diligently, impartially and conscientiously; and

(b) the holder of the accreditation will maintain arrangements enabling him or her to have access, from time to time as necessary in the course of carrying out site contamination audits, to a team of persons, constituted in a manner approved by the Authority, to provide technical expertise in fields outside his or her personal expertise; and

(c) the holder of the accreditation will not, when acting as a site contamination auditor, fail to comply with any guidelines issued from time to time by the Authority (insofar as they may be relevant in the circumstances of any particular case); and

(d) the holder of the accreditation will hold or be covered by a professional indemnity insurance policy approved by the Authority; and

(e) the holder of the accreditation will have an identity card issued by the Authority available for inspection at all times when present as a site contamination auditor at a site the subject of site contamination assessment or remediation; and

(f) if the holder of the accreditation is charged with or convicted of—

(i) an offence against the Act, this Part or legislation similar to this Part in force in another State or a Territory of the Commonwealth; or

(ii) an offence punishable by imprisonment,

he or she will, within 14 days, give written notice of the charge or conviction to the Authority containing details of the offence; and

(g) if the holder of the accreditation—

(i) is dismissed from employment in response to allegations of misconduct; or

(ii) resigns from employment following allegations of misconduct,

he or she will, within 14 days, give written notice of that fact to the Authority.

(3) The Authority may, by written notice, vary or revoke a condition, or impose a condition, of a person's accreditation as a site contamination auditor.

(4) A condition may only be imposed or varied—

(a) on application by the site contamination auditor or with the auditor's agreement; or

(b) after giving the site contamination auditor reasonable notice of the proposed condition or variation and allowing the auditor at least 14 days within which to make submissions to the Authority in relation to the proposed condition or variation.

57—Offence to contravene certain conditions of accreditation

If a site contamination auditor contravenes a condition of the person's accreditation that requires the Authority to be notified of a matter or imposes a restriction on the work undertaken by the person, the person is guilty of an offence.

Maximum penalty: $4 000.

Expiation fee: $300.

58—Annual fee

(1) A site contamination auditor must, on or before the date falling 1 month after each anniversary of the grant of accreditation (other than in a year in which the accreditation is due to expire), pay to the Authority the annual fee for accreditation as set out in Schedule 4.

(2) If an accredited site contamination auditor fails to pay a fee in accordance with this regulation, the Authority may, by written notice, require the auditor to make good the default and, in addition, to pay to the Authority as a penalty for default $20 plus 1% of the annual accreditation fee for the first month (or part of a month) for which the default continues and 2% of the annual fee for accreditation for each further month (or part of a month) for which the default continues.

59—Term and renewal of accreditation

(1) Subject to this Part, accreditation remains in force for a term not exceeding 5 years determined by the Authority and specified in the accreditation on its grant or renewal.

(2) An application for renewal of accreditation must—

(a) be made not less than 90 days before the expiry of the accreditation; and

(b) be made to the Authority in the manner and form approved by the Authority; and

(c) be signed by the applicant and completed in accordance with the instructions contained in the form; and

(d) be accompanied by the fee for renewal of accreditation as set out in Schedule 4.

(3) The Authority may, at the Authority's discretion, determine a late application for renewal provided that the applicant pays, in addition to the fee for renewal of accreditation, a late fee comprised of $20 plus 1% of the fee for renewal of accreditation for the first month (or part of a month) for which the application is late and 2% of the fee for renewal of accreditation for each further month (or part of a month) for which the application is late.

(4) The Authority may, on receipt of an application for renewal under this Division—

(a) refer the application to an accreditation committee and request the committee's written recommendations in relation to the application within a period specified in the notice (being not less than 14 days after referral of the application to the committee); and

(b) require the applicant to provide any information required by the Authority (verified, if the Authority so requires, by statutory declaration) for the purposes of determining the application including (without limitation) criminal record checks relating to the applicant; and

(c) refuse to renew the applicant's accreditation on any ground on which an application for accreditation may be refused under regulation 55 or on which accreditation may be cancelled under regulation 60.

60—Disciplinary action against site contamination auditors and voluntary suspension

(1) The Authority may, if satisfied that there is cause for disciplinary action against a site contamination auditor, do 1 or more of the following:

(a) suspend any accreditation held by the person;

(b) cancel any accreditation held by the person;

(c) disqualify the person from obtaining accreditation.

(2) There is cause for disciplinary action against a site contamination auditor if the Authority is satisfied that—

(a) the person—

(i) obtained accreditation improperly; or

(ii) has contravened the Act or this Part; or

(iii) has contravened a condition of accreditation; or

(iv) has ceased to undertake the activities authorised by accreditation; or

(v) has not paid fees or charges payable under this Part to the Authority within the required time; or

(b) events have occurred such that the person would not, if he or she were to apply for accreditation, be eligible for accreditation.

(3) A suspension under this regulation—

(a) may be for a specified period, or until the fulfilment of specified conditions, or until further order of the Authority; and

(b) may be expressed to have effect at a specified future time, or to have effect at a specified future time unless a specified condition is fulfilled.

(4) A disqualification under this regulation may disqualify a person from obtaining accreditation—

(a) permanently; or

(b) for a specified period or until the fulfilment of specified conditions; or

(c) until further order of the Authority.

(5) The Authority must, before acting under this regulation—

(a) give written notice to the site contamination auditor of the proposed action specifying the reasons for the proposed action; and

(b) allow the site contamination auditor at least 14 days within which to make submissions to the Authority in relation to the proposed action.

(6) The Authority may, on application by a site contamination auditor, suspend the auditor's accreditation for a specified period of not less than 3 months and not more than 2 years or the term of the accreditation, whichever is the shorter period, if the Authority is satisfied that the auditor does not intend to undertake site contamination audits during that period.

(7) A person whose accreditation is suspended is taken not to hold accreditation for the period of the suspension.

(8) However—

(a) the person is taken to continue to hold accreditation for the purposes of the requirements of section 103Y of the Act (relating to furnishing the Authority with an annual return and notifying the Authority of a change in the person's particulars); and

(b) the date of expiry of the person's accreditation remains unchanged despite the suspension.

(9) In this regulation—

site contamination auditor means—

(a) a person who is the holder of accreditation; or

(b) a person who was formerly the holder of accreditation; or

(c) a person who, although not the holder of accreditation, engaged in an activity for which accreditation was required (under section 103U of the Act).

61—Surrender of accreditation

A person may, with the approval of the Authority, surrender the person's accreditation.

62—Return of certificate of accreditation and identity card

(1) If accreditation of a person as a site contamination auditor is surrendered, suspended or cancelled, the person must, within 14 days, return the certificate of accreditation and any identity card to the Authority.

Maximum penalty: $2 500.

Expiation fee: $160.

(2) If, on an application under regulation 54, a certificate of accreditation or identity card has been issued to a person but the fee payable in respect of the person's application or accreditation has not been paid (whether because of the dishonouring of a cheque or otherwise), the person must, at the direction of the Authority, return the certificate or card to the Authority.

Maximum penalty: $2 500.

Expiation fee: $160.

(3) The Authority may issue to the holder of accreditation, on payment by the person of the fee for replacement of the certificate of accreditation or identity card as set out in Schedule 4, a certificate of accreditation or identity card in replacement of a current certificate of accreditation or identity card if satisfied that—

(a) the current certificate or card has been lost, destroyed or damaged; or

(b) any particulars appearing on the current certificate or card are incorrect.

(4) If the Authority issues a replacement certificate of accreditation or identity card to a person, the person must, at the direction of the Authority, return any original (or previous duplicate) certificate of accreditation or identity card in the person's possession to the Authority.

Maximum penalty: $2 500.

Expiation fee: $160.

63—Appeals

(1) A person may appeal to the Administrative and Disciplinary Division of the District Court against a decision of the Authority—

(a) refusing to grant an application by the person for accreditation or renewal of accreditation; or

(b) determining the term of the person's accreditation; or

(c) imposing or varying a condition of the person's accreditation or determining a matter in relation to such a condition; or

(d) suspending or cancelling the person's accreditation or imposing a disqualification on the person.

(2) Subject to this regulation, an appeal must be made within 1 month after the making of the decision.

(3) The Authority must, if so required by the person to whom an appealable decision relates, state in writing the reasons for the Authority's decision.

(4) If the reasons of the Authority are not given in writing at the time of making the decision and the person to whom the decision relates (within 1 month of the making of the decision) requires the Authority to state the reasons in writing, the time for instituting an appeal runs from the time at which the person receives the written statement of those reasons.

64—Register of site contamination auditors

(1) The Authority must keep a register of persons accredited under this Division.

(2) The register must include, in relation to each accredited person—

(a) the person's full name, personal address and business address (if any); and

(b) the qualifications for accreditation held by the person; and

(c) details of any specialist qualifications held by the person and determined by the Authority to be appropriate for inclusion on the register; and

(d) details of any condition of the person's accreditation requiring supervision of the person or restricting the scope or type of work the person may undertake as site contamination auditor; and

(e) the expiry date of the person's accreditation; and

(f) the person's accreditation number; and

(g) details concerning any disciplinary action taken against the person by the Authority under regulation 60,

and may include other information as the Authority thinks fit.

(3) The Authority may remove or correct an entry in the register as required without giving notice to any person.

(4) The Authority must—

(a) make a record of the full name of each site contamination auditor and the information entered in the register under subregulation (2)(b), (c), (d), (e) and (f) in relation to the auditor available for inspection on application to the Authority; and

(b) make a record of the full name of each site contamination auditor and the information entered in the register under subregulation (2)(e) and (f) in relation to the auditor available for inspection on a website established by the Authority.

(5) An apparently genuine document purporting to be signed by the Authority stating that, at a specified date, or during a specified period—

(a) a specified person was accredited under this Division unconditionally or subject to specified conditions; or

(b) a specified person was not accredited under this Division,

will, in any legal proceedings, constitute proof of the matters stated in the document in the absence of proof to the contrary.

Subdivision 2—Requirements applying to auditors

65—Annual returns by auditors (section 103Y(2))

For the purposes of section 103Y(2) of the Act, an annual return relating to site contamination audits for which a site contamination auditor is or was the responsible auditor must be in the form set out in Schedule 3 clause 5.

66—Notifications by auditors after commencement or termination of audit (section 103Z(3))

For the purposes of section 103Z(3) of the Act—

(a) a notification by a site contamination auditor after the commencement of a site contamination audit for which the auditor is or was the responsible auditor must be in the form set out in Schedule 3 clause 6; and

(b) a notification by a site contamination auditor of the termination before completion of a site contamination audit for which the auditor is or was the responsible auditor must be in the form set out in Schedule 3 clause 7.

67—Site contamination audit report summary and statement (section 103Z(4))

(1) A site contamination audit report required under section 103Z(4)(a) and (b)(i) of the Act must include a summary of the findings of the site contamination audit to which it relates that—

(a) is in the form set out in Schedule 3 clause 8 for site contamination audit statements; and

(b) is certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8.

(2) A site contamination audit statement required under section 103Z(4)(b)(ii) of the Act in relation to a site contamination audit must comprise—

(a) a copy of the summary in the site contamination audit report relating to the audit and itself be certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8; or

(b) a photocopy, faxed copy or electronic copy of the summary as certified by the responsible auditor in accordance with the directions contained in the form set out in Schedule 3 clause 8.

68—Site contamination audit statements to be provided to prescribed bodies (section 103Z(4))

For the purposes of section 103Z(4)(b)(ii) of the Act, if—

(a) an application for approval of a proposed development under the *Development Act 1993* relates to land the subject of a site contamination audit; and

(b) a body other than the council for the area in which the land is situated is a relevant authority for the purposes of assessment of the proposed development under the *Development Act 1993*,

that body is a prescribed body to which a site contamination audit statement must be provided in relation to that audit.

Part 6—Waste depot levy

69—Approval of weighbridges

(1) The Authority may, by notice in writing, approve a weighbridge subject to such conditions as it thinks fit and may vary or revoke an approval at any time.

(2) Without limiting the generality of subregulation (1), the conditions may specify requirements as to—

(a) maintenance of the weighbridge; and

(b) certification of the accuracy of the weighbridge.

70—Waste depot levy (section 113)

(1) Subject to this Part, the levy payable by the holder of a waste depot licence in respect of waste that is received at the depot for the purpose of being disposed of at the depot is to be determined as follows:

(a) per tonne of solid waste (other than waste fill) disposed of at the depot—

(i) if the depot is situated outside of metropolitan Adelaide and the waste has been brought to the depot from premises situated outside of metropolitan Adelaide—1 fee unit;

(ii) if the depot is situated in metropolitan Adelaide and the waste has been brought to the depot by or on behalf of a council the area of which lies wholly outside of metropolitan Adelaide—1 fee unit;

(iii) in any other case—2 fee units;

(b) per kilolitre of liquid waste disposed of at the depot—0.65 fee units;

(c) per tonne of waste fill disposed of at the depot—0 fee units.

(2) For the purposes of section 113(4) of the Act, the penalty for default in making a levy payment is—

(a) if the default occurs up to or including 30 June 2010—2 fee units plus 1% of the amount due for the first month (or part of a month) for which the default continues and 2% of the amount due for each further month (or part of a month) for which the default continues; and

(b) if the default occurs after 30 June 2010—$300 or 5% of the amount due (whichever is the higher) for each month (or part of a month) for which the default continues.

71—Reporting of mass or volume of waste received at depots

(1) This regulation applies only in relation to waste that is received at a waste depot for the purpose of being disposed of at the depot.

(2) Subject to regulation 75, a person licensed to conduct a waste depot must, no later than 28 days after the last day of each month, furnish to the Authority a return showing—

(a) in respect of solid waste—

(i) the total mass (in tonnes) of waste received at the depot during each day of that month and the total received during the whole of that month; and

(ii) if the depot is situated outside of metropolitan Adelaide—the total mass (in tonnes) of waste received at the depot from premises situated outside of metropolitan Adelaide during the whole of that month; and

(iii) if the depot is situated in metropolitan Adelaide—the total mass (in tonnes) of waste brought to the depot by or on behalf of a council the area of which lies wholly outside of metropolitan Adelaide during the whole of that month; and

(iv) if the mass of any waste received at the depot is determined in accordance with subregulation (5)(a)(ii)—the classes of vehicles (as set out in subregulation (7)), and the number of vehicles in each of those classes, on or in which that waste was delivered to the depot during each day of that month and during the whole of that month; and

(b) in respect of liquid waste—the total volume (in kilolitres) of waste received at the depot during each day of that month and the total received during the whole of that month.

Maximum penalty: $4 000.

Expiation fee: $300.

(3) For the purposes of a return under this regulation, the mass or volume of waste received at a depot must be determined in accordance with this regulation.

Maximum penalty: $4 000.

Expiation fee: $300.

(4) The mass or volume of waste received at a waste depot is to be calculated as the aggregate of the mass or volume of waste delivered on or in each vehicle to the depot measured (except where the mass is calculated by reference to subregulation (7) rather than by measurement)—

(a) in the case of waste weighed on a weighbridge installed before the commencement of this subregulation—to the highest level of weighing accuracy for the particular design of weighbridge;

(b) in any other case—to the nearest 0.02 tonnes or kilolitres.

(5) The mass of solid waste delivered on or in a vehicle must be determined as follows:

(a) in the case of waste delivered on or in a vehicle of a class set out in subregulation (7)—the mass of the solid waste—

(i) may be determined by use of an approved weighbridge; or

(ii) if not so determined—will be taken to be the average net mass of waste for the relevant class of vehicle as set out in that subregulation;

(b) in any other case—the mass must, subject to regulation 73(1), be determined by use of an approved weighbridge.

(6) The volume of liquid waste delivered on or in a vehicle—

(a) may be determined by use of a dipstick pre-calibrated for the liquid waste container on the vehicle; or

(b) may be measured by means of a volume measuring device, installed at the depot, the calibration of which has been approved in writing by the Authority; or

(c) may be calculated—

(i) by measuring the net mass of the liquid waste by use of an approved weighbridge; and

(ii) by dividing that measurement by the predetermined mass per kilolitre of the particular liquid waste; or

(d) may be taken to be that certified, in a cartnote signed by both the producer and transporter of the waste, to be the volume of liquid waste to be delivered on or in the vehicle to the depot; or

(e) if a liquid waste container on the vehicle is full—

(i) may be calculated from the dimensions of the container; or

(ii) in the case of a container the capacity of which has been predetermined by a volume calibration method (approved in writing by the Authority) and marked on the container—may be taken to be that capacity.

(7) For the purposes of this regulation—

(a) vehicles are to be divided into the following classes:

(i) car or station wagon (***class 1 vehicle***);

(ii) car type utility, panel van or single box axle trailer (***class 2 vehicle***);

(iii) large utility, large van or multiple axle trailer (***class 3 vehicle***); and

(b) the average net mass of waste will be taken to be—

(i) for a class 1 vehicle—0.2 tonnes;

(ii) for a class 2 vehicle—0.7 tonnes;

(iii) for a class 3 vehicle—1.3 tonnes.

72—Certain depots must have approved weighbridge

(1) Subject to this regulation and regulation 73(2), if a waste depot has, in a financial year, received 10 000 tonnes or more of solid waste for disposal at the depot, the holder of the waste depot licence must ensure that an approved weighbridge is installed at the depot no later than 4 months after the end of that financial year for weighing solid waste received at the depot.

Maximum penalty: $4 000.

Expiation fee: $300.

(2) The Authority may, on application by the holder of a waste depot licence within the relevant 4 month period referred to in subregulation (1), extend the period within which an approved weighbridge must be installed at the depot by a further period of 2 months.

(3) Despite subregulation (1), the holder of a waste depot licence is not required to comply with the requirement to have a weighbridge installed at the depot if—

(a) a weighbridge located at a place other than the depot was used by the licence holder before 1 October 2000 for the purpose of weighing waste received for disposal at the depot; and

(b) the licence holder currently owns and operates the weighbridge for that purpose.

73—Exemptions from approved weighbridge requirements

(1) The Authority may, on application by the holder of a waste depot licence, exempt the holder from compliance with the requirement in regulation 71(5)(b) that the mass of solid waste is to be determined by use of an approved weighbridge if satisfied that—

(a) the depot will receive less than 10 000 tonnes of solid waste for disposal at the depot in each financial year; and

(b) the depot uses adequate alternative methods of measuring the mass of solid waste received at the depot.

(2) The Authority may, on application by the holder of a waste depot licence, exempt the holder from compliance with the requirement in regulation 72(1) that an approved weighbridge is to be installed at the depot if satisfied that—

(a) the depot will cease operating within 12 months; or

(b) suitable arrangements are in place for the waste to be weighed at an approved weighbridge located at a place other than the depot.

(3) An exemption issued by the Authority under this regulation—

(a) must be by notice in writing; and

(b) may be subject to conditions; and

(c) may be varied or revoked by the Authority, by further notice in writing, at any time.

74—Verification of returns by volumetric survey

(1) The holder of a waste depot licence must—

(a) in the case of a depot that has, during any financial year, received 10 000 tonnes or more of solid waste for disposal at the depot; or

(b) if requested by the Authority during a financial year,

provide the Authority, no later than 3 months after the end of that financial year (or such later time as the Authority may allow), with a volumetric survey of landfill at the depot prepared by a licensed or registered surveyor under the *Survey Act 1992* or a person, or person of a class, approved by the Authority.

Maximum penalty: $4 000.

Expiation fee: $300.

(2) A volumetric survey provided to the Authority under this regulation must—

(a) show contour lines at not more than 1 metre intervals; and

(b) have an error margin of not more than 5%.

75—Special provision for certain councils for waste fees

(1) This regulation only applies to a council if—

(a) the whole of the council area is outside of metropolitan Adelaide; and

(b) all of the waste received for disposal at depots operated by the council has been brought to the depots from premises situated outside of metropolitan Adelaide; and

(c) each depot operated by the council receives less than 10 000 tonnes of solid waste for disposal at the depot in any financial year.

(2) For the purpose of determining the levy payable by a council under section 113 of the Act in respect of solid waste received at all depots operated by the council, the council may elect, by written notice to the Authority—

(a) not to comply with regulation 71 in respect of solid waste received at those depots; and

(b) to take the mass of solid waste received during each month at those depots to be the mass determined in accordance with the following formula:

$$M = \frac{P \times 0.4}{12}$$

where—

M is the mass of solid waste in tonnes

P is the population of the area of the council as at the previous 30 June as given by the Australian Bureau of Statistics in its publication "Regional Population Growth, Australia" (Catalogue No. 3218.0).

(3) If a council makes an election under this regulation, regulation 71 does not apply in respect of solid waste received at any depot operated by that council.

(4) If a council satisfies the Authority that recycling is operating in a council area so that waste disposed of to landfill is reduced by a certain proportion, the levy payable by the council is reduced by subtracting that proportion from the levy that would otherwise be payable by the council as determined in accordance with this regulation.

Part 7—Other fees and charges

76—Registration or cancellation of registration of environment protection order (section 95)

For the purposes of section 95(4a) of the Act—

(a) the prescribed amount recoverable in respect of the registration of an environment protection order in relation to land from the person to whom the order was issued is—

(i) for the first entry made by the Registrar-General in registering the order—18 fee units; and

(ii) for each subsequent entry made by the Registrar-General in registering the order—5 fee units; and

(b) the prescribed amount recoverable in respect of the cancellation of registration of an environment protection order in relation to land from the person to whom the order was issued is—

(i) for the first endorsement made by the Registrar-General in cancelling the registration of the order—13 fee units; and

(ii) for each subsequent endorsement made by the Registrar-General in cancelling the registration of the order—1 fee unit.

77—Registration or cancellation of registration of clean-up order or clean-up authorisation (section 103)

For the purposes of section 103(2a) of the Act—

(a) the prescribed amount recoverable in respect of the registration of a clean-up order or clean-up authorisation from the person whose contravention gave rise to the issuing of the order or authorisation is—

(i) for the first entry made by the Registrar-General in registering the order or authorisation—18 fee units; and

(ii) for each additional entry made by the Registrar-General in registering the order or authorisation—5 fee units; and

(b) the prescribed amount recoverable in respect of the cancellation of registration of a clean-up order or clean-up authorisation from the person whose contravention gave rise to the issuing of the order or authorisation is—

(i) for the first endorsement made by the Registrar-General in cancelling the registration of the order or authorisation—13 fee units; and

(ii) for each subsequent endorsement made by the Registrar-General in cancelling the registration of the order or authorisation—1 fee unit.

78—Registration or cancellation of site contamination assessment order or site remediation order (section 103R)

For the purposes of section 103R(2) of the Act—

(a) the prescribed amount recoverable in respect of the registration of a site contamination assessment order or site remediation order in relation to land from the person to whom the order was issued is—

(i) for the first entry made by the Registrar-General in registering the order—18 fee units; and

(ii) for each subsequent entry made by the Registrar-General in registering the order—5 fee units; and

(b) the prescribed amount recoverable in respect of the cancellation of registration of a site contamination assessment order or site remediation order in relation to land from the person to whom the order was issued is—

(i) for the first endorsement made by the Registrar-General in cancelling the registration of the order—13 fee units; and

(ii) for each subsequent endorsement made by the Registrar-General in cancelling the registration of the order—1 fee unit.

79—Prescribed fee for emergency authorisation (section 105)

(1) Subject to this regulation, the prescribed fee in respect of an emergency authorisation for the purposes of section 105(2)(a) of the Act is 37 fee units.

(2) If the Authority is satisfied that—

(a) the circumstances giving rise to the issuing of the authorisation were within the control of the person to whom it is issued; and

(b) there is no need for inspection by an authorised officer of the place or vehicle in respect of which the authorisation is to apply,

the prescribed fee is 26 fee units.

(3) If the Authority is satisfied that the circumstances giving rise to the issuing of the authorisation were beyond the control of the person to whom it is issued, the prescribed fee is 0 fee units.

80—Recovery of administrative and technical costs associated with contraventions (section 135)

(1) For the purposes of section 135(1)(c) of the Act, the fee payable in respect of action taken to investigate a contravention of the Act is—

(a) in the case of action commenced during business hours, the sum of—

(i) 11 fee units; and

(ii) if the action exceeds 2 hours in duration—

(A) 4 fee units for each subsequent hour or part of an hour for action taken during business hours; and

(B) 8 fee units for each subsequent hour or part of an hour for action taken outside of business hours; and

(b) in the case of action commenced outside of business hours, the sum of—

(i) 21 fee units; and

(ii) if the action exceeds 2 hours in duration—

(A) 4 fee units for each subsequent hour or part of an hour for action taken during business hours; and

(B) 8 fee units for each subsequent hour or part of an hour for action taken outside of business hours.

(2) For the purposes of section 135(1)(c) of the Act, the fee payable in respect of action taken to issue an order under Part 10 of the Act in respect of a contravention of the Act is 11 fee units.

(3) In this regulation—

business hours means the hours between 8.45 am and 5 pm on any day other than a Saturday, Sunday or public holiday.

81—Interest on amounts recoverable by Authority under sections 64D, 95, 103 and 103R

For the purposes of sections 64D(1)(a), 95(5)(a), 103(3)(a) and 103R(4)(a) of the Act, the prescribed rate of interest per annum on an amount recoverable by the Authority but not paid within the period fixed by the Authority is 24% calculated in respect of each month (or part of a month) for which the amount remains unpaid.

82—Further fees

Further fees are payable for the purposes of the Act as set out in Schedule 4.

Part 8—Miscellaneous

83—Payment of fees by instalments and recovery of fees

(1) The Authority may, in allowing the payment of a fee under the Act or these regulations by instalments, add to each amount payable as an instalment a charge by way of interest, or an administrative fee, as determined by the Authority with the approval of the Minister.

(2) The Authority may recover any instalment of a fee or other amount payable by a person under the Act or these regulations—

(a) as a debt by action in a court of competent jurisdiction; or

(b) by adding the amount so payable to a fee otherwise payable under the Act or these regulations by that person.

(3) If the Authority allows a fee to be paid by instalments, the fee is the amount that would be payable under the Act or these regulations apart from this regulation plus, for each instalment that is not paid by the date for payment—

(a) if the default occurs up to or including 30 June 2010—$20 plus 1% of the instalment for the first month for which the default continues and 2% of the instalment for each further month for which the default continues; and

(b) if the default occurs after 30 June 2010—$300 or 5% of the instalment (whichever is higher) for each month (or part of a month) for which the default continues.

84—Authority may require copy of decision on development applications

If an application for development authorisation is referred to the Authority under the *Development Act 1993*, the relevant authority that determines the application under that Act must, if required by the Authority by notice in writing, furnish the Authority with a full copy of the relevant authority's decision on the application as soon as practicable (but not later than 1 month) after the decision is made.

85—Exemption from requirement for licence for transportation of controlled waste

(1) A person will be exempt from the requirement under section 36 of the Act to hold a licence in respect of the transportation of controlled waste into or through South Australia from another participating State, or from South Australia to another participating State if—

(a) the person holds a licence or other similar authority that—

(i) has been granted by a participating State other than South Australia; and

(ii) is the same as or has a similar effect to an environmental authorisation that authorises the activities specified in clause 3(5) or clause 3(6) (or both) of Schedule 1 Part A of the Act; and

(b) the person ensures that a copy of the consignment authorisation obtained in relation to the controlled waste being transported is carried in the vehicle transporting the waste; and

(c) the person ensures that the conditions to which the consignment authorisation is subject (if any) are complied with to the extent that those conditions apply to the transportation of the controlled waste; and

(d) the person complies with the conditions of the person's licence or other authority granted by the participating State, to the extent that those conditions apply to the transportation of the controlled waste.

(2) In this regulation—

Commonwealth Act means the *National Environment Protection Council Act 1994* of the Commonwealth, as in force from time to time;

consignment authorisation has the same meaning as in the Controlled Waste Transport Measure;

controlled waste has the same meaning as in the Controlled Waste Transport Measure;

Controlled Waste Transport Measure means the National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure made on 26 June 1998 and as in force from time to time under the Commonwealth Act;

participating State means a participating State, or a participating Territory, within the meaning of the Controlled Waste Transport Measure.

86—Exemption from item 4(c) of Schedule 1 of *Environment Protection (Air Quality) Policy 1994*

The generation of electricity by gas turbines located outside metropolitan Adelaide is exempt from the application of item 4(c) of Schedule 1 of the *Environment Protection (Air Quality) Policy 1994*.

86A—Exemption from Act—Maralinga nuclear test site

(1) The following classes of persons are exempt from the application of the Act in respect of site contamination or any other matter caused by, or related to, the British Nuclear Test Program and minor trials conducted at the Maralinga nuclear test site:

(a) the Crown in right of the State;

(b) so far as the Act binds the Crown in its other capacities—the Crown in those other capacities;

(c) Maralinga Tjarutja.

(2) An activity undertaken in accordance with the Maralinga nuclear test site handback deed, or the management plan for the Maralinga nuclear test site, is exempt from the application of the Act.

(3) In this regulation—

British Nuclear Test Program, ***minor trials***, ***Maralinga nuclear test site***, ***Maralinga nuclear test site handback deed*** and ***Maralinga Tjarutja*** have the same meaning as in the *Maralinga Tjarutja Land Rights Act 1984*;

management plan, for the Maralinga nuclear test site, has the same meaning as in Part 3 Division 1B of the *Maralinga Tjarutja Land Rights Act 1984*.

87—Transitional provisions relating to bodies corporate under repealed Acts

(1) In this regulation—

former body corporate means—

(a) the Environmental Protection Council established under the *Environmental Protection Council Act 1972*;

(b) the South Australian Waste Management Commission continued in existence under the *Waste Management Act 1987*.

(2) Pursuant to section 140(5) of the Act, the following provisions apply in relation to a former body corporate:

(a) a reference to a former body corporate in an instrument or in a judgment, order or process of a court will be taken to be a reference to the Authority;

(b) legal proceedings commenced by or against a former body corporate may be continued by or against the Authority;

(c) the Registrar-General will, on application by the Authority and on being furnished with such duplicate certificates of title or other documents as the Registrar-General may require, register the Authority as the proprietor of an interest in land vested in the Authority by this regulation.

Schedule 1—Forms

1—Form of notice of execution of warrant (regulation 14)

Notice of execution of warrant

Environment Protection Act 1993—section 88(7)

*TO: The occupier of *[insert address or description of place]*
*TO: The person apparently in charge of *[insert description of vehicle]*

TAKE NOTICE that—

- *[insert name of Justice]*, a Justice of the Peace, did at *[insert time]* on *[insert date]* issue a warrant to break into or open any part of, or anything in or on—
  * the place described above.
  * the vehicle described above.
- I *[insert name of authorised officer]*, an authorised officer under the *Environment Protection Act 1993* did execute the warrant on *[insert date]*.
- * No property was seized.
  * The following items of property were seized:
  [insert details]

Date:
Signature of authorised officer:

**Strike out whichever is inapplicable*

2—Form of notice of right to elect to be prosecuted (regulation 15)

Civil penalty for contravention—notice of right to elect to be prosecuted for contravention

Environment Protection Act 1993—section 104A(3)

File Number:
Issued by:
Date:

To: *[insert title (Mr/Mrs/Ms) and full name, company name (if applicable), postal address and any other information relevant for service of the notice]*

Notice to alleged offender

1 The Environment Protection Authority (the Authority) is satisfied that you have committed an offence by contravening a provision of the *Environment Protection Act 1993* as follows:
Provision contravened:
Address or location of contravention:
Details of contravention:

2 The purpose of this notice is to advise you that you may, by written notice to the Authority, elect to be prosecuted for the contravention (see section 104A(3) of the Act).

If you do not elect to be prosecuted, the Authority may commence civil penalty proceedings under section 104A of the Act for the purpose of obtaining an order from the Court that you pay an amount as a civil penalty in respect of the contravention.

In these civil proceedings, any contravention of the Act would only need to be proved on the balance of probabilities.

3 **If you elect to be prosecuted, rather than negotiating a civil penalty with the Authority or facing civil penalty proceedings, you must serve a written notice on the Authority within 21 days after service of this notice.**

4 The following matters are relevant to the provision of a notice of election to the Authority:

(1) The notice must be addressed to the Authority as follows:
[insert relevant information]

(2) You may choose to use the Attachment (below) or you may inform the Authority by your own letter, quoting your name and the File Number shown at the top of this document.

(3) Section 104A of the Act may be found at www.legislation.sa.gov.au and additional information about the Act can be obtained from www.epa.sa.gov.au. Information concerning this notice can also be obtained by telephoning the Manager, Investigations Branch on *[insert telephone number]*.

(4) If you do not, within 21 days after service of this notice, give notice to the Authority of election to be prosecuted, proceedings may be commenced to recover a civil penalty in the Environment, Resources and Development Court.

Attachment—Notice to Authority of election to be prosecuted

To: Environment Protection Authority
[insert address]

File number of notice under section 104A(3) of the *Environment Protection Act 1993*:
[insert file number]

* Individual

I elect to be prosecuted for the alleged contravention specified in the notice of the file number set out above.
Name in full:
Contact details:
Date:
Signed:

* Company

I, having authority to act for and on behalf of the company in this matter, give notice that the company elects to be prosecuted for the alleged contravention specified in the notice of the file number set out above.
Name of company:
Name in full of person with authority to act:

Contact details:
Date:
Signed:

**Strike out whichever is inapplicable*

Schedule 2—Environmental authorisations—application and authorisation fees

Part 1—Descriptions and maps of areas (regulation 3)

1—Interpretation

(1) For the purposes of the descriptions in this Schedule—

(a) all lines are geodesic lines based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995; and

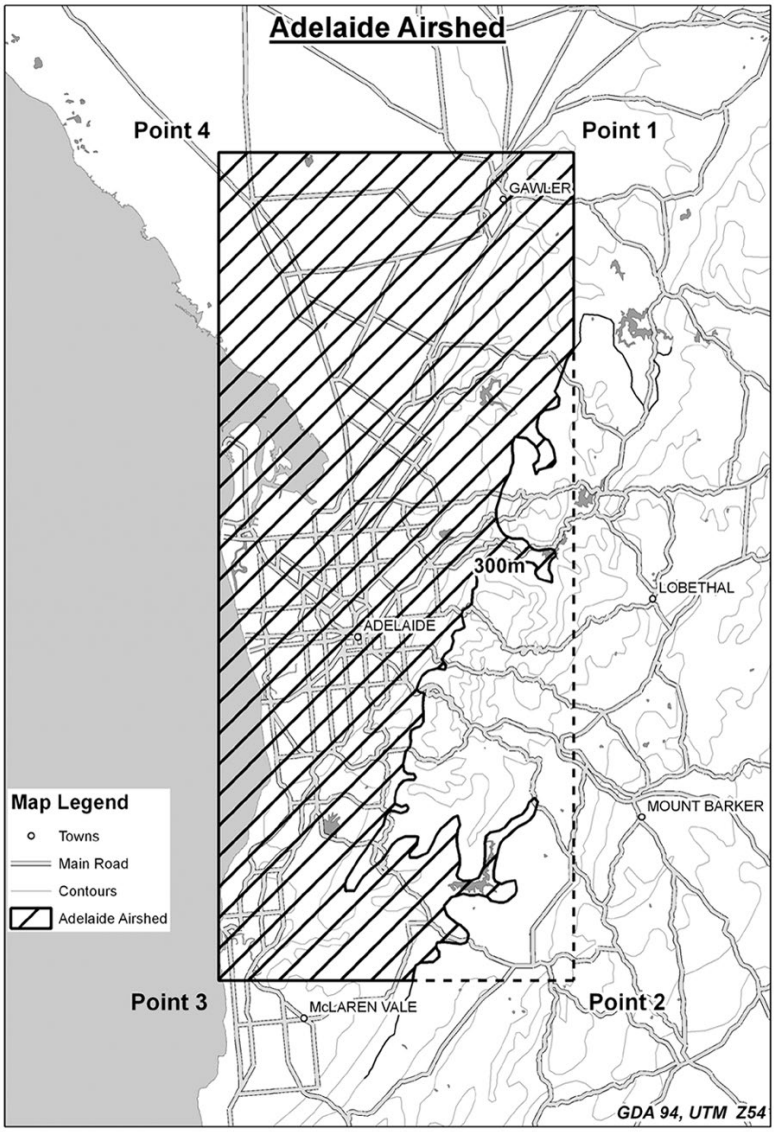
(b) all coordinates are given according to the Map Grid of Australia 1994 (a projection of the geographical coordinate set (latitude and longitude) of GDA94 by Universal Transverse Mercator, using the GRS80 ellipsoid, according to the relevant zone).

(2) The point references given in a description in this Schedule are references to the corresponding points in the map that follows the description.

(3) The maps included in this Schedule are provided for convenience of reference only.

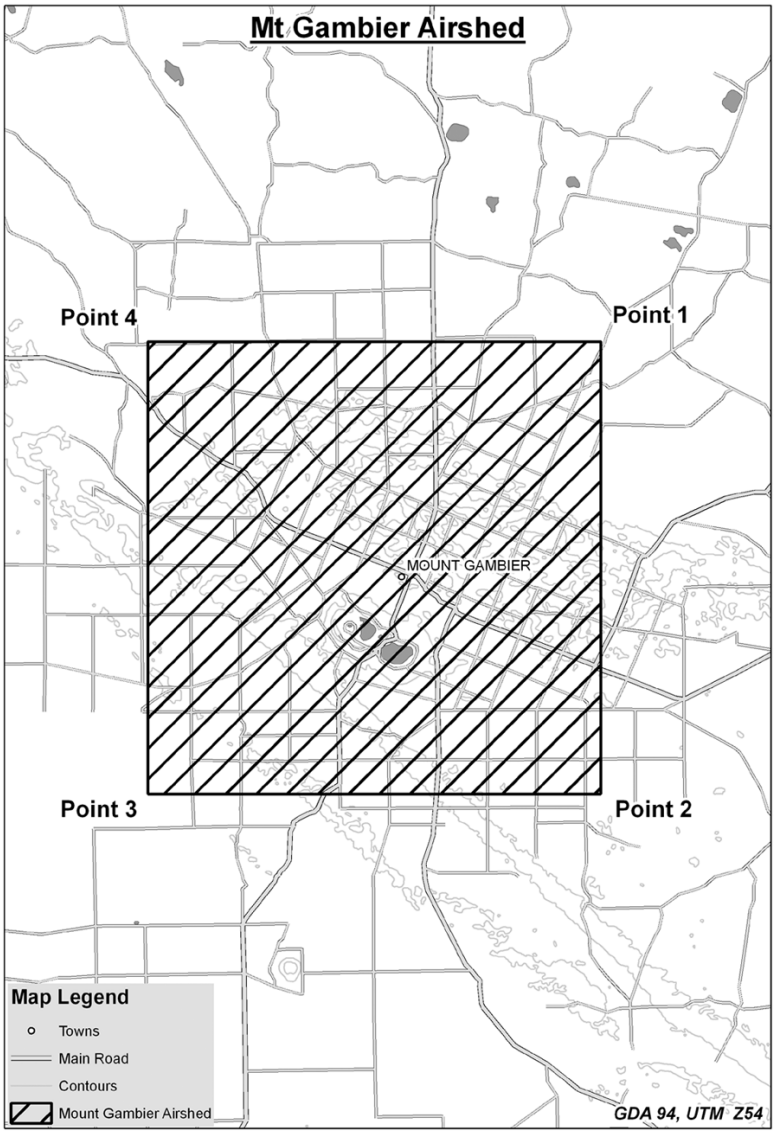
2—Adelaide airshed

The Adelaide airshed is comprised of the area contained within and bounded by a line commencing (in zone 54) at East 299000m, North 6173000m (point 1), then southerly to East 299000m, North 6103000m (point 2), then westerly to East 269000m, North 6103000m (point 3), then northerly to East 269000m, North 6173000m (point 4), then easterly to the point of commencement, but excluding that part of the area that is more than 300 metres above sea level.



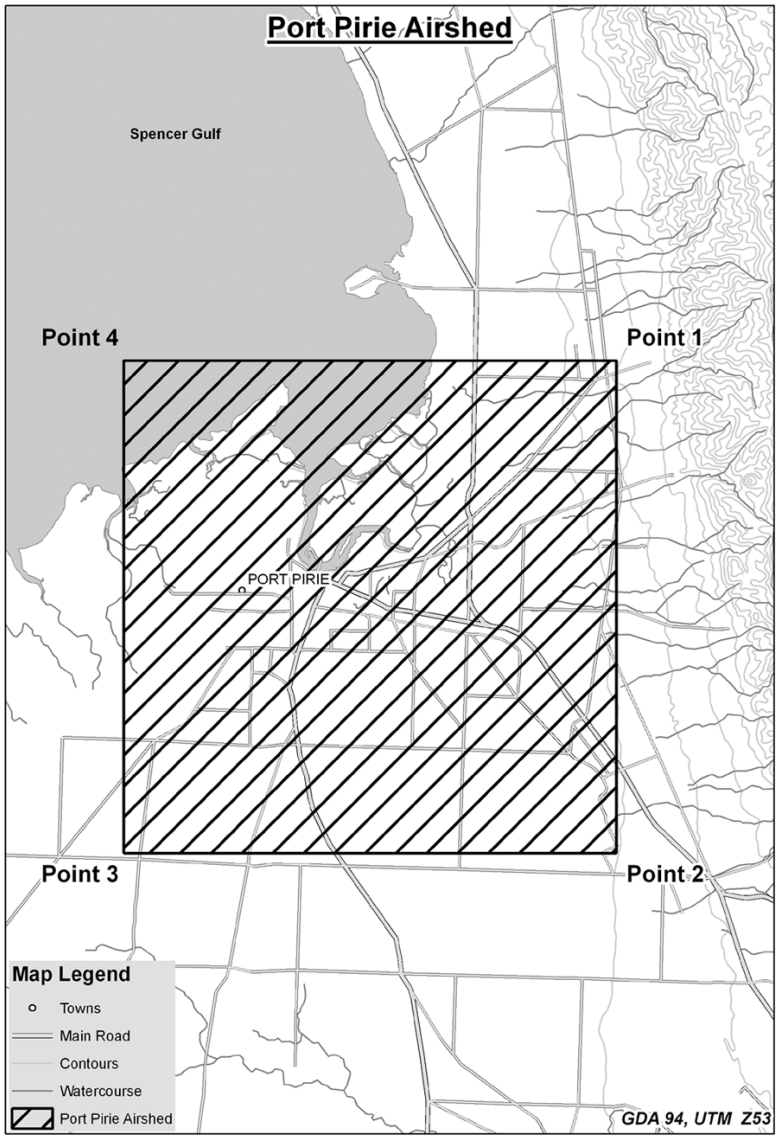
3—Mount Gambier airshed

The Mount Gambier airshed is comprised of the area contained within and bounded by a line commencing (in zone 54) at East 487100m, North 5821300m (point 1), then southerly to East 487100m, North 5806300m (point 2), then westerly to East 472100m, North 5806300m (point 3), then northerly to East 472100m, North 5821300m (point 4), then easterly to the point of commencement.



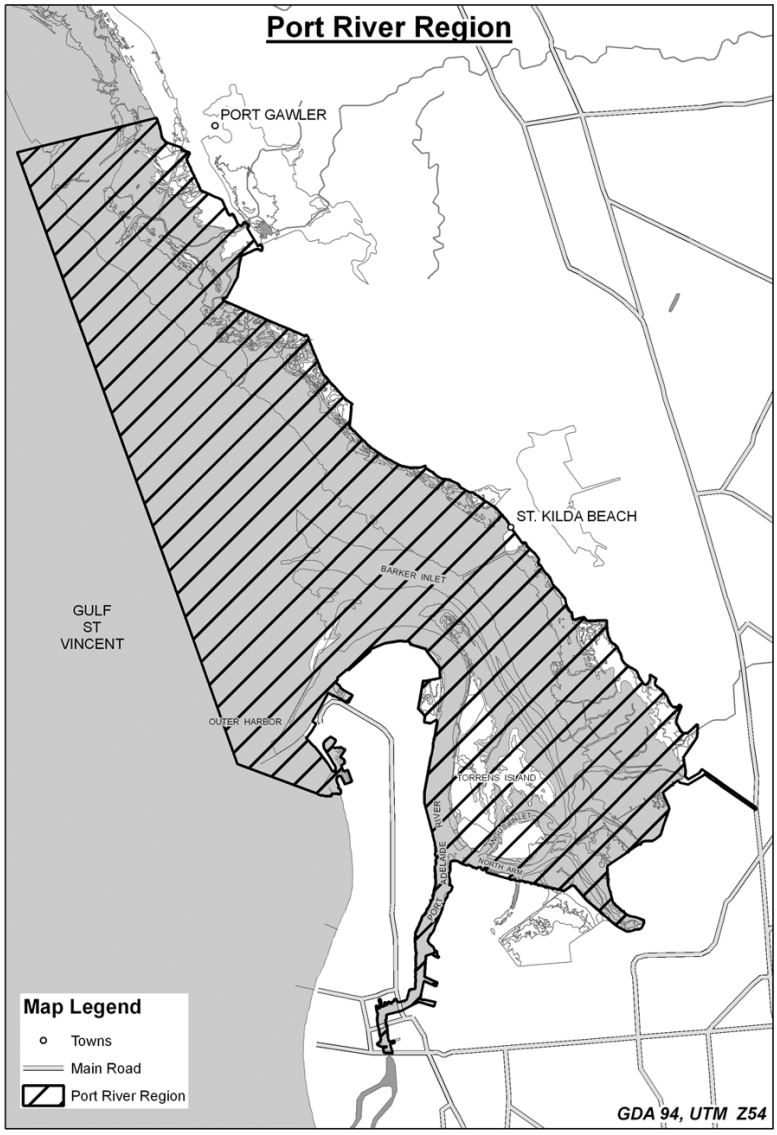
4—Port Pirie airshed

The Port Pirie airshed is comprised of the area contained within and bounded by a line commencing (in zone 53) at East 790400m, North 6330700m (point 1), then southerly to East 790400m, North 6315700m (point 2), then westerly to East 775400m, North 6315700m (point 3), then northerly to East 775400m, North 6330700m (point 4), then easterly to the point of commencement.



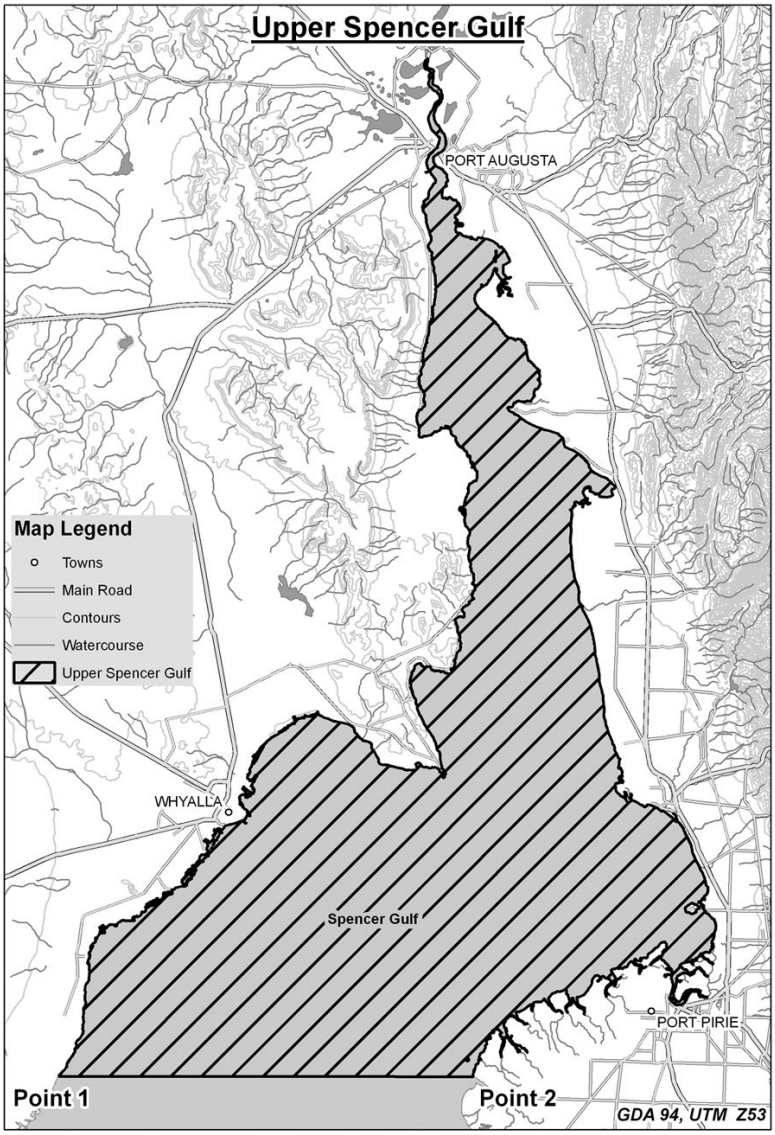
5—Port River region

The Port River region comprises the waters (within the limits of the State and vested in the Crown) of the Adelaide Dolphin Sanctuary established by the *Adelaide Dolphin Sanctuary Act 2005* as at 1 July 2008.



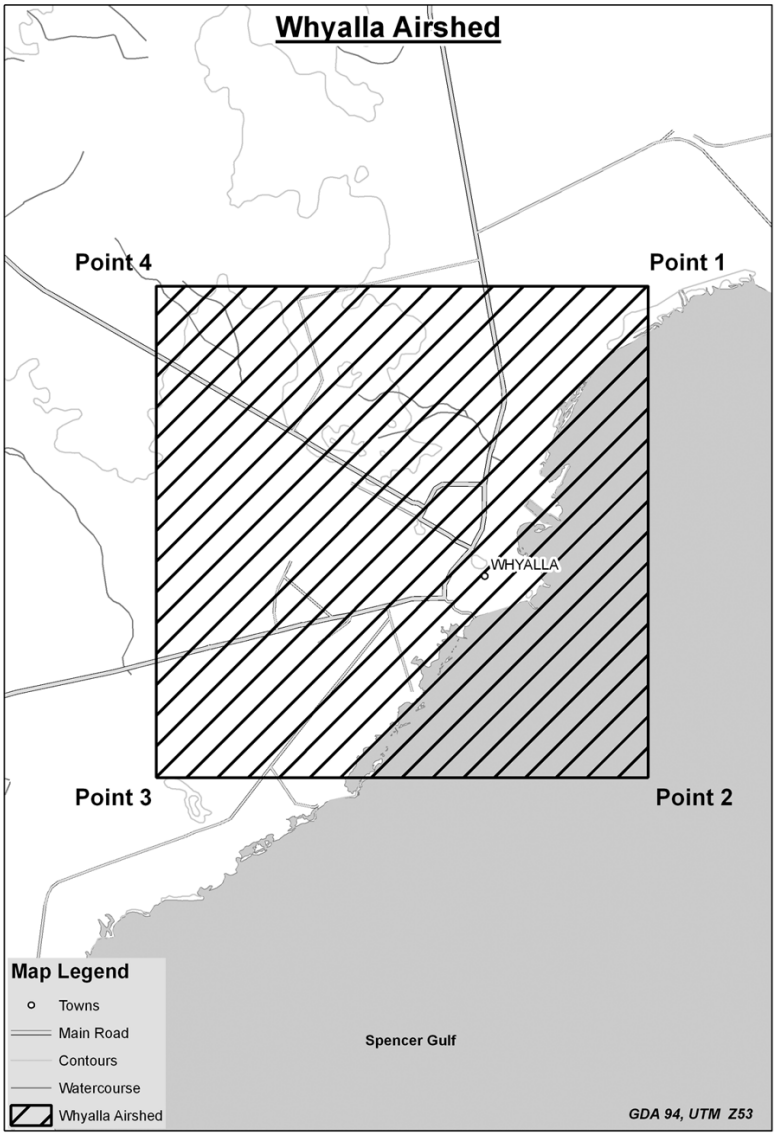
6—Upper Spencer Gulf

The Upper Spencer Gulf is comprised of the waters contained within and bounded by a line commencing (in zone 53) at the location on mean high water springs closest to East 725057m, North 6317924m (point 1), then following the line of mean high water springs (initially proceeding northerly) to a location on that line closest to East 762853m, North 6317892m (point 2), then westerly to the point of commencement.



7—Whyalla airshed

The Whyalla airshed is comprised of the area contained within and bounded by a line commencing (in zone 53) at East 790400m, North 6330700m (point 1), then southerly to East 790400m, North 6315700m (point 2), then westerly to East 775400m, North 6315700m (point 3), then northerly to East 775400m, North 6330700m (point 4), then easterly to the point of commencement.



Part 2—Environment management component (regulation 30)

8—Interpretation

(1) A reference in this Part to a ***prescribed activity of environmental significance*** is to be taken to be a reference to the corresponding activity specified in Schedule 1 Part A of the Act.

(2) A reference in this Part to a ***prescribed environmental measure*** means a reference to the following measures in place during the licence period:

(a) for an activity specified in clause 1(6) of Schedule 1 Part A of the Act (wood preservation works)—a system for the on-site containment of the preservatives used in the works and for monitoring whether groundwater is contaminated by a preservative used in the works;

(b) for an activity specified in clause 3(2) of Schedule 1 Part A of the Act (sewage treatment works or septic tank effluent disposal scheme)—a system for the disposal of wastewater collected or otherwise managed in the works or scheme involving the sustainable reuse of the wastewater or disposal of the wastewater to an evaporation lagoon;

(c) for an activity specified in clause 3(3) of Schedule 1 Part A of the Act (waste depot for solid waste)—a leachate and landfill gas management system that complies with the guidelines entitled *Environmental management of landfill facilities (municipal solid waste and commercial industrial general waste)* as issued by the Authority in January 2007;

(d) for an activity specified in clause 6(1) of Schedule 1 Part A of the Act (abattoirs, slaughterhouses or poultry processing works)—measures that result in wastewater produced at the works complying with each of the following levels:

(i) less than 100 milligrams per litre of biochemical oxygen demand averaged over the licence period;

(ii) an oil and grease level that is at least 99% less than that of the untreated wastewater;

(iii) less than 50 milligrams per litre of suspended solids averaged over the licence period,

assessed in accordance with an approved estimation or monitoring technique for the activity;

(e) for an activity specified in clause 6(3) of Schedule 1 Part A of the Act (composting works)—a system for preventing the contamination of groundwater by chemical substances in the compost, by means, for example, of a suitable lining under the compost;

(f) for an activity specified in clause 6(7) of Schedule 1 Part A of the Act (rendering or fat extraction works)—measures that result in wastewater produced at the works complying with each of the following levels:

(i) less than 100 milligrams per litre of biochemical oxygen demand averaged over the licence period;

(ii) an oil and grease level that is at least 99% less than that of the untreated wastewater;

(iii) less than 50 milligrams per litre of suspended solids averaged over the licence period,

assessed in accordance with an approved estimation or monitoring technique for the activity;

(g) for an activity specified in clause 6(11) of Schedule 1 Part A of the Act (a winery or distillery)—measures that result in wastewater produced at the winery or distillery complying with each of the following levels:

(i) an electrical conductivity or total dissolved solids load that is at least 50% lower than that of the untreated wastewater;

(ii) less than 100 milligrams per litre of biochemical oxygen demand averaged over the licence period;

(iii) less than 50 milligrams per litre of suspended solids averaged over the licence period,

assessed in accordance with an approved estimation or monitoring technique for the activity.

9—Environment management component

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
Clause 1	**Petroleum and chemical**	
cl 1(1)	Chemical storage and warehousing facilities	3
cl 1(2)(a)(i)	Chemical works (inorganic) comprising—	
	(a) a soda ash plant	80
	(b) works associated with a uranium plant (where the main or a significant product is uranium)	20
	(c) works of any other kind	8
cl 1(2)(a)(ii)	Chemical works (organic) comprising—	
	(a) works emitting less than 100 tonnes of volatile organic compounds during the licence period	8
	(b) works emitting 100 tonnes or more of volatile organic compounds during the licence period	12
cl 1(2)(b)	Chemical works (salt production)	3
cl 1(3)	Coke works	80
cl 1(4)	Oil refineries	80
cl 1(5)(a)	Petroleum production, storage or processing works or facilities (storage)	3
cl 1(5)(b)	Petroleum production, storage or processing works or facilities (production) comprising—	
	(a) works or facilities emitting less than 500 tonnes of volatile organic compounds during the licence period	8
	(b) works or facilities emitting 500 tonnes or more but less than 1 000 tonnes of volatile organic compounds during the licence period	50
	(c) works or facilities emitting 1 000 tonnes or more of volatile organic compounds during the licence period	80
cl 1(6)	Wood preservation works comprising—	

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(a) works using, during the licence period, boron or other light organic solvents approved by the Authority as preservatives presenting a low environmental risk	8
	(b) works using, during the licence period, other preservatives (eg preservatives containing heavy metals or creosote)—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	20
	(ii) in any other case	50
Clause 2	**Manufacturing and mineral processing**	
cl 2(1)	Abrasive blasting comprising—	
	(a) mobile works	3
	(b) works other than mobile works	2
cl 2(2)	Hot mix asphalt preparation comprising—	
	(a) mobile works	12
	(b) works other than mobile works	8
cl 2(3)	Cement works comprising—	
	(a) works emitting less than 100 tonnes of particulates during the licence period	20
	(b) works emitting 100 tonnes or more of particulates during the licence period	50
cl 2(4)	Ceramic works comprising—	
	(a) glass works emitting 25 tonnes or more of particulates during the licence period	50
	(b) brick works emitting 2 tonnes or more of fluorides during the licence period	12
	(c) other glass works or brick works	8
	(d) works of any other kind (eg pottery works)	2
cl 2(5)	Concrete batching works (whether or not mobile)	2
cl 2(6)	Drum reconditioning works	3
cl 2(7)	Ferrous and non-ferrous metal melting works comprising—	
	(a) works producing emissions of more than 2 500 kilograms of volatile organic compounds during the licence period in respect of which—	
	(i) the Authority is satisfied of compliance by the licensee with the EPA odour criteria	12
	(ii) the Authority is satisfied of non-compliance by the licensee with the EPA odour criteria	50

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(b) works producing emissions of 2 500 kilograms or less of volatile organic compounds during the licence period	4
cl 2(8)	Metallurgical works	80
cl 2(9)	Mineral works	12
cl 2(10)	Pulp or paper works	80
cl 2(11)	Scrap metal recovery works	3
cl 2(12)(a)	Surface coating works (metal finishing)	8
cl 2(12)(b)	Surface coating works (hot dip galvanizing) comprising—	
	(a) works producing emissions to air during the licence period of 1 000 kilograms or more of zinc	12
	(b) works producing emissions to air during the licence period of 100 kilograms or more but less than 1 000 kilograms of zinc	8
	(c) works producing emissions to air during the licence period of less than 100 kilograms of zinc	4
cl 2(12)(c)	Surface coating works (spray painting or powder coating)	3
cl 2(13)	Wood processing works comprising—	
	(a) works producing emissions to air during the licence period of 50 tonnes or more of particulates	12
	(b) works producing emissions to air during the licence period of less than 50 tonnes of particulates	3
cl 2(14)	Maritime construction works	3
cl 2(15)	Vehicle production works	20
Clause 3	**Waste treatment and disposal**	
cl 3(1)(a)	Incineration works (chemical wastes)	50
cl 3(1)(b)	Incineration works (medical wastes, cytotoxic wastes, quarantine wastes)	50
cl 3(1)(c)	Incineration works (cremation)	2
cl 3(1)(d)	Incineration works (solid municipal waste)	50
cl 3(1)(e)	Incineration works (solid trade waste)	50
cl 3(2)(a)	Sewage treatment works or septic tank effluent disposal schemes (discharge to marine waters) comprising—	
	(a) works or a scheme discharging 1 000 megalitres or more of wastewater during the licence period	80
	(b) works or a scheme discharging 500 megalitres or more but less than 1 000 megalitres of wastewater during the licence period	50
	(c) works or a scheme discharging 100 megalitres or more but less than 500 megalitres of wastewater during the licence period	12

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(d) works or a scheme discharging 50 megalitres or more but less than 100 megalitres of wastewater during the licence period	8
	(e) works or a scheme discharging 20 megalitres or more but less than 50 megalitres of wastewater during the licence period	4
	(f) works or a scheme discharging less than 20 megalitres of wastewater during the licence period	3
cl 3(2)(b)	Sewage treatment works or septic tank effluent disposal schemes (discharge to land or waters within the Mount Lofty Ranges Water Protection Area) comprising—	
	(a) works or a scheme discharging 500 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	50
	(ii) in any other case	80
	(b) works or a scheme discharging 100 megalitres or more but less than 500 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	20
	(ii) in any other case	50
	(c) works or a scheme discharging 50 megalitres or more but less than 100 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	8
	(ii) in any other case	12
	(d) works or a scheme discharging 20 megalitres or more but less than 50 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	4
	(ii) in any other case	8
	(e) works or a scheme discharging less than 20 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	3
	(ii) in any other case	4

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
cl 3(2)(c)	Sewage treatment works or septic tank effluent disposal schemes (discharge to land or waters other than marine waters and other than within the Mount Lofty Ranges Water Protection Area) comprising—	
	(a) works or a scheme discharging 1 000 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	50
	(ii) in any other case	80
	(b) works or a scheme discharging 500 megalitres or more but less than 1 000 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	20
	(ii) in any other case	50
	(c) works or a scheme discharging 100 megalitres or more but less than 500 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	8
	(ii) in any other case	12
	(d) works or a scheme discharging 50 megalitres or more but less than 100 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	4
	(ii) in any other case	8
	(e) works or a scheme discharging 20 megalitres or more but less than 50 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	3
	(ii) in any other case	4
	(f) works or a scheme discharging less than 20 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	2
	(ii) in any other case	3

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
cl 3(3)	Waste or recycling depots (solid waste for on-site disposal) comprising—	
	(a) a depot receiving more than 200 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	50
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	80
	(b) a depot receiving more than 100 000 tonnes but not more than 200 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	20
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	50
	(c) a depot receiving more than 50 000 tonnes but not more than 100 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	12
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	20
	(d) a depot receiving more than 20 000 tonnes but not more than 50 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	8
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	12

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(e) a depot receiving more than 5 000 tonnes but not more than 20 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	4
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	8
	(f) a depot receiving more than 2 000 tonnes but not more than 5 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	3
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	4
	(g) a depot receiving more than 1 000 tonnes but not more than 2 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	2
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	3
	(h) a depot receiving 1 000 tonnes or less of solid waste (other than waste fill) during the licence period—	
	(i) if—	1
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	2
cl 3(3)	Waste or recycling depots comprising a winery wastewater treatment works—the fee units payable are those that would be payable if the depot were a sewage treatment works or a septic tank effluent disposal scheme under clause 3(2) of Schedule 1 of the Act.	

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
cl 3(3)	Waste or recycling depots (for disposal of liquid waste) (other than winery wastewater treatment works) comprising—	
	(a) a depot receiving more than 100 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	50
	(ii) involving disposal other than to a sewer	80
	(b) a depot receiving more than 50 000 kilolitres but not more than 100 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	20
	(ii) involving disposal other than to a sewer	50
	(c) a depot receiving more than 20 000 kilolitres but not more than 50 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	12
	(ii) involving disposal other than to a sewer	20
	(d) a depot receiving more than 5 000 kilolitres but not more than 20 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	8
	(ii) involving disposal other than to a sewer	12
	(e) a depot receiving more than 2 000 kilolitres but not more than 5 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	4
	(ii) involving disposal other than to a sewer	8
	(f) a depot receiving more than 1 000 kilolitres but not more than 2 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	3
	(ii) involving disposal other than to a sewer	4
	(g) a depot receiving 1 000 kilolitres or less of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	2
	(ii) involving disposal other than to a sewer	3

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
cl 3(3)	Waste or recycling depots (waste for resource recovery or transfer) comprising—	
	(a) a depot receiving more than 200 000 tonnes of waste during the licence period for resource recovery or transfer to another location	50
	(b) a depot receiving more than 100 000 tonnes but not more than 200 000 tonnes of waste during the licence period for resource recovery or transfer to another location	20
	(c) a depot receiving more than 50 000 tonnes but not more than 100 000 tonnes of waste during the licence period for resource recovery or transfer to another location	12
	(d) a depot receiving more than 20 000 tonnes but not more than 50 000 tonnes of waste during the licence period for resource recovery or transfer to another location	8
	(e) a depot receiving more than 5 000 tonnes but not more than 20 000 tonnes of waste during the licence period for resource recovery or transfer to another location	4
	(f) a depot receiving more than 2 000 tonnes but not more than 5 000 tonnes of waste during the licence period for resource recovery or transfer to another location	3
	(g) a depot receiving more than 1 000 tonnes but not more than 2 000 tonnes of waste during the licence period for resource recovery or transfer to another location	2
	(h) a depot receiving 1 000 tonnes or less of waste during the licence period for resource recovery or transfer to another location	1
cl 3(3)	Waste or recycling depots (battery recycling)	1
cl 3(4)	Activities producing listed wastes comprising—	
	(a) an activity producing medical waste and no other listed waste during the licence period	1
	(b) in any other case—	
	(i) an activity producing more than 250 tonnes of listed waste during the licence period	8
	(ii) an activity producing more than 100 tonnes but not more than 250 tonnes of listed waste during the licence period	3
	(iii) an activity producing more than 5 tonnes but not more than 100 tonnes of listed waste during the licence period	2

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(iv) an activity producing 5 tonnes or less of listed waste during the licence period	1
cl 3(5)	Waste transport business (category A)—	
	(a) for each vehicle that is an assessable vehicle during the licence period and is not used other than to collect and transport medical waste not exceeding 40 litres at any 1 time	0.3
	(b) for each vehicle that is an assessable vehicle during the licence period other than a vehicle referred to in the preceding paragraph	0.9
cl 3(6)	Waste transport business (category B)—for each vehicle that is an assessable vehicle during the licence period	0.3
Clause 4	**Activities in specified areas**	
cl 4(1)	Brukunga mine site and associated acid neutralisation plant	30
cl 4(2)(a)	Discharge during the licence period of stormwater to underground aquifers by means other than a stormwater drainage system from land or premises situated in the area of the City of Mount Gambier or the Western Industrial Zone of the area of the District Council of Mount Gambier (as defined in the relevant Development Plan under the *Development Act 1993*)	12
cl 4(2)(b)	Discharge during the licence period of stormwater to underground aquifers from a stormwater drainage system situated in the City of Mount Gambier or the Western Industrial Zone of the area of the District Council of Mount Gambier (as defined in the relevant Development Plan under the *Development Act 1993*)	12
cl 4(2)(c)	Discharge during the licence period of stormwater to underground aquifers from a stormwater drainage system situated in metropolitan Adelaide—	
	(a) if 50 megalitres or more is discharged during the licence period	4
	(b) if 10 megalitres or more but not more than 50 megalitres is discharged during the licence period	3
	(c) if less than 10 megalitres is discharged during the licence period	2
Clause 5	**Animal husbandry, aquaculture and other activities**	
cl 5(1)	Cattle feedlots	4
cl 5(3)	Saleyards comprising—	
	(a) a saleyard located within the South East Water Protection Area—	
	(i) if 20 megalitres or more of effluent is produced at the saleyard during the licence period	12
	(ii) if less than 20 megalitres is produced at the saleyard during the licence period	4

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(b) a saleyard located outside the South East Water Protection Area—	
	(i) if 20 megalitres or more of effluent is produced at the saleyard during the licence period	8
	(ii) if less than 20 megalitres is produced at the saleyard during the licence period	3
cl 5(4)	Piggeries comprising—	
	(a) a piggery producing more than 200 000 kilograms of nitrogen during the licence period	12
	(b) a piggery producing more than 100 000 kilograms but not more than 200 000 kilograms of nitrogen during the licence period	8
	(c) a piggery producing more than 50 000 kilograms but not more than 100 000 kilograms of nitrogen during the licence period	4
	(d) a piggery producing more than 20 000 kilograms but not more than 50 000 kilograms of nitrogen during the licence period	3
	(e) a piggery producing not more than 20 000 kilograms of nitrogen during the licence period	2
Clause 6	**Food production and animal and plant product processing**	
cl 6(1)	Abattoirs, slaughterhouses or poultry processing works comprising—	
	(a) an abattoir and rendering plant producing 100 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the plant or that all the wastewater is discharged to a sewer or to some other off-site wastewater treatment plant subject to a licence	12
	(ii) in any other case	20
	(b) an abattoir and rendering plant producing less than 100 megalitres of wastewater during the licence period	12
	(c) works not associated with a rendering plant producing 100 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority that all the wastewater is discharged to a sewer or to some other off-site wastewater treatment plant subject to a licence	3
	(ii) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	4

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(iii) in any other case	8
	(d) works not associated with a rendering plant producing less than 100 megalitres of wastewater during the licence period	3
cl 6(2)	Breweries comprising—	
	(a) a brewery producing 20 megalitres or more of wastewater during the licence period	20
	(b) a brewery producing less than 20 megalitres of wastewater during the licence period	4
	(c) a brewery disposing of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act during the licence period	3
cl 6(3)	Composting works comprising—	
	(a) works receiving, during the licence period, only green waste—	
	(i) in the case of works the floor of which is 15 metres or less above groundwater—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	2
	(B) in any other case	4
	(ii) in the case of works the floor of which is more than 15 metres above groundwater	2
	(b) works receiving, during the licence period, only animal manure or only animal manure and green waste—	
	(i) in the case of works the floor of which is 15 metres or less above groundwater—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	3
	(B) in any other case	8
	(ii) in the case of works the floor of which is more than 15 metres above groundwater	3
	(c) works receiving, during the licence period, waste of any other kind (whether or not in addition to animal manure or green waste)—	
	(i) in the case of works the floor of which is 15 metres or less above groundwater—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	4
	(B) in any other case	12

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(ii) in the case of works the floor of which is more than 15 metres above groundwater	4
cl 6(4)	Fish processing works comprising—	
	(a) works disposing of wastewater to marine or inland waters during the licence period	8
	(b) works disposing of wastewater to land (and not to marine or inland waters) during the licence period	4
	(c) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act or not disposing of wastewater at all during the licence period	3
cl 6(5)	Milk processing works comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act	8
	(b) works of any other kind	12
cl 6(6)(a)	Produce processing works (deep fat frying, roasting or drying)	4
cl 6(6)(b)	Produce processing works (disposing, during the licence period, of wastewater otherwise than to sewer or septic tank effluent disposal system) comprising—	
	(a) olive processing works	12
	(b) works of any other kind	8
cl 6(7)	Rendering or fat extraction works comprising—	
	(a) works producing 100 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or that all the wastewater is discharged to a sewer or to some other off-site wastewater treatment plant subject to a licence	12
	(ii) in any other case	20
	(b) works producing less than 100 megalitres of wastewater during the licence period	12
cl 6(8)	Curing or drying works	3
cl 6(9)	Tanneries or fellmongeries comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act	3
	(b) works of any other kind—	
	(i) if the works produce more than 10 megalitres of wastewater during the licence period	12

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(ii) if the works produce 10 megalitres or less of wastewater during the licence period	3
cl 6(10)	Woolscouring or wool carbonising works comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act	3
	(b) works of any other kind	8
cl 6(11)(a)	Wineries or distilleries (works outside the Mount Lofty Ranges Water Protection Area) comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act	3
	(b) works of any other kind (ie works not disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act)—	
	(i) in the case of works producing 20 megalitres or less of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	3
	(B) in any other case	4
	(ii) in the case of works producing more than 20 megalitres but no more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	12
	(B) in any other case	20
	(iii) in the case of works producing more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	20
	(B) in any other case	50
cl 6(11)(b)	Wineries or distilleries (works within the Mount Lofty Ranges Water Protection Area) comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act	4
	(b) works not disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act—	

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(i) in the case of works producing 10 megalitres or less of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	4
	(B) in any other case	8
	(ii) in the case of works producing more than 10 megalitres but no more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	12
	(B) in any other case	20
	(iii) in the case of works producing more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	20
	(B) in any other case	50
Clause 7	**Materials handling and transportation**	
cl 7(1)	Bulk shipping facilities	8
cl 7(2)	Railway operations	8
cl 7(3)(a)	Crushing, grinding or milling works (chemicals or rubber)	4
cl 7(3)(b)	Crushing, grinding or milling works (agricultural crop products) comprising—	
	(a) olive processing works (whether or not mobile)	
	(i) in the case of works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act	3
	(ii) in any other case	12
	(b) mobile works other than olive processing works	8
	(c) works of any other kind	4
cl 7(3)(c)	Crushing, grinding or milling works (rock, ores or minerals)	4
cl 7(4)	Dredging—for each day on which dredging occurs during the licence period	1
cl 7(5)	Coal handling and storage	3
cl 7(6)	Earthworks drainage—for each day on which earthworks drainage takes place during the licence period	0.25
cl 7(7)	Extractive industries—	

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(a) within the Mount Lofty Ranges Water Protection Area	4
	(b) in any other area	3
Clause 8	**Other**	
cl 8(1)	Aerodromes	3
cl 8(2)(a)	Fuel burning comprising—	
	(a) the burning of coal or wood—	
	(i) at premises within the Adelaide airshed—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	80
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	50
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	12
	(ii) at premises in any other area—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	50
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	12
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	4
	(b) the burning of diesel in internal combustion engines for a total of less than 25 hours during the licence period	1
	(c) the burning of diesel in any other circumstances or for any other purpose or the burning of any fuel other than coal, wood or diesel—	
	(i) at premises within the Adelaide airshed—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	50
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	20
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	8
	(ii) at premises in any other area—	

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)		Fee units
	(A)	resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	20
	(B)	resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	8
	(C)	resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	3
cl 8(2)(b)	Fuel burning comprising the burning of fuel to stove enamel or to bake or dry substances releasing dust or air impurities		3
cl 8(3)	Helicopter landing facilities		1
cl 8(4)(a)	Marinas and boating facilities (moorings or dry storage)		2
cl 8(4)(b)	Marinas and boating facilities (repair and maintenance facilities)		3
cl 8(5)	Motor racing or testing venues		3
cl 8(6)	Shooting ranges		1
cl 8(7)	Discharges to marine or inland waters (heat, or antibiotic or chemical water treatments)—		
	(a)	for discharges of 100 megalitres or more during the licence period	20
	(b)	for discharges of 10 megalitres or more but less than 100 megalitres during the licence period	8
	(c)	for discharges of less than 10 megalitres during the licence period	4

Schedule 3—Site contamination

Part 1—Potentially contaminating activities (regulation 50)

1—Interpretation

In this Part—

recycling includes reprocessing, recovery and purification.

2—Activities undertaken in course of business

Activity	Definition
Abrasive blasting	Operation of works for abrasive blast cleaning or disposal of abrasive blasting material (including mobile abrasive blasting works and abrasive blast cleaning carried out in fully enclosed booths but excluding abrasive blast cleaning undertaken for residential purposes)
Acid sulphate soil generation	Oxidation of iron sulphide in potential acid sulphate soil material (sulphidic material) resulting in formation of actual acid sulphate soil material or sulphuric material
Agricultural activities	Any of the following activities undertaken in the course of agriculture: (a) burial of animals or parts of animals; (b) burial of other waste; (c) irrigation using wastewater; (d) intensive application or administration of a listed substance to animals, plants, land or water (excluding routine spraying, in accordance with manufacturers' instructions, of pesticides used in broad-acre farming)
Airports, aerodromes or aerospace industry	Operation of premises for commercial or charter aircraft take-off and landing or manufacture, repair or maintenance of commercial or charter aircraft or aircraft equipment
Animal burial	Burial of animals or parts of animals other than in the course of agriculture
Animal dips or spray race facilities	Operation of animal dips or spray race facilities
Animal feedlots	Operation of confined yards or areas for holding of animals and feeding of animals principally by mechanical means or by hand
Animal saleyards	Operation of yards at which cattle, sheep or other animals are gathered and confined for the purpose of their sale, auction or exchange (including associated transport loading facilities and associated wastewater disposal)
Asbestos disposal	Disposal of asbestos or asbestos products
Asphalt or bitumen works	Operation of works for manufacture of asphalt or bitumen
Battery manufacture, recycling or disposal	Assembly, disassembly, manufacture or recycling of batteries (excluding storage of batteries for sale)
Breweries	Production of beer by infusion, boiling or fermentation

Activity	Definition
Brickworks	Production of bricks (including glazing of bricks)
Bulk shipping facilities	Operation of facilities for bulk handling of agricultural crop products, rock, ores, minerals or liquid organic chemical substances to or from wharf or wharfside facility (including sea-port grain terminals)
Cement works	Operation of works for production of cement clinker or grinding of cement clinker using argillaceous and calcareous materials
Ceramic works	Operation of works for manufacture of tiles, pipes, pottery goods, refractories or other ceramic products
Charcoal manufacture	Manufacture of charcoal
Coal handling or storage	Handling of coal, coke or carbonaceous material by any means or storage of coal, coke or carbonaceous reject material
Coke works	Production, quenching, cutting, crushing or grading of coke
Compost or mulch production or storage	Production or storage of compost, mulch or garden soils
Concrete batching works	Operation of works for production of concrete or concrete products manufactured by inclusion of cement, sand, rock, aggregate or similar materials
Curing or drying works	Operation of works for smoking, drying or curing meat, fish or other edible products by application of heat or smoke
Defence works	Operation of military defence establishments (including training areas)
Desalination plants	Operation of desalination plants
Dredge spoil disposal or storage	Disposal of dredge spoil onto land or storage of dredge spoil
Drum reconditioning or recycling works	Operation of works for reconditioning or recycling of metal or plastic drums
Dry cleaning	Operation of premises for dry cleaning
Electrical or electronics component manufacture	Manufacture of electrical or electronics components
Electrical substations	Operation of electrical substations
Electrical transformer or capacitor works	Operation of works for manufacture, repair, storage or disposal of electrical transformers, capacitors or associated equipment or fluids
Electricity generation or power plants	Operation of electricity generation or power plants
Explosives or pyrotechnics facilities	Operation of facilities for manufacture of explosives or pyrotechnics
Fertiliser manufacture	Manufacture of agricultural fertiliser
Fibreglass manufacture	Manufacture of fibreglass products
Fill or soil importation	Importation, to premises of a business, of soil or other fill originating from a site at which another potentially contaminating activity has taken place

Activity	Definition
Fire extinguisher or retardant manufacture	Manufacture of fire extinguishers or fire retardants
Fire stations	Underground storage of fuel at fire stations
Fire training areas	Operation of premises for fire training involving the use of liquid fuel, fire accelerants, aqueous film forming foam or similar substances
Foundry	Manufacture of metal products by injecting or pouring molten metal into moulds
Fuel burning facilities	Burning of solid or liquid fuel (including for generation of power or steam at rate of heat release exceeding 1MW)
Furniture restoration	Restoration of furniture
Gasworks	Operation of gasworks or gas holders
Glass works	Operation of works for manufacture of glass products
Glazing	Glazing of ceramics or pottery
Hat manufacture or felt processing	Manufacture of hats or processing of felt
Incineration	Incineration within the meaning of Schedule 1 Part A clause 3(1) of the Act
Iron or steel works	Operation of works for manufacture of iron or steel
Laboratories	Operation of laboratories
Landfill sites	Operation of sites for disposal of waste onto or into land
Lime burner	Manufacture (by means of kiln) of cement or lime from limestone (including associated storage of waste)
Metal coating, finishing or spray painting	Finishing, treating or coating of metal (including anodising, galvanising, pickling, electroplating, heat treatment, powder coating, enamelling and spray painting)
Metal forging	Forging of metal products
Metal processing, smelting, refining or metallurgical works	Operation of works for melting (by means of furnace) of ferrous or non-ferrous metal or smelting or reduction of ores to produce metal
Mineral processing, metallurgical laboratories or mining or extractive industries	Chemical or physical extraction or processing of metalliferous ores, storage of mining or exploration waste (for example, in tailings dams, overburden or waste rock dumps) mining or processing of minerals or operation of laboratories or pilot facilities for processing or testing of minerals
Mirror manufacture	Manufacture of mirrors
Motor vehicle manufacture	Manufacture of motor vehicles
Motor vehicle racing or testing venues	Operation of facilities designed and used for motor vehicle competitions or motor vehicle speed or performance trials
Motor vehicle repair or maintenance	Operation of premises for repair or maintenance of motor vehicles or parts of motor vehicles (including engine reconditioning works)
Motor vehicle wrecking yards	Operation of yards for wrecking or dismantling of motor vehicles or parts of motor vehicles

Activity	Definition
Mushroom farming	Farming of mushrooms
Oil recycling works	Operation of works for recycling of oil
Oil refineries	Operation of works for refining of crude petroleum oil or shale
Paint manufacture	Manufacture (including blending, mixing and formulation) of paint
Pest control works	Operation of premises for storage of pesticides or filling or washing of tanks used in pest control operations
Plastics manufacture works	Operation of works for manufacture (including blending, mixing and formulation) of plastics or plastic components (excluding processing and moulding of plastics manufactured elsewhere)
Printing works	Operation of printing works
Pulp or paper works	Operation of works for manufacture of timber pulp or paper
Railway operations	Railway operations within the meaning of Schedule 1 Part A clause 7(2) of Act
Rubber manufacture or processing	Manufacture or processing of rubber or rubber products
Scrap metal recovery	Recovery (including cleaning) of scrap metal
Service stations	Operation of retail fuel outlets
Ship breaking	Wrecking or dismantling of ships
Spray painting	Spray painting other than spray painting of metal
Tannery, fellmongery or hide curing	Operation of works for preservation or treatment of animal skins or hides
Textile operations	Manufacture or dyeing of fabrics or materials
Transport depots or loading sites	Operation of transport depots or loading sites
Tyre manufacture or retreading	Manufacture or retreading of tyres
Vermiculture	Cultivation of earthworms for production of earthworms or earthworm castings
Vessel construction, repair or maintenance	Operation of works or facilities (whether on water or land) for construction, repair or maintenance of vessels
Waste depots	Reception, storage or treatment (including recycling) of waste or disposal of waste to land or water
Wastewater storage, treatment or disposal	Storage (including in tanks, lagoons and ponds) or treatment (including recycling) of wastewater or disposal of wastewater to land or water
Water discharge to underground aquifer	Direct discharge of water from surface of land to underground aquifer
Wetlands or detention basins	Operation of bodies of water less than 6 metres deep for collection and management of stormwater or other wastewater for urban amenity, flood mitigation or ecological or other environmental purposes
Wineries or distilleries	Operation of works for processing grapes or other produce to make wine or spirits

Activity	Definition
Wood preservation works	Operation of works involving treatment or preservation of timber using chemicals
Woolscouring or wool carbonising works	Operation of works involving cleaning or carbonising of wool other than in course of handicraft business where wool is further processed for retail sale
Works depots	Operation of works depots by councils or utilities

3—Domestic activities

Activity	Definition
Fill or soil importation	Importation, to domestic premises, of soil or other fill originating from a site at which another potentially contaminating activity has taken place
Liquid organic chemical substances—storage	Storage of more than 500 litres of liquid organic chemical substances in underground or aboveground tanks or vessels at a discrete premises (excluding storage of oil for domestic heating at the premises)

4—Listed substances

Acidic solutions
Acids
Adhesives (excluding solid inert polymeric materials)
Alkali metals
Alkaline earth metals
Alkaline solutions
Alkalis
Antimony
Antimony compounds
Antimony solutions
Arsenic
Arsenic compounds
Arsenic solutions
Asbestos
Barium compounds
Barium solutions
Beryllium
Beryllium compounds
Boron
Boron compounds
Cadmium
Cadmium compounds
Cadmium solutions
Calcium carbide
Carbon disulphide
Carcinogens
Chlorates
Chromium compounds
Chromium solutions
Copper compounds

Copper solutions
Cyanide complexes
Cyanides
Cyanide solutions
Cytotoxic wastes
Dangerous substances within the meaning of the *Dangerous Substances Act 1979*
Distillation residues
Equipment containing mercury
Fluoride compounds
Halogens
Heterocyclic organic compounds containing oxygen, nitrogen or sulphur
Isocyanate compounds (excluding solid inert polymeric materials)
Laboratory chemicals
Lead compounds
Lead solutions
Lime sludges or slurries
Liquid organic chemical substances
Manganese compounds
Medical waste within the meaning of Schedule 1 Part B of the Act
Mercaptans
Mercury compounds
Mutagens
Nickel compounds
Nickel solutions
Nitrates
Organic halogen compounds (excluding solid inert polymeric materials)
Organic phosphates
Organic solvents
Organometallic residues
Oxidising agents
Paint sludges or residues
Perchlorates
Peroxides
Pesticides
Pharmaceutical wastes or residues
Phenolic compounds (excluding solid inert polymeric materials)
Phosphorus
Phosphorus compounds
Poisons within the meaning of the *Drugs Act 1908*
Polychlorinated biphenyls
Radionuclides
Reactive chemicals
Reducing agents
Selenium
Selenium compounds
Selenium solutions
Silver compounds
Silver solutions
Solvent recovery residues
Sulphides

Sulphide solutions
Surfactants
Teratogens
Thallium
Thallium compounds
Thallium solutions
Vanadium compounds
Zinc compounds
Zinc solutions

Part 2—Annual returns by auditors (regulation 65)

5—Form of annual return

Annual return by auditor

(under section 103Y of the *Environment Protection Act 1993*)

Period to which annual return relates***:

Name of auditor*:

Auditor's accreditation number:

Term of auditor's accreditation: to

Name of auditor's company or business:

Auditor's business address:

Auditor's business telephone number(s):

Auditor's fax number:

Auditor's email address:

Provide details** of each audit undertaken during the period to which the return relates*** for which the auditor was the responsible auditor* including the following details for each audit:

- the EPA reference and site location;
- if the person for whom the audit has been commissioned is different to the person last notified to the EPA, the name of the new person and his or her commissioning authority (eg EPA, owner, occupier, developer or other);
- whether the audit was, during that period, commenced, ongoing, completed or terminated before completion;
- if the audit was commenced, completed or terminated during that period, the date of commencement, completion or termination.

Has the auditor, during the period to which the return relates***, under these regulations or under legislation similar to these regulations in force in another State or Territory of the Commonwealth—

- been the subject of disciplinary action (or any preliminary investigations preceding such possible action)? Yes/No
- had his or her accreditation or similar authority suspended or cancelled? Yes/No

• been disqualified from acting as a site contamination auditor?	Yes/No
• had conditions imposed on his or her accreditation or similar authority limiting the range of activities that he or she may undertake?	Yes/No
• had an application for such accreditation or similar authority refused?	Yes/No

If yes to any of the above questions, provide details**:

What is the amount and the expiry date of the policy of professional indemnity insurance held by the auditor or by which the auditor is covered?

Indicate auditor's current employment status:

Employee	Yes/No
Self employed	Yes/No
Partner	Yes/No
Unemployed	Yes/No

Other *[provide details]*:

Indicate auditor's current accreditation status under these regulations:

Accredited	Yes/No
Under suspension other than voluntary suspension	Yes/No
Under voluntary suspension	Yes/No
Previously accredited	Yes/No

Other *[provide details]*:

Indicate details of any professional development or training relating to site contamination undertaken by the auditor during the period to which the return relates***:

Declaration

To the best of my knowledge, all information provided in this form is current and correct at the time of signing and dating.

Signed*:

Dated:

** This form must be completed and signed by the responsible auditor, being, under the Environment Protection Act 1993 and these regulations, the auditor who personally carried out or directly supervised the work involved in the audits.*

*** If insufficient space, details may be annexed to this form.*

**** The period to which the return relates is the 12 month period commencing 8 weeks before the anniversary of the day on which the auditor's accreditation was last renewed or, in the case of an auditor in his or her first year of accreditation, the period from the day on which the auditor's accreditation was granted to 8 weeks before the anniversary of that day.*

This annual return must be lodged with the EPA in accordance with section 103Y of the Environment Protection Act 1993.

Part 3—Notifications by auditors after commencement or termination of audit (regulation 66)

6—Form of notification by auditor after commencement of audit

Notification by auditor after commencement of audit

(under section 103Z of the *Environment Protection Act 1993*)

Name of auditor*:

Auditor's accreditation number:

Term of auditor's accreditation: to

Name of auditor's company or business:

Auditor's project reference:

Name of audit site *[if applicable]*:

Address of audit site:

Name of council for area in which audit site is situated *[if within council area]*:

Provide the following particulars** relating to the relevant land and the audit site:

- certificates of title of all the relevant land and an indication of whether the audit site comprises all or part only of the land shown on or described in the certificates of title;
- details sufficient to identify the location of the land, including section or allotment numbers, area and hundred and AMG co-ordinates (GDA 94, UTM 53 and 54);
- audit plans indicating the location and extent of the audit site (which must comply with the guidelines issued by the EPA from time to time).

Name of owner of audit site:

Name of occupier of audit site:

Name, postal address and position of person who commissioned audit:

Indicate authority of person who commissioned audit:

EPA	Yes/No
Owner	Yes/No
Occupier	Yes/No
Developer	Yes/No

Other *[please specify]*:

Indicate reasons for audit *[indicate all reasons]*:

Required under the *Development Act 1993*	Yes/No
Required under the *Environment Protection Act 1993*	Yes/No

Other *[please specify]*:

If audit is required under the *Environment Protection Act 1993*, provide EPA reference number:

Indicate audit purposes *[indicate all purposes]*:

Determining the nature and extent of any site contamination present or remaining on or below the surface of the site	Yes/No
Determining the suitability of the site for a sensitive use or another use or range of uses	Yes/No
Determining what remediation is or remains necessary for a specified use or range of uses	Yes/No

[NB: An audit may be required for all of the above purposes.]

Date of commencement of audit:

Estimated date of completion of audit:

If this audit is 1 of a series of audits to be undertaken in relation to the audit site, indicate the total number of audits proposed to be undertaken (if known) and the completion or estimated completion dates for those audits (if known)**:

Indicate:

- proposed site use:
- current site use, or, if currently unoccupied, most recent site use:
- any potentially contaminating activities (within the meaning of regulation 50 of these regulations) known to have occurred at the site:

If audit is required for development consent under the *Development Act 1993*, indicate:

- relevant planning authority:
- development application number *[if known]*:
- site zoning:

Declaration

I am not aware of any conflict of interest within the meaning of section 103X of the *Environment Protection Act 1993* that would preclude me from undertaking this audit.

To the best of my knowledge, all information provided in this form is current and correct at the time of signing and dating.

Signed*:

Dated:

** This form must be completed and signed by the "responsible auditor", being, under the Environment Protection Act 1993 and these regulations, the auditor who personally carried out or directly supervised the work involved in the audit.*

*** If insufficient space, details may be annexed to this form.*

This notification must be lodged with the EPA.

Details of this notification will be recorded in the public register kept by the EPA under section 109 of the Environment Protection Act 1993.

7—Form of notification by auditor after termination (before completion) of audit

Notification by auditor after termination (before completion) of audit

(under section 103Z of the *Environment Protection Act 1993*)

Name of auditor*:

Auditor's accreditation number:

Name of auditor's company or business:

EPA reference:

Name of audit site *[if applicable]*:

Address of audit site:

Name, postal address and position of person who terminated audit:

Indicate authority of person who terminated audit:

EPA	Yes/No
Owner	Yes/No
Occupier	Yes/No
Developer	Yes/No
Auditor	Yes/No

Other *[please specify]*:

Date audit terminated:

Reasons for termination**:

Declaration

To the best of my knowledge, all information provided in this form is current and correct at the time of signing and dating.

Signed*:

Dated:

** This form must be completed and signed by the "responsible auditor", being, under the Environment Protection Act 1993 and these regulations, the auditor who personally carried out or directly supervised the work involved in the audit.*

*** If insufficient space, details may be annexed to this form.*

This notification must be lodged with the EPA.

Details of this notification will be recorded in the public register kept by the EPA under section 109 of the Environment Protection Act 1993.

Part 4—Site contamination audit statement (regulation 67)

8—Form of site contamination audit statement

Site contamination audit statement

(under section 103Z of the *Environment Protection Act 1993*)

This statement contains the summary of the findings of the site contamination audit set out in the site contamination audit report titled: *[insert title of site contamination audit report]* (referred to in this form as the ***report***) dated: *[insert report date]*

Name of auditor*:

Auditor's accreditation number:

Name of auditor's company or business:

Auditor's project reference:

EPA reference:

Name of audit site *[if applicable]*:

Address of audit site:

Name of council for area in which audit site is situated *[if within council area]*:

Provide the following particulars** relating to the relevant land and the audit:

- certificates of title of all the relevant land and an indication of whether the audit site comprises all or part only of the land shown on or described in the certificates of title;
- details sufficient to identify the location of the land, including section or allotment numbers, area and hundred and AMG co-ordinates (GDA 94, UTM 53 and 54);
- if the audit site comprises part only of the land described in the certificates of title, or if there is no certificate of title for the land comprising the audit site—survey plans prepared by a licensed surveyor;
- audit plans indicating the location and extent of the audit site (which must comply with the guidelines issued by the EPA from time to time).

Name of owner of audit site:

Name of occupier of audit site:

Name, postal address and position of person who commissioned audit:

Indicate authority of person who commissioned audit:

EPA	Yes/No
Owner	Yes/No
Occupier	Yes/No
Developer	Yes/No
Other *[please specify]*:	

Reasons for audit *[indicate all reasons]*:

Required under the *Development Act 1993*	Yes/No
Required under the *Environment Protection Act 1993*	Yes/No
Other *[please specify]*:	

If audit was required under the *Environment Protection Act 1993*, provide EPA reference number:

Audit purposes *[indicate all purposes]*:

Determining the nature and extent of any site contamination present or remaining on or below the surface of the site	Yes/No
Determining the suitability of the site for a sensitive use or another use or range of uses	Yes/No
Determining what remediation is or remains necessary for a specified use or range of uses	Yes/No

[NB: An audit may be required for all of the above purposes.]

If audit was required for development consent under the *Development Act 1993*, provide:

- name of relevant planning authority:
- development application number *[if known]*:
- site zoning:
- proposed site use:

Date of commencement of audit:

Date of notification of commencement of audit to EPA:

Date of completion of audit:

Summary of findings

Provide the summary of the findings of the site contamination audit as set out in the report.

If there is insufficient space on this form, provide the summary as an annexure to this form.

[NB: A site contamination audit report must comply with the guidelines from time to time issued by the EPA.]

Certification of copy of summary of findings

I certify that the summary of findings contained within or annexed to this statement represents a true and accurate summary of the findings of the site contamination audit set out in the report.

Signed*:

Dated:

** This form must be completed and signed by the "responsible auditor", being, under the Environment Protection Act 1993 and these regulations, the auditor who personally carried out or directly supervised the work involved in the audit.*

*** If insufficient space, details may be annexed to this form.*

This site contamination audit statement must be lodged, on completion of the audit, with the council for the area in which the audit site is situated and any prescribed body (see regulation 68 of these regulations).

The report (including the summary of findings) will be recorded in the public register kept by the EPA under section 109 of the Environment Protection Act 1993.

Schedule 4—Miscellaneous fees

1	Application for approval of the transfer of an environmental authorisation (section 49(5) of the Act)—		
	(a)	if the authorisation fee last paid or payable was less than $1 000	5 fee units
	(b)	if the authorisation fee last paid or payable was not less than $1 000 but not more than $1 999	10 fee units
	(c)	if the authorisation fee last paid or payable was not less than $2 000 but not more than $4 999	20 fee units
	(d)	if the authorisation fee last paid or payable was not less than $5 000 but not more than $9 999	30 fee units
	(e)	if the authorisation fee last paid or payable was not less than $10 000 but not more than $49 999	50 fee units
	(f)	if the authorisation fee last paid or payable was $50 000 or more	100 fee units
2	Beverage container approvals (Part 8 Division 2 of the Act)—		
	(a)	application for approval of a class of containers as category A or category B containers (section 68 of the Act)	no fee
	(b)	application for approval to operate a collection depot (section 69 of the Act)	$81.00
	(c)	application for approval to carry on business as a super collector (section 69 of the Act)	$592.00
3	Accreditation as site contamination auditor (section 103V of the Act and Part 5 Division 2 of these regulations)—		
	(a)	application for accreditation (regulation 54)	$409.00
	(b)	grant of accreditation (regulation 55) or renewal of accreditation (regulation 59)	$4 208.00
	(c)	annual fee for accreditation (regulation 58)	$2 433.00
	(d)	replacement of certificate of accreditation or identity card (regulation 62)	$54.00
4	Inspection of the register (section 109(5) of the Act)—		
	(a)	each manual inspection	1 fee unit
	(b)	each inspection requiring access to a computer—	
		(i) for the first 10 minutes (or part of that 10 minutes) of access	1 fee unit
		(ii) for each additional 10 minutes (or part of that 10 minutes) of access	1 fee unit
5	Copy of part of the register (section 109(6) of the Act)—		
	(a)	first page	$4.25
	(b)	each additional page	$1.45

Legislative history

Notes

- This version is comprised of the following:

Part 1	1.7.2010
Part 2	26.11.2009
Part 3	26.11.2009
Part 4	26.11.2009
Part 5	26.11.2009
Part 6	22.4.2010
Part 7	26.11.2009
Part 8	26.11.2009
Schedule 1	26.11.2009
Schedule 2	26.11.2009
Schedule 3	26.11.2009
Schedule 4	1.7.2010

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Environment Protection Regulations 2009* revoked the following:

Environment Protection (Beverage Container) Regulations 2008

Environment Protection (Exempt Classes of Persons and Activities) Regulations 2001

Environment Protection (Fees and Levy) Regulations 1994

Environment Protection (General) Regulations 1994

Environment Protection (Site Contamination) Regulations 2008

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2009	227	*Gazette 27.8.2009 p4216*	1.9.2009: r 2
2009	274	*Gazette 26.11.2009 p5285*	26.11.2009: r 2
2010	27	*Gazette 22.4.2010 p1498*	22.4.2010: r 2

2010	**76**	***Gazette 10.6.2010 p2745***	**1.7.2010: r 2**
2010	**168**	***Gazette 1.7.2010 p3361***	**Pt 2 (r 4)—1.7.2010: r 2**
2011	34	*Gazette 5.5.2011 p1332*	1.7.2011: r 2
2011	155	*Gazette 9.6.2011 p2421*	1.7.2011: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	*omitted under Legislation Revision and Publication Act 2002*	*26.11.2009*
r 3		
r 3(1)		
approved weighbridge	**varied by 168/2010 r 4**	**1.7.2010**
r 4	**substituted by 76/2010 r 4**	**1.7.2010**
Pt 6		
r 70		
r 70(2)	varied by 27/2010 r 4	22.4.2010
Pt 8		
r 86A	inserted by 274/2009 r 4	26.11.2009
Sch 4	**substituted by 76/2010 r 5**	**1.7.2010**
Sch 5	*omitted under Legislation Revision and Publication Act 2002*	*26.11.2009*

Historical versions

26.11.2009

22.4.2010