

# Your Licence Explained





# Welcome

The Environment Protection Authority is South Australia's independent environmental regulator. Our role is to protect, restore and improve the environment, and safeguard the health and wellbeing of the community by authorising and regulating activities that may have an environmental impact, carrying out monitoring, and enforcing environmental legislation.

The EPA licenses South Australian businesses, organisations and agencies under the *Environment Protection Act 1993*. This takes in private enterprise as well as government bodies, and covers activities from winemaking and curing meat, to mining and the transport and processing of waste.

All licensees are required to meet their environmental obligations through innovative and effective practices, and we support them to continually develop and adopt cleaner, more sustainable production technologies.

The EPA is committed to unlocking the state's future potential, creating jobs and encouraging innovation through modern regulatory and policy approaches. It is important to us in protecting the environment, that we also provide certainty, fairness and the opportunity for the sectors we regulate to innovate.

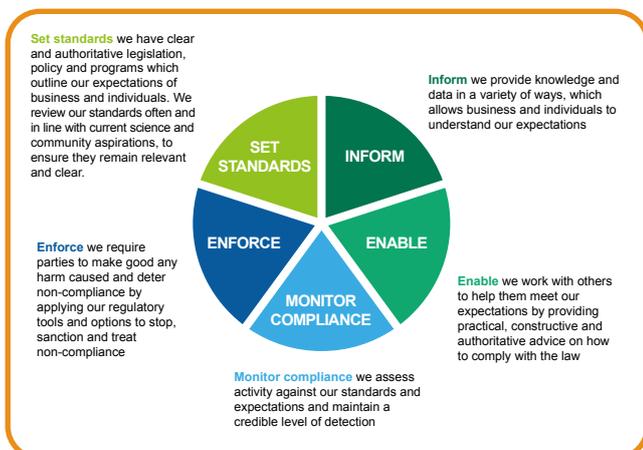


## Role of the EPA

The EPA's strategic priorities are to:

- » Safeguard communities and the environment by applying modern regulation.
- » Enable innovative and sustainable industry practices.
- » Work with communities and industry to manage environmental challenges.
- » Build and share our knowledge, science and information.
- » Be an effective and trusted regulator, striving for excellence in our capability and performance.

### The EPA approach to regulation of licensed sites.



## What is my general environmental duty?

Everyone has a responsibility to care for the environment under section 25 of the EP Act which states:

*A person must not undertake an activity that pollutes, or might pollute, the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm.*

This means that industry, community, government (both local and state) and individuals must care for the environment and do what is reasonable and practicable to prevent or minimise any harm to it.

Failure to comply with the general environmental duty does not in itself constitute an offence, but compliance with the duty may be enforced through issuing an appropriate order or varying conditions of an environmental authorisation.

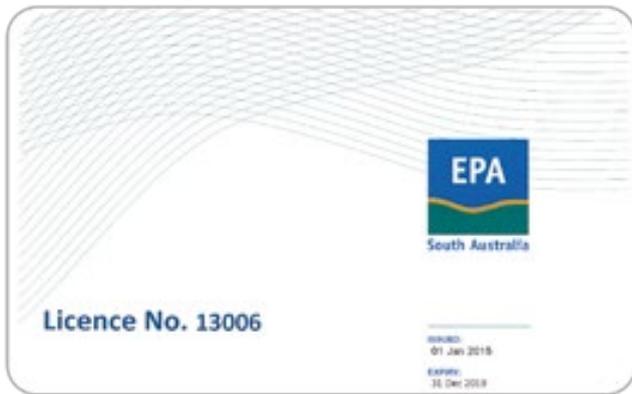


# Your licence explained

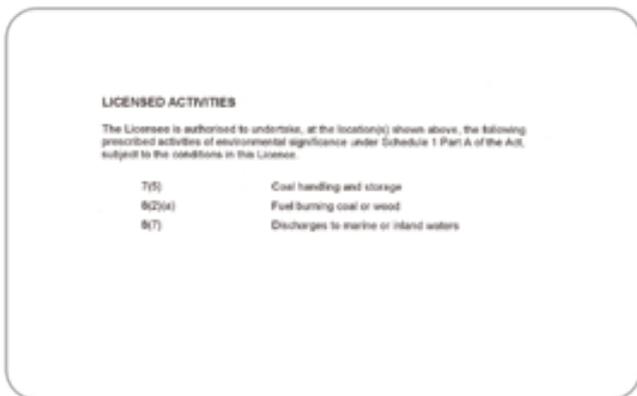
Your EPA licence is an authorisation to undertake one or more activities included in Schedule 1 of the Environment Protection Act 1993.

It is your responsibility to understand this licence and the importance of complying with its conditions.

On the front of your licence is your licence number, the name of the licence holder, the date of issue and the date which it will expire. Licences are typically issued for a period of five years, at which time you must apply to renew the licence for it to continue.



Inside the licence, usually on page 3, there is information which sets out your company or name details, registered address and the premises which is covered by the licence, and the activities which are covered by the licence.



Each year, you will be required to submit an annual return via our online system. This information asks you to predict the level of each activity you will undertake in the next annual period, and for some licence holders this also

involves confirming pollution levels for the previous year. We will then calculate the licence fees you will need to pay for the next year, which are based on 'polluter pays' principles. More information about licence fees and how they are calculated is in the next section.

The following pages include explanatory notes about the importance of compliance with the licence, the EPA's regulatory approach and reporting environmental incidents.

These pages also include definitions, which you may find useful when reading the conditions of your licence.

Conditions are included in all licences and may be aimed at controlling emissions, managing operational matters and administrative requirements. It is important for you to read these carefully and ensure you understand your requirements. Failure to comply with a condition of licence can result in prosecution and high penalties or other regulatory action.

In the event that regulatory action is taken against a licence holder, appeals can be lodged with the Environment, Resources and Development Court within 14 days of such action.



## Licence fee system

The licence fee system (LFS) is based on 'user pays' and 'polluter pays' principles, where licence fees reflect the EPA's regulatory effort as well as the amount and type of pollutants discharged to the environment.

The LFS enables the EPA to:

- » recover, in an efficient and equitable manner, the costs we incur from the assessment and management of licences
- » provide an economic incentive to reduce pollution.

### Components of the LFS

#### Once-off fees

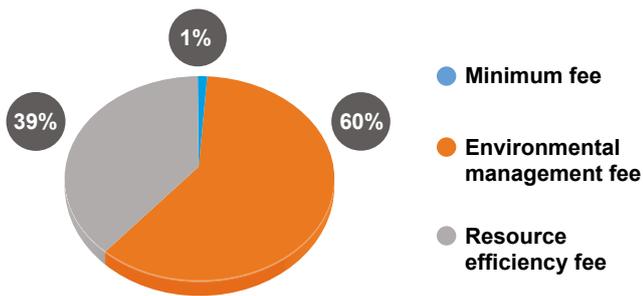
##### Lodgement fee

The lodgement fee, is a once-off fee that covers the initial setup component of processing a licence application.

##### Assessment fee

The assessment fee reflects the time taken by technical and administrative staff to assess each activity and prepare the licence conditions for each of those activities.

## Annual fees



### Flat minimum fee

The flat minimum fee covers the basic administration work common to all licences.

### Environment management fee

The environment management fee (EMF) reflects the regulatory effort, which is aligned to environmental risk, for managing an activity. Where multiple activities are undertaken, the fee charged is based on the single activity that incurs the highest fee of all activities carried out on a site. Exceptions to this are the activities of waste transport, dredging and earthworks drainage, which will be charged separately.

When a licence application is made, or each year when licence holders lodge an annual return, licence holders are required to select the level of activity they expect to undertake in the coming year. In this way, the EMF is always calculated based on projected activity levels for the coming year.

If licence holders then operate at a higher or lower for that year, they are obliged to notify the EPA. *The Environment Protection (Regulations) 2009* set out the circumstances in which an adjustment of annual authorisation fee can be requested and made.

### Resource efficiency fee

There are two types of resource efficiency fees (REF), which only apply to a subset of licences:

- » Pollutant load fees are for the discharge of key pollutants from the licensed site to the environment (air or water). Emission thresholds apply to ensure that only significant emissions are captured.
- » Water reuse fee for the discharge of fresh water to the marine environment.

It is important to note that REF is calculated retrospectively and is for emissions that have been emitted in the preceding full year period.

Most licence holders give consent for the EPA to use the most recently published National Pollutant Inventory (NPI) data. Alternatively, a licence holder can supply its own data and this would then be reviewed by the EPA for validity and consideration.



## Inspections, authorised officers and you

The Environment Protection Authority has the power to administer and enforce the provisions of the *Environment Protection Act 1993* through its authorised officers. Much of our regulation of licensed activity is done through site compliance inspections, which can be announced or unannounced.

### Where is this in the Act? Section 87

#### Can an authorised officer enter my business premises?

Yes. An authorised officer may legally enter any business premises during normal hours of operation to administer and enforce the Act.

They may enter your business premises at any time if:

- » they suspect offences under the Act are being, have been or are about to be committed on the premises, or that they may find evidence of a contravention of the Act
- » it is necessary to assess known or suspected site contamination
- » works at the site have uncovered or produced a listed waste (for example asbestos), or a contaminating activity has previously taken place on the site

An authorised officer may also obtain a warrant to use reasonable force to open or break into the premises, anything on the premises or a vehicle if they believe immediate action is required.

### Where is this in the Act? Sections 87 (1)(a), 87(2) and 88

## What about my vehicles?

An authorised officer may also enter and inspect vehicles if:

- » the vehicle is of a class prescribed by regulations (for example, a waste transport vehicle)
- » the officer suspects the vehicle is being used, has been used or is about to be used to commit offences under the Act, or that it may contain evidence of a contravention of the Act

**Where is this in the Act? Section 87(3)**

## What can an authorised officer do while they are inspecting my premises?

Authorised officers can:

- » give directions to move vehicles
- » take and remove samples for analysis
- » request documents, including computer printouts
- » examine, copy or take extracts of those documents
- » take photos, video or audio recordings
- » examine or test any plant or equipment, seize it, or require it to be produced for examination or testing
- » seize and retain any items that they reasonably suspect have been used for a contravention of the Act or may be evidence of a contravention
- » take equipment onto the premises to do any of the above.

**Where is this in the Act? Section 87 (1)**

## Do I have to answer questions?

If an authorised officer believes you may have committed an offence, you may be required to give your full name and usual place of residence, and produce identification to prove these details. You then have the right to refuse to answer further questions if you choose.

An officer may also speak to you if you are not suspected of an offence, but they believe you have information required for the investigation. In this case, you are also required to give your full name and address, but you must also answer questions on the matter being investigated. Your responses cannot be used against you, unless you fail to answer truthfully.

**Where is this in the Act? Section 87(1)(j)**

## What else can an authorised officer do?

An officer may:

- » require you to produce your licence for inspection and may give reasonable directions relating to the exercise of any powers – Section 87(1)
- » be assisted by any person they deem necessary in the circumstances, such as surveyors, or scientific or specialist contractors – Section 87(5)
- » require the occupier of any place or a person in charge of any equipment or vehicle to provide assistance while on the premises

**Where is this in the Act? Section 87(6)**

## What if I refuse entry or refuse to comply with the requests of an authorised officer?

The following are all offences under the Act and carry a maximum fine of \$15,000:

- » assaulting an authorised officer or person in execution of their duty
- » hindering or obstructing an authorised officer or person assisting
- » using abusive, threatening or insulting language to an authorised officer
- » refusing or failing to comply with a requirement or direction
- » failing to answer to the best of your information, knowledge or belief
- » falsely representing that a person is an authorised officer

In the case of assaulting an authorised officer, there may also be an additional penalty of two years in prison.

**Where is this in the Act? Section 90**



## Community Engagement

Having the trust and confidence of your local community can help a business gain a “social licence” to operate. By being open and transparent with your local community, your business can often gain support for new ventures, reduce complaints about operations and be considered a valuable contributor to the local community.

Engaging effectively with the community can include:

- » Developing and maintaining positive relationships with stakeholders
- » Acknowledging concerns and enquiries and reporting on actions taken
- » Developing a range of information material for the community to better inform them
- » Understanding your community’s demographic to tailor information appropriately; and
- » Organising and participating in community events

Your business may consider some or all of these options. To help you, the EPA has developed the “Industry: Guideline for Community Engagement” publication. If your operations have an impact on site contamination, you may have further obligations and a second guideline has been developed specifically for this: “Site Contamination: Guideline for communication and engagement”. Both guidelines are available on the EPA website.



## What do I do if something goes wrong?

A person (including any licensee) responsible for an actual or potential pollution incident is required by law to notify the EPA as soon as possible. You can also report pollution to the EPA even if you're not responsible.

For emergency incidents, this can be done via:

- » 24/7 call centre: (08) 8204 2004 or 1300 623 445 (for non-metropolitan, landline callers) or:
- » for non-emergency [epainfo@epa.sa.gov.au](mailto:epainfo@epa.sa.gov.au)

If you're a licensee and you know your coordinator, you should notify them directly via telephone or email, as well.

If you're unsure if an accident is actually a 'pollution incident', it is best to contact the EPA, and we will assist you.

The EPA needs the following information for all actual or potential environmental harm accidents:

- » name, address and daytime telephone number of the person reporting the incident
- » incident details (please indicate if the incident is still occurring)
- » date and time of incident
- » details of the source of pollution if you have them – business name, address, etc
- » location of the incident
- » activities at the time of the incident
- » any measures or action taken to deal with the incident.

The penalties for not reporting an actual or potential incident are severe – for a body corporate \$250,000 and for an individual \$150,000.

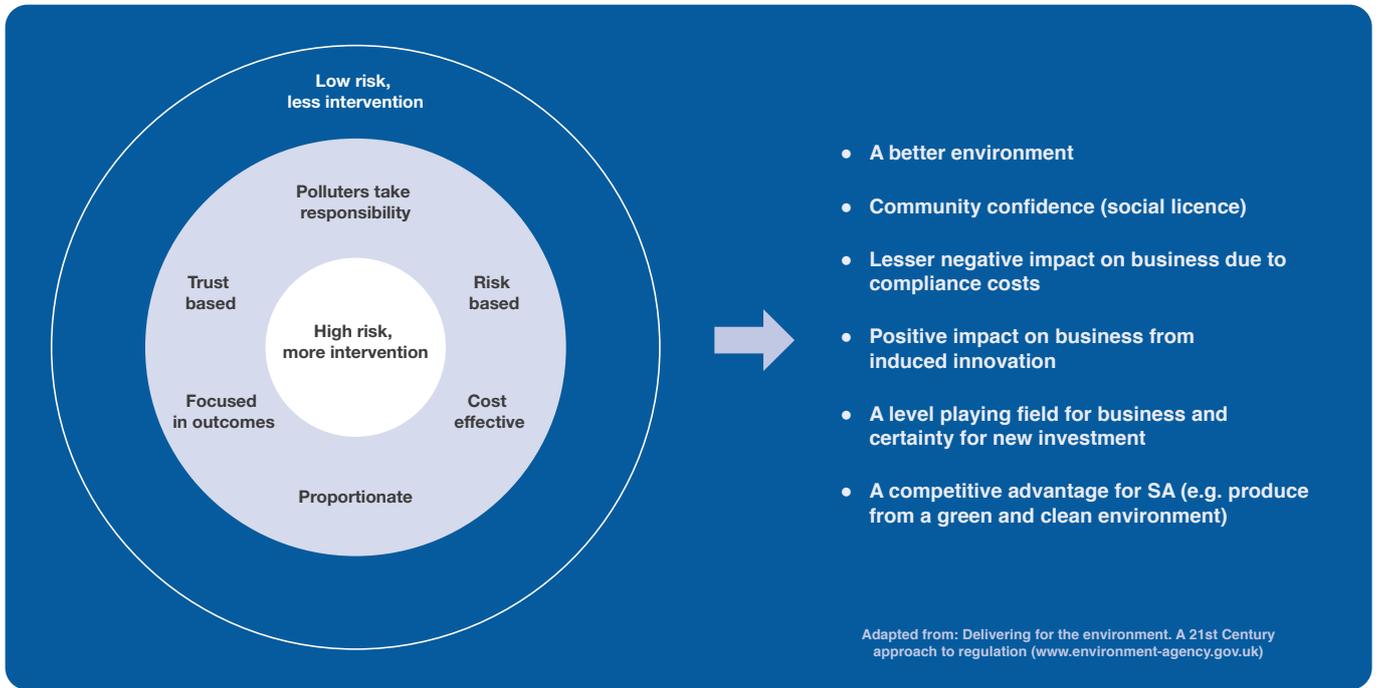
Notification of an incident is necessary even if doing so may incriminate the person. Notifications may not be used as evidence in legal proceedings.

Further to the requirement to notify the EPA, it is important that you keep neighbours and the community informed of any potential impacts that the pollution incident may have on them.



# EPA's regulatory approach

The EPA's regulatory approach is based on the foundation of firm and fair compliance and enforcement. We are guided by the following core principles:

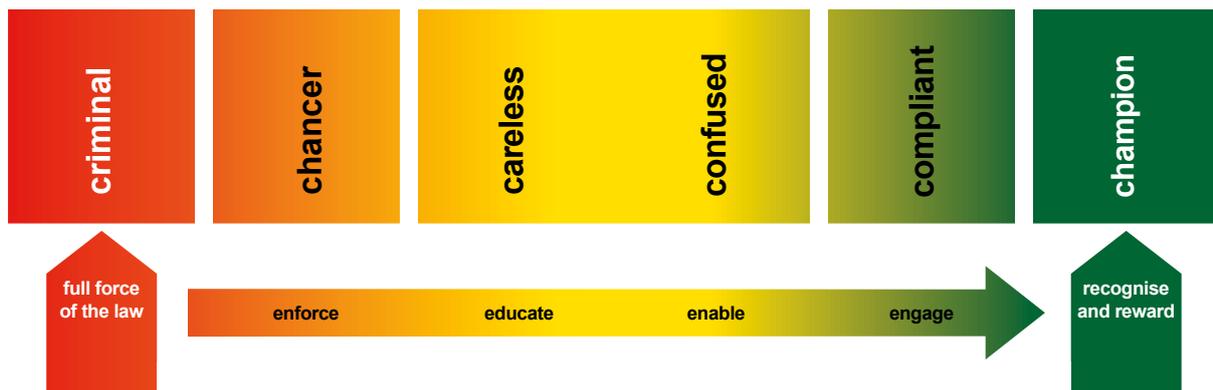


## When taking enforcement action:

- » The EPA will not ignore any negligent or criminal act which threatens or damages the environment or which undermines the regulatory regime.
- » The EPA will have regard to and seek to further the objects of the *Environment Protection Act 1993*, including taking into account social, environmental and economic factors when making regulatory decisions.
- » Environmental legislation provides the EPA with a variety of regulatory tools and the ability to exercise discretion to determine which tool is appropriate for particular circumstances. The suite of enforcement tools includes criminal prosecution, and administrative and civil proceedings. The various tools may be used

in conjunction with one another where necessary. The *Compliance and enforcement: Regulatory options and tools* provides detailed information about the tools the EPA may use to manage non-compliance and the circumstances under which the tools may be applied.

- » In determining an appropriate course of action, the EPA will consider a variety of factors including, but not limited to the:
  - seriousness of the contravention, for example the nature and extent of the impact, harm or potential harm to the environment or the potential to undermine the regulatory regime
  - extent and speed of remediation action required
  - compliance history.





# If you need help

Our offices are open Monday to Friday, 9 am to 5 pm  
(except public holidays)

## General enquiries and incident reporting is available to you 24/7.

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### General enquiries

Phone – local call (08) 8204 2004

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Freecall – non-metropolitan only,  
landline callers only 1800 623 445

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Email [epainfo@sa.gov.au](mailto:epainfo@sa.gov.au)

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Fax (08) 8124 4670

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### Pollution and environment incident reporting / complaints (24/7)

#### *How to notify us of pollution or illegal dumping*

Phone (08) 8204 2004

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Freecall – non-metropolitan only,  
landline callers only 1800 623 445

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Email (non-emergency) [epainfo@sa.gov.au](mailto:epainfo@sa.gov.au)

## Other queries

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### Licensing – environmental

[epalicensing@sa.gov.au](mailto:epalicensing@sa.gov.au) (08) 8204 2058

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### National Pollutant Inventory Program

[npi@sa.gov.au](mailto:npi@sa.gov.au) (08) 8204 9095

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### Publications

[epainfo@sa.gov.au](mailto:epainfo@sa.gov.au) (08) 8204 2004

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### Public Register and Freedom of Information (FOI)

[epa.publicregister@sa.gov.au](mailto:epa.publicregister@sa.gov.au) (08) 8204 9128

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### Section 7

[epasection7@sa.gov.au](mailto:epasection7@sa.gov.au) (08) 8204 2026

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### Site contamination

[epasitecontam@sa.gov.au](mailto:epasitecontam@sa.gov.au) (08) 8204 9934

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### Environment Protection Authority

GPO Box 2607  
Adelaide SA 5001

[www.epa.sa.gov.au](http://www.epa.sa.gov.au)