

Environment Protection (Waste to Resources) Policy 2010: Guidelines on handling wastes banned from landfills

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EPA978/12: Determinations under clause 12(4) of the Environment Protection (Waste to Resources) Policy 2010 regarding prohibited landfill wastes must be made in accordance with these guidelines.

Purpose

This document informs the waste and resource recovery industry on what must be done to determine when banned wastes may be disposed of to landfill. This document comprises guidelines under clause 12(4) of the Environment Protection (Waste to Resources) Policy 2010. The purpose of this guideline is to also advise waste generators and transporters of appropriate handling procedures for banned wastes.

1 Introduction

The Environment Protection (Waste to Resources) Policy 2010 (the EPP) supports *South Australia's Strategic Plan 2011* target of reducing waste to landfill by 35% by 2020 and the objectives of *South Australia's Waste Strategy 2011–15*, by requiring specified wastes to be kept from landfill.

The EPP makes it an offence for any person to dispose of banned wastes to landfill or to a receptacle for collection or transport for disposal at a landfill depot¹. Landfill operators must also not receive waste for disposal². However, a person may still dispose of these banned wastes to a landfill depot if they have examined the waste and determined that it does not require treatment³. The person disposing of the waste must make these determinations in accordance with any relevant licence or approval conditions or any EPA guidelines. This document comprises such guidelines.

Refer to Appendix 1 for clause 12 text.

This document sets out:

- who needs to determine when banned wastes can be disposed of in landfill (refer to Section 2),
- what needs to be done by different activities in the waste and resource recovery industry when handling banned wastes and determining whether banned wastes can be disposed of to landfill:
 - transfer stations (including skip bin facilities) – section 3.1

¹ EPP clause 12(1)–(2). Note 'dispose' is defined to include causing or allowing the waste to be disposed.

² EPP clause 12(3).

³ Under EPP clause 12(4).

- mechanised material recovery facilities – section 3.2
- recycling operations and manufacturers of recycled products – section 3.3
- composters – section 3.4
- landfill depots – section 3.5.

Note: If a site includes more than one waste activity type (eg a mechanised material recovery facility may be co-located with a transfer station, landfill or recovered product manufacturing), then the guidance below for all elements must be used for the respective parts of the operations.

- what measures, if undertaken by waste generators and transporters who do not personally generate all the waste they collect, will ensure they have taken, in the EPA's view, all reasonable and practicable steps to avoid any breach of a landfill ban:
 - waste transporters – section 4.1
 - councils (kerbside collections, hard waste collection and collection of illegally dumped waste) – section 4.2
 - public place bins – section 4.3
 - employers – section 4.4.

The prohibited landfill wastes (banned wastes) are listed in Schedule 4 of the EPP and summarised in Appendix 2.

In considering these guidelines, note that under clause 3(3) of the EPP, 'unless the contrary intention appears, a reference to waste of a particular kind includes a reference to waste that contains waste of that kind to a significant extent'. For example:

- an aggregated recoverable material does not cease being prohibited from disposal to landfill due to the presence of a trivial amount of other waste, and
- the presence of hazardous waste in other material may affect the material so significantly as to render all the material as hazardous waste.

1.1 Definitions

Schedule 4 of the EPP sets out banned wastes in several groups. These groups are referenced as follows:

- **Risk-based banned materials** are the items listed in paragraphs (1)–(7) and (23)–(24) of Schedule 4 of the EPP, namely hazardous waste, lead acid batteries, liquid waste, medical waste, oil, whole tyres or vehicles.
- **Aggregated recoverable materials** are the items listed in paragraphs (8)–(14) of Schedule 4 of the EPP, namely the following wastes when aggregated for resource recovery:
 - cardboard and paper separate from other wastes
 - glass packaging
 - metals
 - PET or HDPE plastic packaging, PP or LDPE plastic packaging, PVC or PS plastic packaging
 - council kerbside (collected vegetative matter).

Note: under Schedule 4, waste can have been aggregated at any time or at any stage in any process associated with dealing with the waste (ie it can relate to a waste generator, transporter or other process).

- **Other banned materials** are the items listed in paragraphs 15–22 of Schedule 4 of the EPP, namely fluorescent lighting and any other lighting that contains mercury, computer monitors and televisions (including components), whitegoods, and other electronic or electrical equipment from the dates that they become banned from disposal to landfill.

2 Who determines that waste can go to landfill?

- For waste that is received at:
 - a licensed material recovery facility authorised to receive that type of waste,
 - a licensed composting depot authorised to receive that type of waste, or
 - another EPA approved facility (clause 12),
 the facility operator will need to determine whether the waste can be disposed to landfill in accordance with these guidelines.
- For waste from other sources (including transfer stations without an EPP clause 11 or 12 approval), the landfill operator will need to determine whether the waste can be disposed of to landfill in accordance with these guidelines.

3 Waste and resource recovery industry

South Australia's waste operations receive different types of waste and handle these in different ways. What needs to be done by the main types of waste activity when handling banned wastes is set out in sections 3.1–3.5. The requirements given regarding when determinations may be made to dispose of banned wastes form the key part of these guidelines for the purposes of clause 11 of the EPP and also present the EPA's view on what needs to have been done to have taken all reasonable and practicable steps to avoid any breach of a landfill ban.

The Act does not delineate between most different types of waste and recycling depots in its licensing regime (other than separately licensing composting facilities and scrap metal recovery). The EPP provides definitions for transfer stations, composting depots, landfill depots, waste transporters, and, at a broad level, material recovery facilities.

3.1 Transfer stations (including skip bin facilities)

The EPP defines a transfer station as 'a depot for the reception and aggregation of waste streams prior to their transport to some other depot or place for further sorting, resource recovery or disposal'.

Transfer stations (including skip bin facilities) typically receive mixed wastes from a variety of sources. Some of these facilities may undertake some degree of sorting of wastes received. These facilities typically have less developed sorting and picking operations than mechanised material recovery facilities and are more restricted in their ability to remove individual banned items.

Transfer stations (including skip bin facilities) need, by the times nominated in this section, to:

- notify their contract clients every year on what wastes will or will not be accepted
- state what wastes will or will not be accepted on their website (if they have one)
- have an entrance sign stating what wastes will not be taken
- have staff that are suitably trained to handle banned wastes
- when banned waste is identified, notify waste transporters of banned waste requirements
- have a Standard Operating Procedure on how to identify, retrieve and redirect banned wastes
- retrieve all aggregated banned materials and hazardous waste, lead acid batteries, liquid waste, medical waste, oil and whole tyres (subject to occupational, health and safety restrictions)
- retrieve fluorescent lighting and other lighting containing mercury, whitegoods, computers monitors and televisions (including components) and other electrical or electronic items (as they are banned) in accordance with the size and volume limits given.

Details are set out below.

A transfer station (including skip bin facility) can determine to dispose of banned wastes to landfill in compliance with clause 12(4) of the EPP if:

- 1 the depot operator—
 - a by 1 March 2013 or within 6 months of commencing operations (whichever is the later) and at least once per annum thereafter, provides advice in writing to all organisations that deliver waste to the depot pursuant to a contractual arrangement with the depot operator stating the wastes banned from landfill that will and will not be received at the facility to support source segregation of banned wastes. Advice also needs to be provided at the time of entering any new contractual arrangement,
 - b by 1 March 2013 or within 6 months of commencing operations (whichever is the later), maintains information within its website (if it has one) stating the wastes banned from landfill that will or will not be received at the depot to support source segregation of banned wastes,
 - c by 1 March 2013 or within 6 months of commencing operations (whichever is the later), displays signage at or near the depot entrance clearly listing wastes that cannot be accepted at the depot,
 - d has staff on-site at all times during opening hours who are trained in accordance with a Standard Operating Procedure (per paragraph 1.f) and required to recognise banned wastes,
 - e provides written or verbal notice to a waste transporter by the following business day regarding any identified banned waste presented to the depot in an unsuitable manner (either because it should not have been taken to the depot at all or because the depot's management requirements for the waste were not followed), and
 - f has written procedures specifying the steps for the handling of any banned item(s) found (ie a Standard Operating Procedure), including:
 - i identification of banned wastes
 - ii physical removal of the banned material from the residual waste stream or other streams
 - iii redirection instructions for recovery or treatment of each banned material (including when incoming vehicles may be redirected or where banned materials collected at the depot need to be taken),
 - iv client notification of the presence of the banned material, and
- 2 the depot operator retrieves all banned items as far as reasonable and practicable and redirects them for resource recovery or treatment, such that:
 - a no aggregated recoverable materials are presented for transport to landfill unless evidence of the waste's receipt from a licensed material recovery facility, licensed composting depot or licensed recycling operation can be provided upon request by the EPA,
 - b no hazardous waste, lead acid batteries, liquid waste, medical waste, oil and whole tyres are presented for transport to landfill (unless occupational health and safety requirements can be shown by the depot operator to prohibit removal),
 - c for other banned materials, at facilities receiving 100,000 tonnes or more of waste per annum (as per annual return), any single vehicle or bin load containing:
 - i any item of 750 mm or more in length on any side, or
 - ii 10 or more items, where each is of less than 750 mm or more in length on any sidethat are visible upon inspection at the gate or tipping, must have the banned items removed before presentation of the load for disposal into the residual waste stream (unless occupational health and safety requirements can be shown to prohibit removal action),
 - d for other banned materials, at facilities receiving less than 100,000 tonnes of waste per annum (as per annual return), any single vehicle or bin load containing:

- i any item of 450 mm or more in length on any side, or
- ii 10 or more items, where each is of less than 450 mm or more in length on any side that are visible upon inspection at the gate or tipping, must have the banned items removed before presentation of the load for disposal into the residual waste stream (unless occupational health and safety requirements can be shown to prohibit removal action), and
- e in any case, no more than 1% of waste (by weight) from any single vehicle or bin load or in waste as presented for disposal to landfill comprises banned wastes (ie no more than 10 kg/tonne).

It is the EPA's position that all reasonable and practicable steps will have been taken to avoid any breach of clause 12 if the above steps have been complied with. Failure to comply with these requirements may result in enforcement action being taken for breach of clause 12(1), a mandatory provision, on the basis that a banned waste has been sent to landfill.

3.2 Mechanised material recovery facilities (MRFs)

The EPP defines a material recovery facility as 'a depot for the treatment of waste for resource recovery, other than a composting depot'. The meaning of 'treatment' of waste is set out in clause 3(2) of the EPP.

MRFs for kerbside co-mingled recyclables or segregated material streams

The type and amount of banned wastes that is likely to be received by these MRFs should be limited by the segregation of waste that is undertaken before the waste is received at the MRF. However, when received, the waste processing mechanisms in these facilities should be able to remove most banned wastes.

MRFs for mixed waste streams (either commercial and industrial wastes or construction and demolition wastes)

There is a greater probability that banned wastes may be received by these MRFs given the various sources of waste for these facilities. However, when received, the waste processing mechanisms in these facilities are such that removal of banned wastes should be reasonable and practicable in many cases.

Mechanised MRFs need, by the times nominated in this section, to:

- notify their contract clients every year on what wastes will or will not be accepted
- state what wastes will or will not be accepted on their website (if they have one)
- have an entrance sign stating what wastes will not be taken
- have staff that are suitably trained to handle banned wastes
- when banned waste is identified, notify waste transporters of banned waste requirements
- have a Standard Operating Procedure on how to identify, retrieve and redirect banned wastes
- advise transporters on maximum acceptable compaction levels for mixed loads containing specified aggregated recoverable wastes
- allow the disposal of aggregated recoverable materials only if assessed as unrecoverable due to contamination
- retrieve all aggregated banned wastes and hazardous waste, lead acid batteries, liquid waste, medical waste, oil and whole tyres (subject to occupational, health and safety restrictions)
- retrieve fluorescent lighting and other lighting containing mercury, whitegoods, computers monitors and televisions (including components) and other electrical or electronic items (as they are banned) in accordance with the size and volume limits given.

Details are set out below.

A MRF can determine to dispose of banned wastes to landfill in compliance with clause 12(4) of the EPP if:

- 1 the depot operator—
 - a by 1 March 2013 or within 6 months of commencing operations (whichever is the later) and at least once per

annum thereafter, provides advice in writing to all organisations that deliver waste to the depot pursuant to a contractual arrangement with the depot operator stating the wastes banned from landfill that will and will not be received at the facility to support source segregation of banned wastes. Advice also needs to be provided at the time of entering any new contractual arrangement,

- b by 1 March 2013 or within 6 months of commencing operations (whichever is the later), maintains information within its website (if it has one) stating the wastes banned from landfill that will or will not be received at the depot to support source segregation of banned wastes,
- c by 1 March 2013 or within 6 months of commencing operations (whichever is the later), displays signage at or near the depot entrance clearly listing wastes that cannot be accepted at the depot,
- d has staff on-site at all times during opening hours who are trained in accordance with a Standard Operating Procedure (per paragraph 1.f) and required to recognise banned wastes,
- e provides written or verbal notice to a waste transporter by the following business day regarding any identified banned waste presented to the depot in an unsuitable manner (either because it should not have been taken to the depot at all or because the depot's management requirements for the waste were not followed), and
- f has written procedures specifying the steps for the handling of any banned item(s) found (ie a Standard Operating Procedure), including:
 - i identification of banned wastes
 - ii physical removal of the banned material from the residual waste stream or other streams
 - iii redirection instructions for recovery or treatment of each banned material (including when incoming vehicles may be redirected or where banned materials collected at the depot need to be taken),
 - iv client notification of the presence of the banned material, and

2 for aggregated recoverable materials, the depot operator–

- a by 1 March 2013 or within 6 months of commencing operations (whichever is the later) and at least once per annum thereafter, provides advice in writing to all organisations that deliver waste to the depot pursuant to a contractual arrangement with the depot stating the maximum acceptable compaction levels (as nominated by the depot operator) for mixed loads containing specified aggregated recoverable materials,
- b from 1 March 2013 or within 6 months of commencing operations (whichever is the later), provides advice in writing to all other commercial vehicles that attend the depot stating the maximum acceptable compaction levels (as nominated by the depot operator) for mixed loads containing specified aggregated recoverable materials, and
- c only arranges for the disposal of the aggregated material to landfill after it has been assessed by a staff member trained to make such assessments as physically unrecoverable due to contamination,

3 the depot operator retrieves all banned items as far as reasonable and practicable and redirects them for resource recovery or treatment, such that:

- a no hazardous waste, lead acid batteries, liquid waste, medical waste, oil and whole tyres are presented for transport to landfill (unless occupational health and safety requirements can be shown by the depot operator to prohibit removal),
- b for other banned materials, retrieval is such that:
 - i no single item of 150 mm or more in length on any side occurs in the residual waste stream (unless occupational health and safety requirements can be shown to prohibit removal action), and
 - ii in any case, no more than 0.2% of waste (by weight) from waste from any single vehicle or bin load or in waste as presented for disposal to landfill comprises banned wastes (ie no more than 2 kg/tonne).

It is the EPA's position that all reasonable and practicable steps will have been taken to avoid any breach of clause 12 if the above steps have been met. Failure to comply with these requirements may result in enforcement action being taken for breach of clause 12(1), a mandatory provision, on the basis that a banned waste has been sent to landfill.

3.3 Recycling operations and manufacturers of recovered products

Many manufacturers of recovered products will have manufacturing operations co-located with, or located adjacent to, a MRF element. In this case, section 3.2 needs to be complied with under these guidelines. There are also other manufacturers of recovered products and recycling operations who require inputs of source segregated materials only. It can be expected that no or very few banned items will be received for disposal to landfill at such depots.

Recycling operations or manufacturers of recovered products need, by the times nominated in this section, to:

- have staff that are suitably trained to handle banned wastes
- when banned waste is identified, notify waste transporters of banned waste requirements
- have a Standard Operating Procedure on how to identify, retrieve and redirect banned wastes
- advise contract clients on the conditions necessary for successful recovery of banned materials
- allow the disposal of aggregated recoverable materials only if assessed as unrecoverable due to contamination
- retrieve all aggregated banned wastes and hazardous waste, lead acid batteries, liquid waste, medical waste, oil and whole tyres (subject to occupational, health and safety restrictions)
- retrieve all banned wastes including fluorescent lighting and other lighting containing mercury, whitegoods, computers monitors and televisions (including components) and other electrical or electronic items (as they are banned) in accordance with the size and volume limits given.

Details are set out below.

Depots that are recycling operations or a manufacturer of recovered products can determine to dispose of banned wastes to landfill in compliance with clause 12(4) of the EPP if:

- 1 the depot operator–
 - a has staff on-site at all times during opening hours who are trained in accordance with a Standard Operating Procedure (per paragraph 1.c) and required to recognise banned wastes,
 - b provides written or verbal notice to a waste transporter by the following business day regarding any identified banned waste presented to the depot in an unsuitable manner (either because it should not have been taken to the depot at all or because the depot's management requirements for the waste were not followed), and
 - c has written procedures specifying the steps for the handling of any banned item(s) found (ie a Standard Operating Procedure), including:
 - i identification of banned wastes
 - ii physical removal of the banned material from the residual waste stream or other streams
 - iii redirection instructions for recovery or treatment of each banned material (including when incoming vehicles may be redirected or where banned materials collected at the depot need to be taken), and
 - iv client notification of the presence of the banned material,
- 2 the depot operator retrieves all banned items as far as reasonable and practicable and redirects them for resource recovery or treatment, such that:
 - a no hazardous waste, lead acid batteries, liquid waste, medical waste, oil and whole tyres are presented for transport to landfill (unless occupational health and safety requirements can be shown by the depot operator to prohibit removal),
 - b for other banned materials, retrieval is such that no single item of 150 mm or more in length on any side occurs in the residual waste stream (unless occupational health and safety requirements can be shown to prohibit removal action), and
 - c in any case, no more than 0.2% of waste (by weight) from waste as presented for disposal to landfill comprises banned wastes (that is, no more than 2 kg/tonne), and

- 3 in circumstances where the depot operator receives aggregated or other materials banned from disposal to landfill for manufacture into a recovered product, the depot operator–
 - a by 1 March 2013 or within 6 months of commencing operations (whichever is the later) and at least once per annum thereafter, provides advice in writing to all organisations that deliver this waste to the depot pursuant to a contractual arrangement with the depot stating the relevant conditions necessary for its successful recovery (eg maximum contamination rates, method of delivery), and
 - b only arranges for the disposal of the material to landfill after it has been assessed as physically unrecoverable due to contamination by a staff member trained to make such assessments.

It is the EPA's position that all reasonable and practicable steps will have been taken to avoid any breach of clause 12 if the above steps have been met. Failure to comply with these requirements may result in enforcement action being taken for breach of clause 12(1), a mandatory provision, on the basis that a banned waste has been sent to landfill.

3.4 Composting depots

Under the EPP, a composting depot means 'a depot for the treatment of organic waste for the production of compost, and includes a composting works as described in clause 6(3) of Schedule 1 Part A of the Act'.

Composting depots receive source segregated organic waste streams as an input. They can be expected to receive council-collected green waste [see item (12) of the prohibited landfill wastes]. None or very little other banned waste would be expected to be received.

Composting depots need, by the times nominated in this section, to:

- advise contract clients on the conditions necessary for successful recovery of banned vegetative matter
- allow the disposal of banned vegetative matter only if assessed as unrecoverable due to contamination or for health or amenity reasons in circumstances of mechanical failures at the depot
- have staff that are suitably trained to handle banned wastes
- when banned waste is identified, notify waste transporters of banned waste requirements
- have a Standard Operating Procedure on how to identify, retrieve and redirect banned wastes
- retrieve all hazardous waste, lead acid batteries, liquid waste, medical waste, oil and whole tyres (subject to occupational, health and safety restrictions)
- retrieve all banned wastes including fluorescent lighting and other lighting containing mercury, whitegoods, computers monitors and televisions (including components) and other electrical or electronic items (as they are banned) in accordance with the size and volume limits given.

Details are set out below.

A composting depot can decide to dispose of banned wastes to landfill in compliance with clause 12(4) of the EPP if:

- 1 for vegetative matter aggregated for resource recovery and collected by a council by a separate kerbside waste collection service, the depot operator–
 - a by 1 March 2013 or within 6 months of commencing operations (whichever is the later) and at least once per annum thereafter, provides advice in writing to all organisations that deliver this waste to the depot pursuant to a contractual arrangement with the depot stating the relevant conditions necessary for its successful recovery (eg maximum contamination rates), and

- b only arranges for the disposal of the material to landfill after it has been assessed by a staff member trained to make such assessments:
 - i as physically unrecoverable due to physical or chemical contamination, or
 - ii as requiring disposal to landfill for health or amenity reasons in circumstances of mechanical failures at the depot, and
- 2 if the depot operator–
- a has staff on-site at all times during opening hours who are trained in accordance with a Standard Operating Procedure (per paragraph 2.c) and required to recognise banned wastes,
 - b provides written or verbal notice to a waste transporter by the following business day regarding any identified banned waste presented to the depot in an unsuitable manner (either because it should not have been taken to the depot at all or because the depot's management requirements for the waste were not followed), and
 - c has written procedures specifying the steps for the handling of any banned item(s) found (ie a Standard Operating Procedure), including:
 - i identification of banned wastes
 - ii physical removal of the banned material from the residual waste stream or other streams
 - iii redirection instructions for recovery or treatment of each banned material (including when incoming vehicles may be redirected or where banned materials collected at the depot need to be taken),
 - iv client notification of the presence of the banned material, and
- 3 the depot operator retrieves all banned items as far as reasonable and practicable and redirects them for resource recovery or treatment, such that:
- a no hazardous waste, lead acid batteries, liquid waste, medical waste, oil and whole tyres are presented for transport to landfill (unless occupational health and safety requirements can be shown by the depot operator to prohibit removal),
 - b for other banned materials, retrieval is such that no single item of 150 mm or more in length on any side occurs in the residual waste stream (unless occupational health and safety requirements can be shown to prohibit removal action), and
 - c in any case, no more than 0.2% of waste (by weight) from waste as presented for disposal to landfill comprises banned wastes (ie no more than 2 kg/tonne).

It is the EPA's position that all reasonable and practicable steps will have been taken to avoid any breach of clause 12 if the above steps have been met. Failure to comply with these requirements may result in enforcement action being taken for breach of clause 12(1), a mandatory provision, on the basis that banned landfill waste has been sent to landfill.

3.5 Landfill depots

A landfill depot is defined by the EPP as meaning 'a depot for the controlled disposal of waste to land'.

Landfill depots do not have strong control over what material is presented at the landfill site for disposal: it is dependent upon the behaviour of all waste generators, handlers and transporters prior to the waste arriving at landfill. Small items may not readily be noticed and often will not be able to be safely removed. Larger items or an aggregated volume of smaller items may be identified at the time of tipping and disposal to landfill prevented.

If waste is received for disposal at a landfill from:

- one of the following–
 - a licensed material recovery facility authorised to receive that type of waste,
 - a licensed composting depot authorised to receive that type of waste, or

- another EPA approved facility (clause 12).

The landfill can simply receive waste for disposal (as a determination is taken to have already been made that no further treatment for the removal of banned wastes is needed)⁴.

- other sources, the landfill operator will need to determine whether the waste can be disposed of in accordance with these guidelines.

Landfill operators need to either:

- be able to provide evidence that they could simply dispose of the waste received [under clause 12(5)], or
- if they are responsible for determining if waste can be disposed of to landfill, by the times nominated in this section:
 - notify their clients every year on what wastes will or will not be accepted
 - state what wastes will or will not be accepted on their website (if they have one)
 - have an entrance sign stating what wastes will not be taken
 - have staff that are suitably trained to handle banned wastes
 - when banned waste is identified, notify waste transporters of banned waste requirements
 - have a Standard Operating Procedure on how to identify, retrieve and redirect banned wastes
 - retrieve all aggregated banned materials and hazardous waste, lead acid batteries, liquid waste, medical waste, oil and whole tyres (subject to occupational, health and safety restrictions)
 - retrieve fluorescent lighting and other lighting containing mercury, whitegoods, computer monitors and televisions (including components) and other electrical or electronic items (as they are banned) in accordance with the size and volume limits given.

Details are set out below.

For banned wastes received for disposal at the landfill depot:

- the depot operator will need to be able to provide evidence of receipt of the waste from an appropriate licensed material recovery facility, approved licensed composting depot or EPA approved facility upon request by the EPA, or
- where clause 12(5) does not apply, a landfill depot can determine to dispose of the banned wastes in compliance with clause 12(4) of the EPP if:
 - 1 the depot operator–
 - a by 1 March 2013 or within 6 months of commencing operations (whichever is the later) and at least once per annum thereafter, provides advice in writing to all organisations that deliver waste to the depot pursuant to a contractual arrangement with the depot operator stating the wastes that cannot be received at the depot for disposal. Advice also needs to be provided at the time of entering any new contractual arrangement,
 - b by 1 March 2013 or within 6 months of commencing operations (whichever is the later), maintains information within its website (if it has one) stating the wastes that will not be received at the depot,
 - c by 1 March 2013 or within 6 months of commencing operations (whichever is the later), displays signage of at least at or near the depot entrance clearly listing wastes that cannot be accepted at the depot,
 - d has staff on-site at all times during opening hours who are trained in accordance with a Standard Operating Procedure (per paragraph 1.f) and required to recognise banned wastes,
 - e provides written or verbal notice to the waste transporter by the following business day regarding any identified banned waste presented at the landfill depot, and

⁴ EPP clause 12(4)–(5).

- f has written procedures specifying the steps for the handling of any banned item(s) found (ie a Standard Operating Procedure), including:
 - i identification of banned wastes
 - ii physical removal of the banned material from the residual waste stream or other streams
 - iii redirection instructions for recovery or treatment of each banned material (including when incoming vehicles may be redirected or where banned materials collected at the depot need to be taken),
 - iv client notification of the presence of the banned material, and
- 2 the depot operator retrieves all banned items as far as reasonable and practicable and redirects them for resource recovery or treatment, such that:
 - a no aggregated recoverable materials that have been aggregated for resource recovery are disposed of at the landfill. If delivered, they are removed and redirected,
 - b no hazardous waste, lead acid batteries, liquid waste, medical waste, oil and whole tyres are disposed of in the landfill (unless occupational health and safety requirements can be shown by the depot operator to prohibit removal),
 - c for other banned materials, any single vehicle or bin load containing:
 - i any item of 750 mm or more in length on any side, or
 - ii 0.2 m³ or more of banned items of less than 750 mm or more in length on any side,
 that are visible upon inspection at the gate or tipping, must have the banned items removed from the load on the day of its disposal (unless occupational health and safety requirements can be shown to prohibit removal action), and
 - d in any case, no more than 1% of waste (by weight) from any single vehicle or bin load as presented for disposal to landfill comprises banned wastes (ie no more than 10 kg/tonne).

It is the EPA's position that all reasonable and practicable steps will have been taken to avoid any breach of clause 12 if the above steps have been met. Failure to comply with these requirements may result in enforcement action being taken for breach of clause 12(2), a mandatory provision, on the basis that a banned waste has received waste for disposal to landfill.

4 Waste generators and service providers

It is a general defence in criminal proceedings for a contravention under the Act, if the defendant took all reasonable and practicable measures to prevent the contravention⁵.

In contrast to individuals, there are circumstances where other waste generators do not have a good degree of control over the items placed in their bins due to the mix of people using them. However, these waste generators can undertake measures to minimise the likelihood of banned wastes being placed in their bins.

This section sets out the EPA's position on what will constitute all reasonable and practicable measures in preventing potential contraventions of the landfill bans by key waste generators and service providers. The EPA acknowledges that the measures presented here for undertaking all reasonable and practicable measures to prevent contraventions of the landfill bans are non-exclusive, ie an entity may find other ways of ensuring that it has done all that is reasonable or practicable to avoid the breach of a ban.

⁵ Section 124 of the Act.

4.1 Waste transporters

Commercial waste transporters collect waste from many different sources, with transporters servicing council kerbside collections and private collections from all types of waste sources. Transporters can influence but not control what generators place into bins for collection.

Waste transporters may transport waste directly to landfill without having to take any steps for the management of banned wastes if it has been collected from:

- a licensed material recovery facility authorised to receive that type of waste,
- a licensed composting depot authorised to receive that type of waste, or
- another EPA approved facility (clause 12: The EPA will maintain a list of these facilities).

In other cases, it will be the EPA's position that a transporter has taken all reasonable and practicable measures to avoid a breach of clause 12 if⁶:

- 1 the transporter–
 - a by 1 March 2013 or within 6 months of commencing operations (whichever is the later) and at least once per annum thereafter, provides advice in writing to all organisations for which it has contractual collection arrangements stating the wastes that cannot be collected for disposal to landfill. Advice also needs to be provided at the time of entering any new contractual arrangement,
 - b by 1 March 2013 or within 6 months of commencing operations (whichever is the later), maintains information within its website (if it has one) stating the wastes that will not be collected for disposal to landfill,
 - c provides written or verbal notice to a waste generator by the following business day regarding any identified banned waste presented for collection for disposal to landfill with advice on alternative handling options, and
 - d has written procedures specifying the steps for the handling of any banned item(s) identified, including:
 - i physical removal and return to the waste generator for appropriate alternative handling,
 - ii redirection instructions for recovery or treatment of each banned material (for either when observed by a transporter or returned to the transporter by another facility), and
 - iii notification to the waste generator of the presence of the banned material.

4.2 Councils – kerbside collections, hard waste collection and collection of illegally

Councils provide waste services for residents within their area, often including hard waste collections and a mix of regular kerbside collections. A number of councils also provide services for small businesses within their area.

In the event of a banned waste being disposed of to landfill from a council waste collection, it is the EPA's position that a Council will have taken all reasonable and practicable measures to avoid any breach of clause 12 if⁷:

- 1 in providing kerbside collections, the council–
 - a is capable of responding to queries, within a reasonable period, regarding wastes that must not be placed in council bins and where information can be found on options available for the disposal of wastes banned from landfill, and
 - b by 1 July 2013 and at least once per annum thereafter, provides printed information to all households and businesses serviced in its area stating the wastes that must not be placed in council bins and providing guidance on options available for the disposal of those wastes banned from landfill, and

⁶ Satisfies the defence in section 124 of the Act.

⁷ Satisfies the defence in section 124 of the Act.

- c maintains pages within its website that either:
 - i state the wastes that must not be placed in council bins and provide guidance on options available for the disposal of those wastes banned from landfill, or
 - ii contain an accessible link to the ZWSA web pages capable of showing wastes that must not be placed in council bins and providing guidance on options available for the disposal of those wastes banned from landfill, and
 - d has, by 1 December 2013, distributed stickers for use on all serviced bins that clearly show the banned items that cannot be put into the bin; visual representations of wastes and words are appropriate. This information may be provided in conjunction with other information showing all wastes that can or cannot be placed in the bin. The stickers must be suitable for outdoor use.
- 2 In providing hard waste services, the council–
- a is capable of responding to queries, within a reasonable period, regarding:
 - i any special requirements for the collection of wastes banned from landfill by hard waste services, and
 - ii any domestic wastes that cannot be placed out for hard waste services due to being banned from landfill and where information can be found on options available for the disposal of those wastes.
 - b by 1 July 2013 and at least once per annum thereafter, provides printed information to all households and businesses serviced stating:
 - i any special requirements for the collection of wastes banned from landfill by hard waste services, and
 - ii any domestic wastes that cannot be placed out for hard waste services due to being banned from landfill and where information can be found on options available for the disposal of those wastes.
 - c maintains a website that states:
 - i any special requirements for the collection of wastes banned from landfill by hard waste services, and
 - ii any domestic wastes that cannot be placed out for hard waste services due to being banned from landfill and where information can be found on options available for the disposal of those wastes.
 - d ensures that hard waste services for which it is the council's policy that banned wastes may be submitted are of a character that directs the banned wastes (other than any risk-based banned wastes) to a resource recovery facility licensed to receive that type of waste, and
- 3 from 1 December 2013, in collecting whitegoods, computer monitors and televisions (including components) and other electrical or electronic items (as they are banned) that have been unlawfully disposed of in the council area without being substantively mixed with other wastes, the council ensures that these banned wastes collected are directed to a resource recovery facility licensed to receive that type of waste.

Note: Given requirement 2.d in section 4.2, it is noted that there is no requirement for councils to subject any overall hard waste service to resource recovery given the exclusion of these services from clause 11 of the EPP (resource recovery requirements)⁸. Also, there is no requirement for Councils to provide a hard waste service that collects any banned wastes.

4.3 Public place bins

Councils and other levels of government may provide and service public bins along streets, in playgrounds, parks and reserves, and a variety of other public places. Shopping centres typically provide bins for patron use. Private operators may provide bins for the attendees of time-limited events (eg Clipsal, Garden of Unearthly Delights). The likelihood of disposal of banned wastes in these bins is low. It is the position of the EPA that no action needs to be taken to give notice or other measures for such bins. Any banned wastes present may be responded to through waste transporter guidelines (section 3.1).

⁸ Schedule 3(e) of the EPP.

4.4 Employers

The wastes generated by different businesses and other employers are diverse and dependent upon the nature of the operation being conducted.

If the nature of the business requires the handling of banned wastes on the premises and there is a reasonable possibility that banned wastes could be placed in bins for disposal, then it is the EPA's position that the employer will have taken all reasonable and practicable measures to avoid a breach of clause 12⁹ if the employer:

- by 1 December 2012 or within 3 months of commencing operations (whichever is the later), has appropriate alternative disposal arrangements operating for any banned wastes handled at the facility,
- by 1 December 2012 or within 3 months of commencing operations (whichever is the later), displays signage on or adjacent to bins (for which there is a reasonable risk of banned wastes being disposed into) advising of the wastes that must not be placed in the bins and the expected alternative disposal requirements,
- by 1 December 2012 or within 3 months of commencing operations (whichever is the later), has provided training to all relevant employees on handling requirements for banned wastes, and
- by 1 March 2013 or within 6 months of commencing operations (whichever is the later, maintains information within its internal website (if it has one) stating the wastes banned from landfill handled at the facility and expected alternative disposal requirements.

Disclaimer

This publication comprises guidelines for the purposes of clause 12(4) of the *Environment Protection (Waste to Resources) Policy 2010*. It seeks to explain your possible obligations in a helpful and accessible way. In doing so, however, some detail may not be captured. It is also acknowledged that the measures presented here for undertaking all reasonable and practicable measures to prevent contraventions of the landfill bans are non-exclusive. It is important, therefore, that you consider your own circumstances and possible obligations and, where appropriate, that you seek your own legal advice.

Further information

Legislation

Legislation may be viewed on the Internet at: www.legislation.sa.gov.au

For general information please contact:

Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Telephone: (08) 8204 2004
Facsimile: (08) 8124 4670
Freecall (country): 1800 623 445
Website: www.epa.sa.gov.au
Email: epainfo@sa.gov.au

⁹ Satisfies the defence in section 124 of the EP Act.

Appendix 1 Clause 12 of the policy

Extracted from the EPP dated 24 November 2011. Please check for currency at www.legislation.sa.gov.au.

Definitions of terms used in this provision may be found in the EPP and Act. The Act sets out offence amounts.

12—Disposal of prohibited landfill waste

- (1) A person must not dispose of waste at a landfill depot if the waste was produced in an area for which the waste is prohibited landfill waste.

Mandatory provision: Category B offence.

- (2) A person must not dispose of waste in an area for which the waste is prohibited landfill waste by depositing it in a receptacle for collection or transport for disposal at a landfill depot.

Mandatory provision: Category B offence.

- (3) The operator of a landfill depot must not receive waste for disposal at the depot if—

- (a) the waste was produced in an area for which the waste is prohibited landfill waste; or
- (b) the depot is situated in an area for which the waste is prohibited landfill waste.

Mandatory provision: Category B offence.

- (4) This clause does not apply to the disposal or receipt of waste at a landfill depot if—

- (a) a determination has been made, following examination of the waste, that the waste need not be subject to treatment, or further treatment, for the removal of material that is prohibited landfill waste; and
- (b) the determination has been made—
 - (i) at an appropriate licensed material recovery facility or composting depot in accordance with any licence conditions that are expressed to apply for the purposes of this clause; or
 - (ii) at some other facility that has been approved by the Authority for the purposes of this clause in accordance with any conditions that apply under this clause; or
 - (iii) in accordance with any guidelines published from time to time by the Authority for the purposes of this clause.

- (5) For the purposes of subclause (3), prohibited landfill waste received at a landfill depot will be taken to have been the subject of a determination referred to in subclause (4) if it has been received from—

- (a) an appropriate licensed material recovery facility or composting depot; or
- (b) some other facility that has been approved by the Authority for the purposes of this clause.

- (6) The Authority may—

- (a) grant an approval to a facility for the purposes of subclauses (4) and (5) subject to such conditions as the Authority thinks fit (and the Authority may vary those conditions from time to time);
- (b) revoke such an approval on such grounds as the Authority thinks fit.

- (7) The conditions of an approval may be varied by the addition, substitution or deletion of 1 or more conditions.

Appendix 2 Products banned from disposal at landfill

Product	Coverage
From 1 September 2010	
Hazardous waste	Statewide
Lead acid batteries	Statewide
Liquid waste	Statewide
Medical waste	Statewide
Oil	Statewide
Whole tyres ¹	Statewide
Aggregated cardboard and paper ²	Statewide
Aggregated glass packaging ³	Statewide
Aggregated metals ⁴	Statewide
Aggregated PET or HDPE plastic packaging ⁵	Statewide
Vegetative matter collected by councils ⁶	Statewide
From 1 September 2011	
Vehicles	Statewide
PP or LDPE plastic packaging ⁷	Statewide
Whitegoods	Statewide
From 1 September 2012	
PVC or PS plastic packaging ⁸	Statewide
Fluorescent lighting ⁹	AdelaideMetro
Computer monitors & televisions ¹⁰	AdelaideMetro
Whole earth mover tyres	Statewide
From 1 September 2013	
Fluorescent lighting ¹¹	Statewide
Computer monitors & televisions ¹²	Statewide
Other electrical or electronic equipment	Statewide

Notes

- 1 Whole tyres other than earth mover tyres and tyres that have been exposed to radioactive materials through mining operations.
- 2 Aggregated for resource recovery separate from other waste.
- 3 Aggregated for resource recovery.
- 4 Aluminium, copper, steel or iron or a blend or alloy of any such metals aggregated for resource recovery (whether alone or with other recyclables), other than metal products with components of different metals that cannot be readily separated.
- 5 Aggregated for resource recovery (whether alone or with other recyclables).
- 6 Aggregated for resource recovery and collected by a council by a kerbside waste collection service operated as a separate collection service for such waste, other than such waste collected from within a quarantine area under the Fruit & Plant Protection Act 1992.
- 7 Aggregated for resource recovery (whether alone or with other recyclables).
- 8 Aggregated for resource recovery (whether alone or with other recyclables).
- 9 And any other lighting that contains mercury.
- 10 Including components, subassemblies and consumables that are part of the equipment when discarded.
- 11 And any other lighting that contains mercury.
- 12 Including components, subassemblies and consumables that are part of the equipment when discarded.