Northern Territory Environment Protection Authority

Submission Form for Comments and Feedback

Review of the *Waste Management and Pollution Control Act* and *Litter Act*

Submissions close: ***Monday 27 October 2014, 5pm***

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Your comments will be publicly available.

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Section	Comment
1	The Territory should follow the lead of New South Wales, Victoria and Queensland in having explicit provisions within the Act to ensure that activities taking place outside the Territory do not affect the Territory. This is relevant in Alice Springs due to our central location and low population. Without ensuring that activities that cause environmental harm are offences, Central Australia could be viewed as a cheap dump ground. The Act should also consider harm to human health and damage to communities that can be caused from activities that may originate outside our borders yet cause harm within them. The EPA needs to ensure that systems are not evolving that incentivise transporting waste into the Territory. Appropriate route for the movement of listed waste should be consulted with the community to minimise the risk to communities. Waste Management Facilities should have the right to refuse to accept waste from interstate.
2	In keeping with best-practice waste management, the waste hierarchy should be embedded within the Act. Rather than just words, the hierarchy needs to be implemented through targeted schemes and through policy. The CDL Scheme and the Plastic Bag Ban are successful NT Government led schemes. Further schemes should be developed to target additional waste streams such as tyres, plastics, e-waste, and organics.

Please complete the form and send it via one of the following by no later than *Monday 27 October 2014*, *5pm*:

Email: NTEPA.Consult@nt.gov.au

Post: NT EPA, GPO Box 3675, Darwin NT, 0801

Privacy: Your personal information will be used for the purpose of collecting and collating comments received on the Issues Paper. The NT EPA is subject to the *Information Act* and its Regulations. Information will not be disclosed to a third party, unless required by law or otherwise stated.

Section	Comment
	The cost implications for introducing schemes which incorporate the waste hierarchy must also be considered. Support should be provided for existing facilities that roll-out the schemes. For chemical and hazardous wastes, the polluter pays principal should be used. The Territory Government can influence waste avoidance by engaging with national processes and working with manufacturers and industrial processes and research sectors to help create more efficient and innovative processes to avoid generating waste and by engaging in meaningful partnerships to minimise waste. For example, the EPA could establish a scheme to promote producer responsibility and a fund to support recycling various waste streams. The EPA could also foster attitudes and lifestyle choices that encourage us to live within nature's limits (e.g. by including a greater range of resources on EPA website and creating government driven waste programs).Also, working with the Department of Health to allow take away food to be purchased with less packaging.
3.	Language is important on shaping public perceptions of waste and resources. There is widespread agreement that waste materials should be regarded as potential resources. In the National Waste Policy, developed by the former Environment Protection and Heritage Council, Managing Waste as a Resource is one of the four aims. One issue with this may be that different services for recycling are available in each location across the Territory. In some places, recycling is available, in more regional areas fewer recycling options exist meaning that materials that could be viewed as resources in some locations are waste in other locations.
4.	Freight costs and distance to larger recycling facilities are major barriers to improving recycling in the NT. For example, in order to recycle plastics in Alice Springs, the Alice Springs Town Council would need to bale plastics and freight them interstate before they are sent overseas. The cost of this will be borne by the community. Lack of kerbside recycling makes it difficult for some areas to recycle effectively (See infrastructure required point 8) Lack of education around waste, environmental process and natural resource limitations, and recycling. The food and beverage industry's refusal to cooperate at times. For example, the court case against the NT Government around the CDL scheme. Even where National Stewardship programs are in place, such as the National Television Stewardship program, when the programs fall short of recycling all of the waste produced n Alice Springs, the community may have to pay more for the service. The National Stewardship programs need to enforce quota for collection of product (e.g tyres, paint, ewaste etc.) in rural areas which are far from the recycling market to promote recycling in central and rural Australia.
5.	Listed wastes should be used as a guide licensing. Also: The transport of listed waste whether from an industrial and or mine site should require a license. The transport of listed waste interstate (e.g. uranium).

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	Transport of industrial waste from mine or exploration sites. The transport of dangerous chemicals cross borders.
6.	Annual reporting from landfill operators, councils, and industry would improve knowledge about wastes in the NT. This type of reporting could also be analysed annually and be used to drive policy change and targeted approaches to dealing with certain waste streams. Mining operations that are generating wastes should also be reporting annually. Additionally, waste water should also be considered in the Act and reported on.
7.	Should a levy be imposed, various considerations need to be made to ensure that the levy doesn't adversely affect recycling rates and disposing of waste correctly. Funds raised through the levy must go back into the area where they are raised to fund recycling projects and the operation of the recovery centres and landfills. Without putting funds back into the local recycling rates will likely be affected as councils' budgets will be less likely to cover recycling initiatives. In Alice Springs and other regional and remote areas, freight prices already affect recycling. Increasing the price of taking waste to waste management facilities through a levy may have the effect of increasing littering and illegal dumping. Levy may force some Councils not to accept certain waste products outside their jurisdictional borders to avoid extra cost to rate payers
8.	Assistance with funding for bailing machines, and Materials Recovery Facilities would assist councils in regional areas with recycling certain waste streams. Councils require assistance with the development of new landfill or facilities to reduce cost. The NT EPA should support the development of regional infrastructure or facilities to enhance waste management in the Northern Territory.
9.	Yes, contaminated sites should be given greater focus. Contaminated land needs to be issues should be dealt with according to applicable best practice Australian standards, with adjustments for the local conditions. Any pollution or damage to the environment should be covered by the polluter.
10.	Known contaminated sites must be remediated by the polluter at full cost to the polluter. Mining or industry projects which are generating hazardous wastes or which have the potential for contaminating land should be required to fully explore land remediation options, and where necessary require these issues to be addressed through the preparation of waste management plans. Safe treatment or disposal needs to be addressed prior to commencement of the project and at the expense of the project company. Rehabilitation costs need to be fully covered by the project proponent and enforced by the EPA. Penalities should be enforceable and should be clearly listed on the EPA website. Waste management facilities may not be equipped to deal with contaminated soils and hazardous wastes. In this instance, the waste facility should have the right to refuse the contaminated material as per licence conditions. To encourage effective management of listed waste from the producer / polluter. Polluters/producer should provide proof

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	to the NTEPA that they have disposed of it in an effective manner and according guideline for listed waste. The onus should be on the producer/polluter to provide reports from third party laboratories to Council to determine the bench mark concentration, which may not always have the appropriate expertise to deal with listed waste. The argument have been raised by producer that the listed waste is in its natural form does not require stringent guidelines as those produce in an industrial environment. Any company knowingly bringing contaminated wastes into a waste facility without declaring it to be contaminated should pay for the price of remediation of the site.
11.	Anyone involved in handling or transporting hazardous substances should be trained in emergency responses and correct reporting procedures for spills or other incidents which could cause damage to the environment. All spills and near misses should be reported. Reporting should be done as soon as reasonably practicable. Any incidents should be reported even if reporting may incriminate that person. Companies should be held responsible if inadequate training has not be provided to staff or contractors for reporting procedures.
12.	First of all, emissions need to be defined. Emissions must also include Greenhouse Gas emissions, which are notable absent from both the Act and the Waste Management Strategy. This is a serious omission and shows that more needs to be done to ensure that all aspects of waste management are properly considered. Providing management options and targets for waste and for activities and industries that directly produce Greenhouse Gases should be prioritised. Cumulative effects off waste and pollution on the environment are important to consider, particularly for new and emerging industries. Big polluters should be closely monitored. Self-regulation is insufficient for any type of activity that could potentially cause environment harm. Projects which require an environmental impact assessment (EIA) or which are generating wastes with limited options for safe handling, recycling or disposal should be required to fully explore waste minimisation and treatment and disposal options, and where necessary require these issues to be addressed through the preparation of waste management plans. Safe treatment or disposal needs to be addressed prior to commencement of the project and at the expense of the project company.
15.	A more holistic approach to managing risks from emissions or discharges should be taken – where a range of factors are considered. Risks need to be adequately assessed and managed accordingly. Industries should not receive permits without first assessing the risks to the environment and the community.

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19.	The EPA should conduct an audit of any sites that may be polluted even after all activities have ceased. Any activities that cause or have the potential to cause environmental damage must be responsible for the damage. The full costs of recovery to the environment must be factored into rehabilitation bonds. The EPA needs to enforce the Act and have the powers to ensure that rehabilitation bonds are paid, sites are monitored adequately, and environmental harm is minimised.
20.	Greater financial penalties need to be enforced for non-compliance of the Act. Naming and shaming companies or organisations that have caused environmental harm. A more proactive approach needs to be taken by the EPA. In conjunction with this, a mediation and appeal process needs to be available,
24.	Littering is a moderate problem in the community. The Container Deposit Scheme and the Alice Springs Town Councils wine and spirit bottle deposit scheme have greatly reduced litter in Alice Springs. Additionally, council by-laws, fines for littering, and littering patrols reduce littering, particularly in hot-spots. This does come at a cost to the community.
25.	Council by-laws do limit the placement of advertising material within the municipal boundary. However, provisions for littering should be applied across the territory to ensure that all localities are covered.
26.	Advertising does contribute enormously to waste in Alice Springs. This is not necessarily viewed as a problem by the public and does not necessarily contribute to littering, but without any paper recycling available, almost all of it will end up in landfill. The majority of litter can be attributed to certain businesses (many of them fast food and alcohol-related). To this end, the EPA should encourage industry and community bodies to contribute to the resolution of issues of environmental significance or public concern. Residents must have the right to refuse advertising mail with no-junk mail stickers on their mailboxes. If this is contravened, fines should be given to the advertiser.
27.	Yes, provisions should make it easier for the public to report littering and dumping. Members of the public do already report incidents of littering to the council. However, through this Act, a provision should also be made. Fines should be clearly listed on the EPA website and in the Act.
29.	Continuing the ban on plastic bags and continuing the CDL schemes are vital for ensuring that littering does not increase. Ensuring that adequate recycling options are available for all waste streams at an affordable price. Despite being comparable to other jurisdictions, there is a perception in Alice Springs that the fees for certain items are unaffordable or too high. There is a long way to go to improve the waste and recycling in the Territory, and in Central Australia in particular. The NT EPA should offer support for councils to adequately deal with all waste streams not currently covered by the current

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	schemes (such as plastics without 10c refund, food waste and organics, liquid wastes and tyres). Also, the NT EPA should work to ensure that 100% e-waste can be recycled in the Territory. Clear information on the EPA website regarding illegal dumping, fines, and reporting. Other sections of the website and EPA publications to help you understand the topics more.
30.	The NT should be considering broader environment protection acts. Currently there is a large focus on waste, yet other environmental issues need to be considered with more weight.
31.	Other matters to be included are air pollution including emissions of greenhouse gases, noise, motor vehicles, hazardous chemicals, environmental audits, clean energy, biodiversity and conservation, sustainable development, groundwater, vegetation clearing
32.	Policy should support legislation. Policy developed by the EPA should be designed with the whole of the NT in mind, rather than to support the functions of the EPA.
33.	Local Governments already have a major role in the regulation of waste. Developing a Territory – wide Waste Management Committee, where local governments have a key role. Central Australia should be represented on this committee with representative from Alice Springs Town Council and Shire's as they have they own unique constraints. In the past, Government organisations have come to Alice Springs to engage the community in matters in regards to waste, but after the initial consultation no feedback has been received. The NT EPA can change this by having a community consultative approach. Local government could have a role in reporting contamination risk and providing a supportive role in managing compliance.
34.	Involving the community in the process of reviewing the Act is important part of the NT EPA's Strategic Plan. Involving the community and providing better education may improve compliance. The language of the Act makes it difficult to read. Providing a summary of each section of the Act would be helpful to the general public. Local councils and operators of waste facilities should be consulted prior to any major changes being made to the Act to ensure the Act is written with the local conditions in mind.
35.	Yes, and the application should be on public display for a minimum of 28 days
36.	Any person or organisation directly affected by or acting on behalf of someone affected by the Act should have the right to appeal. Organisations acting in the public interest should also have the right to appeal. A mediation process should be made part of the appeal process. If a dispute arises either parties may request the Institute of Arbitration Australia to appoint a mediator. Dispute meeting should be held locally to resolve issue.

General comments
Click here and press the TAB key to add extra rows to this table.