

# EPA Division

# Policy Update November 2013

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### 1. Water Quality Policy

#### State Policy on Water Quality Management

The Division has been collating and analysing water quality information to propose draft water quality guidelines (WQGs) and objectives (WQOs) at a regional level for freshwater estuarine and coastal waters, and for site specific locations in streams and certain estuaries and coastal segments. Further data collection is, however, required before proposing WQOs for groundwater systems.

Under the State Policy, the EPA Board has the responsibility for determining suitable WQOs and WQGs. The analysis by the Division, once completed, will be provided to the Board for their consideration.

**For further information contact Greg Dowson, ph (03) 6165 4569**

#### Anti-fouling and in-water cleaning guidelines

In 2009 the EPA Division released *Environmental Guidelines for Boat Repair and Maintenance*. The Guidelines described the potential environmental impacts of boat repair and maintenance activities. They also recommended specific actions that boat owners and facility operators and users could take to minimise the environmental effects of their work.

Since then, Australia and New Zealand have developed '[Anti-fouling and in-water cleaning guidelines](#)', which replace the *Australian and New Zealand Environment and Conservation Council Code of Practice for Antifouling and In-water Hull Cleaning and Maintenance, 1997*.

The Standing Council on Primary Industries endorsed the guidelines on 26 June 2013.

The national guidelines cover the application, maintenance and removal of anti-fouling, disposal of residues and wastes, and appropriateness of in-water cleaning for vessels and movable structures in both countries.

**Further information on the national guidelines is available from the marine pests area of the [DAFF website](#).**

### 2. Air Policy

#### Tasmanian Air Quality Strategy

In 2006 the *Tasmanian Air Quality Strategy* (TAQS) was established under the *Environment Protection Policy (Air Quality)* to guide the management of air quality in Tasmania. In 2008, the Implementation Steering Committee of the *Tasmanian Air Quality Strategy* was established to review progress toward implementation of Strategy objectives and to facilitate and drive further implementation of outstanding objectives.

A report on the mid-term review of the Strategy submitted to the EPA Board in April 2010 noted that the majority of the Strategy's objectives had been implemented or were being implemented, primarily through activities of the EPA Division.

Addressing information and data gaps has been a key focus of the Strategy. To this end, the smoke monitoring network BLANKET (*Base-Line Air Network for the EPA Tasmania*) has been established. To address issues relating to smoke from domestic wood heaters, the Division has established a Domestic Smoke Management Program. To date the program has been implemented in collaboration with EHOs from four local government municipalities. Planning for the

2014 phase of the program is currently underway. Details are available on the website, at [epa.tas.gov.au/epa/air](http://epa.tas.gov.au/epa/air)

**For further information contact Bob Hyde, ph (03) 6165 4593**

#### Distributed Atmospheric Emissions Regulations

A 2011 review into the implementation of the Regulations found that more time was needed for actions underway or planned at the time to have measurable effects. In particular, the Division's Domestic Smoke Management Program needed time to have a full effect across wider areas of Tasmania.

The pilot areas in which the Domestic Smoke Management Program has been operating (through the *Burn Brighter this Winter* project) have shown some improvements in emissions from wood heaters. Collaboration with the Council in each area has been essential for the improvements being achieved.

As occurred in 2010–11, another survey of Councils is being conducted to assess the implementation of the Regulations in light of the recent programs and activities. A report on the review is expected before the end of the year.

In response to some of the issues that have arisen so far, minor amendments are likely to be proposed to improve or clarify the implementation of the Regulations. Consultation with stakeholders will occur in the coming months as draft amendments become available.

**For further information contact Alasdair Wells, ph (03) 6165 4536**

### **3. Waste Policy**

#### Plastic Bags

In the May 2012 Budget, the Tasmanian Government announced the development and implementation of new plastic bag legislation. The legislation was passed by the Tasmanian Parliament on 29 May 2013.

From 1 November 2013, retailers in Tasmania can no longer supply shoppers with a lightweight, non-biodegradable plastic shopping bag for the purpose of enabling goods sold, or to be sold, by the retailer, to be carried from the retailer's premises.

The supply of other plastic bags is not restricted. These include compostable biodegradable plastic bags compliant with Australian Standard 4736, heavier plastic bags (typically used by clothing and department stores) and plastic bags that are an integral part of the packaging (such as bread, frozen foods or ice bags and fruit and vegetable 'barrier' bags).

The legislation supports the Tasmanian Waste & Resource Management Strategy and builds on initiatives undertaken by many retailers in Tasmania, who have already moved to supplying reusable or biodegradable bags for customers. Similar legislation has been implemented in South Australia, the Northern Territory and the ACT.

**For further information contact Maria Clippingdale, ph (03) 6165 4511 or visit [plasticbags.tas.gov.au](http://plasticbags.tas.gov.au)**

#### Tasmanian Marine Oil Spill Contingency Plan (TasPlan)

The *Tasmanian Marine Oil Spill Contingency Plan* (TasPlan) outlines the response and arrangements in place in the event of a spill into the Tasmanian marine environment.

Following a recent positive experience in New Zealand using volunteers to assist with on ground oil spill response efforts, the EPA Division is developing a policy on the use of volunteers at Tasmanian incidents. A comprehensive management system will also be developed to implement the policy.

The National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances is a cooperative arrangement involving AMSA; the States, the Northern Territory, and the petroleum, chemical and shipping industries, which aims to maximise Australia's marine pollution response capability. To assist in maintaining this capability various National Plan organisations frequently hold training courses.

Under the National Plan Training Framework, many States already have established Finance and Administration courses. It was agreed that owing to differing finance and procurement guidelines, the States and the Northern Territory would be responsible for developing their own courses. Tasmania is now developing the systems required for managing finance and administration

in the event of an oil spill incident, a manual and an introductory training course.

**For further information contact Letitia Lamb, ph (03) 6165 4538**

#### 4. Legislation

##### Pollution of Waters by Oil and Noxious Substances Act 1987 – Amendment Bill

Earlier this month, amendments to Division 2AB (Pollution by sewage) were approved by Parliament to allow for a Directive to be issued regarding the discharge of sewage from certain boats into Tasmanian waters.

The amendments allow the Director, EPA to issue a Sewage Management Directive that specifies where sewage can or can not be discharged from boats, and under what circumstances. The Directive may also apply differently to vessels of varying person-carrying capacity. The intent is a risk-based system to prevent environmental harm from sewage discharge from boats.

The Directive will not apply to vessels to which Annex IV of the MARPOL Convention applies, which means it will principally apply to local vessels, including recreational vessels.

The amendments to POWONSA also include an amendment to the definition of “State waters”. Recent changes to the equivalent Commonwealth Act clarified the meaning of “the sea near a State”, and confirmed that a State’s responsibility in giving effect to the nation’s obligations under the MARPOL Convention extend only to the 3 nautical mile limit from the baselines by which the Territorial Sea of Australia is measured for the purposes of international law. The Bill therefore included an amendment to the definition to bring it into line with the amended Commonwealth Act.

The Amendment Bill completed its passage through Parliament on 21 November, and is expected to commence in early December.

The Director has been meeting with key stakeholders, including recreational and commercial boat owner representatives, to consider what a Sewage Management Directive could include. A draft was [released for public comment](#) on 1 November. The comment period closes on 2 December, after which time all comments will be considered before the Directive is finalised.

**For further information contact Steve Howett, ph (03) 6165 4526**

##### Planning Appeals

In June 2013, minor amendments were made to the *Resource Management and Planning Appeal Tribunal Act 1993* to clarify the meaning of a “planning authority” for appeal cases before the Tribunal.

Section 14 of the Act was amended to set out that “*the Board of the Environment Protection Authority and a planning authority are taken to be persons who made the decision appealed against...*” where the EPA had required conditions to be included in a land use planning permit, or had directed a planning authority to refuse to grant a permit.

The amendments clarified the standing of the EPA Board in relevant appeals.

**For further information contact Steve Howett, ph (03) 6165 4526**

#### 5. National Environmental Policy Initiatives

In 2010, COAG reviewed the national Ministerial Councils to better focus on national issues. The Environment Protection and Heritage Council was reformed in 2011 as the Standing Council on Environment and Water (SCEW). The Council last met on 11 April 2013.

Ministers agreed to a work plan for 2013-14 focusing on progressing national water reform, national waste policy and air quality improvement.

SCEW communiqués and key publications are available from their web site ([www.scew.gov.au](http://www.scew.gov.au)).

##### National Waste Policy

The [National Waste Policy: Less Waste, More Resources](#) was endorsed by Australian Governments on 5 November 2009 and by COAG on 6 August 2010. The Policy complements and supports the [Tasmanian Waste and Resource Management Strategy 2009](#).

An integral element of the Policy is the promotion, development and implementation of industry-run National Product Stewardship / Extended Producer Responsibility schemes to manage end-of-life products that may give rise to problem wastes. In June 2011, the *Product Stewardship Act 2011* was passed by the Australian Government to provide the legal framework for the development of such schemes.

### *Television and computer recycling scheme*

In November 2011, Regulations under the Product Stewardship Act commenced to provide co-regulatory support for a nationwide, industry-led television and computer recycling scheme. The scheme is being rolled-out across the country, and is expected to be completed by the end of 2013. Accredited scheme organisers are required to:

- achieve annual targets, starting with a 30 per cent recycling rate for computers and televisions, rising to 80 per cent in 2020-21;
- complete rolling out reasonable access to free collection services across Australia by December 2013;
- meet a material recovery target of 90 per cent by 2014-2015 onwards; and
- ensure that appropriate occupational health and safety and environmental practices are in place.

### *Tyre Stewardship Scheme*

In 2009, Government and industry commenced a process to develop a voluntary industry-led product stewardship scheme for used tyres.

Involving comprehensive stakeholder and public consultation, the process has produced Tyre Product Stewardship Guidelines. While participation in the scheme would be voluntary, all participants would be expected to comply with requirements that commit them to deal only with other members of the scheme in the tyre supply chain. The aim is to increase resource recovery and recycling, and to reduce the negative environmental, health and safety impacts of all end-of-life tyres in Australia. It is also proposed to impose a levy on tyre importers on the sale of tyres in Australia (\$0.25 per passenger tyre equivalent) to fund the administration of the scheme, which will be undertaken nationally by a not-for-profit company "Tyre Stewardship Australia".

Following consideration by the ACCC for authorisation under the *Competition and Consumer Act 2010*, the Australian Tyre Industry Council received authorisation for the scheme on 11 April 2013.

Development of the Scheme is progressing, with some concerns by industry currently being examined.

### *Paint and Battery Stewardship Schemes*

The development of Schemes for waste paint and end-of-life handheld batteries are currently being investigated.

In their April Communiqué, SCEW noted that: *"More than 264 million handheld batteries reach the end of their useful life each year and the equivalent of 18,000 tonnes of paint require disposal each year. There could be significant environmental and community benefits to be gained from working with industry to find better management solutions for these products."*

Working Groups between Government and Industry have been formed to coordinate the development of draft documents and to conduct consultation programs.

**For further information contact Steve Howett, ph (03) 6165 4526**

### National Packaging Impacts Study

On 30 November 2011, the Ministerial Standing Council on Environment and Water (SCEW) agreed to release a Packaging Impacts Consultation Regulatory Impact Statement (CRIS), containing cost-benefit analyses of additional national measures to increase the recovery of used packaging and decrease packaging-related litter.

The options investigated in the Consultation RIS were container deposit schemes (CDS), an advance disposal fee, industry-run schemes that may be co-regulated under the *Product Stewardship Act 2011*, and a nationally consistent government initiative. One of the CDS options investigated was proposed by environment groups and one of the co-regulatory options was proposed by the packaging industry.

The 3 month public consultation period on the CRIS closed on 30 March 2012.

In August 2012, SCEW agreed to develop a Decision RIS (DRIS) to undertake a more detailed analysis of the seven options contained in the CRIS. Based on public consultation and discussions with key stakeholders, the DRIS will also consider 3 additional options for addressing the environmental impacts of packaging waste.

Development of the DRIS has not yet been finalised.

**For further information contact Phil Roberts, ph (03) 6165 4501**

## COAG Chemical Management Reform for the Environment

In May 2013 the Standing Council on Environment and Water released a Consultation Regulation Impact Statement (CRIS) on options for developing and implementing nationally consistent decisions to manage the environmental risks of industrial chemicals. The consultation period ended on 28 June.

The CRIS examined three options for improving the management framework for industrial chemicals:

*Option 1* - Non-statutory development by a SCEW Working Group of national environmental risk management decisions. These would be in the form of model legislation that could be voluntarily adopted by individual jurisdictions.

*Option 2* – National decision developed under Commonwealth legislation and implemented using both Commonwealth and jurisdictional legislation.

*Option 3* – A new risk management framework implemented under a single national system using Commonwealth legislation.

Feedback received during the Consultation RIS process is being used to inform the development of a Decision RIS (DRIS).

The DRIS will be prepared on the preferred approach to delivering the COAG reforms arising from the Council's response to the Productivity Commission's 2008 Research Report on Chemicals and Plastics Regulation.

Further details are available at <http://www.scew.gov.au/consultation/management-chemical-environmental-risks-consultation-regulation-impact-statement>

**For further information contact Alasdair Wells, ph (03) 6165 4536**

## National Plan for Clean Air

The EPA Division is contributing to the development of a National Plan for Clean Air. Initially, the focus is on reducing emissions of, and exposure to, particles that are harmful to human health. The aim of the plan is to integrate pollution and exposure reduction measures, health benefits and air quality standard setting, to provide the Australian community with maximum benefits for

the least cost. The development of the Plan also integrates with the national review of the Ambient Air Quality National Environment Protection Measures (NEPM).

**For further information contact Coleen Cole, ph (03) 6165 4629**

## NEPM for Assessment of Site Contamination

The amendment to the Assessment of Site Contamination National Environmental Protection Measure (ASC NEPM) was officially approved by the Standing Council on Environment and Water (SCEW) on 11 April 2013. The amended NEPM automatically became a State Policy in Tasmania under the *State Policies and Projects Act 1993*.

Where a Notice issued under the *Environmental Management and Pollution Control Act 1994* requires that the ESA is undertaken in accordance with the NEPM, the amended NEPM must be used, although there are transitional arrangements for assessments that have substantially commenced. The approved versions of the NEPM amendment are available on the SCEW website ([www.scew.gov.au](http://www.scew.gov.au)).

CRC CARE in partnership with jurisdictions coordinated a national workshop series in May 2013 to provide regulators, site assessors, consultants, environmental auditors, landowners, developers and industry practitioners with an opportunity to come together and gain an understanding of the changes, new elements, and implementation of the NEPM.

The NEPM has also been promoted through changes to the EPA website, and in November 2013 a scenario-based workshop with consultants and Councils was organised by the EPA Division to explore the use of the NEPM for a common scenario.

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