

ENVIRONMENTAL LAWS AND YOU

This sheet provides information on the relevant sections of the key environmental legislation in South Australia. It is important that you, your staff and sub-contractors are all aware of their obligations.

The principle piece of Environmental Law in South Australia is the *Environment Protection Act, 1993*. Underneath this sits the *Environment Protection (Water Quality) Policy 2003*. As builders or sub-contractors working on building sites it is important to ensure all your works comply with these two pieces of legislation.

The key section of the Environment Protection Act is the 'General Environmental Duty'.

Environment Protection Act 1993 General Environmental Duty

Section 25(1) A person must not undertake an activity that pollutes, or might pollute, the environment unless the person takes all reasonable and practicable measures to minimise any resulting environmental harm.

Environmental harm is defined as any harm, or potential harm to the environment, regardless of the severity of duration and also includes environmental nuisance.

The Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry identifies towards best practice activities. It is these guiding principles that are used when determining if a person has taken all reasonable and practicable measure to avoid stormwater pollution.

Environment Protection (Water Quality) Policy 2003

The Environment Protection (Water Quality) Policy 2003 (WQP), was established to ensure that a consistent State-wide approach to the protection of water quality across all South Australian water bodies, in particular inland waters. It applies to all inland surface, ground, estuarine and marine waters.

The WQP extends beyond the General Environmental Duty, by setting down specified obligations for the community to manage and control diffuse sources of pollution. It seeks to not only protect and improve the quality of the State's water bodies, but also to encourage better use of wastewater by waste avoidance or elimination, minimisation, recycling and reuse; waste treatment to reduce potential degrading impacts; and, finally, environmentally sound disposal.

See overleaf for the most relevant sections of the WQP, in relation to works carried out by builders and their sub-contractors.

The WQP defines street gutters and other stormwater systems as 'water' regardless of whether they have water in them or not.

Failure to adhere to the Acts can result in \$315 on the spot fines, with more serious breaches resulting in prosecution.

Environment Protection (Water Quality) Policy 2003

Obligation not to discharge or deposit listed pollutants into waters or onto certain land (Schedule 4)

Section 17(1) A person must not discharge or deposit a pollutant listed in Part 1 of Schedule 4

- (a) into any waters; or
- (b) onto land in a place from which it is reasonably likely to enter any waters (including by processes such as seepage or infiltration or carriage by wind, rain sea spray or stormwater or by the rising water table).

Mandatory provision: category B offence

(3) A Person must not discharge or deposit a pollutant listed in Part 2 of Schedule 4 into any waters.

Mandatory provision: category B offence

Schedule 4 – Listed Pollutants

Part 1

Agricultural Chemicals
Air conditioning or cooling system wastewater
Brick, Bitumen or concrete cutting wastewater
Building construction or demolition waste
Building washwater
Carpet or upholstery cleaning waste
Chemicals designed for human or animal therapeutic use
Cleaning agents
Concrete Waste
Condensate from compressors
Detergents and their by products
Engine Coolant
Fire Sprinkler test Water
Fuel dispensing area washwater
Hard waste (eg, tyres, batteries, metal parts, piping)
High pressure water blasting waste
Motor vehicle servicing or repairs waste
Oil, grease or lubricants
Paint and paint scrapings
Painting washwater
Paint stripping waste
Petroleum products
Photographic chemicals
Plaster, plaster waste and plaster wastewater
Pool backwash water
Pool chemicals
Putrescible waste (food scraps, dead animals)
Roof Cleaning waste
Rubbish (eg cans , bottles, plastic items or materials)
Sawdust
Sewage
Solvents
Stain or varnish
Steam cleaning waste
Street cleaning waste
Timber preservatives
Water from cleaning animals or animal enclosures
Wash down water from commercial or industrial

Part 2

Animal faeces
Fertilisers
Green waste (eg, lawn clippings, leaves, prunings)
Soil, clay, gravel or sand