



Guide to the proposed Environment Protection Regulations

September 2019

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Publication 1753

Published September 2019

Disclaimer

The information in this publication is for general guidance only. It does not constitute legal or other professional advice, and should not be relied on as a statement of the law. As it is intended only as a general guide, it may contain generalisations. You should obtain professional advice for your specific circumstances.



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Background

The *Environment Protection Act 2017* as amended by the *Environment Protection Amendment Act 2017* (the new EP legislation) is intended to commence on 1 July 2020. The new EP legislation will change Victoria's focus for environment protection and human health to a **prevention-based approach**, underpinned by the **general environmental duty (GED)**. The GED will require businesses and individuals conducting activities that pose a risk to human health and the environment to understand those risks and take reasonably practicable steps to eliminate or minimise them. When it commences, the new EP legislation will give Environment Protection Authority Victoria (EPA) enhanced powers and tools to prevent and minimise the risks of harm to human health and the environment from pollution and waste. It will also provide EPA with the ability to pursue stronger sanctions and penalties to hold environmental polluters to account. More information about the new EP legislation is available on [EPA's website](#). (We recommend using Google Chrome to view these web pages.)

The proposed Environment Protection Regulations (proposed Regulations), developed jointly by EPA and the Department of Environment, Land, Water and Planning (DELWP), will support the delivery of the new environment protection framework implemented under the new EP Legislation.

The proposed Regulations made under the new EP legislation will:

1. *Provide additional regulations necessary to enable elements of the new EP legislation to function* – Some obligations under the new environment protection framework cannot function effectively or would not be enforceable without prescription under regulation.
2. *Prevent significant consequences, from specific types of pollution or waste* – Some risks of harm to human health and the environment can lead to significant consequences and require further regulatory control.
3. *Prevent significant risk of mismanagement* – There are some activities conducted by businesses and individuals that may cause harm to human health and the environment where there is a known risk of mismanagement by duty holders.
4. *Provide certainty and consistency required by duty holders* – Greater certainty is required by duty holders for some matters to ensure consistent compliance with the duties and obligations under the new EP legislation (including the GED, the duty to notify EPA of contaminated land, and manage contaminated land).

The proposed Regulations and a related Regulatory Impact Statement (RIS) have now been released for public consultation. The objectives of this exercise are to:

- acknowledge and seek to fill gaps in knowledge
- test assumptions and conclusions
- reach a broader range of stakeholders
- pick up on issues that may have been missed
- validate and improve on implementation planning and on the design of the evaluation strategy.

In addition, a separate set of proposed Environment Protection Transitional Regulations (proposed Transitional Regulations) containing matters relating to s.502 of the new EP legislation has been released for public comment. See chapter 10 for more details.

How to use this guide

This guide provides a practical and easy to use overview of the proposed Regulations under the new EP legislation. It is intended to be a useful tool to assist readers navigate their way through the proposed Regulations and to submit comments on them during the public consultation period. See 'Next steps' for how to do this. Table 1 will assist you to identify the areas in the proposed Regulations that are relevant to you. It cross references the corresponding explanatory sections in this Guide.

Table 1. Key topics in the proposed Regulations and in this Guide

Topic	Location in the proposed Regulations	More details in this Guide (page number)
Contaminated land		8
• Information on duty to notify of contaminated land	Chapter 2, Division 1	8
• Exemptions for reporting notifiable contamination	Chapter 2, Regulation 13	8
• Obligations for the clean-up of non-aqueous phase liquids	Chapter 2, Regulation 15	8
Permissions		9
• Permission activities	Chapter 3, Regulation 16; Schedule 1	10
• Licences	Chapter 3, Parts 3.1 and 3.2; Schedule 1	10
• Permits	Chapter 3, Parts 3.1 and 3.3; Schedule 1	10
• Registrations	Chapter 3, Parts 3.1 and 3.4; Schedule 1	11
• Transitional arrangements	Chapter 10, Part 10.1 and Part 10.2	21
• Environment protection levy and waste levy	Chapter 3, Part 3.6	11
• Prohibited persons	Chapter 3, Part 3.7	11
• Accredited consigners	Chapter 4, Part 4.2, Division 5	13
Waste		12
• Litter and unsolicited documents	Chapter 4, Part 4.1	13
• Industrial waste	Chapter 4, Part 4.2, Division 1	13
• Priority waste	Chapter 4, Part 4.2, Division 2	13
• Waste classification	Chapter 4, Part 4.2, Division 4	13
• Declaration of use	Chapter 4, Part 4.2, Division 1	13
• Reportable priority waste	Chapter 4, Part 4.2, Division 3	13
• Disposal of waste	Chapter 4, Part 4.2	13
• Used packaging materials	Chapter 4, Part 4.3	13
• Landfills	Chapter 3, Regulation 20 Chapter 4, Part 4.4; Schedules 3 and 8	10
• Waste levy	Chapter 3, Part 3.6	11
Environmental management		14
• Prohibited chemical substances	Chapter 5, Part 5.1	14

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Topic	Location in the proposed Regulations	More details in this Guide (page number)
• Air	Chapter 5, Part 5.2	14
o Solid fuel heaters	Chapter 5, Part 5.2, Division 2	14
o Management of methyl bromide	Chapter 5, Part 5.3, Division 3	14
o Class 3 substances	Chapter 5, Part 5.3, Division 4	14
o National Pollutant Inventory obligations	Chapter 5, Part 5.2, Division 1	14
• Noise	Chapter 5, Part 5.3	14
o Noise Protocol	Chapter 5, Part 5.3, Division 1	14
o Unreasonable and aggravated noise from residential premises	Chapter 5, Part 5.3, Division 2	15
o Unreasonable and aggravated noise from commercial, industrial and trade premises	Chapter 5, Part 5.3, Division 3	15
o Unreasonable and aggravated noise from entertainment venues	Chapter 5, Part 5.3, Division 4	15
• Water	Chapter 5, Part 5.4	16
• Plastic shopping bag ban	Chapter 5, Part 5.5	16
• Emissions from motor vehicles	Chapter 5, Part 5.6	16
Environmental audits and financial assurance		17
• Environmental audit system	Chapter 6, Part 6.1	17
• Financial assurance	Chapter 6, Part 6.2	17
Enforcement		17
• Infringement offences and penalties	Chapter 7, Regulation 164; Schedule 10	17
• Monetary benefit orders	Chapter 7, Regulation 165	17
Fees		18
• Fees for development licences	Chapter 8 Part 8.1	18
• Fees for operating licences	Chapter 8, Part 8.2	18
• Fees for pilot project licences	Chapter 8, Part 8.3	18
• Fees for EPA-issued permits	Chapter 8, Part 8.4	19
• Fees for council-issued permits	Chapter 8, Part 8.4, Division 4	19
• Fees for registration	Chapter 8, Part 8.5	20
• Fees for financial assurance	Chapter 8, Part 8.6	20
• Fees for environmental auditors and audits	Chapter 8, Part 8.7	20
• Fees for other authorisations, instruments and services	Chapter 8, Part 8.8	20
• Waiver or refund of fees	Chapter 8, Part 8.9	21

Summary of the contents under each chapter/part in the draft regulations

Chapter 1 – Preliminary

This is a preliminary, directional chapter that provides information on the remainder of the document.

Part 1.1 – Introductory matters (proposed Regulations 1 to 7)

This part of the proposed Regulations contains information on:

- commencement date of the regulations
- objectives of the regulations
- definitions of key terms used in the regulations
- circumstances where EPA may make determinations and publication requirements
- the term ‘Act compliance’ – which links the requirements in a Regulation to an offence in the new EP legislation.

Chapter 2 – Contaminated land

This chapter of the proposed Regulations relates to the duty to manage contaminated land.

Note: the duty to notify of contaminated land is contained in Part 3.5 of the new EP legislation and determinations by EPA of ‘alternative background levels’ for the management of contamination are contained in regulation 5.

Part 2.1 – Contaminated land (proposed Regulations 8 to 15)

Part 2.1 of the proposed Regulations includes:

- definitions specific to this part
- thresholds for reporting notifiable contamination
- exemptions from reporting notifiable contamination
- additional information to be supplied when notifying EPA
- requirements to clean-up groundwater contaminated by non-aqueous phase liquids
- references to elements of the *National Environment Protection (Assessment of Site Contamination) Measure*.

Chapter 3 – Permissions

This chapter addresses permissions (i.e. licences, permits and registrations) issued by EPA or councils.

Note: chapter 10 also addresses some savings and transitional matters relating to permissions.

- Industrial activities can pose a significant risk to human health and the environment.
- In order to address these risks, the new EP legislation establishes a new permissioning framework to complement the GED.
- The proposed framework allows EPA to establish greater certainty of control for activities which pose significant risks of harm to human health and the environment, and where the consequences of non-compliance are greatest.
- There are three permission tiers established in the new EP legislation: licences, permits and registrations.

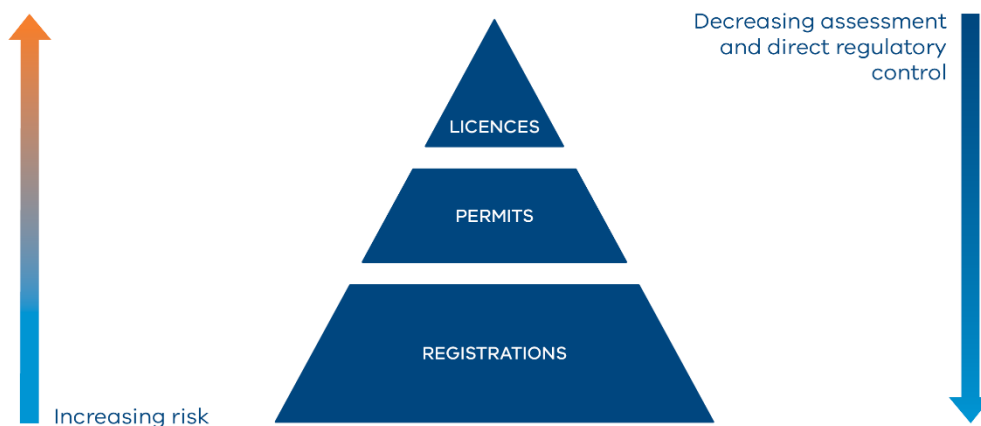


Figure 1. This diagram shows how the risk of a permissioned activity increases from the registration tier up to the licence tier. The amount of assessment and regulatory oversight of a permissioned activity is proportionate to the risk posed. For more information on activities included into each tier please see *Chapter 17 Preferred Options of the Regulatory Impact Assessment*.

Part 3.1 – General (proposed Regulations 16 to 21)

Part 3.1 of the proposed regulations will establish that Schedule 1 of the proposed regulations specifies the activities that are required to hold a licence, permit or registration under the new EP legislation.

In addition, this part specifies:

- information to be included in an application for a permission made to EPA and the approved form and manner of an application
- types of permission conditions that if breached would be an infringement offence
- circumstances in which EPA must refuse an application for a licence or permit involving a wastewater discharge to surface water
- prescribed conditions for landfill operating licences that EPA may impose on the permission
- applicants may be required to provide additional information for certain types of applications.

Part 3.2 – Licences (proposed Regulations 22 to 24)

This part specifies:

- agencies to which EPA must refer a development licence application
- timeframes in which a response may be made by those agencies
- circumstances where an application must be refused as a result of the referral process
- criteria EPA must consider in determining whether to grant or refuse to grant an exemption from the requirement to hold a development licence or operating licence
- circumstances in which EPA must refuse to issue an operating licence for activity A05A – Landfills – excluding municipal landfills servicing <5000 people.

Part 3.3 – Permits (proposed Regulations 25 to 35)

This part provides information on the requirements of a permit issued by EPA or by councils. Note: councils administer permits for the construction, installation or alteration of on-site wastewater management systems (on-site systems).

In relation to council administered permits for on-site systems, this part sets out:

- the form and manner, as well as the information to be included in a permit application to council.
- the time frame for deciding a permit application.
- the criteria that must be considered in determining whether or not to issue a permit and the circumstances where a permit must be refused.
- the duration of a permit when issued.
- the matters that must be considered in determining whether to grant or refuse an exemption from the requirement to hold a permit.
- how it is an offence to use an on-site system constructed or installed under a permit before a council has approved the system.
- requirements for councils to provide EPA information on permits issued and on on-site systems for each financial year.

In relation to EPA administered permits this part sets out:

- a time frame for deciding certain permit applications
- criteria that EPA must consider when determining whether or not to issue any permit
- additional criteria that apply to particular permits
- circumstances where EPA must refuse to issue certain permits
- duration of certain permits
- criteria that EPA must consider in determining whether to grant or refuse to grant an exemption from the requirement to hold a permit.

Part 3.4 – Registrations (proposed Regulation 36)

This section establishes that registrations issued for prescribed permission activities remain in force for the duration specified in the registration, not exceeding a period of 5 years.

Part 3.5 – Exemptions from certain permission activities (proposed Regulations 37 to 42)

This part should be read in conjunction with Schedule 1. It sets out:

- when specific development activities are exempt from requiring a development licence
- when specific operating activities are exempt from requiring an operating licence
- when specific permit activities are exempt from requiring a permit
- exemptions where an activity would otherwise require two tiers of permissions
- when specific activities may be exempt from requiring both a development licence and an operating licence.

Part 3.6 – Environment protection levy and waste levy (proposed Regulations 43 to 52)

Activities subject to the requirement to pay the environment protection levy are specified in this part.

In addition, it also stipulates activities that are subject to the requirement to pay the waste levy and how the levy amount is to be calculated and paid, including:

- waste levy payable for category D waste and soil containing asbestos
- circumstances when an allowable rebate may be claimed and how this may be calculated
- when the waste levy is required to be paid
- information required for calculating the waste levy
- information required for calculating an allowable rebate (if applicable)
- when an allowable rebate must be claimed
- municipal districts that are subject to higher municipal and industrial waste levy rates.

Part 3.7 – Additional or alternative penalty for prohibited persons (proposed Regulation 53)

This part sets out which permission activities may attract additional or alternative penalties if a prohibited person conducts that activity without obtaining the required permission.

Chapter 4 – Waste

Chapter 4 of the proposed Regulations addresses:

- litter and unsolicited documents (part 4.1)
- industrial waste and priority waste (part 4.2)
- used packaging materials (part 4.3)
- regional waste and resource recovery implementation plans (part 4.4).

The proposed Regulations will build on the significant changes that the new EP legislation makes to the waste management framework. In particular, the new EP legislation:

- identifies the GED as the key instrument for managing risks arising from waste
- places responsibility on waste managers to demonstrate how they are managing risks and minimising harm from waste related activities
- introduces waste duties
- replaces the Prescribed Industrial Waste (PIW) system under EP Act 1970 with a new system of priority wastes.

Figure 2 below summarises the waste management framework and related proposed Regulations.

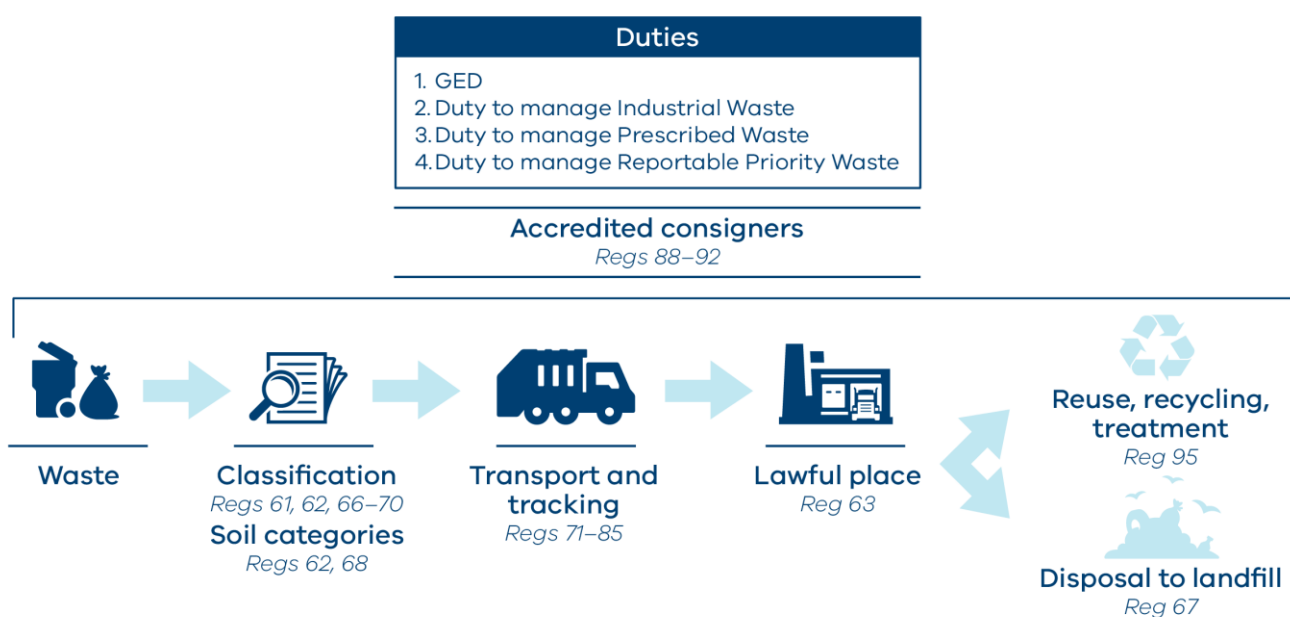


Figure 2. Overview of the waste management framework. For more information, please see the *Summary of proposed waste framework* (EPA publication 1756).

Part 4.1 – Litter and unsolicited documents (proposed Regulations 54 to 59)

This section contains general information associated with litter and unsolicited documents.

This section:

- defines dangerous litter
- defines a litter enforcement officer or litter authority and enables them to take proceedings for an offence under this part
- creates offences in relation to the distribution of unsolicited documents
- creates an offence to damage public bins
- creates an offence to drive a vehicle with an unsecured load, or to make someone else drive such a vehicle.

Part 4.2 – industrial waste and priority waste (proposed Regulations 60 to 92)

This part sets out requirements in relation to industrial waste and priority waste. It:

- prescribes certain waste to be industrial waste
- classifies industrial waste (refers to the table in Schedule 5 and the *Waste classification assessment protocol*), or in the case of soil from contaminated land, the *Waste disposal categorisation characteristics and thresholds*
- prescribes persons, places or premises authorised to receive types of industrial waste
- defines and sets out the requirements for a 'declaration of use' and what it may be used for
- defines priority waste and gives the requirements for managing priority waste, including classification criteria, and classification for disposal
- makes it an offence to mix, blend or dilute priority waste which results in a change in classification
- defines reportable priority waste and the requirements to manage them, including the transactions, transport and tracking required.
- sets up the requirements for transporting controlled waste into or out of Victoria, with further details in Schedule 7
- enables EPA to allow the use of an alternative electronic waste tracking system and creates some exemptions from tracking for interstate movement
- enables EPA to make designations (of its own accord or on application) for the classification of a waste and or the mixing, blending and diluting of waste where a better environmental outcome occurs
- provides for the appointment of accredited consigners and defines their duties.

Part 4.3 – used packaging materials (proposed Regulations 93 to 100)

This part of the regulations:

- defines the brand owners who these regulations apply to and the requirements to recover, re-use and recycle consumer packaging, keep records and provide annual reports to EPA on compliance
- requires councils to keep records on kerbside recycling collection services or other material recover services and report to EPA for each financial year
- requires EPA to maintain the confidentiality of any commercial sensitive information provided under these regulations.

Part 4.4 – regional waste and resource recovery implementation plans (proposed Regulation 101)

This proposed regulation will require EPA, when it is commenting on a draft regional waste and resource recovery implementation plan, to object if a proposed landfill site will extend into, or be established in, an area listed in Schedule 8.

Chapter 5 – Environmental management

Chapter 5 of the proposed Regulations addresses a variety of matters:

- prohibited chemical substances (part 5.1)
- air (part 5.2)
- noise (part 5.3)
- water (part 5.4)
- plastic shopping bag ban (part 5.5)
- emissions from motor vehicles (part 5.6).

Part 5.1 – prohibited chemical substances (proposed Regulation 102)

This part relates to certain chemical substances. It prohibits processing, storing and using these chemical substances **unless** notification has been made to EPA in accordance with the regulations.

Part 5.2 – air (proposed Regulations 103 to 112)

Regulations contained in this part:

- provides relevant definitions relating to the National Pollutant Inventory
- provides obligations on reporting facilities in relation to the National Pollutant Inventory and sets out how commercial sensitive information is treated
- puts obligations on Victorian manufacturers and suppliers of solid fuel heaters to meet Australian and New Zealand emission and efficiency standards
- sets out requirements for the use and management of methyl bromide for non-quarantine and pre-shipment uses, such as for in situ fumigation for pest and disease control
- sets out the requirement for a person who holds an operating licence for an activity that includes, generates, or results in the generation of Class 3 substances, to eliminate or reduce the Class 3 substance so far as reasonably practicable (see Schedule 4 of the proposed Regulations for a list of Class 3 substances).

Part 5.3 – noise (proposed Regulations 113 to 131)

Part 5.3 addresses noise emissions from residential premises, commercial, industrial and trade premises and music noise from indoor entertainment venues and outdoor entertainment venues and events.

Division 1. Noise protocol

This division sets the requirement that all assessment and analysis of sources of noise must be undertaken in accordance with the *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* (Noise Protocol).

The Noise Protocol sets out methods for the prediction, assessment, measurement and analysis of noise to determine noise limits and provides procedures for determining characteristics of noise and variations to the limits in relation to certain activities in certain land use contexts.

Division 2. Unreasonable and aggravated noise from residential premises

This division sets out prescribed items (that are sources of noise from residential premises) and prohibited times of use, to assist in determining unreasonable noise, and defines what constitutes aggravated noise from residential premises.

Division 3. Unreasonable and aggravated noise from commercial, industrial or trade premises

This division sets specific obligations in relation to managing noise emissions from commercial, industrial or trade premises. It outlines:

- what is determined to be unreasonable noise from commercial, industrial and trade premises
- sources of noise from commercial, industrial and trade premises that are not taken into account under this division
- operating time periods (day, evening, and night) during which noise limits apply and base noise limits for these periods
- a framework for considering cumulative noise from multiple premises
- frequency spectrum as a consideration of unreasonable noise
- noise limits at which noise from a commercial, industrial and trade premise becomes aggravated noise.

Division 4. Unreasonable and aggravated noise from entertainment venues

This division sets obligations in relation to managing noise emissions from indoor and outdoor entertainment venues and outdoor entertainment events. The division outlines:

- what is determined to be unreasonable noise from indoor and outdoor entertainment venues and outdoor entertainment events
- matters relating to entertainment venues that are the agent of change
- specific noise sources from indoor and outdoor entertainment venues that are taken into account as part of the assessment of music noise and those that are not
- operating time periods (day, evening and night) during which noise limits apply
- base noise limit for the night period that applies to indoor entertainment venues
- framework for considering cumulative music noise for indoor entertainment venues
- in relation to outdoor entertainment venues and outdoor events, a prohibition from operating outside the operation time period (note: operating the venue or event outside the operating time period, and operating more than 6 concerts in a financial year are activities that require permits in the Table in Schedule 1)
- limits at which noise from indoor and outdoor entertainment venues and outdoor entertainment events becomes aggravated noise.

For additional information on the proposed noise framework, please see the *Summary of proposed noise framework* (EPA publication 1757).

Part 5.4 – water (proposed Regulation 132)

This part creates an offence in relation to depositing or discharging waste from a vessel into surface water or marine water environments, with limited exemptions.

Part 5.5 – plastic shopping bag ban (proposed Regulations 133 to 134)

This part prohibits the sale and provision of banned shopping bags and creates offences in relation to the ban as follows:

- the supply by a retailer of banned plastic bags to carry goods from the retailer's premises
- provision of false or misleading information by retailers, wholesalers, or manufacturers of plastic bags about the composition of a banned plastic bags and whether it is banned or exempt.

Part 5.6 –Emissions from motor vehicles (proposed Regulations 135 to 158)

The regulations under this part does not apply to new vehicles (as is defined in the *Motor Vehicles Standard Act 1989*) or heavy vehicles (regulated under the *Heavy Vehicle National Law Application Act 2013*).

The proposed Regulations:

- prescribe a standard for visible pollution (smoke) and creates offences relating to selling or using motor vehicles emitting visible pollution
- set limits on air emissions (vehicle exhaust emissions) relating to carbon monoxide (CO) and hydrocarbon (HC) in petrol vehicles; nitrogen oxide (NOx), particle matter (PM) and opacity in diesel vehicles
- set limits for motor vehicle noise emissions (including incorporating certain requirements for Australian Design Rules (ADR) 83/00 compliant vehicles)
- prescribes how noise emitted by a motor vehicle is determined
- prohibits the resale of motor vehicles exceeding prescribed standards for the emission of noise or containing temporary noise defeat devices
- prohibits the use or installation of temporary noise defeat devices
- prescribes fuel vapour pressure standards for regulated petrol producers, exemptions and requirements for record keeping and reporting
- prescribes the requirements for noise test labelling on motorcycles and trikes
- provides for the appointment and functions of approved motor vehicle testers, including the issuing of certificates of compliance for the purposes of ensuring compliance with the requirements of this part, and related offences.

Chapter 6 – Environmental audits and financial assurances

This chapter of the proposed Regulations relates to:

- the environmental audit system (part 6.1)
- financial assurances (part 6.2).

Part 6.1 – Environmental audit system (proposed Regulations 159 to 161)

New functions that are performed by an environmental auditor in addition to functions set out under the new EP legislation are described in this section. These include:

- verifying whether a requirement issued under a notice, site management order, permission, or guidelines has been met where required by that instrument
- assessing the calculation of financial assurance amounts where the method published by EPA in the Government Gazette requires an assessment by an environmental auditor, and
- any function conferred on an environmental auditor under a legislative instrument or approved by EPA by notice in the Government Gazette.

Part 6.2 – Financial assurances (proposed Regulations 162 to 163)

This part of the proposed Regulations sets out:

- permissioning activities that may involve a financial assurance requirement
- risk assessment criteria that EPA will need to use to decide if an individual permission, site management order or an environment action notice warrants a financial assurance condition.

Chapter 7 – Enforcement

This chapter (proposed Regulations 164 to 166) addresses:

- proposed infringement offences and penalties for those infringement offences as set out in Schedule 10

Schedule 10 of the proposed Regulations provides a table that sets out the proposed infringement offences and the prescribed infringement penalties for those offences under section 307 of the Act.

- calculation of monetary benefits

The proposed Regulations provide that EPA determines any estimates of monetary benefits in accordance with the *Protocol for calculating monetary benefits*.

- offences for which councils can take action

The proposed Regulations set out the offences for which a council will be able to take enforcement action. They relate to council permits for on-site systems. The offences include:

- failure to obtain a permit to construct, install or alter an on-site system
- breach of a condition of a permit for an on-site system
- breach of a condition of a permit for an on-site system that is prescribed in the regulations (also an infringement offence)
- where an on-site system installed under a permit is used before a council has approved the system (also an infringement offence).

Chapter 8 – Fees

The proposed Regulations in this chapter provide for the calculation and payment of fees under the new EP legislation in relation to permissions, other instruments and the doing of an act or providing of a service under the Act. The majority of prescribed fees are either a flat fee or a capped variable fee (CVF).

Part 8.1 – Development licences (proposed Regulations 167 to 170)

This part provides the following fees in relation to a development licence:

- application for a licence (capped fee based on greater of one per cent of the estimated cost of the development activity or a flat fee)
- application to transfer licence (flat fee)
- application to amend licence – extend start date (flat fee), in any other case (CVF)
- application to be exempted from the requirement to hold a licence (CVF).

No fee is prescribed for an application to surrender a development licence.

Part 8.2 – Operating licences (proposed Regulations 171 to 177)

This part provides the following fees in relation to an operating licence:

- application for a licence (CVF – no fee is payable if the person holds a development licence and EPA considers the holder to have completed the activity in the licence satisfactorily)
- annual fee (capped fee based on sum of the highest of any applicable base fee in Schedule 1 and all applicable component fees in Schedule 11)
- application to transfer licence (based on the lesser of 10 percent of annual fee and a flat fee)
- application to amend licence – administrative amendment (based on lesser of 10 percent of annual fee and a flat fee), and in any other case (based on lesser of 10 percent of annual fee and a CVF)
- application to surrender licence (based on the lesser of 10 percent of annual fee and a flat fee)
- application to be exempted from the requirement to hold a licence (CVF).

Part 8.3 – Pilot project licences (proposed Regulations 178 to 180)

This part provides the following fees in relation to a pilot project licence:

- application for a licence (CVF)
- application to transfer licence (flat fee)
- application to amend licence – extend duration (flat fee), and any other case (CVF).

No fee prescribed for an application to surrender a pilot project licence.

Part 8.4 – Permits (proposed Regulations 181 to 192)

Division 1. Reportable priority waste transport permits

This Division provides the following fees in relation to permits issued by EPA that specify the activity 'A10a – Reportable priority waste – hazardous' (waste codes B100, E100, G100 or R100):

- application for a permit (flat fee)
- application for a temporary permit not exceeding three months (flat fee)
- application to transfer permit (flat fee)
- application to amend permit (flat fee)
- application to surrender permit (flat fee)
- application to renew permit (flat fee)
- application to be exempt from the requirement to hold a permit (flat fee)
- application to be exempt from the requirement to hold a permit – interstate authorisation (flat fee).

Division 2. Controlled waste transport permits

This Division provides an application fee in relation to permits issued by EPA that specify the activity 'A11 – Transporting waste into Victoria' (flat fee).

Division 3. Fees for EPA issued permits

This Division provides the following fees in relation to permits issued by EPA that specify the activities: A05b—Municipal landfills servicing <5000 people; A12—Transporting waste out of Victoria; A13b—Waste and resource recovery – medium; A14—Wastewater supply or use; A15—Biosolids supply or use; A16—Supply or use of reportable priority waste; A17—Containment of Category D soil; A18—Discharge of waste to aquifer; A19—Temporary on-site waste treatment; B01a—Animal industries – waste solely to land; B02a—Livestock saleyards or holding pens – waste solely to land:

- application for a permit (flat fee)
- application to transfer permit (flat fee)
- application to amend permit (CVF)
- application to surrender permit (flat fee)
- application to renew permit (flat fee)
- application to be exempt from the requirement to hold a permit (CVF).

This Division further provides application fees in relation to permits issued by EPA that specify the activities 'L05 – Operation outside of hours' (flat fee) and 'L06 – Conducting more than six outdoor concerts' (flat fee).

Division 4. Fees for council-issued permits

This Division provides the following fees in relation to permits issued by a council that specify the activity 'A20 – On-site wastewater management systems':

- application for a permit (CVF)
- application to be exempt from the requirement to hold a permit (CVF).

No fees are prescribed for an application to surrender, transfer or amend a permit.

Part 8.5 – Registration (proposed Regulations 193 to 195)

This part provides the following fees in relation registration issued by EPA that specify the activity 'A10b – Reportable priority waste transport – other':

- application for a registration (flat fee)
- application to renew a registration (flat fee)
- application to be exempt from the requirement to hold a registration – interstate authorisation (flat fee).

Part 8.6 – Financial assurances (proposed Regulations 196 to 197)

This part provides the following prescribed fees in relation to financial assurances:

- review of the form of the financial assurance (CVF)
- application for release of all or part of a financial assurance (CVF).

Part 8.7 – Environmental auditors and audits (proposed Regulations 198 to 200)

This part provides the following fees in relation to the environmental audit system:

- application for appointment as an environmental auditor (flat fee)
- fees for ongoing services provided by EPA to the auditor following appointment (flat fee)
- application for reappointment as an environmental auditor (flat fee)
- fees payable by an environmental auditor on completion of a preliminary risk screen assessment statement or report (flat fee)
- fees payable by an environmental auditor on completion of an environmental audit statement or report (flat fee).

Part 8.8 – Other fees (proposed Regulations 201 to 206)

This part provides the following fees:

- for an application:
 - for authorisation of emergency storage, use etc. of waste (CVF – EPA may waive this fee in certain circumstances)
 - for appointment as an accredited consigner (flat fee)
 - to revoke or vary a site management order (CVF)
 - for an exemption from a provision of the regulations or of a legislative instrument (CVF).
- in relation to better environment plans:
 - for services provided by EPA to a person developing a proposed better environment plan prior to the plan being submitted to EPA (capped fee for service)
 - submission of proposed better environment plan (CVF)
 - application to amend or revoke a better environment plan (CVF).

Part 8.9 – Fees waiver or refund (proposed Regulation 207)

This part provides that EPA may waive, or refund, any fees in whole or in part if it is satisfied that it is reasonable to do so.

Chapter 9 – Administrative matters

The proposed Regulations in this chapter relate to the public register that the new EP legislation requires EPA to establish and maintain.

Part 9.1 – Public register (proposed Regulations 208 to 209)

The proposed Regulations:

- sets out the information that EPA will be required to publish on the public register (which is in addition to the information that the new EP legislation requires to be published)
- provides that the public register will be on EPA's website and will be freely accessible at all hours.

Chapter 10 – Savings and transitionals

Regulations in this chapter provide for certain 'old permissions' (EPA authorisations), determinations and classifications made under the EP Act 1970 to continue to have effect under the new EP legislation.

Part 10.1 – General transitional provisions (proposed Regulation 210)

Part 10.1 provides definitions for the purposes of Chapter 10.

Part 10.2 – Permissions (proposed Regulations 211 to 216)

This part provides for:

- equivalent permissions (where new permissions are prescribed as being equivalent to certain old permissions under the old Act)
- old permissions (including certain permits, exemptions, authorisations or approvals made under the old Act) 'rolling over' as a new permission under the new EP legislation
- an application for a permission under the EP Act 1970 that is still in process when the new EP legislation commences, to be finalised under the new EP legislation – so that applicants in this circumstance will not need to reapply
- for persons conducting activities that will newly require a licence, permit or registration to be temporarily exempt from the offences in sections 45, 46 and 47 of the new EP Legislation – for the period of time they will have to apply for and obtain the relevant permission
- certain places or premises, newly subject to a permission, to be temporarily deemed to be authorised to receive industrial waste – for the period of time the relevant person will have to apply for and obtain the relevant permission.

Guide to the proposed Environment Protection Regulations

In addition to the matters addressed in Chapter 10 of the proposed Environment Protection Regulations, the proposed Transitional Regulations:

- provide for persons appointed as approved testers under the old Act to be taken to be approved motor vehicle testers under the new EP legislation
- provide for motor vehicle certificates of compliance issued under the old Act to be taken to continue to be valid under the new EP legislation
- save certain clauses in the State Environment Protection Policy (Waters) for a period of two years from the commencement of the new EP legislation – during this time DELWP and EPA will consult with stakeholders on whether these clauses warrant being ‘rehoused’ in another subordinate instrument.

Next steps

EPA and DELWP have now released the following documents for public comment:

- proposed Regulations, proposed Transitional Regulations and a related Regulatory Impact Statement (RIS)
- proposed Environment Reference Standard (ERS) and a related Impact Assessment (IA).

These documents and the information on methods to provide comments can be accessed through Engage Victoria: engage.vic.gov.au. We invite you to read these documents and provide your comments on the content by **31 October 2019**.

Please contact EPA on 1300 372 842 (1300 EPA VIC) or email sublegreform@epa.vic.gov.au if you require more information.