**Under what circumstances will EPA make amendments?**

EPA will ***only*** make amendments to remedial notice requirements where the notice recipient can demonstrate that all efforts to comply with the requirements have been made, ***and***

* factors exist beyond your control (e.g. weather events) that mean your compliance dates are not achievable and you require an extension of a time to achieve compliance,

*or*

* changing one or more requirements will restore compliance with the law and deliver greater levels of control and a better longer term environmental outcome.

**If I apply for an amendment, will my notice remain in force?**

Once a notice is served and takes effect, all requirements are legally binding and penalties may apply for non-compliance.

Lodging an amendment application does not suspend or disable the requirements contained in the served notice. These requirements remain in force.

Where EPA is satisfied that the circumstances warrant an amendment, the *Environment Protection Act 1970* (EP Act) allows for:

• compliance dates to be extended

• requirements to be amended, or

• requirements to be revoked.

EPA will only assess information provided in this application. The applicant must be the notice recipient.

**How do I apply for a notice amendment?**

You must apply for a notice amendment by completing and signing the attached application form and providing all necessary information.

Applications must be addressed to the manager of the serving EPA office (e.g. EPA Victoria Manager North East) with the subject line ‘Notice amendment application. The serving office can be found in section two of your notice, under the signature of the authorised officer who served the notice.

**When do I need to apply by?**

Applications for notice amendments must be received by EPA at least:

• three working days prior to the relevant compliance date/s for minor works pollution abatement notices

• ten working days prior to the relevant compliance date/s for pollution abatement notices (including post-closure), clean up notices, and sewage abatement notices.

*Note that MWPAN requirements with immediate or extremely urgent deadlines will not, as a general rule, be amended.*

Applications outside of these dates will not be accepted, but may be considered as part of any investigation should you fail to comply with your notice.

**When will EPA respond to my application?**

EPA will respond to the applicant within five working days of receiving the application.

**NOTICE PARTICULARS**

|  |  |
| --- | --- |
| **Notice No.** |  |
| **Name of notice recipient** *(e.g. company name)* |  | |
| **Contact person for this application** *(name, position, phone, email, address)* |  | |
| **Date notice was served** |  | |
| **Name of the serving authorised officer** |  | |

**TYPE OF AMENDMENT SOUGHT**

|  |  |  |
| --- | --- | --- |
| **Type of amendment sought** | **Select if applicable** | **Requirement number(s)** |
| Compliance dates to be extended |  | Enter the requirement number(s) and proposed compliance date(s) for EPA to consider |
| Requirements to be amended |  | Enter the requirement number(s) and proposed amendment(s) for EPA to consider |
| Requirements to be revoked |  | Enter the requirement number(s) and reasons for proposed revocation for EPA to consider |

**REASON FOR PROPOSED AMENDMENT**

You must complete the mandatory and the optional section that applies to your situation.

|  |  |  |
| --- | --- | --- |
| ***Provide all relevant supporting information such as:*** | | |
| ***Mandatory***  ***Mandatory (cont.)*** | Evidence of efforts to comply with your notice  **Proposed solution***- Explain what steps were taken and what planning was undertaken by you, immediately after the notice took effect, to achieve compliance with the notice conditions.*    **Details of works** *– provide a summary of the progress of works to date, including when works started, who has been engaged to undertake works (internal/external), when any contractors were engaged to quote on and/or perform works (provide date) and whether a final completion date was provided and/or indicated to the service provider engaged to do the required works.*  **Advice received –** *Provide a summary of any advice you have received by parties involved in works to achieve compliance with the notice.* |  |
| ***Optional*** | Evidence of factors beyond your control.  Include information on:  critical works that could not occur  why works could not occur  why no alternatives were available  what attempts were made  why works could not be started earlier  why the risk was not foreseeable and manageable |  |
| ***Optional*** | Evidence that compliance will be achieved, greater controls of risks will be delivered and better long term environmental outcomes will be achieved  Include information on:  how compliance will be achieved with existing requirements  why a change is necessary to requirements to deliver greater control of environmental risks  what long term proposed environmental outcome is restricted by the current requirement/s and how it relates to the non-compliance or likely non-compliance |  |

**DECLARATION BY APPLICANT**

I declare that to the best of my knowledge the information in this application is true and correct, that I have made all the necessary enquiries and that no matters of significance have been withheld from EPA.

*NB: It is a serious offence under section 59D of the EP Act to provide false or misleading information to EPA.*

|  |  |
| --- | --- |
| **Signature** |  |
| **Name** |  |
| **Date** |  |