

ORDERS IN COUNCIL**Environment Protection Act 1970****VARIATION TO THE STATE ENVIRONMENT PROTECTION POLICY
(AMBIENT AIR QUALITY)**

Order in Council

The Governor in Council under section 16 and in accordance with section 17A of the **Environment Protection Act 1970** and on the recommendation of the Environment Protection Authority after it consulted with the National Environment Protection Council as required by section 17A(2), declares the following variations to the State Environment Protection Policy (Ambient Air Quality) made on 9 February 1999 and published in Government Gazette No. S19 on 9 February 1999, as varied by the State Environment Protection Policy (Ambient Air Quality) made on 27 November 2001 and published in Government Gazette No. S240 on 21 December 2001 at page 48.

1. In clause 1 for 'state environment protection policy' **substitute** 'State Environment Protection Policy'.
2. In clause 2(1):
 - (a) **omit** 'Council';
 - (b) for 'as the State environment protection policy (Ambient Air Quality)' **substitute** 'but with a more stringent environmental quality objective for particles as PM₁₀'.
3. In clause 2(2) for 'the State environment protection policy (Ambient Air Quality)' **substitute** 'this policy'.
4. In the definition of 'environmental quality objective' in clause 5(2) for 'is exactly equivalent to' **substitute** 'has the same meaning as'.
5. In clause 5(2), the definition of 'national ambient air quality measure' is **revoked**.
6. In clause 5(2) insert the following definitions:
 - (a) ' ' **exceptional event** ' means a fire or dust occurrence that adversely affects air quality at a particular location, and causes an exceedance of 1 day average standards in excess of normal historical fluctuations and background levels, and is directly related to:
 - (a) bushfire;
 - (b) authorised hazard reduction burning; or
 - (c) continental scale windblown dust;';
 - (b) ' ' **national ambient air quality measure** ' means the National Environment Protection (Ambient Air Quality) Measure as in force on 3 March 2016;

Notes:

For a compilation of the National Environment Protection (Ambient Air Quality) Measure as in force on 3 March 2016, see F2016C00215 on the Federal Register of Legislation maintained under the **Legislation Act 2003** (Cwlth), which can be accessed on the internet at: <https://www.legislation.gov.au/>.

National Environment Protection Measures are made by the National Environment Protection Council operating under complementary legislation of the Commonwealth and each State and Territory, namely the:

- **National Environment Protection Council Act 1994** (Cwlth),
- **National Environment Protection Council (New South Wales) Act 1995** (NSW),
- **National Environment Protection Council (Victoria) Act 1995** (Vic),
- **National Environment Protection Council (Queensland) Act 1994** (Qld),
- **National Environment Protection Council (Western Australia) Act 1996** (WA),
- **National Environment Protection Council (South Australia) Act 1995** (SA),

- **National Environment Protection Council (Tasmania) Act 1995** (Tas),
 - **National Environment Protection Council Act 1994** (ACT), and
 - **National Environment Protection Council (Northern Territory) Act 1994** (NT).’; and
- (c) ‘**particles as PM_{2.5}**’ means particulate matter with an equivalent aerodynamic diameter of 2.5 micrometres or less;’.
7. For clause 6(2) **substitute**:
- ‘(2) The Goal of this policy is –
- (a) for carbon monoxide, nitrogen dioxide, photochemical oxidants (as ozone), sulphur dioxide, lead, particles as PM₁₀, particles as PM_{2.5} and visibility reducing particles, to achieve the environmental quality objectives as assessed in accordance with clause 10, to the extent specified in Table 1 of Schedule 2; and
 - (b) for particles as PM_{2.5}, to achieve by 2025 further reductions in maximum concentrations to the extent specified in Table 2 of Schedule 2.’.

8. In clause 9 –

 - (a) for subclause (3) **substitute**:
 ‘(3) For carbon monoxide, nitrogen dioxide, photochemical oxidants (as ozone), sulphur dioxide, lead, particles as PM₁₀ and particles as PM_{2.5}, the environmental quality objective for an averaging period mentioned in Column 3 of Table 1 of Schedule 2 is the corresponding concentration in Column 4 of Table 1 of Schedule 2.’; and
 - (b) after subclause (3) **insert**:
 ‘(4) For visibility reducing particles, the environmental quality objective for an averaging period mentioned in Column 3 of Table 1 of Schedule 2 is the distance in Column 4 of Table 1 of Schedule 2.’.

9. For clause 14(1), **substitute**:
 ‘(1) To the extent practicable, performance monitoring stations should be sited in accordance with the requirements of Australian Standard AS/NZS 3580.1.1:2007 (Methods for sampling and analysis of ambient air – Guide to air monitoring equipment). Any variations must be notified to the Council for use in assessing reports.’.

10. In clause 18(2)(b) after ‘policy’ **insert** ‘, other than in relation to Table 2 of Schedule 2,’.

11. After clause 18(2) **insert**:
 ‘(2A) The Authority must evaluate and report population exposures to particles as PM_{2.5} annually from June 2018.
 Note: To ensure national consistency, evaluation and reporting shall be undertaken in accordance with any procedures or methods agreed by participating jurisdictions.’.

12. For clause 19 **substitute**:
‘19. Reporting

 - (1) The Authority must ensure that a report on Victoria’s compliance with this policy, other than in relation to Table 2 of Schedule 2, is prepared in an approved form and the Victorian member of Council must submit it to Council by the 30 June next following each reporting year.
 - (2) In this clause ‘**reporting year**’ means a year ending on 31 December.

- (3) The report must include:
 - (a) the evaluations and assessments mentioned in clause 18; and
 - (b) an analysis of the extent to which the environmental quality objectives of this policy are, or are not, met in the State of Victoria; and
 - (c) a statement of the progress made towards achieving the goal.
- (4) The report is not required to include information regarding environmental quality objectives for visibility reducing particles.
- (5) The description of the circumstances which led to exceedances, including the influence of natural events and fire management, must be reported to the extent that such information can be determined.
- (6) When reporting against particles as PM₁₀ and particles as PM_{2.5} 1 day average standards the Authority must report all measured data, including monitoring data that is directly associated with an exceptional event, and identify and describe any exceptional event.
- (7) The Authority must maintain and make available records relating to the determination of exceptional events.
- (8) For the purpose of reporting compliance against particles as PM₁₀ and particles as PM_{2.5} 1 day average standards, the Authority must exclude monitoring data that has been determined as being directly associated with an exceptional event.
- (9) For the purpose of reporting compliance against particles as PM₁₀ and particles as PM_{2.5} 1 year average standards, the Authority must include all measured data, including monitoring data that is directly associated with an exceptional event.

Note: To ensure national consistency, all reporting or record-keeping referred to in subclauses 19(6), (7), (8) or (9) must be undertaken in accordance with any procedures or methods agreed by participating jurisdictions.
- (10) A report for a pollutant must include the percentage of data available in the reporting period.’.

13. In Schedule 1 for ‘as PM₁₀’ **substitute** ‘(as PM₁₀ and PM_{2.5})’.
14. In Schedule 2 above the table **insert** the heading ‘**Table 1: Environmental quality objectives for environmental indicators**’.
15. In Table 1 of Schedule 2:

- (a) In the title row of Column 5 for ‘Goal within 10 years maximum allowable exceedances’ **substitute** ‘Maximum allowable exceedances’;
- (b) In Columns 3, 4 and 5 of Item 6 Particles as PM₁₀ (maximum concentration), for:

‘1 day	50 µg/m ³	5 days a year’
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substitute:

‘1 day	50 µg/m ³	none
1 year	20 µg/m ³	none’.

- (c) After item 6 of the Table, **insert** the following item:

‘6A	Particles as PM _{2.5} (maximum concentration)	1 day 1 year	25 µg/m ³ 8 µg/m ³	none none’.
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16. After Table 1 of Schedule 2 **insert** the following table:

Table 2: Environmental quality objectives for particles as PM_{2.5} by 2025

Column 1 Environmental Indicator (Pollutant)	Column 2 Averaging period	Column 3 Environmental quality objectives
Particles as PM _{2.5} (maximum concentration)	1 day 1 year	20 µg/m ³ by 2025 7 µg/m ³ by 2025'.

17. In Schedule 2:

- (a) In paragraph (3), after 'Column 3' **insert** 'of Table 1 and Column 2 of Table 2 of Schedule 2'.
- (b) In paragraph (4), after 'Column 5' **insert** 'of Table 1 of Schedule 2'.
- (c) In paragraph (4), for 'standard' **substitute** 'environmental quality objective'.
- (d) In paragraph (7), after 'Column 4' **insert** 'of Table 1 and Column 3 of Table 2 of Schedule 2'.
- (e) In paragraph (8), before 'objective', **insert** 'environmental quality'.

18. For Schedule 3 **substitute**:

SCHEDULE 3 – AUSTRALIAN STANDARDS METHODS FOR ENVIRONMENTAL INDICATOR MONITORING

Environmental indicator	Method title	Method number
Carbon monoxide	Determination of Carbon Monoxide – Direct Reading Instrumental Method	AS 3580.7.1-2011 (as amended by Amdt 1-2012)
Nitrogen dioxide	Determination of Oxides of Nitrogen – Direct Reading Instrumental Method	AS 3580.5.1-2011
Photochemical oxidants (as ozone)	Determination of Ozone – Direct Reading Instrumental Method	AS 3580.6.1-2011
Sulfur dioxide	Determination of Sulfur Dioxide – Direct Reading Instrumental Method	AS 3580.4.1-2008
Lead	Determination of Suspended Particulate Matter – Particulate metals high or low volume sampler gravimetric collection – Inductively coupled plasma (ICP) spectrometric method Determination of Suspended Particulate Matter – Total suspended particulate matter (TSP) – High volume sampler gravimetric method	AS/NZS 3580.9.15:2014 AS/NZS 3580.9.3:2015

Environmental indicator	Method title	Method number
Particles as PM ₁₀	Determination of Suspended Particulate Matter – PM ₁₀ High Volume Sampler with Size Selective Inlet – Gravimetric Method	AS/NZS 3580.9.6:2003
	Determination of Suspended Particulate Matter – Dichotomous Sampler (PM ₁₀ , coarse PM and PM _{2.5}) – Gravimetric Method	AS/NZS 3580.9.7:2009
	Determination of Suspended Particulate Matter – PM ₁₀ continuous direct mass method using tapered element oscillating microbalance analyser	AS 3580.9.8-2008
	Determination of Suspended Particulate Matter – PM ₁₀ Low Volume Sampler – Gravimetric Method	AS/NZS 3580.9.9:2006
	Determination of Suspended Particulate Matter – PM ₁₀ beta attenuation monitors	AS/NZS 3580.9.11:2008 (as amended by Amdt 1:2009)
Particles as PM _{2.5}	Determination of Suspended Particulate Matter – PM _{2.5} low volume sampler – Gravimetric Method	AS/NZS 3580.9.10:2006
	Determination of Suspended Particulate Matter – PM _{2.5} beta attenuation monitors	AS/NZS 3580.9.12:2013
	Determination of Suspended Particulate Matter – PM _{2.5} continuous direct mass method using a tapered element oscillating microbalance monitor	AS/NZS 3580.9.13:2013
	Determination of Suspended Particulate Matter – PM _{2.5} high volume sampler with size selective inlet – Gravimetric Method	AS/NZS 3580.9.14:2013’.

This Order is effective from the date it is published in the Government Gazette.

Dated 26 July 2016

Responsible Minister:

THE HON. LILY D’AMBROSIO

Minister for Energy, Environment and Climate Change

ANDREW ROBINSON
Clerk of the Executive Council