

Section 30A approvals

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Purpose

This guideline has been written to explain how and when to apply to EPA Victoria for an approval under Section 30A of the *Environment Protection Act 1970* (the Act), and the information that EPA requires in support of an application. If an application does not demonstrate that it will meet the requirements under the Act, or does not provide the required information, then EPA will not approve the application.

What is a Section 30A approval?

Section 30A approvals are an over-riding provision in the Act that permit commercial or industrial premises to temporarily:

- a) discharge, emit or deposit waste to the environment; or
- b) store, treat, handle or dispose of waste on or from any premises.

For the purpose of:

- a) meeting a temporary emergency; or
- b) providing for the temporary relief of a public nuisance or community hardship; or
- c) enabling the commissioning, repair, decommissioning or dismantling of any item of industrial plant or fuel burning equipment.

When issued, a 30A approval includes conditions that the approval holder must comply with to ensure the discharge or handling of waste is managed appropriately and does not result in any long-term impacts to the environment, whilst considering the needs of the community and requirements of other stakeholders.

A 30A approval includes an expiry date and can be valid for up to 120 days. You do not need to be an existing licence holder to apply for a 30A approval.

Key principles

EPA will consider the following as key principles when assessing an application for a 30A approval:

Is there a genuine '**emergency**'? EPA will assess whether there is an actual or imminent occurrence of an event that endangers health and safety of life or the environment and warrants a temporary approval. EPA will not approve proposals where the situation was foreseeable, or has been caused by carelessness, poor management, operator negligence or non-compliance with policies or guidelines.

Is the emergency or hardship '**temporary**'? The period needed to meet the emergency or to provide relief to public nuisance and/or community hardship is limited to a maximum of 120 days. If repeat applications are sought for the same issue, EPA will assess whether the situation is ongoing rather than temporary and therefore does not fulfil the requirements of a 30A approval (see '*Can I get a subsequent approval for the same situation?*' of this guideline).

Is there a '**public nuisance**' or '**community hardship**'? A public nuisance includes widespread disturbance and inconvenience caused by noise, odour or other impact on amenity. Hardship relates to difficulties experienced by a community arising from a lack of access to essential services such as water, power or transport. It could also include widespread unemployment or significant financial loss by a community.

Is '**commissioning, repair or decommissioning**' of plant or equipment required? EPA acknowledges that commissioning, repair and decommissioning are a routine part of running a business that may occasionally require a temporary discharge, storage or a discharge beyond existing licence limits. Where repairs or maintenance activities are regularly programmed, EPA will consider whether this is ongoing and whether a different statutory tool is more appropriate.

How do I apply for a 30A approval?

Contact EPA by phoning 1300 372 842 (1300 EPA VIC) as soon as you are aware that you may require an approval. An EPA officer will then notify you of what actions to take, which will include submitting a written proposal. The Act requires applications for a 30A approval to be in writing. An application form is available on EPA's [website](#).

When should you apply for a 30A approval?

Temporary emergency

A 30A approval may be granted for a discharge of waste to the environment or management of waste to meet a temporary emergency, which would otherwise result in a breach of the Act or non-compliance with your licence. Contact EPA if you are unsure about whether your activity will be a breach of the Act.

Relief from public nuisance or community hardship

A 30A approval may be issued to provide temporary relief from a public nuisance or community hardship (see 'Key principles' for an explanation of these terms). For example, following a bushfire EPA may temporarily allow the transport of asbestos without the need for transport certificates to expedite cleanup for the affected community.

Commissioning, repair or decommissioning

Businesses may occasionally require a temporary discharge and/or waste storage to facilitate:

- completion and testing of a new plant following an EPA Works Approval
- bringing industrial equipment on or offline for repair and maintenance
- the commissioning or decommissioning of any items of industrial plant or equipment.

In some cases, the above situations will also require a subsequent licence amendment to reflect a permanent change to the permitted activities and/or discharge limits.

What activities do not require a 30A approval?

A Section 30A approval is not required where an EPA authorised officer has issued directions under Section 62B of the Act, to prevent imminent danger to life and limb or the environment, for example, a direction to transport waste on a non-permitted vehicle following the cleanup of a spill.

A Section 30A approval is also not required where the discharge or management of waste is authorised by the conditions of an existing EPA licence or is a condition of an EPA statutory notice.

Table 1: Examples of potential triggers for Section 30A approvals

Situation	Example
Temporary emergency	
Natural disasters e.g. bushfires	<ul style="list-style-type: none"> • handling of materials and/or waste resulting from bushfires
Waste arising from industrial or transport accidents	<ul style="list-style-type: none"> • storage, handling or treatment of waste at a site not usually permitted to accept that type of waste
Relief from public nuisance or community hardship	
Providing relief to other utilities or essential services	<ul style="list-style-type: none"> • accepting or temporarily holding waste from another site that can no longer operate due to unforeseen circumstances
Failure of major utility or essential service	<ul style="list-style-type: none"> • use of alternative fuels during electricity or gas supply disruption • temporary discharge from a water or wastewater treatment plant
Commissioning, repair or decommissioning	
Unexpected shutdown of a plant due to malfunction	<ul style="list-style-type: none"> • temporary increase in emissions that exceed licence limits to allow for repairs
A new plant that has been the subject of a works approval	<ul style="list-style-type: none"> • new biological treatment system that needs time for biomass to develop before it will provide the required level of treatment

When will EPA not issue a 30A approval?

A 30A approval will not be issued if:

- the situation is not a genuine emergency
- there is no evidence of a public nuisance or community hardship
- there are potential long-term impacts on beneficial uses of the receiving environment
- when the applicant is solely using it to avoid non-compliance with another EPA approval or statutory notice
- when it has been established that the situation is the result of carelessness, poor management and/or operator negligence.

If your situation does not fulfil the requirements of a 30A approval, you may apply for a licence or an amendment to an existing licence. Contact EPA to discuss your options. If an unauthorised discharge occurs, EPA will respond in line with its [Compliance and Enforcement Policy](#).

Can I get a subsequent approval for the same situation?

Typically, EPA will not grant subsequent approvals for the same issue. It is the operator's responsibility to minimise a reoccurrence, install new works to minimise any discharges and apply for a works approval or licence amendment for ongoing management. Exceptions are:

- commissioning approvals subsequent to a works approval, whereby EPA must be satisfied that the new or modified infrastructure have been tested and verified to an appropriate standard
- decommissioning approvals for major industrial facilities where shutdown processes may take longer than 120 days
- approvals for the relief of community hardship that are linked to natural disasters requiring long-term solutions for cleanup and remediation.

How do I declare a 30A approval in my Annual Performance Statement?

If you have not complied with a licence condition you must declare non-compliance in your Annual Performance Statement (APS), even if a 30A approval was in place. You may then detail the fact that a 30A was approved when you complete Attachment A: 'Details of Non-Compliance with Licence Condition'.

Can a 30A approval be enforced?

A 30A approval has no effect unless the conditions to which it is subject are complied with. If any of the conditions are not met, you may be liable for a pollution offence under the Act. These conditions may include monitoring requirements, consultation with stakeholders, maintaining records and reporting. EPA authorised officers may inspect your site following the issue of a 30A approval to check compliance against these conditions.