# When to use this application form

A person who provided a financial assurance may apply to EPA at any time to:

* review the form or amount of financial assurance you provide
* release all or part of the financial assurance you provide.

Applications must be accompanied by sufficient evidence to support a review or release of financial assurance.

For applications to review the amount of financial assurance provided for landfills, a report from an EPA appointed environmental auditor is required to support the application. Use F1014.1 ‘Landfill financial assurance calculation assessment form’ <https://www.epa.vic.gov.au/about-epa/publications/f1014-1>

# How to apply

Complete this form and email it along with any supporting information to financial.assurance@epa.vic.gov.au or post it to: The Manager, Compliance Programs Unit, EPA Victoria, GPO Box 4395 Melbourne 3001.

Applications that contain insufficient information to allow for assessment will not be accepted.

# Application fees

Fees apply to the following applications:

* requesting review of the form of financial assurance
* requesting release of all or part of financial assurance

Note: Requesting review of the *amount* of financial assurance does **not** attract a fee.

Fees may be charged irrespective of the outcome of the application.

Fees that may be charged by EPA are listed on the EPA website <https://www.epa.vic.gov.au/for-business/fees>.

Contact financial.assurance@epa.vic.gov.au if you are not sure if you need to pay a fee.

# When this form is not required

In some circumstances, EPA may review or release the financial assurance you provide without an application from you.

EPA may review the financial assurance you provide if:

* a permission you hold is reviewed or varied
* an environmental action notice or site management order you were issued is reviewed or varied
* EPA publishes an updated method for calculating the amount of financial assurance
* EPA decides there is a variation to the costs and expenses of remediation or clean up for the activity the financial assurance is provided in relation to

EPA must release part or all of the financial assurance if:

* you no longer hold a permission issued by EPA (e.g. the permission is surrendered or transferred)
* an environmental action notice or site management order you were issued is revoked by EPA
* EPA has reviewed the financial assurance and decided it is no longer required, or is amended

If you think any of these circumstances apply, you can contact Compliance Programs Unit at financial.assurance@epa.vic.gov.au . This application form and payment of a fee may not be required.

## Change of financial institution

Where the amount or form of financial assurance is unchanged but the financial institution providing the financial assurance will change (for example, a swap of bank guarantees), this form is not required. Contact Compliance Programs Unit at financial.assurance@epa.vic.gov.au.

# What happens once you have submitted your application

* EPA’s Compliance Programs Unit will contact you confirming receipt of your application and advising you whether your application has been accepted.
* An EPA authorised officer may inspect your premises as part of EPA’s assessment to verify the reasons for applying to review or release the financial assurance. The authorised officer may use their powers to require information including documents.
* If following a review, EPA proposes to amend the financial assurance you provide, you will be notified in writing. You will be invited to make a submission on the proposed amendment. You will have 20 business days after the date of notice to make a submission.
* If you are required to provide a further form and/or amount of financial assurance, EPA will specify a time period, not less than 30 days.
* If your application is for release of financial assurance, EPA will advise you of the decision within 40 business days after the date the application is received. If further information is needed, this period will be extended.

# What EPA will consider

In assessing your application EPA will consider matters including:

* the prescribed risk assessment criteria set out in the Environment Protection Regulations 2021
* any guidance EPA publishes for deciding when financial assurance is required, and the form and amount of financial assurance
* completion of, or changes to the activity(s) associated with the requirement to have a
financial assurance
* land and groundwater contamination
* waste storage and management
* any need for you to provide another financial assurance under a different statutory tool

# EPA guidance

* Financial assurance pages on EPA’s website <https://www.epa.vic.gov.au/for-business/find-a-topic/financial-assurances>
* [*Financial assurance for permissions and contaminated land*](https://www.epa.vic.gov.au/about-epa/publications/2002) *management* (publication 2002)
* [*Forms of financial assurance*](https://www.epa.vic.gov.au/about-epa/publications/1595-2) (publication 1595)

* *[Calculation of financial assurance for landfills, reportable priority waste and waste resource recovery facilities](https://www.epa.vic.gov.au/about-epa/publications/2003) (*publication 2003)

# Application form

On behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (legal name of person/company who provided the financial assurance),

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of person submitting the application), am applying to EPA to:

*Check the option(s) that apply*

[ ]  Review the form of financial assurance

[ ]  Review the amount of financial assurance

[ ]  Review both form and amount of financial assurance

[ ]  Release part of the financial assurance

[ ]  Release all the financial assurance

## Table 1: Site information

|  |
| --- |
| **SITE INFORMATION** |
| EPA reference number for the licence/permit/notice/order that the financial assurance is provided for |  |
| Registered address of person/company who provided the financial assurance |  |
| Premises address  |  |
| Contact details of person submitting the application | Phone number: |
| Email: |
| Address: |
| Contact details for the most senior Australian based person from the entity that provided the financial assurance  | Name: |
| Phone number: |
| Email: |
| Who currently owns the land? Contact details of landowner | Name: |
| Phone number: |
| Email: |
| Registered address: |
| Postal address: |
| Contact details of financial institution that issued the current financial assurance | Name of financial institution: |
| Contact name: |
| Phone number: |
| Email: |
| Postal address: |
| Current amount of financial assurance held by EPA |  |
| Current form of financial assurance e.g. bank guarantee  |   |

## Table 2: Assessment information

|  |  |
| --- | --- |
| **ASSESSMENT INFORMATION** | **COMMENTS** |
| **For applications to review the *form* of financial assurance** |
| What form of financial assurance do you propose to provide? Please attach any supporting documentation. |  |
| Who is the proposed provider of the financial assurance (i.e. name of financial institution)? |  |
| What is the reason for applying to change the form of financial assurance? |  |
| **For all applications for review of the amount or release of financial assurance** |
| For landfills, a report from an EPA appointed environmental auditor is required to support applications. Use F1014.1 ‘Landfill financial assurance calculation assessment form’ <https://www.epa.vic.gov.au/about-epa/publications/f1014-1> |  |
| Has contamination ever been found at the premises? If so, please specify. Is contamination still present?  |  |
| Is there environmental monitoring infrastructure on the premises? If so, please specify and attach a map of locations and attach the most recent monitoring results. |  |
| Is the premises currently occupied? If so, by whom and what activity are they undertaking at the site? |  |
| What is the ongoing activity planned for the site? Please provide details. |   |
| Is a change of land ownership planned or in progress? If so, please provide details of the new intended owner. |  |
| Other relevant information. |  |
| **Additional information for applications to review the amount of financial assurance** |
| What information do you have that indicates that a different amount of financial assurance is required for the premises? Please attach. |  |
| If you have provided a calculation of the proposed new amount of financial assurance, is it in accordance with current EPA guidance? Please attach a copy of your calculation and any justification for using a different calculation method. |  |
| Is there a revised rehabilitation or decommissioning plan for the site? Is the site being progressively rehabilitated? Please attach any plans and evidence of works completed to date. |  |
| **Additional information for applications for release of financial assurance** |
| What information do you have that indicates that EPA will not need to claim on the financial assurance to conduct site assessment, monitoring or clean up?Please attach copies of any additional information such as photographs, site assessments or audits. |  |
| Is there any infrastructure remaining on the premises relating to the activity? If so, specify, and attach additional information such as engineering information and photographs. |  |

In requesting the review or release of financial assurance, I state that:

1. I have included all the information I am aware of relevant to the environmental conditions at the premises.
2. I declare that the information provided in this application is true to my knowledge. I understand that it is an offence under section 463 of the *Environment Protection Act 2017* - Provision of false information - to intentionally or negligently provide incorrect or misleading information to or conceal information from the Authority.
3. I understand that failure to provide sufficient information may result in my application
being refused.

Yours sincerely,

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Full name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_ \_\_/\_\_ \_\_/20\_\_ \_\_

Note: this form must be signed by the most senior Australian based person from the entity that provided the financial assurance.

**OFFICE USE ONLY:**

**Received by:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

EPA acknowledges Aboriginal people as the first peoples and Traditional custodians of the land and water on which we live, work and depend.
We pay respect to Aboriginal Elders, past and present.

As Victoria's environmental regulator, we pay respect to how Country has been protected and cared for by Aboriginal people over many tens of thousands of years.

We acknowledge the unique spiritual and cultural significance of land, water and all that is in the environment to Traditional Owners, and recognise their continuing connection to, and aspirations for Country.

