



Environment Protection Act 1970
INDUSTRIAL WASTE MANAGEMENT POLICY
NATIONAL POLLUTANT INVENTORY

The Governor in Council, under sections 16(1A) and 17A of the **Environment Protection Act 1970**, and on the recommendation of the Environment Protection Authority, declares the following industrial waste management policy (National Pollutant Inventory) to be observed throughout Victoria.

Dated: 6 October 1998

Responsible Minister:

MARIE TEHAN

Minister for Conservation and Land Management

STACEY ROBERTSON
Acting Clerk of the Executive Council

Title

1. This Order may be cited as the industrial waste management policy (National Pollutant Inventory).

Commencement

2. This policy will come into operation upon publication in the Government Gazette.

Contents of policy

3. This policy is divided into parts as follows -

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PART I - PRELIMINARY

Purpose and Goals

4. (1) The purpose of this policy is to implement the National Environment Protection (National Pollutant Inventory) Measure within the State of Victoria.
- (2) The desired environmental outcomes of the National Environmental Protection (National Pollutant Inventory) Measure are:
 - (a) the maintenance and improvement of:
 - (i) the ambient air quality; and
 - (ii) the ambient marine, estuarine and fresh water quality;
 - (b) the minimisation of environmental impacts associated with hazardous wastes; and
 - (c) an expansion in the re-use and recycling of used materials.
- (3) This policy implements the goals established in the National Environment Protection (National Pollutant Inventory) Measure by providing a basis for the collection of a broad base of information on emissions of substances on the reporting list to air, land and water within the State of Victoria.

Definitions

5. (1) This clause defines particular words and expressions used in this policy.
- (2) In this policy, unless the contrary intention appears:

“aggregated emissions data” means estimates of the amount of a substance emitted to the environment annually from:

 - (a) facilities which are not reporting facilities; and
 - (b) anthropogenic sources other than facilities, which emit a significant amount of that substance to the environment;

“agreed between participating jurisdictions” means agreed by at least six participating jurisdictions;

“Agreement” means the agreement made on 1 May 1992 between the Commonwealth, the States, the Australian Capital Territory, the Northern Territory and the Australian Local Government Association, a copy of which is set out in the Schedule to the **National Environment Protection Council Act (Victoria) 1995**;

“ANZSIC” means Australian and New Zealand Standard Industrial Classification;

“article” means a manufactured item formed to a specific shape or design during manufacture;

“Authority” means the Environment Protection Authority constituted under the **Environment Protection Act 1970**;

“CASR number” means Chemical Abstract Series Registered number;

“category 1 substance” means a substance for which a threshold category of 1 is specified in Column 3 of Table 1 or Table 2 of Schedule A;

“category 1a substance” means a substance for which a threshold category of 1a is specified in Column 3 of Table 1 or Table 2 of Schedule A;

“category 2a substance” means a substance for which a threshold category of 2a is specified in Column 3 of Table 1 or Table 2 of Schedule A;

“category 2b substance” means a substance for which a threshold category of 2b is specified in Column 3 of Table 1 or Table 2 of Schedule A;

“category 3 substance” means a substance for which a threshold category of 3 is specified in Column 3 of Table 1 or Table 2 of Schedule A;

“Commonwealth” means the Commonwealth of Australia;

“contextual information” means information contained in the National Pollutant Inventory database that contributes to public understanding of emissions data, and includes:

- (a) the CASR number of the substance and common synonyms and product names for the substance;
- (b) the chemical characteristics and intrinsic properties of the substance;
- (c) the health and environment effects of the substance, including toxicity profiles, environmental impacts, likely fate and transport of the substance in the environment, and other relevant effects;
- (d) information on common uses of the substance including products or processes reliant on the substance; and
- (e) information on common anthropogenic and other sources of the substance;

“Council” means the National Environment Protection Council established by section 8 of the **National Environment Protection Council Act (Victoria) 1995** and the equivalent provision of the corresponding Act of the Commonwealth and each participating State and Territory;

“emission” means emission of a substance to the environment whether in pure form or contained in other matter and whether in solid, liquid or gaseous form. It includes emission of a substance to the environment from landfill, sewage treatment plants and tailings dams but does not include:

- (a) deposit of a substance into landfill; or
- (b) discharge of a substance to a sewer or a tailings dam; or
- (c) removal of a substance from a facility for destruction, treatment, recycling, reprocessing, recovery or purification;

“emission data” for a substance, means an estimate of the amount of the substance emitted in a reporting period that identifies:

- (a) the medium to which the substance was discharged (for example, air, land, or water); and
- (b) the estimation technique used;

“estimation technique” means a method for estimating the amount of a substance emitted to the environment;

“facility” means any building or land from which a substance may be emitted, together with any machinery, plant, appliance, equipment, implement, tool or other item used in connection with any activity carried out at the facility, and includes an offshore facility;

“industry handbook” means a document agreed between participating jurisdictions which provides advice to a particular type of reporting facility in meeting requirements resulting from this policy, including:

- (a) advice or guidance on the information which is required to be furnished or retained by occupiers of that type of reporting facility; and
- (b) an appropriate estimation technique, or range of estimation techniques, for that type of reporting facility;

“licence” means a licence issued under the **Environment Protection Act 1970**;

“Memorandum of Understanding” means the agreement relating to the National Pollutant Inventory made between the Commonwealth, States and Territories on 27 February 1998 or as amended from time to time;

“national environment protection measure” means a measure made under subsection 14(1)

of the **National Environment Protection Council Act (Victoria) 1995** and the equivalent provision of the corresponding Act of the Commonwealth and each participating State and Territory;

“**National Pollutant Inventory**” or “**NPI**” means the inventory of emitted substances to be established as a result of the National Environment Protection (National Pollutant Inventory) Measure;

“**notice**” means a pollution abatement notice issued under the **Environment Protection Act 1970**;

“**occupier**” in relation to any facility or premises includes a person who is in occupation or control of the facility or premises whether or not that person is the owner of the facility or premises and in relation to premises different parts of which are occupied by different persons means the respective persons in occupation or control of each part;

“**OECD industry activity code**” means a code assigned by the OECD to common industrial activities which will be used as a basis for industry handbook development;

“**off-shore facility**” means a vessel or structure located in an adjacent area (as defined in the **Commonwealth Petroleum (Submerged Lands) Act 1967**) that is used or constructed for the recovery of petroleum (including natural gas), or carries, contains or includes equipment for drilling, or for carrying out other operations in connection with a well, from the vessel or structure; and includes a combination of two or more related off-shore facilities, but excludes a vessel engaged merely in site surveys or investigations to a depth in the seabed not exceeding 100 metres;

“**participating jurisdiction**” means the Commonwealth, a participating State or a participating Territory;

“**participating State**” means a State:

- (a) that is a party to the Agreement; and
- (b) in which an Act that corresponds to the **National Environment Protection Council (Victoria) Act 1995** is in force in accordance with the Agreement;

“**participating Territory**” means a Territory:

- (a) that is a party to the Agreement; and
- (b) in which an Act that corresponds to the **National Environment Protection Council (Victoria) Act 1995** is in force in accordance with the Agreement;

“**policy**” means industrial waste management policy;

“**reporting facility**” means a facility that is required to report information under clause 9;

“**reporting list**” means:

- (a) for the first and second reporting years, Table 1 of Schedule A; and
- (b) for the third and subsequent reporting years, Table 2 of Schedule A;

“**reporting period**” means that reporting period referred to in clause 6;

“**reporting year**” means a year commencing 1 July;

“**substance**” means a substance specified in column 1 of the reporting list;

“**substance identity information**” for a particular substance means:

- (a) the name of the substance; and
- (b) the CASR number of the substance, if applicable;

“**supporting data**” in relation to a reporting facility means:

- (a) the name of the occupier of the facility or any other relevant identification (including any name changes in the preceding financial year);
- (b) the occupier's Australian Company Number (ACN) (if applicable);

- (c) the occupier's postal address;
- (d) the street address of the facility;
- (e) the contact phone number for public inquiries; and
- (f) the main activity or activities of the facility;

“Territory” means the Australian Capital Territory or the Northern Territory.

Meaning of "reporting period"

6. Subject to clause 7, in this policy “reporting period” for a facility is:

- (a) a reporting year; or
- (b) if the Authority requires the facility to provide a report under licence or notice on the basis of a different annual reporting period, that annual reporting period.

Reporting period in the first year following publication of industry handbook

7. (1) This clause applies to a facility for which an industry handbook is published:

- (a) after 1 July 1998; and
- (b) more than three months before the end of the reporting year, or the annual reporting period mentioned in paragraph (2)(b), in which the handbook is published.

(2) The first reporting period for a facility to which this clause applies is:

- (a) the period from the first day of the third month after publication by the Commonwealth of an industry handbook for that type of reporting facility until the end of the reporting year in which the handbook is published; or
- (b) if the Authority requires the facility to provide a report under licence or notice on the basis of a different annual reporting period, the period from the first day of the third month after publication of the industry handbook until the end of the annual reporting period in which the handbook is published.

Commencement of reporting

8. The Authority shall not require an occupier of a reporting facility within the State of Victoria to furnish any information otherwise required under clause 9, unless or until an industry handbook for that type of facility:

- (a) has been agreed between participating jurisdictions; and
- (b) is published by the Commonwealth.

PART II - ATTAINMENT PROGRAM

Collection of data from reporting facilities

9. (1) The occupier of each facility is to be required to provide the following information if a reporting threshold for a substance is exceeded in a reporting period:

- (a) supporting data for the facility;
- (b) substance identity information and emission data for each substance for which the reporting threshold is exceeded in the period;
- (c) any information that may be required to assess the integrity of the emission data; and
- (d) a statement, signed by the occupier or a person authorised by the occupier for that purpose, that the occupier has exercised due diligence in gathering and providing the information mentioned in paragraphs (a), (b) and (c).

(2) Within the State of Victoria the requirements are to be imposed, to the extent possible, by the Authority or, to the extent this is not possible, by the Commonwealth.

(3) The information is to be provided to the Authority within three months after the end of the reporting period to which it relates.

- (4) The Authority is not to release any information provided to it under paragraph 9(1)(c) unless:
 - (a) the occupier consents to its release; or
 - (b) the Authority is legally compelled to release it.
- (5) In this clause “**facility**” does not include:
 - (a) a mobile emission source (for example, an aircraft in flight or a ship at sea) operating outside the boundaries of a fixed facility; or
 - (b) a petroleum retailing facility engaging in the retail sale of fuel; or
 - (c) a dry-cleaning facility employing less than 20 persons; or
 - (d) a scrap metal handling facility trading in metal, that is not engaged in the reprocessing of batteries or the smelting of metal; or
 - (e) a facility, or part of a facility, engaging solely in agricultural production, including the growing of trees, aquaculture, horticulture or live-stock raising unless it is engaged in:
 - (i) processing of agricultural produce; or
 - (ii) intensive live-stock production (for example, a piggery or a cattle feedlot).

Reporting threshold - category 1 and category 1a substances

- 10. (1) The reporting threshold for a category 1 substance is exceeded in a reporting period if the activities of the facility involve the use of 10 tonnes or more of the substance in the period.
- (2) The reporting threshold for a category 1a substance is exceeded in a reporting period if the activities involve the use of 25 tonnes or more of the substance in that period. The reporting threshold for a category 1a substance is only exceeded for bulk storage facilities if their design capacity also exceeds 25 kilotonnes.
- (3) In this clause, “**use**” of a substance means the handling, manufacture, import, processing, coincidental production or other use of the substance.
- (4) However, a substance is taken not to be used if:
 - (a) it is already permanently incorporated in an article in a way that does not lead to emission of the substance to the environment; or
 - (b) it is an article for sale or use that is handled in a way that does not lead to emission of the substance to the environment.
- (5) In working out the amount of a substance used for the purposes of subclause (1) and subclause (2), the occupier is not required to include any amount of the substance that is in a proprietary mixture or any other material unless:
 - (a) for a proprietary mixture - the substance is specified in a Material Safety Data Sheet describing the properties and use of the substance, or the manufacturer's advice; and
 - (b) for any other material - the occupier could reasonably be expected to know that the substance is in the material.

Reporting threshold - category 2a substances

- 11. The reporting threshold for a category 2a substance is taken to be exceeded in a reporting period if the activities of the facility involve the burning of:
 - (a) 400 tonnes or more of fuel or waste in the period; or
 - (b) 1 tonne or more of fuel or waste in any hour in the period.

Reporting threshold - category 2b substances

- 12. The reporting threshold for a category 2b substance is taken to be exceeded in a reporting period if:

- (a) the activities of the facility involve:
 - (i) the burning of 2,000 tonnes or more of fuel or waste in the period; or
 - (ii) the consumption of 60,000 megawatt hours or more of energy in the period; or
- (b) the maximum potential power consumption of the facility at any time in the period is rated at 20 megawatts or more.

Reporting threshold - category 3 substances

13. (1) The reporting threshold for a category 3 substance is exceeded in a reporting period if the activities of the facility involve the emission to water (excluding groundwater) of the scheduled amount, or more, of the substance in the period.
- (2) In this clause, "scheduled amount" means the amount mentioned in column 4 of Schedule A for the substance.

Emission estimation techniques

14. The Authority shall ensure that each occupier of a reporting facility, in estimating emission data for the purposes of furnishing information under clause 9:
- (a) if an estimation technique is set out in the relevant industry handbook for that type of reporting facility, applies either:
 - (i) that estimation technique; or
 - (ii) any other estimation technique which the Authority has agreed is likely to provide more accurate emission data than the technique set out in the relevant industry handbook; and
 - (b) if no estimation technique is set out in the relevant industry handbook which relates to a specific process carried out at the reporting facility or means of emission of waste from the reporting facility, applies any estimation technique which the Authority has agreed is likely to provide emission data for that process or means of emission; and
 - (c) documents any technique applied under paragraphs (a)(ii) or (b); and
 - (d) retains any data which may be required by the Authority to verify the emission data for three years from the date on which a report was provided to the Authority; and
 - (e) provides these data to the Authority as required.

Assessment of integrity of reported data

15. Before providing data to the Commonwealth under clauses 17 and 20, the Authority shall, for each reporting facility located within the State of Victoria (including Commonwealth facilities) undertake any reasonable action within its powers which it considers necessary for that particular reporting facility to confirm the accuracy of the information furnished by the occupier.
16. The Authority shall conduct assessments of integrity of reported emission data, from reporting facilities located within the State of Victoria, in accordance with the Memorandum of Understanding.

Information from reporting facilities supplied to the Commonwealth

17. On or before 30 November each year, the Authority shall provide to the Commonwealth the following information in an agreed format for each reporting facility located within the State of Victoria:
- (a) supporting data provided under clause 9;
 - (b) emission data provided under clause 9;
 - (c) the relevant ANZSIC code for the facility based on the main activity of the facility (where available);
 - (d) the relevant OECD industry activity code(s) for the facility based on the activities of the facility (where available);
 - (e) the latitude and longitude of the facility to the nearest second or the equivalent map grid reference; and

- (f) the level of reliability of the occupier's estimate of the amount of the substance emitted in accordance with a scale agreed between participating jurisdictions.

18. The Authority will provide to the Commonwealth the information referred to in clause 17 only for those facilities which submitted information under clause 9 in the twelve month period ending 30 September that year.

Estimation of aggregated emissions other than from reporting facilities

19. (1) The Authority shall develop, or cause to be developed, aggregated emissions data for particular substances specified in the reporting list, in specific regions within the State of Victoria at particular times, as agreed within the Memorandum of Understanding.
- (2) The data developed under subclause 19(1) shall be submitted in an agreed format to the Commonwealth on or before the date agreed between participating jurisdictions.

Additional information supplied to the Commonwealth

20. (1) The Authority may accept any emissions data estimated in accordance with clause 14, or other data relating to the emission of substances from an occupier of a facility, whether or not that facility is a reporting facility, and submit that data to the Commonwealth for inclusion in the National Pollutant Inventory.
- (2) The Authority may submit other data to the Commonwealth for inclusion in the National Pollutant Inventory (e.g. ambient concentrations of specified substances on the reporting list for a particular region within the State of Victoria).
- (3) Data under subclause (1) or (2) is to be submitted to the Commonwealth in a format agreed between the Commonwealth and the Authority.

Confidentiality - national security

21. Claims by an occupier of a reporting facility that information should be treated as confidential on the grounds of national security will be assessed by the Commonwealth.

Commercial confidentiality

22. (1) Unless the law of the State of Victoria provides otherwise, a claim by an occupier of a reporting facility that particular information should be treated as confidential on the grounds of commercial confidentiality will be assessed by the Authority using the procedures set out in the Memorandum of Understanding and taking account of the principles described in subclause (2).
- (2) The principles are:
- (a) the occupier is to justify the claim for confidentiality to the Authority; and
 - (b) the Authority is to weigh the interest of the occupier against the public interest in disclosure of the information.

Legal status of data supplied to the National Pollutant Inventory

23. Information provided by an occupier solely for the purposes of the National Pollutant Inventory under this policy will not be used by the Authority as evidence in any court proceedings for non-compliance by the occupier with another obligation imposed by the Authority.

Security of data

24. (1) The Authority will ensure that information provided by an occupier or aggregated emission data collected is not released to the public prematurely, unless the Authority is legally compelled to release it.
- (2) The Authority will ensure that information provided to the Authority is not able to be altered, unless as provided for by this policy.
25. Secure storage of information shall be provided by the Authority where:
- (a) confidentiality claims have been granted or have been sought and are being assessed; or

- (b) information is supplied in confidence for the purposes of developing aggregated emissions data; or
- (c) information is supplied for the purposes of verifying emissions data, in accordance with clauses 9, 14 and 16.

Rights of third parties

26. The right of third parties to appeal decisions and enforce obligations with regard to the National Pollutant Inventory will be subject to mechanisms applying from time to time within the State of Victoria.

Amendment of this policy

27. This policy will be amended as appropriate to take into account any amendments to the National Environment Protection (National Pollutant Inventory) Measure.

Schedule A**Alphabetically-ordered reporting list of substances for the National Pollutant Inventory
(determined by consideration of health and environmental risks in Australia)**

1. In this Schedule:
 - (a) the threshold for category 1 acids refers to the amount of the acid compound used (for example, in the case of "Hydrochloric acid", the threshold refers to the amount of hydrogen chloride used). This amount can be calculated as a factor of volume and concentration;
 - (b) the thresholds for "total Nitrogen" and "total Phosphorus" refer only to the amounts of those Nitrogen and Phosphorus compounds that give rise to nitrate/nitrite and phosphate ions respectively;
 - (c) the threshold for "Ammonia (total)" refers to the total amount of both ammonia (NH₃ CASR number 7664-41-7) and the ammonium ion (NH₄⁺) in solution;
 - (d) the threshold for "Chlorine" includes the amount of hypochlorite and like substances used;
 - (e) the threshold for category 1 substances that are listed as "(a metal) & compounds" refers to the total amount of the metal and its compounds used (for example, "Lead & compounds" refers to Lead and all compounds which incorporate Lead);
 - (f) the threshold for "Phenol" (CASR number 108-95-2) refers, at the discretion of the reporting facility, to either the total amount of phenolic compounds used or the total amount of phenol used.
2. For the purposes of estimating emission data to be reported under clause 7 of the policy:
 - (a) the amount of a category 1 acid emitted refers to the amount of the actual acid compound emitted (for example, in the case of "Hydrochloric acid", the amount emitted refers to the amount of hydrogen chloride emitted). It does not include any amounts of the acid that have been neutralised before release as the acid no longer exists;
 - (b) the amounts of "total Nitrogen" and "total Phosphorus" emitted refer to the amounts of those Nitrogen and Phosphorus compounds emitted that give rise to nitrate/nitrite and phosphate ions respectively;
 - (c) the amount of "Ammonia (total)" emitted refers to the total amount of both Ammonia (NH₃ CASR number 7664-41-7) and the ammonium ion (NH₄⁺) emitted in solution;
 - (d) the amount of "Chlorine" emitted refers only to the amount chlorine (Cl CASR number 7782-50-5) emitted;
 - (e) the amount emitted in relation to a substance listed as "(a metal) & compounds" refers only to the amount of the metal emitted (for example, the amount of "Lead & compounds" emitted refers only to the amount of Lead emitted);

- (f) the amount of "Phenol" (CASR number 108-95-2) emitted refers, at the discretion of the reporting facility, to either the total amount of phenolic compounds emitted or the total amount of Phenol emitted.

Table 1

COLUMN 1 SUBSTANCE prefix	COLUMN 2 CASR No.	COLUMN 3 THRESHOLD CATEGORY	COLUMN 4 THRESHOLD
Acetone	67-64-1	1	10 tonnes per year
Arsenic & compounds	7440-38-2	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Benzene	71-43-2	1	10 tonnes per year
1,3- Butadiene (vinyl ethylene)	106-99-0	1	10 tonnes per year
Cadmium & compounds	7440-43-9	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Carbon monoxide	630-08-0	1 2a	10 tonnes per year 400 tonnes per year, or 1 tonne per hour
Chromium (VI) compounds	7440-47-3	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Cobalt & compounds	7440-48-4	1	10 tonnes per year
Cyanide (inorganic) compounds	N/A	1	10 tonnes per year
1,2- Dibromoethane	106-93-4	1	10 tonnes per year
Dichloromethane	75-09-2	1	10 tonnes per year
2- Ethoxyethanol	110-80-5	1	10 tonnes per year
2- Ethoxyethanol acetate	111-15-9	1	10 tonnes per year
Ethylene glycol (1,2-ethanediol)	107-21-1	1	10 tonnes per year
Fluoride compounds	N/A	1 2a	10 tonnes per year 400 tonnes per year, or 1 tonne per hour

Glutaraldehyde	111-30-8	1	10 tonnes per year
Lead & compounds	7439-92-1	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Mercury & compounds	7439-97-6	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Methanol	67-56-1	1	10 tonnes per year
Methyl ethyl ketone	78-93-3	1	10 tonnes per year
Methyl isobutyl ketone	108-10-1	1	10 tonnes per year
Methyl methacrylate	80-62-6	1	10 tonnes per year
Nickel carbonyl	13463-39-3	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Nickel subsulphide	12035-72-2	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Oxides of Nitrogen	N/A	2a	400 tonnes per year, or 1 tonne per hour
Particulate Matter 10.0 µm	N/A	2a	400 tonnes per year, or 1 tonne per hour
Polycyclic aromatic hydrocarbons	N/A	2a	400 tonnes per year, or 1 tonne per hour
Sulphur dioxide	7446-09-5	1 2a	10 tonnes per year 400 tonnes per year, or 1 tonne per hour
Sulphuric acid	7664-93-9	1	10 tonnes per year
Tetrachloroethylene	127-18-4	1	10 tonnes per year
Toluene (methylbenzene)	108-88-3	1	10 tonnes per year
Toluene-2,4-diisocyanate	584-84-9	1	10 tonnes per year
Total Nitrogen	N/A	3	15 tonnes per year
Total Phosphorus	N/A	3	3 tonnes per year
Trichloroethylene	79-01-6	1	10 tonnes per year

Xylenes (individual or mixed isomers)	1330-20-7	1	10 tonnes per year
Table 2			
Acetaldehyde	75-07-0	1	10 tonnes per year
Acetic acid (ethanoic acid)	64-19-7	1	10 tonnes per year
Acetone	67-64-1	1	10 tonnes per year
Acetonitrile	75-05-8	1	10 tonnes per year
Acrylamide	79-06-1	1	10 tonnes per year
Acrylic acid	79-10-7	1	10 tonnes per year
Acrylonitrile (2-propenenitrile)	107-13-1	1	10 tonnes per year
Ammonia (total)	N/A	1	10 tonnes per year
Aniline (benzenamine)	62-53-3	1	10 tonnes per year
Antimony & compounds	7440-36-0	1	10 tonnes per year
Arsenic & compounds	7440-38-2	1 2b	10 tonnes per year, 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Benzene	71-43-2	1	10 tonnes per year
Benzene hexachloro- (HCB)	608-73-1	1	10 tonnes per year
Beryllium & compounds	7440-41-7	1 2b	10 tonnes per year, 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Biphenyl (1,1-biphenyl)	92-52-4	1	10 tonnes per year
Boron & compounds	7440-42-8	1	10 tonnes per year
1,3- Butadiene (vinyl ethylene)	106-99-0	1	10 tonnes per year
Cadmium & compounds	7440-43-9	1 2b	10 tonnes per year, 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Carbon disulphide	75-15-0	1	10 tonnes per year
Carbon monoxide	630-08-0	1 2a	10 tonnes per year, 400 tonnes per year, or 1 tonne per hour
Chlorine	7782-50-5	1	10 tonnes per year

Chlorine dioxide	10049-04-4	1	10 tonnes per year
Chloroethane (ethyl chloride)	75-00-3	1	10 tonnes per year
Chloroform (trichloromethane)	67-66-3	1	10 tonnes per year
Chlorophenols (di, tri, tetra)	N/A	1	10 tonnes per year
Chromium (III) compound	7440-47-3	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Chromium (VI) compounds	7440-47-3	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Cobalt & compounds	7440-48-4	1	10 tonnes per year
Copper & compounds	7440-50-8	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
Cumene (1-methylethylbenzene)	98-82-8	1	10 tonnes per year
Cyanide (inorganic) compounds	N/A	1	10 tonnes per year
Cyclohexane	110-82-7	1	10 tonnes per year
1,2- Dibromoethane	106-93-4	1	10 tonnes per year
Dibutyl phthalate	84-74-2	1	10 tonnes per year
1,2- Dichloroethane	107-06-2	1	10 tonnes per year
Dichloromethane	75-09-2	1	10 tonnes per year
Ethanol	64-17-5	1	10 tonnes per year
2- Ethoxyethanol	110-80-5	1	10 tonnes per year
2- Ethoxyethanol acetate	111-15-9	1	10 tonnes per year
Ethyl acetate	141-78-6	1	10 tonnes per year
Ethyl butyl ketone	106-35-4	1	10 tonnes per year
Ethylbenzene	100-41-4	1	10 tonnes per year
Ethylene glycol (1,2-ethanediol)	107-21-1	1	10 tonnes per year
Ethylene oxide	72-21-8	1	10 tonnes per year
Di-(2-Ethylhexyl) phthalate (DEHP)	117-81-7	1	10 tonnes per year

	Fluoride compounds	N/A	1 2a	10 tonnes per year 400 tonnes per year, or 1 tonne per hour
	Formaldehyde (methyl aldehyde)	50-00-0	1	10 tonnes per year
	Glutaraldehyde	111-30-8	1	10 tonnes per year
n-	Hexane	110-54-3	1	10 tonnes per year
	Hydrochloric acid	7647-01-0	1 2a	10 tonnes per year 400 tonnes per year, or 1 tonne per hour
	Hydrogen sulphide	7783-06-4	1	10 tonnes per year
	Lead & compounds	7439-92-1	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
	Magnesium oxide fume	1309-48-4	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
	Manganese & compounds	7439-96-5	1	10 tonnes per year
	Mercury & compounds	7439-97-6	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts
	Methanol	67-56-1	1	10 tonnes per year
2-	Methoxyethanol	109-86-4	1	10 tonnes per year
2-	Methoxyethanol acetate	110-49-6	1	10 tonnes per year
	Methyl ethyl ketone	78-93-3	1	10 tonnes per year
	Methyl isobutyl ketone	108-10-1	1	10 tonnes per year
	Methyl methacrylate	80-62-6	1	10 tonnes per year
4,4-	Methylene bis 2,4 aniline (MOCA)	101-14-4	1	10 tonnes per year
	Methylenebis (phenylisocyanate)	101-68-8	1	10 tonnes per year
	Nickel & compounds	7440-02-0	1 2b	10 tonnes per year 2,000 tonnes per year, or or 60,000 megawatt hours, or rated at 20 megawatts

Nickel carbonyl	13463-39-3	1 2b	10 tonnes per year 2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
Nickel subsulphide	12035-72-2	1 2b	10 tonnes per year 2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
Nitric acid	7697-37-2	1	10 tonnes per year
Organo-tin compounds	N/A	1	10 tonnes per year
Oxides of Nitrogen	N/A	2a	400 tonnes per year, or 1 tonne per hour
Particulate Matter 10.0 µm	N/A	2a	400 tonnes per year, or 1 tonne per hour
Phenol	108-95-2	1	10 tonnes per year
Phosphoric acid	7664-38-2	1	10 tonnes per year
Polychlorinated dioxins and furans	N/A	2b	2,000 tonnes per year, or 60,000 megawatt hours, or rated at 20 megawatts
Polycyclic aromatic hydrocarbons	N/A	2a	400 tonnes per year, or 1 tonne per hour
Selenium & compounds	7782-49-2	1	10 tonnes per year
Styrene (ethenylbenzene)	100-42-5	1	10 tonnes per year
Sulphur dioxide	7446-09-5	1 2a	10 tonnes per year 400 tonnes per year, or 1 tonne per hour
Sulphuric acid	7664-93-9	1	10 tonnes per year
1,1,1,2- Tetrachloroethane	630-20-6	1	10 tonnes per year
Tetrachloroethylene	127-18-4	1	10 tonnes per year
Toluene (methylbenzene)	108-88-3	1	10 tonnes per year
Toluene-2,4-diisocyanate	584-84-9	1	10 tonnes per year
Total Nitrogen	N/A	3	15 tonnes per year
Total Phosphorus	N/A	3	3 tonnes per year
Total Volatile Organic Compounds	N/A	1a 2a	25 tonnes per year, or a design capacity of 25 kilotonnes for bulk storage facilities 400 tonnes per year, or 1 tonne per hour

1,1,2-	Trichloroethane	79-00-5	1	10 tonnes per year
	Trichloroethylene	79-01-6	1	10 tonnes per year
	Vinyl Chloride Monomer	75-01-4	1	10 tonnes per year
	Xylenes (individual or mixed isomers)	1330-20-7	1	10 tonnes per year
	Zinc and compounds	7440-66-6	1	10 tonnes per year

Explanatory Notes

Background to the industrial waste management policy (National Pollutant Inventory)

Industrial waste management policies (IWMPs) are declared by the Governor in Council under sections 16, 17 and 18 of the **Environment Protection Act 1970**. The industrial waste management policy (National Pollutant Inventory) is a new policy which reflects the National Environment Protection (National Pollutant Inventory) Measure within Victoria.

This policy aims to maintain and improve the ambient quality of the air and water environments, to minimise the environmental impact of hazardous wastes, and to expand the reuse and recycling of used materials within Victoria. The aims of this policy will be achieved by providing publicly accessible information about specified emissions to the environment.

Information will come from two sources: major industry facilities will report on their own emissions, and the Environment Protection Authority will provide estimates of all other emissions. The Commonwealth government will then collate the data and disseminate it to all stakeholders. The provision of this information will improve government and community awareness of the sources of impacts on the environment and therefore encourage reduction of emissions.

Industrial waste management policy (National Pollutant Inventory) in detail

Preamble

The policy is preceded by the necessary legal preamble for an Order in Council. The purpose of the Order is to declare the industrial waste management policy (National Pollutant Inventory).

Title

Clause 1 states that the title of the new policy is the industrial waste management policy (National Pollutant Inventory).

Commencement

Clause 2 states when the policy comes into effect.

Contents

Clause 3 provides a table of contents for the policy.

PART I - PRELIMINARY

Purpose and Goals

Clause 4 states that the purpose of the policy is to implement the National Environment Protection (National Pollutant Inventory) Measure in Victoria.

The aims of the Measure are: to maintain and improve the ambient air and water quality; to minimise the environmental impacts of hazardous wastes, and; an expansion in the re-use and recycling of used materials. These aims will be achieved by providing publicly accessible information on the emissions of substances to the environment, which can then be used to help reduce the emissions and their associated impacts.

Definitions

Clause 5 provides specific definitions of various words and terms used throughout the policy. The purpose of these definitions is not to provide a glossary of technical terms but simply to give a specific meaning to a phrase which may be slightly limited or otherwise different to the meaning currently accepted in every-day language.

Meaning of "reporting period"

Clause 6 provides the specific meaning of a "reporting period" used in the policy. It states that a reporting period for a facility will be a financial year, except for those facilities which already provide annual reports to the Authority under licence or notice requirements.

Where a facility is required to report under licence or notice, that facility will be required to report for the same annual period as required under their licence or notice. This differentiation is aimed at simplifying reporting needs for industry.

Reporting period in the first year following publication of industry handbook

Clause 7 relates to facilities for which a handbook was not published prior to 1 July 1998. The intention of this clause is that a facility will only be required to report data for the NPI commencing three months after the publication of the industry handbook relevant to that facility.

This means that where the industry handbook is published after 1 July 1998, the reporting period for the first year of reporting may not be a full twelve months. Instead, it will be the period beginning three months after the publication of the relevant industry handbook and ending at the end of that facility's reporting period as defined in clause 6.

If the industry handbook is not published more than three months before the end of the reporting period for a facility, then that facility will not be required to commence reporting until the following reporting period.

Commencement of reporting

Clause 8 indicates that no occupiers of a facility will be required to report under the policy until an industry handbook which is relevant to that particular facility is published. Industry handbooks will provide guidance to industry to assist occupiers in the reporting of emissions for the National Pollutant Inventory (NPI).

PART II - ATTAINMENT PROGRAM***Collection of data from reporting facilities***

Clause 9 sets out the type of data to be reported under the policy, and the timing for reporting the data. Information relating to emissions of a particular substance is only required if the reporting threshold (as set out in clauses 9, 10, 11 and 12) for that substance is exceeded in a reporting period. The substances for which reports may need to be compiled are specified in Schedule A.

Paragraph 9(4) states the conditions under which information required to assess the integrity of emission data may be released.

Paragraph 9(5) provides exemptions from the requirements of clause 7 for some specified facilities and other emission sources.

Reporting thresholds

Clauses 9 to 12 detail the circumstances under which the reporting thresholds (category 1, 1a, 2a, 2b and 3) are exceeded.

Clause 9 states that the reporting threshold for category 1 and 1a substances is exceeded if a facility uses more than a certain amount of the substance in a reporting period. Some exemptions from inclusion in the threshold of materials used under certain conditions are detailed in paragraphs 9(4) and (5).

Clauses 10 and 11 state that the reporting threshold for category 2a and 2b substances respectively is exceeded if a facility consumes more than a certain amount of fuel or energy in the reporting period. These categories of substance are generally released to the environment as vapour emissions from the burning of fuels.

Clause 12 details the reporting threshold for category 3 substances. This category of substance involves emission to surface waters only.

Emission estimation techniques

Clause 14 states that reporting facilities should use either emissions estimation techniques included in the relevant industry handbook, or may use another technique which the Authority has agreed is appropriate. The occupier is required to document the use of any techniques other than those specified in the industry handbook so that the emission data can be verified.

Assessment of integrity of reported data

The aim of this section is to require the Authority to assess the integrity of emission data provided by reporting facilities, before providing this data to the Commonwealth for inclusion in the NPI.

Information from reporting facilities supplied to the Commonwealth

Clause 17 defines the timing of reporting by the Authority to the Commonwealth, and details the information that is required to be provided. Clause 18 states that the Authority will provide data to the Commonwealth each year only for those facilities that reported during the twelve months ending 30 September that year, allowing the Authority a minimum two month period to compile and assess the integrity of reported data before those data are provided to the Commonwealth.

Estimation of aggregated emissions other than from reporting facilities

Clause 19 states that the Authority will develop aggregated emissions data for particular substances within specific regions of Victoria, and submit this data to the Commonwealth for inclusion in the NPI.

Estimations will be done only for those particular substances which are considered significant for the particular sector of the environment (air, water etc) and region (airshed, water catchment etc) in question. The clause also indicates that aggregated emissions data will be developed for specific regions at particular times: the aim is to progressively develop data for important regions such as water catchments and airsheds.

Additional information supplied to the Commonwealth

Clause 20 indicates that the Authority may provide any additional information to the Commonwealth for inclusion in the NPI. This means that facilities may report on their emissions even if they are not required to report, or that reporting facilities may supply any additional data which is considered useful. It also means that the Authority may submit additional data (such as ambient concentrations) that may improve the usefulness to the public of the NPI.

Confidentiality - national security

Clause 21 makes it clear that claims that information should be treated as confidential on the grounds of national security will be dealt with by the Commonwealth.

Commercial confidentiality

Clause 22 states that claims that information should be treated as confidential on the grounds of commercial confidentiality will be assessed by the Authority. Included in the clause are the principles upon which any claims will be assessed. In making a decision on a confidentiality claim, the Authority will consider the principles set out in this clause, the Memorandum of Understanding, and any other requirements set out in Victorian law.

Legal status of data supplied to the National Pollutant Inventory

The purpose of clause 23 is to make it clear to occupiers of reporting facilities that information supplied by them for the NPI will not be used as evidence against them in the case of a breach of any other legal requirement of the Authority.

Security of data

This section relates to the public release and secure storage of information for the NPI. Clause 24 states that information will not be prematurely released to the public, unless the Authority is otherwise legally required to release the information. Clause 25 relates to the provision of secure storage of information that has been provided in confidence, and of information supplied for the purposes of verifying emissions data.

Rights of third parties

The intention of this clause is to make it clear that the right of third parties to appeal any decision made by the Authority (to, for example, a tribunal set up for this purpose) is not restricted by this policy.

Amendment of this policy

Clause 27 states that this policy will be amended in line with any amendments to the National Environment Protection (National Pollutant Inventory) Measure. It is envisaged that amendments

to the Measure will be taken into account in this policy as soon as practicable.

SCHEDULE A

This Schedule contains a list of substances about which occupiers of reporting facilities will be required to report under the National Pollutant Inventory. Consideration of the health and environmental risks of substances was used to determine the composition of the lists included in this Schedule.

Paragraphs 1 and 2 of the Schedule provide a definition for some terms referred to in the Schedule and for the purposes of estimation emission data to be reported under clause 7 of this policy.

Table 1

This Table is an alphabetically ordered list of 36 substances for the National Pollutant Inventory. Reporting of the substances contained in this Table will apply for the first and second reporting years of the NPI.

The Table is set out in four columns:

- a) Column 1 indicates the name of the substance;
- b) Column 2 indicates the Chemical Abstract Series Registered number for the substance;
- c) Column 3 indicates the category of the substance; and
- d) Column 4 indicates the reporting threshold for the substance.

Table 2

This Table is an alphabetically ordered list of 90 substances for the NPI. Reporting of the substances contained in this Table will apply for the third, and all successive, reporting years.

The layout of Table 2 is identical to that of Table 1; for a description of this, see above.

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