

SCHEDULED PREMISES REGULATIONS REVIEW DISCUSSION PAPER

Publication 1613 November 2015

Department of Environment, Land, Water & Planning (DELWP)

Environment Protection Authority (EPA) Victoria

1. Introduction

The *Environment Protection (Scheduled Premises and Exemptions) Regulations 2007* (the Scheduled Premises Regulations) are an important aspect of Victoria's regulatory framework for environment protection. They help to deliver environmental outcomes by requiring activities posing a significant risk to human health and/or the environment to obtain a works approval and/or licence from the Environment Protection Authority Victoria (EPA) and, in some cases, to provide a financial assurance.

The Department of Environment, Land, Water & Planning (DELWP) and EPA are reviewing the current Scheduled Premises Regulations before they sunset in late June 2017.

Consequential amendments to the Environment Protection (Fees) Regulations 2012 (the Fees Regulations) will be considered concurrently with this review. This is because the Fees Regulations (among other things) set the fee for a works approval application and annual licence fees.

The purpose of this Discussion Paper is to seek feedback on options for the review of these Regulations.

Comments on the questions in this Discussion Paper are requested by Monday, 14 December 2015. Section 7 explains how to provide your comments.

Your feedback will inform the development of a Regulatory Impact Statement (RIS) and the proposed new versions of the Scheduled Premises Regulations and the Fees Regulations. These will be published for comment in late 2016.

2. Context

2.1 Regulatory framework

The Scheduled Premises Regulations and the Fees Regulations are both made under the *Environment Protection Act 1970* (Vic) (the Act).

The Act (sections 19A and 20) restricts what the occupier of a 'scheduled premises' can do without requiring a works approval or licence issued by EPA.

Both sets of regulations are available in full via www.legislation.vic.gov.au.

The Scheduled Premises Regulations define 'scheduled premises', specifying which activities require a works approval, licence, financial assurance, payment of landfill levies and/or payment of environment protection levies. The regulations also provide for general exemptions to these requirements, which apply across scheduled categories, further focusing requirements on those activities with a higher risk of harm to the environment and/or human health.

Works approvals are a preventative tool. Their purpose is to ensure proposals for undertaking works, such as installing plant and/or equipment, demonstrate best practice and adequately address environmental risks before works begin at scheduled premises.

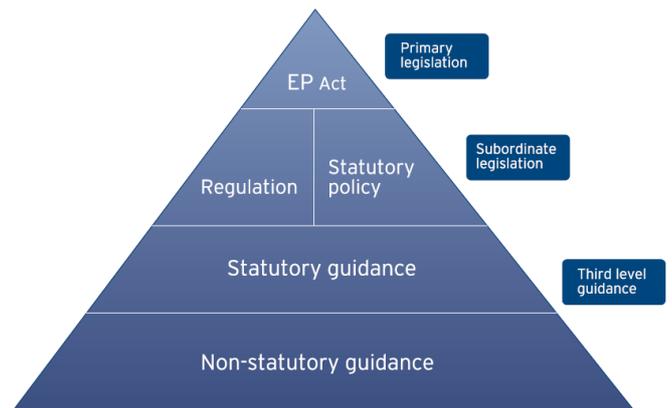
Licences are an ongoing tool to manage wastes and discharges to the environment. They can include site-specific discharge limits to air, water and land, or for the acceptance or treatment of wastes. The Act (section 31D) requires licensees to submit an Annual Performance Statement (APS) on their performance against their licence conditions.

A financial assurance is a financial security required to be submitted for certain types of activities to prevent clean-up costs from being borne by the Victorian community. Financial assurances are currently applied to prescribed industrial waste (PIW) management, landfills, bulk storage facilities, container washing, contaminated sites – onsite soil containment, and contaminated sites – long-term management.

Works approvals, licences and APSs are available on EPA's website.

The Scheduled Premises and Fees Regulations are a key component of Victoria's environment protection framework under the Act, alongside other regulations, state environment protection policies (SEPPs), and waste management policies (WMPs), as well as notifiable chemical orders (NCOs) and gazetted and advisory EPA guidance.

Figure 1 – The current framework under the EP Act



SEPPs set out the 'beneficial uses' that Victorians value about their environment, and the environmental quality objectives and indicators needed to enable these uses. The Act (section 20(C)(3)) requires EPA's works approvals and licences to be consistent with statutory policy (SEPPs and WMPs).

Progressing the review of the Scheduled Premises Regulations is necessary to ensure they can be remade before they sunset. This requires careful consideration of how industries and key sources of pollution have changed in Victoria since 2007 and are likely to change further into the future. This is critical to ensuring the regulations remain up to date and effective.

2.2 Independent public inquiry into EPA

The Victorian government has established a public inquiry to examine what EPA's role and responsibilities should be in the future. The Inquiry is examining how EPA can address community concerns and tackle modern pollution and contamination challenges, and what sort of organisation is required to deliver on these expectations.

The EPA Inquiry has a broad scope. The key areas it is examining include:

- how EPA can best meet environmental challenges facing Victoria now and into the future;
- EPA's appropriate role in relation to public health issues, including: community concerns such as exposure to asbestos, chemicals and other pollutants; the prevention and management of site contamination, air quality, and water quality in rivers and other waterways;
- EPA's appropriate role in protecting the environment;
- the ability of EPA's current governance structures and funding arrangements to enable it to effectively and efficiently discharge its powers, perform its duties and implement its required functions; and
- the scope and adequacy of EPA's statutory powers, and the effectiveness and efficiency of the suite of tools available to and utilised by EPA, in enabling protection of the Victorian community and the environment, particularly in light of recent, new and emerging risks and issues.

More information, including the full Terms of Reference for the inquiry, is available on the [EPA Inquiry website](#).

The EPA Inquiry's final report and the Victorian Government's response to it will be published in mid-2016. This means the EPA Inquiry is running in parallel to the initial stages of this review of the Scheduled Premises Regulations.

How this review relates to the EPA Inquiry

Compared to the broad scope of the EPA Inquiry, this review is focused on a particular part of the regulatory framework – namely, when licensing, works approval and/or financial assurance requirements are warranted for industry activities with significant environmental risks. The EPA Inquiry, and the Government's response to it, may result in reforms relating to, or affecting the purpose and/or value of, licensing, works approvals and/or financial assurances. Where reforms relate to the Scheduled Premises Regulations and/or Fees Regulations, there will be an opportunity to consider including these reforms as part of the RIS for the proposed new versions of these regulations, to the extent that this is practicable in the time available.

2.3 Other relevant reviews

Several other review processes are currently taking place in Victoria that are relevant to this review. These include the:

- [State Environment Protection Policy \(Waters\) review](#)
- [State Environment Protection Policies \(Noise\) review](#)
- [Climate Change Act 2010 review](#)
- [Design and implementation of a ban on e-waste going to landfill](#)
- [Parliamentary Inquiry into Unconventional Gas](#).

To the extent possible, the new Scheduled Premises Regulations and Fees Regulations will be aligned with the outcomes of these processes.

3. The current regulations

3.1 Currently scheduled activities

The current Scheduled Premises Regulations apply works approval and/or licensing requirements to a diverse range of industry premises, at which:

- waste¹ is, or is likely to be, discharged, emitted or deposited to the environment;
- noise is, or is likely to be, emitted;
- waste is, or substances which are a danger or potential danger to the quality of the environment or any segment of the environment are, reprocessed, treated, stored, contained, disposed of or handled; and/or
- activities are conducted that create a state of potential danger to the quality of the environment or any segment of the environment.

EPA currently assesses approximately 50 applications relating to works approvals each year and licenses approximately 670 premises.

Works approvals and licences are key preventative mechanisms through which EPA protects and enhances the Victorian environment. By carefully assessing development proposals and setting approval and licence conditions, EPA seeks to ensure that environmental quality standards will be met, human health will be protected, and the uses of the environment that Victorians value will be protected.

In conjunction with statutory policy (SEPPs and WMPs) and other regulatory and non-regulatory developments, works approvals and licences have contributed to a range of environmental quality improvements in Victoria – such as the restoration of the Maribyrnong River, the reduced frequency of smog days in Melbourne and improvements in industrial waste management and landfill practices.

The current Scheduled Premises regulations apply requirements to the following industry activities – defining application thresholds for each activity and providing for general exemptions.

- Waste treatment, disposal and recycling
 - PIW management
 - Other waste treatment
 - Sewage treatment
 - Industrial wastewater treatment
 - Landfill operations
 - Land disposal of nightsoil, septic tank and sewage sludge
 - Composting
 - Waste to energy conversion
 - Waste tyre storage
- Intensive animal industry
 - Intensive animal industry husbandry
 - Livestock saleyard operation
 - Fish farming

¹ The Act uses a broad definition of waste, which includes the discharge, emission or depositing of any substance into the environment (to air, water or land)

- Mining
 - Extractive industry and mining
- Animal-derived by-products and food
 - Abattoir operations
 - Rendering
 - Animal skin tanning
 - Seafood processing
 - Pet food processing
 - Food processing
 - Milk processing
 - Edible oil
 - Beverage manufacturing
- Textile, manufacturing and processing
- Wood and wood derivatives
 - Timber preservation
 - Fibreboard processing
 - Paper pulp milling
- Chemicals (including Petroleum)
 - Chemical works
 - Coal processing
 - Oil and gas refining
 - Bulk storage of carbon compounds (including petroleum or oil)
 - Bulk container washing
- Non-metallic minerals
 - Cement works
 - Bitumen (asphalt) batching
 - Ceramics works
 - Mineral wool works
 - Glass works
- Metals and engineering
 - Primary metallurgical works
 - Metal melting works
 - Metal galvanising works
 - Metal finishing works
 - Can and drum coating works
 - Vehicle assembly works
- Printing
- Utilities
 - Power stations
 - Carbon geosequestration
 - Potable water treatment plants
 - Water desalination plants
- General emissions to air
- Contaminated sites – onsite soil containment
- Contaminated sites – long term management
- Tunnel ventilation

Appendix 1 shows, for each currently scheduled category:

- the numbers of works approvals issued by EPA from July 2012- June 2015
- the number of licensed premises at 30 June 2015
- if financial assurance requirements apply.

3.2 Continued need for the regulations

As can be seen from the list of industry activities currently covered by the Scheduled Premises Regulations (above), there remains a large range of industrial activities that produce significant emissions to air and/or water, or otherwise have the potential to harm the environment and/or human health, for example through the generation, treatment or disposal of wastes.

By giving effect to the works approval and licensing systems in the Act, the Scheduled Premises Regulations ensure that, for activities identified as posing a significant risk, EPA can adequately assess and address those risks.

Since its introduction in 1973, EPA licensing has been an important environment protection tool in Victoria, providing a strong mechanism to aid in the control of emission sources and the prevention of pollution. Licensing is now a common feature of most environmental regulatory regimes.

By driving good design, works approvals help to prevent risks from eventuating. Licences then provide for/define ongoing requirements (including site-specific discharge limits) for businesses to manage and monitor ongoing risks. Importantly, licence conditions can be amended in response to new statutory policy (State Environment Protection Policy or Waste Management Policy) standards or other circumstances.

Significant proportions of reported industrial emissions to air and water in Victoria are managed under EPA licences. This is confirmed by the 2014 National Pollutant Inventory data. For example, in relation to air emissions from industrial sources, it shows that approximately 80% of the reported sulfur dioxide and carbon monoxide and 60% of the benzene and nitrogen oxides emissions were from sites operating under an EPA licence. Similarly, approximately 60% of the ammonia discharges to water from industrial sources were from EPA licensed sites.²

3.3. Reductions in risk

In recent times, EPA has updated its approach to licensing, to focus more on environmental outcomes and to reduce regulatory burdens, through the adoption of a risk-based approach.

The number of current EPA licences has been reducing since licensing was first implemented. Originally, there were approximately 12,000 licences issued to businesses in Victoria, approximately 4500 in 1980, 1200 in 1995, and 1000 in 2005. This reduction partly reflects improvements in industry standards and cleaner production technology and the contraction of the Victorian manufacturing sector. It is also a result of the development of complementary regulatory requirements, both under the Act (e.g. industrial waste regulations) and under other legislation (e.g. the Victorian Planning Provisions).

² The sources of **total** emissions (reported and unreported) varies by emission type. For example, most sulfur dioxide emissions to air are from large regulated industries, whereas carbon monoxide emissions in Victoria are mainly from non-industrial and diffuse sources, such as vehicles, that do not report to the National Pollutant Inventory.

The current regulations further reduced the number of EPA licensed premises to around 700 by focusing on higher-risk premises and reducing regulatory requirements for lower-risk premises and activities.

A key part of reviewing the current regulations is therefore to test if each of the currently scheduled industry activities still represents a significant risk to the environment and human health. Developments since 2007 may have resulted in an activity no longer presenting a significant risk, in which case works approval, licence and/or financial assurance requirements may no longer be necessary.

Factors that may reduce the environmental risks of an industry activity include:

- Developments in the technology commonly used;
- Changing industry practices and/or processes, including an increase in professional standards;
- The introduction, or updating, and widespread adoption of industry codes of practice (or similar); and/or
- Changes to the planning framework or other regulatory controls.

3.4 Potential new risks

As well as reviewing each currently scheduled activity, it is also important to understand any environmental risks posed by industrial activities outside of the current regulations.

This requires consideration of the environmental risks of new industries that have emerged since the 2007 regulations were made, and of changes since 2007 to the scale and nature of operations of industry activities.

Q1: Which currently scheduled categories or industrial activities are the most important for EPA works approval, licensing, and/or financial assurance requirements? Why do you think this?

Q2: What currently scheduled categories or industrial activities might no longer warrant EPA works approval, licensing, and/or financial assurance requirements? If so, please tell us which risks have reduced and how.

Q3: What other industrial activities might warrant works approval, licensing, and/or financial assurance requirements and why?

Q4: What would happen to emission levels, the numbers of pollution events, and the management of wastes if there were no EPA works approvals or licence requirements in Victoria? Why?

4. Adapting to changes

As noted in the [EPA Inquiry's Discussion Paper](#), there have been, and will continue to be, significant population increases and significant changes to the economy, industries, technologies and the physical environment in Victoria.

An important component of reviewing these regulations is to ensure the new regulations are as up-to-date and effective as possible, in light of recent and anticipated changes. Examples of how this could be achieved include:

- Increasing the flexibility of the regulations to 'keep pace' with new industry activities by introducing more 'load-based' triggers, which require a works approval or licence based on the type and level of pollutants discharged, regardless of the activity;
- Amending the descriptions of some currently scheduled industry activities to better reflect when the risks of those activities warrant works approval, licensing, or financial assurances;
- Amending threshold levels (which trigger the requirement for a works approval, licence, or financial assurance) for some currently scheduled industry activities; and/or
- Including new industrial activities (not currently scheduled) where they represent a potential environmental risk that could be reduced through the use of works approvals, licences or financial assurances.

Q5: Do any of the descriptions and application thresholds for currently scheduled categories need to be changed or clarified? If so, why? What specific changes or clarifications could be required?

Q6: Would an increased focus on emissions-based triggers for works approval or licence requirements, regardless of the activity creating these emissions, make the Scheduled Premises regulations more effective? If so, why? If not, why not?

4.1 Environmental challenges

Of the many changes noted in the EPA Inquiry's Discussion Paper, there are several environmental challenges that are particularly relevant to this regulation review – that is, as part of considering when EPA works approval, licensing and/or financial assurance requirements are appropriate and effective. These are outlined below.

4.1.1 Cumulative impacts from diffuse pollution

The regulations have traditionally addressed pollution from large industrial emitters, and have not always been applied to smaller, more wide-spread sources of pollution. Each of these smaller sources may not pose a substantial individual risk to the environment but, collectively across an industry or geographical area, may have the potential to cause significant and/or widespread harm to the environment and/or human health.

Illustrative example: Electroplating

Electroplating is an industrial process using chemicals and electric current to add a metal coating to objects in order to protect them from abrasion or wear, or to improve their appearance. Electroplating is used across a number of industries: car parts and household taps are two common examples.

The use of dissolved heavy metals (such as chromium, copper, nickel and silver) has environmental and health risks as these metals can escape from the site through spills or poor waste management practices, contaminating land and entering the storm water system. Heavy metals are a key contributor to poor water quality.

There are around 60 electroplaters operating in Victoria, most of which are small to medium enterprises with relatively limited membership of the relevant industry association.

Electroplating operations are already a 'scheduled premise' (see I04 - metal finishing) but are only required to obtain works approvals. No ongoing EPA licence is required.

Electroplating is scheduled in New South Wales, Queensland, South Australia and Western Australia, with varying thresholds for when a licence is required.

4.1.2 Impacts from contaminated environments

Preventing the generation and release of contaminants to soil and groundwater is critical to effectively reducing environmental risk. Contamination of land can become an environmental legacy issue, impacting on the ability to use land and leading to high clean-up costs. Contamination can spread, affecting other areas, water resources, plants, animals and human health.

The current regulations cover a number of categories of industrial activities with the potential to contaminate land or groundwater (e.g. landfills, chemical works, refineries and bulk storage). The current regulations also enable EPA to require a financial assurance from the owners of contaminated sites subject to an EPA remedial notice requiring long term management (L04). However, there are other categories of industrial premises with the potential to contaminate land and/or waters if not adequately managed, such as metal recycling and recovery, petrol stations and dry cleaning.

The planning system addresses some instances of land contamination from former waste disposal, industrial and similar activities. It requires an environmental audit and remediation if there is a change to a more sensitive land use – for example, from industrial to residential use. EPA's works approvals and licensing requirements generally do not extend beyond the operating phase of a business. Instead, other EPA instruments (e.g. clean up notices) and the planning system are used to require remediation of onsite contamination.

Clean up and remediation can result in significant costs for the polluter and third parties.

4.1.3 Amenity impacts and risks to human health from the use of new or emerging technologies and industrial practices

Victoria's increasing population (and population density) requires essential infrastructure (such as for waste treatment, recovery and disposal) in urban and peri-urban areas. If not appropriately located and properly managed, these facilities can significantly impact on the amenity of the local area and involve potential risks to human health.

The increased government and community focus on recycling and resource recovery from waste materials has resulted in the emergence of new technologies and waste industry operations. Depending on the materials and processes involved, these activities can pose significant risks to the environment and/or human health.

Some examples of these types of activities include bulk material handling, waste recovery processes, and waste consolidation points such as transfer stations.

It is important that environmental protection regulations provide suitable mechanisms to deal with these and other emerging risks.

Illustrative example: transfer stations

Transfer stations or resource recovery centres receive a variety of waste materials from surrounding areas, which are consolidated before being sent on to materials recycling facilities or landfills. The length of time materials are stored for, the level of processing that occurs during consolidation, and the sophistication of the infrastructure varies significantly at each transfer station.

Waste materials handled by individual transfer stations vary, but can include: organics, timber, e-waste, waste oil, mattresses, concrete and bricks, tyres, glass, fluorescent tubes, soil, hard plastics, silage wrap, household chemicals and paint, paper and cardboard, gas bottles, furniture and whitegoods.

The risk of environmental harm from transfer stations depends on the type and volume of materials being received, and how close the station is to a waterway, residential area or other sensitive environment. The sophistication, or grade, of the infrastructure at each station is also a key component of the environmental risk posed. Potential environmental harms include: amenity impacts from odour, pollution of waterways, risk of fire, and increased vermin populations.

Current controls on transfer stations largely occur through Victoria's planning system. EPA is a referral authority for planning permit applications for certain transfer stations. Sustainability Victoria has produced the non-mandatory Guide to Best Practice at Resource Recovery Centres, which makes recommendations about the design and management of transfer stations.

As Victoria's population increases, particularly in urban areas, transfer stations are likely to be handling increased volumes (and types) of waste materials.

Transfer stations are not covered by the current Scheduled Premises Regulations.

Transfer stations (along with Material Recovery Facilities) are currently licensed (or otherwise authorised) in South Australia.

4.1.4 Conflict between land uses from increasing intensification of industrial and commercial activities

As Victoria grows, other environmental challenges are emerging as previously small scale activities are carried out on a larger scale, and sometimes in closer proximity to residential areas or other sensitive uses. Previous assessments of risks to the environment and human health from these activities, and the thresholds to trigger works approval, licensing, or financial assurance requirements may need to be updated so that industries undergoing this type of change continue to receive appropriate regulatory oversight.

Illustrative example: intensive agriculture (piggeries, broilers, dairy and cattle feedlots)

Agriculture is a vital industry for Victoria, with the state supplying a quarter of Australia's agricultural products. The food and fibre sector is one of the Victorian Government's six priority sectors that will underpin Victoria's future economy and jobs growth.

Sustainable intensification will support growth in Victoria's agriculture and food production. This will help enable Victoria to meet growing global demand for high quality food and fibre.

Intensification can reduce the amount of land required for production and may make new areas of land suitable for it. However, it can put increased pressure on local environments. For example, more concentrated wastes can enter property runoff and local waterways, more concentrated numbers of animals can generate odour which impacts on neighbouring properties, and noise and dust issues can also be a problem. Additionally, there can be increased demand for resources such as water, energy, and feed.

Different types of intensive agriculture have different environmental impacts. For example, beef cattle feedlots, if not properly managed, can lead to odour and runoff issues. Similarly, if not properly managed, chicken broiler farms can have odour and waste management issues.

Some elements of the intensive agriculture sector are scheduled premises under the regulations (see B01 – intensive animal industry) which requires them to obtain a works approval as part of the planning permit process. A range of other regulatory requirements may need to be met through the planning system including compliance with Codes of Practice, and through other regulators, such as Dairy Food Safety Victoria.

Intensive agriculture in some circumstances is subject to licensing and works approvals requirements in New South Wales, Queensland, Western Australia and South Australia, although threshold types and levels vary considerably.

Q7: Do you agree that the environmental challenges outlined above (in section 4.1) are the most relevant ones for this review? What other environmental challenges relating to industrial activities should be considered? Why?

Q8: Are works approvals, licences and/or financial assurances the best tools to address the environmental challenges outlined above? If not, what other tools should be used? Why?

4.2. The challenges of modern regulation

As well as a changing environment as described above, there are also changes in the way modern regulators approach the task of achieving their objectives.

Industry has emphasised that regulation needs to be targeted and proportionate, recognising the individual circumstances of businesses, and balancing the level of regulatory oversight with the risks of each operation to the environment and/or human health.

Moving towards a more risk-based approach could involve:

- Less onerous regulatory requirements and lower fees for low risk businesses (i.e. low risk activities and high (environmentally) performing businesses)
- More stringent requirements and higher fees for high risk businesses (i.e. high risk activities and poor performers)
- The ability to deliver targeted assistance to businesses that would most benefit from additional guidance or support.

5. New elements being considered

To help address the themes noted above, this review is looking at the merits of introducing two new components into the regulations and associated administrative processes relating to EPA's licensing and works approvals.

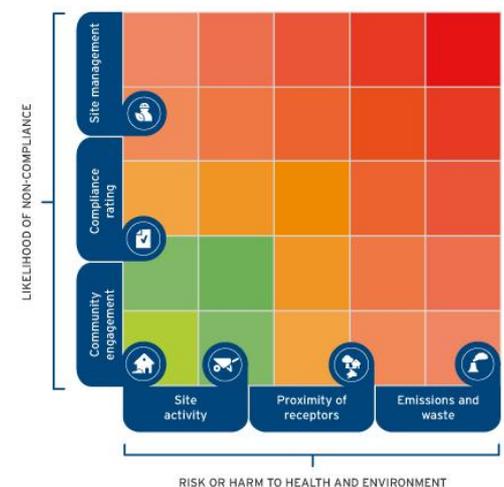
5.1 Tiers of licence conditions, applied depending on a site's individual risk profile

The intention is to introduce greater flexibility to EPA's high risk licences by building on the existing Licensed Operator Risk Assessment approach. An individual assessment of the risks at each licensed site would be used to allocate a licensee to a higher or lower licensing tier.

The lower tier(s) of licensing could have less onerous requirements (compliance, inspection, reporting, fees etc.) for the licence holder than higher tier(s).

The key benefit of tiered licence conditions for businesses is that a business with a history of excellent environmental performance (including the effective management of environmental risks) can be moved to a lower tier as a form

Figure 2 - EPA's Licensed Operator Risk Assessment



of earned autonomy. Businesses who achieve this autonomy could face lower regulatory costs as well as recognition of their high environmental performance.

Alternatively, businesses with a history of poor environmental performance or non-compliance with licence conditions could face more stringent regulatory requirements and/or higher fees (to reflect increased regulatory effort required by EPA).

This component would need to be carefully designed so that the criteria determining the allocation of 'licence tiers' are clear and fair, and provide certainty for industry. It would also need to be practical and efficient for EPA to administer.

5.2 A licence fee component that reflects EPA's likely regulatory effort at each site.

EPA's licence fees currently comprise a base and a component fee, which are specified in the Fees Regulations. For sites in the same scheduled premises category, the base fee is either the same or varies by sub-category (e.g. abattoirs with an annual throughput above 5000 tonnes pay a higher base fee than those below this level). The component fee relates to the emission limits (if any) that are in the licence, and depends on the hazard and amount of what is being emitted. Licence fees for landfills are based on the tonnage and hazard category of waste they can accept.

The base fee component could be replaced with a fee component more accurately reflecting EPA's risk-based regulatory effort on a site-by-site basis. Setting this would require robust assessments of the inherent risks and operational capacity of each site. It would be variable, with higher risk sites paying a higher fee, including within the same scheduled premises category.

This approach has been used by the United Kingdom Environment Agency for over 10 years and is being introduced by [EPA New South Wales](#).

Introducing variable risk-based fees aims to provide incentives for improved performance by individual licensees. It also allows for better targeting of cost recovery to those licensees who require the greatest effort from EPA.

This component would also need to be well designed to provide clarity, fairness and certainty to industry, and to be administratively practical for EPA.

Q9. Would these potential new elements (outlined in sections 5.1 and 5.2) be worthwhile?

Q10: What other components of the Scheduled Premises Regulations or Fees Regulations or how they are implemented could be improved to make EPA's approach to works approvals and licensing more efficient and effective?

Q11: Do you have any concerns with how current processes for managing scheduled premises are operating? If so, what are they and how might they be effectively addressed?

Q12: Are there any other key points you would like to make?

6. Have your say

We welcome your comments on the ideas and questions in this Discussion Paper by Monday, 14 December, 2015.

Comments can be provided via an online questionnaire or as a written submission.

The online questionnaire includes all the questions in this Discussion Paper and also seeks your additional feedback.

If you wish to make a written submission, you may like to use the template.

Written submissions can be sent to the review team via:

Email: scheduled.premises@epa.vic.gov.au

Mail:

Scheduled Premises Regulations Review

c/o- Policy and Regulation Unit, EPA Victoria

GPO Box 4395

Melbourne VIC 3001

Staying in contact

If you would like to receive email updates on this review, including details of opportunities for further participation, please email us at scheduled.premises@epa.vic.gov.au

The written submission template and online questionnaire also offer the opportunity to indicate whether you wish to receive updates, or participate in further consultation.

What will happen to your input?

Your comments will help EPA and DEWLP to develop options for how the regulations should be remade.

Your input may be made public. If you would like your contribution to remain confidential, please mark this clearly on your comments.

Please note that Freedom of Information access requirements will apply to all comments, even those treated as confidential. Accordingly, your comments may potentially be released to members of the public.

Summary of questions

The current regulations (section 3)

Q1: Which currently scheduled categories or industrial activities are the most important for EPA works approval, licensing, and/or financial assurance requirements? Why do you think this?

Q2: What currently scheduled categories or industrial activities might no longer warrant EPA works approval, licensing, and/or financial assurance requirements? If so, please tell us which risks have reduced and how.

Q3: What other industrial activities might warrant works approval, licensing, and/or financial assurance requirements and why?

Q4: What would happen to emission levels, the numbers of pollution events, and the management of wastes if there were no EPA works approvals or licence requirements in Victoria? Why?

Adapting to changes (section 4)

Q5: Do any of the descriptions and application thresholds for currently scheduled categories need to be changed or clarified? If so, why? What specific changes or clarifications could be required?

Q6: Would an increased focus on emissions-based triggers for works approval or licence requirements, regardless of the activity creating these emissions, make the Scheduled Premises regulations more effective? If so, why? If not, why not?

Q7: Do you agree that the environmental challenges outlined above (in section 4.1) are the most relevant ones for this review? What other environmental challenges relating to industrial activities should be considered? Why?

Q8: Are works approvals, licences and/or financial assurances the best tools to address the environmental challenges outlined above? If not, what other tools should be used? Why?

New elements being considered (section 5)

Q9: Would these potential new elements (outlined in sections 5.1 and 5.2) be worthwhile?

Q10: What other components of the Scheduled Premises Regulations or Fees Regulations or how they are implemented could be improved to make EPA's approach to works approvals and licensing more efficient and effective?

Q11: Do you have any concerns with how current processes for managing scheduled premises are operating? If so, what are they and how might they be effectively addressed?

Q12: Are there any other key points you would like to make?

Appendix 1: current scheduled premise categories

Current scheduled category [1]		Works approvals (2012-15)	Licensed premises (at 30 June 2015)	Financial assurance requirement
A01	PIW management	12 [#]	71 [#]	Y
A02	Other waste treatment	1 [#]	2 [#]	N/R
A03	Sewage treatment	30 [#]	239	N/R
A04	Industrial wastewater treatment	-	5 [#]	N/R
A05	Landfills	6 [#]	76 [#]	Y
A06	Land disposal	-	5	N/R
A07	Composting	5 [#]	11 [#]	N/R
A08	Waste to energy	2 [#]	11 [#]	N/R
A09	Waste tyre storage [2]	-	0	N/R
B01	Intensive animal industry	2	0	N/R
B02	Livestock saleyards	-	0	N/R
B03	Fish farms	-	22	N/R
C01	Extractive industry and mining	3 [#]	20	N/R
D01	Abattoirs	2	11	N/R
D02	Rendering	-	16 [#]	N/R
D03	Animal skin tanning	-	1	N/R
D04	Seafood processing	-	N/R	N/R
D05	Pet food processing	-	3 [#]	N/R
D06	Food processing	-	8	N/R
D07	Milk processing	2	22	N/R
D08	Edible oil	-	4	N/R
D09	Beverage manufacturing	2	0	N/R
E01	Textiles	-	1	N/R
F01	Timber preservation	3	N/R	N/R
F02	Fibreboard	-	3	N/R
F03	Paper pulp mills	1	2 [#]	N/R
G01	Chemical works	2	27 [#]	N/R
G02	Coal processing	-	2	N/R
G03	Oil and gas refining	2 [#]	8 [#]	N/R
G04	Bulk storage	1 [#]	10 [#]	Y

Current scheduled category [1]		Works approvals (2012-15)	Licensed premises (at 30 June 2015)	Financial assurance requirement
G05	Container washing	1	4 [#]	Y
H01	Cement	2 [#]	4 [#]	N/R
H02	Bitumen (asphalt) batching	4	N/R	N/R
H03	Ceramics	-	5 [#]	N/R
H04	Mineral wool	-	0	N/R
H05	Glass works	-	3	N/R
I01	Primary metallurgical	-	1	N/R
I02	Metal melting	-	6 [#]	N/R
I03	Metal galvanizing	1	7	N/R
I04	Metal finishing	-	0	N/R
I05	Can and drum coating	1	5	N/R
I06	Vehicle assembly	-	4 [#]	N/R
J01	Printing	1	14	N/R
K01	Power stations	5 [#]	15 [#]	N/R
K02	Carbon geosequestration	-	0	N/R
K03	Potable water treatment plants	-	N/R	N/R
K04	Water desalination plants	-	1	N/R
L01	General emissions to air	1	20 [#]	N/R
L02	Contaminated sites – on-site soil containment	1	N/R	Y
L03	Tunnel ventilation systems	1	2	N/R
L04	Contaminated sites – long term management	N/R	N/R	Y

Notes:

N/R denotes the requirement does not apply **at all** to this category. For most categories, the regulations also exempt **some** of the premises within the category from licensing requirements (for example, D09 beverage manufacturing premises discharging or depositing waste solely to land).

[1] The Scheduled Premises Regulations describe each category in more detail and include 'application thresholds', above which requirements apply.

[2] This activity only became scheduled on 29 April 2015, with the requirement to apply for a licence by 29 October 2015.

[#] Indicates that the reported numbers include sites that are scheduled across more than one category. In this Table, each scheduled premise has been assigned to only one scheduled category. The assigned category is based on the predominant activity at the premises. This has been done to avoid overcounting the number of works approvals or licensees. Consequently, some categories (e.g. A07 composting) have noticeably lower numbers than would otherwise be the case if sites had not been assigned to the predominant category.