

with contributions as noted

Environmental Protection Regulations 2001

Recent amendments to the *Environment Protection Regulations 1987* extend the provision for the approval of monitoring equipment for specified monitoring programs, to any environmental licence granted in Western Australia. The Regulations deem measurements taken by approved monitoring equipment to be correct in the absence of proof to the contrary. The amendments also create new offences with a maximum penalty of \$5,000 for, amongst other things, not using approved monitoring equipment where required, not ensuring that approved monitoring equipment operates accurately and not reporting specific details about the accuracy of measurements where required to by the CEO of the Department of Environment Protection.

Previously the approval of monitoring equipment applied only to the area prescribed under the Environment Protection (Goldfields Residential Areas) (Sulphur Dioxide) Policy 1992 which covered significant industrial sources within goldfield areas.

EPP for Ambient Air Quality

The Environmental Protection Authority (EPA) has released a discussion paper on a proposed Environmental Protection Policy (EPP) for Ambient Air Quality in Western Australia. The EPP aims to provide the statutory and policy framework for implementing measures on a state basis, to achieve the objectives of the Ambient Air Quality National Environment Protection Measure (NEPM).

The EPP will specifically address ambient air quality standards for carbon monoxide, nitrogen dioxide, photochemical oxidants, sulphur dioxide, lead and particulates. It is expected that the draft EPP will be released for full consultation as required under the *Environmental Protection Act 1986* (WA) towards the end of 2001.

Tony van Merwyk, Partner Freehills (Property & Environment)
tony_van_merwyk@freehills.com.au

Waste management changes

Environmental Protection (Liquid Waste) Amendment Regulations 2001
Environmental Protection (Controlled Waste) Regulations 2001

The *Environmental Protection (Liquid Waste) Regulations 1996* regulate the storage and handling of liquid wastes and apply, essentially, to metropolitan Perth. The *Liquid Waste Regulations* were amended with effect 1 April 2001 in conjunction with the introduction of the *Environmental Protection (Controlled Waste) Regulations 2001*. Whilst the transport and disposal of designated controlled waste (including liquid waste) will now be regulated on a state wide basis under the *Controlled Waste Regulations*, on-site storage and handling of liquid wastes, will remain subject to the *Liquid Waste Regulations*.

Criteria for determining what are controlled wastes and their respective notifiable quantities are set out in Schedules 1 and 2 of the Regulations. These are based on the approach used in the National Environment Protection Measure (NEPM) for the *Movement of Controlled Waste Between States and Territories*.

Under the *Controlled Waste Regulations*, subject to certain exceptions, a person who collects, transports, stores or disposes of a controlled waste must be licensed. Licences are generally valid for a year. An occupier of premises must obtain a permit for the removal of controlled waste from the premises. Permits are generally only valid for one removal operation. The maximum penalty for an offence under these Regulations is \$5,000. The Regulations provide for a three month phase-in period during which no permits or licences are required.