



SCHEDULED PREMISES REGULATIONS REVIEW SUBMISSION TEMPLATE

DELWP and EPA are reviewing the current Scheduled Premises Regulations in order to revise and update them before they sunset in mid-2017.

A [Discussion Paper](#) has been published. It explores options for the new version of the regulations. It is an initial opportunity for you to help shape the review by providing feedback.

We welcome your comments on the questions in the [Discussion Paper](#) by **14 December 2015**.

You can provide your comments using this template. Alternatively, you can use the [online questionnaire](#).
Please note: The online questionnaire needs to be completed in one sitting.

The [Discussion Paper](#) provides further details about the next steps for this review, including how to stay informed and involved.

Your input may be made public. If you would like your contribution to remain confidential, please clearly indicate this on the next page. 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.

We thank you in advance for your cooperation and feedback.

Contact details

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I am making this submission on behalf of:

- Individual
- Non-government organisation / community organisation
- Business
- Local Government
- Other government entity
- Other (please specify)

Industry Activity or Scheduled Category (if applicable):

Mining and power generation - A05, CO1, KO1, AO1

Privacy Options - please select an option:

- I am making this submission as an individual and I understand that it may be published
- I am making this submission as an individual. I request my submission be published anonymously with my postcode but with no other details.
- This submission is being made by an organisation and I understand that it may be published, including the name of the organisation

The Current Regulations

These questions relate to the list of industry activities covered by the current Environment Protection (Scheduled Premises and Exemptions) Regulations 2007 as discussed in Section 3 of the Scheduled Premises Regulations Review [Discussion Paper](#).

For a full list of industry activities and their definitions, please refer to the current regulations [here](#).

QUESTION 1:

Which of the following currently scheduled categories or industrial activities are the most important for EPA works approval, licensing, and/or financial assurance requirements?

For each of the activities you regard as most important, please tell us why in the box provided.

A01	PIW management	
A02	Other waste treatment	
A03	Sewage treatment	
A04	Industrial wastewater treatment	
A05	Landfills	
A06	Land disposal	
A07	Composting	
A08	Waste to energy	
A09	Waste tyre storage	
B01	Intensive animal industry	
B02	Livestock saleyards	
B03	Fish farms	
C01	Extractive industry and mining	
D01	Abattoirs	
D02	Rendering	
D03	Animal skin tanning	
D04	Seafood processing	
D05	Pet food processing	
D06	Food processing	
D07	Milk processing	
D08	Edible oil	

D09	Beverage manufacturing	
E01	Textiles	
F01	Timber preservation	
F02	Fibreboard	
F03	Paper pulp mills	
G01	Chemical works	
G02	Coal Processing	
G03	Oil and gas refining	
G04	Bulk Storage	
G05	Container Washing	
H01	Cement	
H02	Bitumen (asphalt) batching	
H03	Ceramics	
H04	Mineral wool	
H05	Glass works	
I01	Primary metallurgical	
I02	Metal melting	
I03	Metal galvanising	
I04	Metal finishing	
I05	Can and drum coating	
I06	Vehicle assembly	
J01	Printing	
K01	Power stations	
K02	Carbon geosequestration	
K03	Potable water treatment plants	
K04	Water desalination plants	
L01	General emissions to air	
L02	Contaminated sites—onsite soil containment	
L03	Tunnel Ventilation Systems	
L04	Contaminated sites—long term management	

QUESTION 2:

What currently scheduled categories or industrial activities might no longer warrant EPA works approval, licensing, and/or financial assurance requirements?

For each of the activities you regard as longer warranting requirements, please tell us which risks have been reduced and how in the box provided.

A01	PIW management	
A02	Other waste treatment	
A03	Sewage treatment	
A04	Industrial wastewater treatment	
A05	Landfills	
A06	Land disposal	
A07	Composting	
A08	Waste to energy	
A09	Waste tyre storage	
B01	Intensive animal industry	
B02	Livestock saleyards	
B03	Fish farms	
C01	Extractive industry and mining	
D01	Abattoirs	
D02	Rendering	
D03	Animal skin tanning	
D04	Seafood processing	
D05	Pet food processing	
D06	Food processing	
D07	Milk processing	
D08	Edible oil	
D09	Beverage manufacturing	
E01	Textiles	
F01	Timber preservation	
F02	Fibreboard	
F03	Paper pulp mills	
G01	Chemical works	

G02	Coal Processing	
G03	Oil and gas refining	
G04	Bulk Storage	
G05	Container Washing	
H01	Cement	
H02	Bitumen (asphalt) batching	
H03	Ceramics	
H04	Mineral wool	
H05	Glass works	
I01	Primary metallurgical	
I02	Metal melting	
I03	Metal galvanising	
I04	Metal finishing	
I05	Can and drum coating	
I06	Vehicle assembly	
J01	Printing	
K01	Power stations	
K02	Carbon geosequestration	
K03	Potable water treatment plants	
K04	Water desalination plants	
L01	General emissions to air	
L02	Contaminated sites— onsite soil containment	
L03	Tunnel Ventilation Systems	
L04	Contaminated sites—long term management	

QUESTION 3:

What other industrial activities, not included in the current regulations, might warrant works approval, licensing, and/or financial assurance requirements and why?

QUESTION 4:

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

The following questions relate to Section 4 of the Scheduled Premises Regulations Review [Discussion Paper](#), which discusses the need to ensure that the new scheduled premises regulations are as up-to-date and effective as possible, in light of recent and anticipated changes in Victoria’s population, economy, mix of industrial technologies etc.

Please see the [current regulations](#) for the full descriptions and application thresholds (requiring works approvals, licences or financial assurances) in the current regulations.

QUESTION 5:

Do any of the descriptions and application thresholds for currently scheduled categories need to be changed or clarified?

- Yes (If yes, go to Question 5A)
- No (If no, go to Question 6)

QUESTION 5 A:

Please indicate which definitions or application thresholds need to be changed or clarified for industrial activities in the list below.

For the activities, please tell us in detail for each activity, what specific changes or clarifications could be required?

A01	PIW management	
A02	Other waste treatment	
A03	Sewage treatment	
A04	Industrial wastewater treatment	
A05	Landfills	
A06	Land disposal	
A07	Composting	
A08	Waste to energy	
A09	Waste tyre storage	
B01	Intensive animal industry	
B02	Livestock saleyards	
B03	Fish farms	
C01	Extractive industry and mining	
D01	Abattoirs	

D02	Rendering	
D03	Animal skin tanning	
D04	Seafood processing	
D05	Pet food processing	
D06	Food processing	
D07	Milk processing	
D08	Edible oil	
D09	Beverage manufacturing	
E01	Textiles	
F01	Timber preservation	
F02	Fibreboard	
F03	Paper pulp mills	
G01	Chemical works	
G02	Coal Processing	
G03	Oil and gas refining	
G04	Bulk Storage	
G05	Container Washing	
H01	Cement	
H02	Bitumen (asphalt) batching	
H03	Ceramics	
H04	Mineral wool	
H05	Glass works	
I01	Primary metallurgical	
I02	Metal melting	
I03	Metal galvanising	
I04	Metal finishing	
I05	Can and drum coating	
I06	Vehicle assembly	
J01	Printing	
K01	Power stations	
K02	Carbon geosequestration	

K03	Potable water treatment plants	
K04	Water desalination plants	
L01	General emissions to air	
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Aside from the current activity-by-activity triggers for works approval or licence requirements, the current Scheduled Premises Regulations allow for a works approval or licence to be required for any activity with general emissions of certain substances to air over a set amount per year (see Category L01 – General emissions to air). Section 4 of the [Discussion Paper](#) introduces the idea that introducing more of these 'emissions based triggers' could increase the flexibility of the regulations in keeping pace with new industry activities.

QUESTION 6:

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?

Yes

No

Please tell us why you think that an increased focus on emissions-based triggers would/would not make the Scheduled Premises Regulations more effective.

Section 4.1 of the Scheduled Premises Regulations Review Discussion Paper introduces some environmental challenges considered most relevant to this review.

QUESTION 7:

Do you agree that the environmental challenges outlined in section 4.1 are the most relevant ones for this review?

Yes (If yes, go to Question 8A)

No (If no, go to Question 7A)

QUESTION 7 A:

Please tell us what other environmental challenges relating to industrial activities should be considered? Why?

From a community perspective, amenity, protection of the environment long term and appropriate management of contaminated sites are important issues. Industry has had an issue with management of encroachment for some time, and changing community demographics also influence community attitudes towards long established industry/business

Considering the environmental issues in section 4.1 of the [Discussion Paper](#), the following questions seek your input on whether works approvals, licences, financial assurances, or other tools are best suited to addressing them.

QUESTION 8:

Are works approvals a suitable tool to address the environmental challenges outlined in section 4.1 of the [Discussion Paper](#)?

- Yes (If yes, go to Question 8B)
- No (If no, go to Question 8D)

QUESTION 8 B:

Are licences a suitable tool to address the environmental challenges outlined in section 4.1 of the [Discussion Paper](#)?

- Yes (If yes, go to Question 8C)
- No (If no, go to Question 8D)

QUESTION 8 C:

Are financial assurances a suitable tool to address the environmental challenges outlined in section 4.1 of the [Discussion Paper](#)?

- Yes (If yes, go to Question 9A)
- No (If no, go to Question 8D)

QUESTION 8D:

What other tool(s) would be more suitable than works approvals, licenses and/or financial assurances to address the environmental challenges outlined in section 4.1 of the [Discussion Paper](#)? Why?

Works approvals should be viewed as an opportunity to achieve the best possible environmental outcome within the confines of what's achievable within the scope of the project. It is an opportunity for EPA and proponents to review and consider all environmental discharges/impacts in a balanced way and assess how best to achieve the work scope and provide environmental control/outcomes. Where proposed works will reduce the impact or risk to the environment and are of a simple nature a mechanism to support quick implementation and recognition needs to be available.

Section 4.1.2 indicates that "the current regulations also enable EPA to require financial assurance from the owners of contaminated sites subject to an EPA remedial notice requiring long term management (LO4)" If this is the case then why were Landfill assurances introduced into license conditions against existing industries, which have continued to operate in the long term on the same site? Imposing additional requirements as standard license conditions, especially financial assurance when a mechanism exists, places additional sunk cost on business to maintain a financial assurance that is not drawn upon, adding costs to the community in the end.

New Elements being considered

Section 5 of the Scheduled Premises Regulations Review [Discussion Paper](#) describes some potential new components which could be introduced into the Scheduled Premises Regulations and EPA's administrative processes which sit behind them, in order to meet the challenges of modern regulation.

Section 5.1 introduces the concept of tiered licence conditions, applied depending on a site's individual risk profile.

Section 5.2 introduces the concept of a licence fee component that reflects EPA's likely regulatory effort at each site.

QUESTION 9 A:

Would tiered licence conditions, applied depending on a site's individual risk profile, be worthwhile?

Yes

No

Please tell us why.

This would need to be comparative to other players in the same industry. That is a level playing field approach needs to be recognized across industry types. A site with lower license limit that has an occasional non-compliance (yet performance is still high e.g. 99%), compared to an opposing site that has a higher license limit and records no non-compliance events. The risk profile for the non-compliant site may be viewed to be higher risk and therefore lead to uneven impacts across the two sites in the same industry, even if both have effective management systems, and the assessment of those emissions as non complaint emission does not impact the air shed, or result in significant change to predicted localized ground level concentrations.

QUESTION 9 B:

Would a site-based licence fee component, reflecting EPA's regulatory effort at each site, be worthwhile?

Yes No

Please tell us why.

But again what is the measure for regulatory effort, the effort internally for a large site to manage its environmental discharges, waste etc. is far greater than a much smaller site that may attract less regulatory effort/or risk.

The overall assessment of non-compliance events reported against license condition, as compared to a sites performance can often be overlooked and over simplified. Non-compliance against a license condition could be reported for a few hours in a year, but still result in performance against target of greater than 99.8%. (e.g. a lot of drivers exceed their speed limit by a couple of km/hr for a small part of the time, so are non-compliant, but it's their performance on the road that indicates if they are risky (the impact from that noncompliant event).

With respect 5.1 risk model, the way emissions are released to the environment also impacts the ambient air quality/local water quality and should be taken into account when the risk assessment is made. Industry with stack emissions/water discharges as points sources are licensed but the height/temperature, flowrate, local terrain and weather conditions all influence whether the mass of emissions are likely to contribute to the risk of those emissions having an impact on the environment (short or long term) or the community. Assuming close proximity to community, without considering prevailing weather conditions, plume dispersion and conditions of the discharge may result in a simplistic assessment of potential risk, where probability is very low.

QUESTION 10:

Please tell us if you think there are any components of the Scheduled Premises Regulations or Fees Regulations, or how they are applied by EPA, which could be improved.

The correct setting for more stringent fees for business underperformance/non-compliance needs to be established with the correct settings of license limits. It's often not a simple black/white question. A not worse off measure for license transfer should apply with a change period to allow adaption when necessary. Some businesses may not be able to effectively improve incrementally due to technology employed (built in) at the time of construction and the long asset life invested. An example is some newer technologies appear low cost when described on a rate of cost per production unit, however when that technical cost is applied at a real production facility, the cost of change is cost preventative, making it unable to achieve a further step wise improvement in operations. (a grandfathering- planned end of asset life timeline needs to be taken into account.)

Example – recently costs for wet Flue Gas desulphurisation were indicated (Minamata convention on mercury) to be typically around US\$531 /kW,(2012) which gives the impression the numbers are not excessive. Whereas the actual capital cost based on a 500 MW unit would be in the order of \$265 Million, based on the rate given.

QUESTION 11:

Do you have any concerns with how current processes for managing scheduled premises are operating?

- Yes (If yes, go to Question 11A)
- No (If no, go to Question 12)

QUESTION 11 A:

What are your concerns with how current processes for managing scheduled premises are operating, and how might these concerns be effectively addressed?

QUESTION 12:

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

Introducing variable risk based fees may aim to provide incentives, but when some industries capital costs are high on continuously operating equipment, then lost revenue from lost production to enable improvements across multiple units is also a factor. Large engineering equipment needs ongoing maintenance and renewal, and it's not a simple case of bolting on new technology to achieve a change in compliance/performance

Section 4.1.1 cumulative impacts from diffuse pollution, should recognize the setting of overarching regulation/controls for councils with respect to their ability to approve and manage diffuse sources-residential estate development(dust from roads/disturbed land/noise),wood heaters, fuel reduction burns, diesel traffic flows/intensity) all can impact local residential amenity. Industry is often heavily regulated, monitored, managed, audited and reviewed, whilst localized impacts are far less managed/controlled/audited and reviewed.

Please return written submissions by 14 December 2015 to:

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

Mail:

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