



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):

Water Industry A03, A04, A01, K03

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

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

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	Covered by PIW guidance
A07	Composting	Covered by green waste guidance
A08	Waste to energy	Group under other waste treatment
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	Include in food processing
D09	Beverage manufacturing	Include in food processing
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	General SEPP protection
G05	Container Washing	
H01	Cement	
H02	Bitumen (asphalt) batching	
H03	Ceramics	General SEPP protection
H04	Mineral wool	General SEPP protection
H05	Glass works	General SEPP protection
I01	Primary metallurgical	
I02	Metal melting	No, retain due to environmental risk.
I03	Metal galvanising	
I04	Metal finishing	No, retain due to environmental risk.
I05	Can and drum coating	
I06	Vehicle assembly	General SEPP protection
J01	Printing	General SEPP protection
K01	Power stations	
K02	Carbon geosequestration	General SEPP protection
K03	Potable water treatment plants	General SEPP protection
K04	Water desalination plants	General SEPP protection
L01	General emissions to air	
L02	Contaminated sites—onsite soil containment	
L03	Tunnel Ventilation Systems	General SEPP protection
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?

Activities causing diffuse pollution – agriculture, roading, small industry, use of pesticides and herbicides, petrol stations, electroplating, substations, sewer mining, closed loop water recycling, recycling and waste recovery (containers washing), car yards (oils and surfactants), large shopping centres, sites deemed to have high environmental and public health risk, pollutants that are deemed to be critical to sewerage performance under the “Sewage Quality Management System” developed by Melbourne Water and the three Retail Water Companies. Control over these may require a different process than currently exists in the Regulations.

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?

Pollution of the environment would probably get worse as industry would worry about the financial costs of pollution prevention and reduce costs by reducing pollution prevention activity to support industry development.

Currently unscheduled premises cause pollution and are problematic for Melbourne Water (petrol stations, herb/pesticides etc). If the current regulation was not in place it is expected that this impact would occur across the range of industries currently scheduled.

An evaluation of threshold changes applied when the current regulation was introduced (2007) would be useful to assess the impact of weaker/stronger regulation.

Earned autonomy is supported and provides a direction industry could move in. As improved environmental management reduces potential pollution, industry should be supported by reduced regulatory controls. This does not advocate the removal of regulation, rather to provide opportunities for industry adopting management activity to support achieving SEPP objectives.

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	Evaluation of threshold change
A04	Industrial wastewater treatment	

A05	Landfills	Increasing the levy increases risk to Sewage Treatment Plants as industry avoids the levy by discharging waste to sewer. Stronger waste discharge criteria to support “at source” resource recovery are needed.
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	
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G01	Chemical works	
G02	Coal Processing	
G03	Oil and gas refining	
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I01	Primary metallurgical	
I02	Metal melting	
I03	Metal galvanising	
I04	Metal finishing	
I05	Can and drum coating	
I06	Vehicle assembly	
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L04	Contaminated sites—long term management	

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.

Emissions thresholds should reflect State environment protection policy objectives, or when absent, a risk based environmental risk assessment process. Emissions triggers should be set cognizant of the effect from cumulative emissions as well as proponent emissions. Threshold determinations should also be aware of potential impacts on trade waste loads as companies achieve thresholds by increasing waste discharges to sewer. Emissions are the pathway for pollution and industries that reduce emissions should be supported with less regulatory oversight.

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?

While the sections are comprehensive, there is no reference to agricultural/horticultural activity (use of herbicides and pesticides), general domestic activity (eg termicides) and commercial activity (large shopping centers). Cumulative impact in a catchment could be included in risk assessment processes for these pollutants.

Melbourne Water supports enhancing regulatory effort for diffuse pollution.

EPA consideration of the environmental impact from scheduled premises could be enhanced through a balanced inclusion of potential public health impacts (in conjunction with the health regulator).

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, licences and/or financial assurances to address the environmental challenges outlined in section 4.1 of the [Discussion Paper](#)? Why?

While Melbourne Water supports the use of the regulatory tools described in questions 8, 8B and 8C there is no need to apply financial assurances to Melbourne Water because of its nature as a Government owned business. Financial assurance should be applied when there is risk of financial insolvency or when the cost of incident clean up or on site closure has not been included in financial planning.

Other potential tools that could be used to manage pollution include:

- Load based limits within a catchment/sub catchment
- Sediment toxicity thresholds in waterways
- Total Industry thresholds
- Total activity thresholds

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.

Premises reductions in environmental pollution potential (evidenced through suitable environmental risk assessment) should lead to reduced regulatory burden. Stepping stones, or tiers for this could be established for guidance, including:

- broad initial assessment based on industry type
- specific site based assessment that reflects on-site activity
- site performance in achieving SEPP objectives and addressing neighborhood concerns.

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.

The licence fee could be related to site behavior with lower fees for those sites with excellent behavior correlated to environmental risks. This is equivalent to the comments in 9A as lower environmental risk would require less oversight by EPA.

Fees collected should reflect all the tasks that EPA needs to complete to manage the potential for pollution, including environmental monitoring and scientific excellence.

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.

Regulatory oversight and fees should be linked to performance, for example when a premise causes pollution fees should include clean-up costs, potentially through industry insurance processes. Company behavior in support of EPA objectives could be eligible for exemptions from requirements.

Data about how waste moves through the supply chain and society should be used to attribute costs to industry and consumers to encourage full accounting for waste.

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?

The environmental impact from diffuse pollution is not adequately managed through the current regulations and scheduled premises can have downstream environmental effects.

Melbourne Water and EPA investigations of industrial catchments have noted variability in the effectiveness of scheduled premise inspections (for example):

- passive samplers in South Dandenong detected background urban levels of metals and hydrocarbons in downstream drains
- inspections in Campbellfield detected mercury from a scheduled premise in a number of downstream assets.

QUESTION 12:

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

There is some potential to gain improved diffuse pollution management with the support of local government. Regulations and regulatory activity could be responsive to pollution that participating organisations (EPA, water businesses, local government and the community) have identified.

Please return written submissions by 14 December 2015 to:

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

Mail:

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