Protection of the Environment Operations (Clean Air) Regulation 2022

[2022-811]

New South Wales

Status information

Currency of version

Current version for 17 December 2022 to date (accessed 30 May 2023 at 16:50)
Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See Historical Notes

See also—

Statute Law (Miscellaneous Provisions) Bill 2023

Staged repeal status

This legislation is currently due to be automatically repealed under the *Subordinate Legislation Act 1989* on 1 September 2028

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 25 May 2023.

Protection of the Environment Operations (Clean Air) Regulation 2022

[2022-811]

New South Wales

Contents

Protection of the Environment Operations (Clean Air) Regulation 2022

New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Clean Air) Regulation 2022*.

2 Commencement

This Regulation commences on 16 December 2022.

Note— This Regulation repeals and replaces the *Protection of the Environment Operations (Clean Air) Regulation 2021*.

3 Definitions

The Dictionary defines words used in this Regulation.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

Part 2 Domestic solid fuel heaters—the Act, Sch 2, cl 6A

4 Definitions

In this Part—

certificate of compliance—see section 6(1)(b).

certificate of exemption—see section 6(2).

domestic solid fuel heater—see section 5(1).

model of domestic solid fuel heater means a particular design of heater made by a particular manufacturer.

Standard 4012 means AS/NZS 4012:2014*, Domestic solid fuel burning appliances—Method for determination of power output and efficiency*, as in force from time to time.

Standard 4013 means AS/NZS 4013:2014*, Domestic solid fuel burning appliances—Method for determination of flue gas emission*, as in force from time to time.

5 Heaters to which Part applies

(1) This Part applies to solid fuel burning appliances that are designed, manufactured or adapted for domestic use (***domestic solid fuel heaters***).

(2) However, this Part does not apply to a domestic solid fuel heater if the heater is—

(a) a masonry appliance built on-site, or

(b) a central heating appliance that is intended to be used for the space heating of premises by transferring heat to the living areas of the premises by ducted hot air, hot water or another fluid, or

(c) a cooking stove appliance—

(i) that has at least 1 cooking hot plate, and

(ii) that has an oven with a volume of not less than 28 litres, and

(iii) around which gaseous combustion products are capable of being routed, or

(d) an appliance intended for use solely for heating water, or

(e) an appliance intended for use solely for distributing heat through ducts, or

(f) an automatic, continuous feed, pellet fuel burning appliance that is designed and manufactured to burn compressed wood or biomass pellets, known as a pellet heater.

6 Sale of heaters—certificates of compliance

(1) A person must not sell a model of a domestic solid fuel heater to another person unless—

(a) the heater is marked in accordance with Standard 4012 and Standard 4013, and

(b) a certificate (a ***certificate of compliance***) is in force in relation to the model that certifies the model—

(i) complies with Standard 4012 and Standard 4013, and

(ii) has an overall average efficiency of not less than 60% as tested and calculated in accordance with Standard 4012, and

(iii) has an appliance particulate emission factor, as tested and calculated in accordance with Standard 4013, not greater than—

(A) for heaters with catalytic combustors—0.8 grams per kilogram, or

(B) otherwise—1.5 grams per kilogram, and

(c) if the sale is to a person whose business includes the wholesale or retail sale of domestic solid fuel heaters—a copy of the certificate of compliance has been given to the purchaser.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—100 penalty units.

(2) This section does not apply to a model of a domestic solid fuel heater if a certificate (a ***certificate of exemption***) is in force in relation to the model that exempts the model from compliance with Standard 4012 and Standard 4013.

(3) A certificate may be issued for the purposes of this section by a body approved by the EPA to issue the certificate.

7 Interference with heaters

(1) A person must not—

(a) alter the structure, exhaust system or inlet air system of a model of domestic solid fuel heater if a certificate of compliance or certificate of exemption is in force in relation to the model, or

(b) mark on a model of a domestic solid fuel heater that it complies with Standard 4012 or Standard 4013, or both, if a certificate of compliance is not in force in relation to the model.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—100 penalty units.

(2) This section extends to a person who causes or permits the doing of a thing that is prohibited under this section.

(3) This section does not apply to the carrying out of repair work on a domestic solid fuel heater, including repairs or alterations carried out in accordance with a notice under the Act, section 96.

Part 3 Control of burning—the Act, Sch 2, cl 6

Division 1 Preliminary

8 Application of Part

(1) This Part does not apply to the carrying out of emergency bush fire hazard reduction work.

(2) This Part does not apply to the burning of a prohibited plant or prohibited drug to destroy the plant or drug in accordance with the *Drug Misuse and Trafficking Act 1985*.

(3) This Part does not apply to the burning of biosecurity matter or a carrier to minimise or eliminate a biosecurity risk if the burning is carried out by—

(a) an authorised officer exercising functions under the *Biosecurity Act 2015*, or

(b) a person authorised or required to carry out the burning under that Act.

(4) In this section—

emergency bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note— The Act, section 133 further enables the EPA to prohibit the burning of fires in the open or in incinerators. Other legislative controls also regulate the lighting of fires—see the *Biodiversity Conservation Act 2016*, the *Local Land Services Act 2013* and the *Rural Fires Act 1997*.

Division 2 Obligation to prevent air pollution

9 General obligation to prevent or minimise air pollution

(1) A person who burns anything in the open or in an incinerator must use all practicable means to prevent or minimise air pollution.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(2) Without limiting subsection (1), the means of preventing or minimising air pollution may include the following—

(a) mitigating the potential for smoke impacting on a person, considering—

(i) wind direction, and

(ii) weather conditions, and

(iii) the likely length of burning time of the material,

(b) taking reasonable measures to ensure the material being burnt is not wet,

(c) burning only material that is suitable for disposal by burning, considering the possible effects on human health and the environment.

Division 3 Burning certain prohibited items

10 Prohibition on burning certain prohibited items

(1) A person must not burn the following items in the open or in an incinerator—

(a) tyres,

(b) coated wire,

(c) paint containers and residues,

(d) solvent containers and residues,

(e) timber treated with—

(i) copper chromium arsenate (CCA), or

(ii) pentachlorophenol (PCP).

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(2) This section does not apply to the following—

(a) an item burnt in an incinerator subject to an environment protection licence if the burning is authorised by the licence,

(b) a tyre burnt to instruct in methods of fire fighting by a person acting in an official capacity as—

(i) an officer or member of a fire fighting authority, or

(ii) a fire control officer of the NSW Rural Fire Service,

(c) an item burnt—

(i) by a person at the direction of a public authority, and

(ii) under and in accordance with an approval granted to the public authority by the EPA under this Division.

11 Approval granted to public authority by EPA

(1) The EPA may grant an approval to a public authority for the purposes of this Division, only in relation to the following activities—

(a) research to improve safety in relation to the flammability of materials and smoke reduction, including the development of testing procedures,

(b) training of fire fighters,

(c) rating of the effectiveness of fire extinguishers and fire suppression systems,

(d) testing to certify that manufactured or imported products—

(i) comply with Australian Standards or International Standards, or

(ii) meet legislative requirements.

(2) The approval is granted by giving written notice of the approval to the public authority.

(3) The approval is subject to the conditions specified in the notice.

(4) The approval may be amended or revoked by a further written notice given to the public authority.

(5) The approval remains in force for—

(a) the period specified in the notice, or

(b) if no period is specified—12 months.

(6) The EPA may revoke an approval at any time.

Division 4 Controls for local government area

12 Prohibition of burning in particular local government areas

(1) A person must not burn the following matter in the open or in an incinerator—

(a) if in a local government area specified in Schedule 1, Part 1—any matter,

(b) if in a local government area specified in Schedule 1, Part 2—vegetation,

(c) if in a local government area specified in Schedule 1, Part 3—any matter other than vegetation.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(2) This section does not apply to the burning of matter that is specifically authorised for the purposes of this Division.

13 Authorised burning of domestic waste

(1) Burning of domestic waste is authorised for the purposes of this Division if—

(a) the burning is carried out on residential premises in a local government area specified in Schedule 1, Part 3, and

(b) the domestic waste was generated on the premises, and

(c) domestic waste management services are not available to the premises.

(2) In this section—

domestic waste means waste that is of a kind and quantity ordinarily generated on domestic premises, but does not include vegetation.

domestic waste management services has the same meaning as in the *Local Government Act 1993*.

Note—

The *Local Government Act 1993* defines ***domestic waste management services*** as services comprising the periodic collection of domestic waste from individual parcels of rateable land and services that are associated with those services.

14 Authorised burning for recreation purposes

Burning of the following fuel is authorised for the purposes of this Division if the burning is carried out for recreational purposes—

(a) dry seasoned wood,

(b) liquid petroleum gas (LPG),

(c) natural gas,

(d) proprietary barbecue fuel, including a small quantity of fire starter.

Example— cooking and barbecuing, picnicking, camping and scouting

15 Authorised burning of vegetation for agricultural operations

Burning vegetation is authorised for the purposes of this Division if the burning is carried out—

(a) on the premises on which the vegetation grew, and

(b) as part of agricultural operations, including

(i) clearing the premises of vegetation, other than for construction on the premises, or

(ii) the burning of stubble, orchard prunings, diseased crops, weeds or pest animal habitats on farms, or

(iii) the burning of pasture for regenerative purposes.

16 Authorised burning for bush fire hazard reduction and training fire fighters

Burning matter is authorised for the purposes of this Division if the burning is carried out—

(a) under the authority of, and in accordance with, a bush fire hazard reduction certificate issued under the *Rural Fires Act 1997*, or

(b) to instruct in methods of fire fighting by a person acting in an official capacity as—

(i) an officer or member of a fire fighting authority, or

(ii) a fire control officer of the NSW Rural Fire Service, or

(iii) an industrial fire control officer.

17 Authorised burning—incinerators and flares

(1) Burning matter is authorised for the purposes of this Division if the burning is carried out—

(a) in an incinerator subject to an environment protection licence and the burning is authorised by the licence, or

(b) in an incinerator—

(i) equipped with a primary and secondary furnace, and

(ii) designed, maintained and operated in a way that ensures the maintenance of appropriate temperatures for the complete combustion of anything that the incinerator is designed to burn and prevents the escape of sparks or other burning material, and

(iii) equipped with suitable equipment that is designed, maintained and operated for the purposes of controlling air impurities in the exhaust gas once the incineration process has been completed, and

(iv) not installed in a residential building comprising home units, flats or apartments.

(2) Burning air impurities is authorised for the purposes of this Division if the burning is carried out by the process known as flaring with a flare designed, maintained and operated to prevent or minimise air pollution.

Note— See section 67 for an operating requirement for flares.

18 Authorised burning under approval

(1) Burning matter is authorised for the purposes of this Division if the burning is carried out under and in accordance with an approval granted by—

(a) the EPA, or

(b) a council for a local government area specified in Schedule 1, Part 2.

(2) A council must not grant an approval unless it applies only—

(a) in the local government area of the council, and

(b) to the burning of dead and dry vegetation on the premises on which the vegetation grew.

(3) An approval may be granted to a particular person or a class of persons.

(4) Before granting an approval, the EPA or council must consider the following—

(a) the impact on local and regional air quality and amenity,

(b) the alternatives to burning the matter to which the approval relates, including the feasibility of re-use, recycling or otherwise disposing of the material,

(c) the opinions of the sectors of the public likely to be affected by the proposed approval,

(d) for an approval by a council to a class of persons—the opinion of the EPA, if any, in relation to the proposed approval.

(5) An approval is granted—

(a) to a particular person—by written notice given to the person, or

(b) to a class of persons—by written notice published—

(i) in the Gazette, or

(ii) if granted by a council—in another way that the council is satisfied is likely to bring the notice to the attention of the class of persons.

(6) An approval is subject to the conditions specified in the notice.

(7) An approval may be amended or revoked by a further written notice.

(8) An approval remains in force for—

(a) the period specified in the notice, or

(b) if no period is specified—12 months.

(9) The EPA or the council may revoke its approval at any time.

Note— Despite an approval, burning may still be prohibited by an order of the EPA under the Act, section 133 or by an order under the *Rural Fires Act 1997*.

Part 4 Motor vehicles—the Act, Sch 2, cll 4 and 6B

Division 1 Preliminary

19 Definitions

In this Part—

complying exhaust pipe—see section 34.

excessive air impurities has the same meaning as in the Act, Part 5.8.

registered, for a motor vehicle, means registered under the *Road Transport Act 2013*.

use, for a motor vehicle, has the same meaning as in the *Road Transport Act 2013*.

Division 2 Air impurities

20 Excessive air impurities—Act, s 154

(1) This section applies to a motor vehicle, other than a heavy vehicle, propelled by—

(a) an engine (a ***spark ignition engine***) designed—

(i) to operate using petrol, liquefied petroleum gas or compressed natural gas as a fuel, and

(ii) to have the fuel mixed with air and ignited by an electrical spark, or

(b) a diesel engine.

(2) For the Act, section 154(2)(a), the standard of concentration prescribed for a motor vehicle is the amount of air impurities emitted by the vehicle that results in the air impurities being visible for a continuous period of 10 seconds.

(3) For the Act, section 154(2)(b), the prescribed manner of testing the motor vehicle is testing the motor vehicle—

(a) when it is in operation, and

(b) in accordance with the test method specified in the Approved Methods (Sampling and Analysis) Publication as the observation procedure for excessive air impurities—visible emissions, TM-31.

21 Motor vehicles emitting excessive air impurities

(1) An owner of a motor vehicle, other than a heavy vehicle, is guilty of an offence if the vehicle emits excessive air impurities while being used.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

(2) It is a defence to a prosecution for the offence if the owner proves—

(a) the motor vehicle was, at the time of the commission of the offence, stolen or illegally taken or used, or

(b) the motor vehicle—

(i) has been constructed or modified solely for use in motor racing or off-road motor sport, and

(ii) as a result of the construction or modification—

(A) is not capable of being registered, or

(B) is only capable of being registered conditionally, and

(iii) was, at the time of the commission of the offence, being used in a motor sport event or in a journey to or from the event.

22 Exemption—selling motor vehicle that emits excessive air impurities—Act, s 286

A person who sells a motor vehicle is exempt from the offence of selling a motor vehicle that emits excessive air impurities in the Act, section 155 if the motor vehicle—

(a) is constructed or has been modified solely for use in motor racing or off-road motor sport, and

(b) as a result of the construction or modification, is only capable of being registered conditionally.

Note— The Act, section 160(6) provides for a defence to a prosecution for the offence under section 155 if the motor vehicle concerned is a motor racing or off-road motor sporting vehicle that is not of a kind capable of being registered within the meaning of the *Road Transport Act 2013*.

Division 3 Prescribed anti-pollution devices—Act, s 154

23 Prescribed anti-pollution devices—general

For the Act, section 154(1), definition of ***prescribed anti-pollution device***, a device referred to in this Division as an anti-pollution device is described as a device designed or intended to minimise air pollution caused by a motor vehicle.

24 Requirement to fit prescribed anti-pollution device—Act, ss 156, 157 and 160

For the Act, sections 156, 157 and 160, a motor vehicle is required to be fitted with at least 1 prescribed anti-pollution device specified for the vehicle.

25 Prescribed anti-pollution device—evaporative emission control system

A device known as an evaporative emission control system is an anti-pollution device specified for a motor vehicle other than a heavy vehicle if it is designed to trap the evaporative emissions from a motor vehicle's fuel tank and fuel supply system, to restrict the release of the emissions into the atmosphere.

26 Prescribed anti-pollution device—fuel supply system

A device known as a fuel supply system is an anti-pollution device specified for a motor vehicle other than a heavy vehicle if it is designed to convey fuel to—

(a) a direct injection engine, or

(b) an engine's air intake system, to mix the fuel with air and convey the mixture of fuel and air into the engine.

27 Prescribed anti-pollution device—engine ignition system

A device known as an engine ignition system is an anti-pollution device specified for a motor vehicle other than a heavy vehicle if it is designed to ignite the fuel, or the mixture of fuel and air, in a motor vehicle's engine.

28 Prescribed anti-pollution device—engine management system

A device known as an engine management system is an anti-pollution device specified for a motor vehicle other than a heavy vehicle if it is designed to control the operation of a motor vehicle's fuel supply system and engine ignition system.

29 Prescribed anti-pollution device—smoke-limiting throttle control system

A device known as a smoke-limiting throttle control system is an anti-pollution device specified for a motor vehicle propelled by a diesel engine other than a heavy vehicle if it is designed to limit the maximum rate at which fuel can go into the diesel engine to reduce the amount of smoke emitted by the motor vehicle while it is being accelerated.

30 Prescribed anti-pollution device—exhaust gas recirculation system

A device known as an exhaust gas recirculation system is an anti-pollution device specified for a motor vehicle other than a heavy vehicle if it is designed to convey exhaust gases to a motor vehicle's engine air intake system to reduce the emission of oxides of nitrogen.

31 Prescribed anti-pollution device—catalytic converter system

A device known as a catalytic converter system is an anti-pollution device specified for a motor vehicle other than a heavy vehicle if it is designed to induce a catalytic reaction between the various exhaust gases emitted from a motor vehicle's engine.

32 Prescribed anti-pollution device—particulate filter

A device known as a particulate filter is an anti-pollution device specified for a motor vehicle other than a heavy vehicle if it is designed to trap or filter particles in the exhaust of a motor vehicle's engine.

Note— Some particulate filters may also convert particles to harmless products.

33 Prescribed anti-pollution device—manufacturer's devices

A device designed to minimise or prevent the emission of air pollution is an anti-pollution device specified for a motor vehicle other than a heavy vehicle if it is fitted to the motor vehicle by the manufacturer of the motor vehicle—

(a) at the time of manufacture of the vehicle, or

(b) at a later date in accordance with the manufacturer's operational design specification.

34 Prescribed anti-pollution device—complying exhaust pipe

(1) A complying exhaust pipe is an anti-pollution device specified for a motor vehicle—

(a) propelled by a diesel engine, and

(b) having a manufacturer's gross vehicle mass of more than 4.5 tonnes.

(2) In this section—

complying exhaust pipe means—

(a) if an Australian Design Rule has prescribed requirements about the exhaust pipe to be fitted to a motor vehicle at the date of its manufacture—a vertical exhaust pipe that complies with the requirements, or

(b) otherwise—an exhaust pipe having an exhaust vent that—

(i) terminates 150mm or more above the highest part of the vehicle's cab, and

(ii) is directed upwards within 30° of the vertical, and away from the left hand side of the vehicle.

manufacturer's gross vehicle mass, in relation to a motor vehicle, means the maximum loaded mass of the vehicle—

(a) specified by the manufacturer, or

(b) specified by Transport for NSW in circumstances in which—

(i) the manufacturer is unknown, or

(ii) the manufacturer has failed to specify a maximum loaded mass for the vehicle, or

(iii) the manufacturer has specified a maximum loaded mass for the vehicle, but the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate for the vehicle.

Division 4 Provisions about prescribed anti-pollution devices

35 Complying exhaust pipe not required for certain vehicles

(1) The following motor vehicles are not required to have a complying exhaust pipe—

(a) a motor vehicle that was manufactured before 1 January 1976,

(b) a motor vehicle that was ordered from the manufacturer before 1 July 1974,

(c) a motor bus that was manufactured before 1 January 1977,

(d) a special purpose motor vehicle,

(e) a motor vehicle used exclusively for the control of bush fires,

(f) a motor vehicle fitted with hydraulically operated elevating work platforms,

(g) a motor vehicle used exclusively to fuel aircraft,

(h) a motor vehicle having a diesel engine of a type certified in writing by the EPA as not requiring a complying exhaust pipe,

(i) a motor vehicle manufactured in compliance with—

(i) Australian Design Rule 80/01, or

(ii) Australian Design Rule 80/02, or

(iii) a subsequent Australian Design Rule that imposes emission limits no less stringent than Australian Design Rule 80/02.

(j) a motor vehicle that—

(i) is a rigid table-top truck, and

(ii) is used predominantly to transport hay or other flammable farm produce, and

(iii) is usually garaged on a farm,

(k) a motor vehicle that is registered outside New South Wales,

(l) a motor vehicle that is sold in New South Wales for delivery outside New South Wales.

(2) In this section—

goods vehicle means a motor vehicle constructed primarily for the carriage of goods, but does not include a special purpose motor vehicle.

motor bus means motor vehicle constructed primarily for the carriage of persons that seats more than 9 adult persons, including the driver.

special purpose motor vehicle means a fork lift truck or motor vehicle constructed principally for off-road agricultural use or for use in road or building site construction work, other than a vehicle constructed on a chassis of a type normally used in the construction of a goods vehicle, and includes the following—

(a) a tractor, harvester, header, thresher, swather, baler, cuber, loader, digger, bulldozer, excavator, grader, scraper and roller,

(b) a mobile crane, the engine of which is used for the purpose of both lifting loads and propelling the vehicle.

36 Complying exhaust pipe must be free of holes

(1) A motor vehicle that is required to have a complying exhaust pipe must be maintained so that the exhaust pipe is free of holes.

(2) The requirement to keep the exhaust pipe free of holes does not apply to a hole that is necessary

for the effective operation of the exhaust system.

37 Prescribed anti-pollution device must be properly serviced or repaired—Act, s 158

For the Act, section 158, a person is prohibited from servicing or repairing a motor vehicle in a way that impairs the efficiency of a prescribed anti-pollution device required to be fitted to the motor vehicle.

38 Prescribed anti-pollution device must be properly fitted

(1) An owner of a motor vehicle, other than a heavy vehicle, who uses the motor vehicle, or allows it to be used, must ensure that a prescribed anti-pollution device required to be fitted to the motor vehicle is fitted in the required way.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

(2) It is a defence to a prosecution for an offence under this section if the person proves, at the time the offence was committed, the person—

(a) reasonably believed the motor vehicle was fitted with the prescribed anti-pollution device, and

(b) took all reasonable steps to ensure the device was fitted in the required way.

39 Prescribed anti-pollution device must not be impaired

(1) The owner of a motor vehicle, other than a heavy vehicle, who uses the motor vehicle, or allows it to be used, must ensure, at the time of the use, a prescribed anti-pollution device fitted to the motor vehicle has not been impaired.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

(2) It is a defence to a prosecution for an offence under this section if the person proves—

(a) the device was impaired—

(i) to service, repair or replace the device, or

(ii) to improve the efficiency of the device's capacity to minimise air pollution, or

(b) the device was impaired to facilitate the use of a motor vehicle for motor racing or off-road motor sport, and the vehicle—

(i) immediately before the removal or other action, was either—

(A) not capable of being registered at all, or

(B) as a result of its construction, or prior modification, for use in motor racing or off-

road motor sport, only capable of being registered conditionally, and

(ii) is to be used in that condition only in a competition, or during a journey to or from a motor racing or off-road motor sporting competition, or

(c) at the time the offence was committed, the person—

(i) reasonably believed a prescribed anti-pollution device fitted to the motor vehicle continued to be fitted, and

(ii) took all reasonable steps to ensure the device was properly maintained.

(3) In this section and in section 40—

impaired, in relation to an anti-pollution device fitted to a motor vehicle, includes—

(a) removed or disconnected, or

(b) adjusted, or modified, in a way that results in the emission of excessive air impurities by the motor vehicle.

40 Exemption—impairment of anti-pollution device for motor sport—Act, s 286

A person is exempt from the Act, section 157 if—

(a) the anti-pollution device fitted to the motor vehicle was impaired to facilitate the use of the vehicle for motor racing or off-road motor sport, and

(b) immediately before the device was impaired, and as a result of its construction, or prior modification, for use in motor racing or off-road motor sport, the vehicle was only capable of being registered conditionally, and

(c) the vehicle is to be used in that condition only in a competition, or during a journey to or from a motor racing or off-road motor sporting competition.

Note— The Act, section 160(3)(c) provides for a defence to a prosecution for the offence under section 157 where the motor vehicle concerned is a motor racing or off-road motor sporting vehicle that is not of a kind capable of being registered within the meaning of the *Road Transport Act 2013*.

Part 5 Air impurities emitted from activities and plant—the Act, Sch 2, cl 6B

Division 1 Group to which activity, plant or emission unit belongs

Subdivision 1 Preliminary

41 Definitions

In this Division—

emission unit means an item of plant that—

(a) forms part of, or is attached to, a larger plant, and

(b) emits, treats or processes air impurities, or controls the discharge of air impurities into the atmosphere.

legacy condition means a condition of a licence that states that an activity, plant or emission unit continues to belong to a Group with a lower number than the Group to which it would belong without the condition.

42 Part does not apply to rolling stock operations

This Part does not apply to the scheduled activity of railway activities—rolling stock operations as set out in the Act, Schedule 1, clause 33B.

Subdivision 2 Scheduled premises

43 Group to which activity or plant belongs

(1) An activity carried out, or plant operated, on scheduled premises belongs to—

(a) if the carrying on of the activity, or the operation of the plant, commences after the commencement of this Regulation—Group 6, or

(b) otherwise—the Group in which the activity or plant belonged immediately before the commencement of this Regulation, except as otherwise provided by this Subdivision.

Note— The groups in which activity or plant belonged originally was as follows—

(a) Group 1—if it commenced to be carried on or to operate (***commenced***)—

(i) before 1 January 1972, or

(ii) on or after 1 January 1972 under a pollution control approval granted under the *Pollution Control Act 1970* (a ***pollution control approval***) if the application for the approval was made before 1 January 1972,

(b) Group 2—if it commenced on or after 1 January 1972 under a pollution control approval, if the application for the approval was made on or after 1 January 1972 and before 1 July 1979,

(c) Group 3—if it commenced on or after 1 July 1979 under a pollution control approval, if the application for the approval was made on or after 1 July 1979 and before 1 July 1986,

(d) Group 4—if it commenced on or after 1 July 1986 under a pollution control approval, if the application for the approval was made on or after 1 July 1986 and before 1 August 1997,

(e) Group 5—if it commenced on or after 1 August 1997 under—

(i) a pollution control approval, if the application for the approval was made on or after 1 August 1997 and before 1 July 1999, or

(ii) an environment protection licence if the application for the licence was made before 1 September 2005,

(f) Group 6—if it commenced on or after 1 September 2005 under an environment protection licence, if the application for the licence was made on or after 1 September 2005.

(2) Except as provided by section 47(4), an activity or plant that belongs to both Group 6 and another Group is taken to belong to Group 6.

44 Phasing out of Groups 1–4

(1) An activity or plant belonging to Group 1 or Group 2 on the commencement of this Regulation remains in the Group if—

(a) the licence for the activity or plant is subject to a legacy condition stating the activity or plant is taken to belong to the Group, and

(b) the legacy condition is in force.

(2) If the licence ceases to be subject to a legacy condition that is in force, the activity or plant is taken to belong to Group 5.

(3) An activity or plant belonging to Group 3 or Group 4 on the commencement of this Regulation remains in the Group after 1 November 2027 if—

(a) the licence for the activity or plant is subject to a legacy condition stating the activity or plant is taken to belong to the Group, and

(b) the legacy condition is in force.

(4) If after 1 November 2027 the licence ceases to be subject to a legacy condition that is in force, the activity or plant is taken to belong to Group 5, subject to section 45.

(5) An activity or plant belonging to Group 3 or Group 4 on the commencement of this Regulation is taken to belong to Group 6 from 1 November 2030 if—

(a) the holder of the licence for the activity or plant gives written notice to the EPA that the activity or plant will be in Group 6, and

(b) the notice is given—

(i) during a licence review period for the licence, or

(ii) before 1 May 2027, and

(c) before 1 November 2030, the EPA varies the licence to include the activity or plant in Group 6.

(6) In this section—

licence review period, for a licence, means the period—

(a) commencing when public notice is given under the Act, section 78(2) that the licence is to be reviewed, and

(b) ending when the review is complete.

45 Phasing out of Group 5 for transitioning Group 3 or 4 activities and plant

(1) This section applies to an activity or plant that—

(a) is referred to in section 44(3), and

(b) is, on 1 November 2030, taken to belong to Group 5 because of section 44(4).

(2) The activity or plant remains in Group 5 after 1 November 2030 if—

(a) the licence for the activity or plant continues to include a legacy condition stating the activity or plant is taken to belong to the Group, and

(b) the legacy condition is in force.

(3) If the licence no longer includes a legacy condition that is in force, the activity or plant is taken to belong to Group 6.

46 Exemption for premises that will close before 1 November 2030

Sections 44 and 45 do not apply to an activity or plant if—

(a) the holder of the licence for the activity or plant gives written notice to the EPA that the activity or plant will not be subject to the licence after 1 November 2030, and

(b) the notice is given—

(i) during a licence review period for the licence, or

(ii) before 1 May 2027, and

(c) before 1 November 2030, the EPA varies the licence so that the activity or plant will not be subject to the licence after 1 November 2030.

47 Emission units

(1) An emission unit belongs to—

(a) if the associated plant commences operation after the commencement of this Regulation—Group 6, or

(b) otherwise—the Group in which the emission unit belonged immediately before the commencement of this Regulation, except as otherwise provided by this section.

(2) An emission unit is taken to belong to Group 6 if—

(a) the emission unit is in another Group, and

(b) the emission unit is altered as a result of—

(i) the modification of development consent under the *Environmental Planning and Assessment Act 1979*, section 4.55(2), or

(ii) the variation of the licence for the plant, and

(c) the alteration results in 1 or more of the following from the plant of which the emission unit forms part or to which it is attached—

(i) an increase in the emission of air impurities,

(ii) a change in the nature of the air impurities emitted,

(iii) a change in the intensity with which air impurities are emitted.

(3) An emission unit is taken to belong to Group 6 if the emission unit—

(a) replaces an emission unit in a Group other than Group 6, and

(b) is associated with plant operated in the Greater Metropolitan Area.

(4) This section does not apply to an emission unit if the licence for the associated plant continues to include a legacy condition stating the emission unit is taken to belong to a Group other than Group 6.

(5) This section does not affect the Group to which plant associated with the emission unit belongs.

(6) In this section—

associated plant for an emission unit means the plant that the emission unit forms part of or is attached to.

48 Application for variation to include legacy and other conditions

(1) The EPA may, on application by the holder of the licence, vary a licence to include a legacy condition.

(2) An application to vary a licence to include a legacy condition must be made at least 12 months before the day on which the condition is required to be in force.

(3) The application must be accompanied by a report containing the following—

(a) particulars of the concentration or rates at which air impurities are emitted by carrying out the activity or operating the plant obtained from sampling, analysis and monitoring conducted in accordance with the Approved Methods (Sampling and Analysis) Publication,

(b) the results of an air pollutant impact assessment, conducted in accordance with the Approved Methods (Modelling and Assessment) Publication, for—

(i) the activity, plant or emission unit concerned, and

(ii) other activities carried on, or plant or emission unit operated, at the scheduled premises,

(c) details of pollution reduction programs that have been established for the activity, plant or emission unit,

(d) details of control equipment that has been installed for the activity, plant or emission unit,

(e) other information that may be relevant to demonstrate the acceptability of impacts associated with the alternative standards arising from the proposed variation of conditions.

(4) The EPA may when varying a licence to include a legacy condition also include other conditions, including conditions imposing more stringent standards of concentration than those applicable to the Group to which the activity or plant will belong because of the legacy condition.

(5) The legacy condition expires 5 years after the date on which notice of the variation is given to the holder of the licence under the Act.

(6) In this section—

include a legacy condition includes renew a legacy condition.

49 Determination of application

(1) In determining an application to vary a licence to include a legacy condition, the EPA must

consider the resulting impact of a decision to grant the application on local and regional air quality and amenity, considering—

(a) pollution reduction programs that may have been established, or that the holder of the licence has agreed to establish, in relation to the activity or plant, and

(b) control equipment that has been installed, or that the holder of the licence has agreed to install, in relation to the activity or plant, and

(c) a load reduction agreement that has been entered into between the EPA and the applicant under the *Protection of the Environment Operations (General) Regulation 2021*, Chapter 3, Part 1, Division 6, if any, and

(d) the principles of ecologically sustainable development set out in the *Protection of the Environment Administration Act 1991*, section 6(2), and

(e) other matters that are relevant.

(2) The EPA must not grant an application that would cause the activity, plant or emission unit to belong to a Group with a lower number than the Group to which it previously belonged.

(3) In this section—

include a legacy condition includes renew a legacy condition.

Note— Refusal of an application to vary the conditions of a licence may be appealed under the Act, section 287. An application is taken to have been refused if it is not granted within 60 days after it is duly made.

Subdivision 3 Non-scheduled premises

50 Group to which activity or plant belongs

(1) An activity carried out, or plant operated, on non-scheduled premises belongs to—

(a) if the carrying on of the activity, or the operation of the plant, commences after the commencement of this Regulation—Group C, or

(b) otherwise—the Group in which the activity or plant belonged immediately before the commencement of this Regulation, except as otherwise provided by this Subdivision.

Note— The groups in which activity or plant belonged originally was as follows—

(a) Group A—if it commenced to be carried on or to operate (***commenced***)—

(i) before 1 August 1997, or

(ii) on or after 1 August 1997 under a development consent granted to a development application made before 1 August 1997,

(b) Group B—if it commenced on or after 1 August 1997 under a development consent granted to a development application made on or after 1 August 1997 and before 1 September 2005,

(c) Group C—if it commenced on or after 1 September 2005 under a development consent granted to a development application made on or after 1 September 2005.

(2) Except as provided by section 51(2), an activity or plant that belongs to both Group C and another Group is taken to belong to Group C.

51 Emission units

(1) An emission unit belongs to—

(a) if the associated plant commences operation after the commencement of this Regulation—Group C, or

(b) otherwise—the Group in which the emission unit belonged immediately before the commencement of this Regulation, except as otherwise provided by this section.

(2) If an emission unit in Group A or Group B associated with plant operated in the Greater Metropolitan Area is replaced, the replacement emission unit is taken to belong to Group C.

(3) This section does not affect the Group to which plant associated with the emission unit belongs.

(4) In this section—

associated plant for an emission unit means the plant that the emission unit forms part of or is attached to.

Division 2 Standards of concentration

52 Standards of concentration for air impurities—Act, s 128

(1) For the Act, section 128(1), the prescribed standards of concentration for emissions of air impurities in relation to an activity carried on, or plant operated, at scheduled premises are—

(a) for plant referred to in Schedule 2, Part 2, Division 1—the standards of concentration specified in that Division in relation to the plant, and

(b) for an activity or plant specified in Schedule 2, Part 2, Division 2 in relation to a specific purpose—the standards of concentration specified in that Division in relation to the activity or plant and the purpose, and

(c) for an activity or plant specified in Schedule 2, Part 2, Division 3, other than those covered by Schedule 2, Part 2, Division 1 or 2—the standards of concentration specified in Schedule 2, Part 2, Division 3 in relation to the activity or plant.

(2) For the Act, section 128(1), the prescribed standards of concentration for the emission of air impurities in relation to an activity carried on, or plant operated, at non-scheduled premises are as set out in Schedule 2, Part 3.

(3) For the purposes of this section, a requirement in Schedule 2, Part 2 that a standard of concentration for volatile organic compounds (VOC) or carbon monoxide be met is satisfied if either of those standards is met.

53 Alternative standard for hydrogen sulfide emissions

(1) The EPA may grant an approval to an occupier of scheduled premises for an alternative standard of concentration for hydrogen sulfide emissions.

(2) An occupier is exempt from the operation of the Act, section 128, to the extent that the section relates to the emission of hydrogen sulfide, if the occupier—

(a) has been granted an approval, and

(b) complies with—

(i) the alternative standard of concentration, and

(ii) other conditions specified by EPA in the approval.

(3) Before granting an approval, the EPA must—

(a) take into consideration the impact of the approval on local and regional air quality and amenity, and

(b) be satisfied that it is not practicable for the occupier to implement operational changes to plant or practices to comply with the standards prescribed by section 52, and

(c) be satisfied that the alternative standard of concentration for hydrogen sulfide emissions has been calculated in accordance with the Approved Methods (Modelling and Assessment) Publication.

(4) An approval—

(a) is granted by the EPA giving written notice to the occupier, and

(b) is subject to conditions that may be specified in the approval, including the method of measuring the concentration of hydrogen sulfide emissions, and

(c) may be amended or revoked by the EPA by written notice given to the occupier.

54 Application of standards of concentration during start-up and shutdown periods

(1) The standards of concentration prescribed by this Division or a condition of a licence do not apply to a plant during the following periods—

(a) a ***start-up*** period—that is, while the plant is being brought up to normal operation following a period of inactivity,

(b) a ***shutdown*** period—that is, while the plant is being taken out of service from normal operation to inactivity.

(2) Subsection (1) does not apply to—

(a) a start-up period that is prescribed period under Division 4, or

(b) a condition of a licence specifying a standard of concentration for the start-up or shut-down period of the plant.

Note— Where no standard of concentration of air impurity has been prescribed, an occupier of premises who operates a plant remains subject to the requirements to prevent and minimise air pollution under the Act, section 128(2).

55 Standards of concentration not to affect other controls

(1) To avoid doubt, this Division does not authorise the occupier of premises to carry on an activity, or operate plant, on the premises in a way that causes or permits the emission of air impurities in

excess of those allowed by other controls that apply to the activity or plant.

(2) In this section—

other controls include a licence or a development consent granted under the *Environmental Planning and Assessment Act 1979*.

Division 3 Exceeding standard of concentration

56 Definitions

In this Division—

relevant averaging period, in relation to an air impurity, means the averaging period specified for the air impurity—

(a) for scheduled premises—

(i) in the conditions of the relevant licence, or

(ii) if no averaging period is specified in the conditions—in Schedule 3, Part 2, Division 1, or

(b) for non-scheduled premises—in Schedule 3, Part 2, Division 2.

relevant reference conditions, in relation to an air impurity emitted from an activity or plant, means the reference conditions specified for the air impurity—

(a) for scheduled premises—

(i) in the conditions of the relevant licence, or

(ii) if no averaging period is specified in the conditions—in Schedule 3, Part 3, Division 1, or

(b) for non-scheduled premises—in Schedule 3, Part 3, Division 2.

relevant test method or ***relevant monitoring method***, in relation to an air impurity, means the test method or monitoring method specified for the air impurity—

(a) for scheduled premises—in Schedule 3, Part 1, Division 1, or

(b) for non-scheduled premises—in Schedule 3, Part 1, Division 2.

57 Emission points—Act, s 128

(1) For the Act, section 128(1), the point at which the standard of concentration, or rate of emission, of air impurities resulting from the carrying on of an activity, or the operation of plant, on premises must not be exceeded is the point between—

(a) the point of origin of the air impurities, that is—

(i) the point where the air impurities originate, or

(ii) if the air impurities subsequently pass through control equipment—the point where the air impurities emerge from that equipment, and

(b) the point of release of the air impurities, that is—

(i) the point where the air impurities pass into the atmosphere, or

(ii) if air, gas or vapour is added to the air impurities before that point after passing through control equipment—the point immediately before the point where the air, gas or vapour is added.

(2) If there is more than 1 point of release applying in relation to an activity or plant, a reference in subsection (1) to the point of release is a reference to all of the points of release applying in relation to the activity or plant.

58 Procedures to determine whether standards have been exceeded

A person may work out whether an activity or plant is emitting an air impurity at a standard of concentration above the maximum prescribed by Schedule 2 by—

(a) sampling or monitoring the relevant emissions in accordance with section 59, and

(b) using the information from the sampling or monitoring to determine the concentration of the air impurity in accordance with section 60.

59 Sampling or monitoring position

The sampling or monitoring of an emission must take place at a position in relation to the emission that is in accordance with—

(a) if the concentration is to be determined in accordance with the relevant test method—TM-1, or

(b) if the concentration is to be determined in accordance with the relevant monitoring method—

(i) if measuring opacity—CEM-1, or

(ii) otherwise—CEM-2.

60 Determining concentration of air impurity

(1) The concentration of the air impurity must be determined in accordance with the relevant test method, or relevant monitoring method, for the air impurity, using the relevant averaging period.

(2) For a concentration determined under this section otherwise than for smoke, the concentration must be expressed by reference to the relevant reference conditions for the standard of concentration after determining the following—

(a) the moisture content of the sample, determined in accordance with TM-22,

(b) the temperature and pressure at the sampling position, determined in accordance with TM-2,

(c) if a relevant reference condition is a specified percentage of carbon dioxide—the concentration of carbon dioxide emitted, determined in accordance with TM-24 or CEM-3,

(d) if a relevant reference condition is a specified percentage of oxygen—the concentration of oxygen emitted, determined in accordance with TM-25 or CEM-3.

(3) For a concentration determined under this section for smoke, that is measured as opacity, the concentration must be expressed by reference to the relevant reference conditions for the

standard of concentration.

61 Dioxins and furans

(1) To determine whether or not a standard of concentration prescribed by Schedule 2 for dioxins or furans has been exceeded, the following procedures must be applied in addition to the procedures set out in section 58—

(a) the unweighted concentration of a dioxin or furan must be determined in accordance with TM-18, using the measuring period specified in that test method,

(b) the unweighted concentration of each dioxin or furan so determined must be multiplied by the toxic equivalence factor set out in the Table to this section in relation to the dioxin or furan.

(2) For the purposes of section 52, the concentration of dioxins and furans is taken to be the sum of the amounts calculated under subsection (1)(b).

Table

Substance	Toxic Equivalence Factor
Dioxins	
2,3,7,8 tetrachlorodibenzodioxin (TCDD)	1.0
1,2,3,7,8 pentachlorodibenzodioxin (PeCDD)	1.0
1,2,3,4,7,8 hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,6,7,8 hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,7,8,9 hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,4,6,7,8 heptachlorodibenzodioxin (HpCDD)	0.01
octachlorodibenzodioxin (OCDD)	0.0003
Furans	
2,3,7,8 tetrachlorodibenzofuran (TCDF)	0.1
1,2,3,7,8 pentachlorodibenzofuran (PeCDF)	0.03
2,3,4,7,8 pentachlorodibenzofuran (PeCDF)	0.3
1,2,3,4,7,8 hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,6,7,8 hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,7,8,9 hexachlorodibenzofuran (HxCDF)	0.1
2,3,4,6,7,8 hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,4,6,7,8 heptachlorodibenzofuran (HpCDF)	0.01
1,2,3,4,7,8,9 heptachlorodibenzofuran (HpCDF)	0.01

octachlorodibenzofuran (OCDF)	0.0003

62 Combination of air impurities from 2 or more sources—Act, s 128

(1) This section applies to an air impurity that is combined with an air impurity of the same kind, or with another air, gas or vapour, from another source on scheduled premises before being emitted.

(2) For the Act, section 128(1), the prescribed standard of concentration for the emission of an air impurity to which this section applies must be determined in accordance with TM-38.

(3) Nothing in this section authorises the emission of an air impurity in excess of the standard of concentration prescribed for the emission of the air impurity by Divisions 2 and 3.

(4) A reference in this section to a source is a reference to an activity or item of plant.

Division 4 Prescribed periods for emission of smoke

63 Prescribed period

(1) This Division sets out the periods that must be treated as prescribed periods for the purposes of determining standards of concentration for the purposes of Schedule 2.

(2) A period is a ***prescribed period*** in relation to an emission of smoke if—

(a) the period is specified in this Division as a prescribed period for the emission, and

(b) all practicable means are employed to prevent or minimise the emission of smoke during that period.

64 Scheduled premises

(1) For an activity or plant in Group 1 on scheduled premises, other than ceramic works, the prescribed period is—

(a) a period of no more than 20 minutes per 24 hours, after lighting a boiler or incinerator from cold during which the boiler or incinerator is brought up to normal operation, or

(b) if paragraph (a) does not apply, a period of no more than—

(i) for a boiler burning up to 1 tonne of fuel per hour—10 minutes per 8 hours, or

(ii) for a boiler burning more than 1 tonne but less than 5 tonnes of fuel per hour—20 minutes per 8 hours.

(2) For an activity or plant in Group 1 on scheduled premises that are ceramic works, the prescribed period is no more than 10 minutes per hour.

(3) For an activity or plant in Group 2, Group 3, Group 4, Group 5 or Group 6 on scheduled premises, where smoke is emitted, as a result of blowing soot from a boiler, the prescribed period is no more than 10 minutes per 8 hours.

65 Non-scheduled premises

(1) For the emission of smoke from non-scheduled premises that are marine vessels, the prescribed period is—

(a) the period during which the vessel is approaching, leaving or manoeuvring at a berth, or

(b) a period of no more than 30 minutes per 24 hours, after lighting a boiler during which the boiler is brought up to normal operation.

(2) For the emission of smoke from non-scheduled premises, other than marine vessels, the prescribed period is—

(a) a period of no more than 20 minutes per 24 hours, after lighting a boiler or incinerator from cold during which the boiler or incinerator is brought up to normal operation, or

(b) a period of no more than 10 minutes per 8 hours, as a result of blowing soot from a boiler.

Division 5 Treatment plants in Group 6

66 Application of Division

This Division applies to the following plant if the plant is in Group 6—

(a) a thermal treatment plant, including an afterburner or flare, or

(b) non-thermal treatment plant, other than a vapour recovery system required to be fitted under Part 6.

67 Flares generally

The occupier of premises must ensure a flare on the premises used to treat air impurities is operated in a way that ensures a flame is present at all times while air impurities are required to be treated by the flare.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

68 Flares for treating landfill gas

The occupier of premises must ensure an enclosed ground-level flare on the premises for the treatment of landfill gas is operated—

(a) in a way that ensures—

(i) the time between landfill gas entering and exiting the flare is more than 0.6 seconds, and

(ii) the temperature for the combustion of landfill gas by the flare is more than 760°C, or

(b) in another way that ensures that the destruction efficiency of the flare, in relation to landfill gas entering the flare, is more than 98%.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

69 Afterburners without catalytic control system

The occupier of premises must ensure an afterburner on the premises that does not employ a catalytic control system is operated in a way that ensures—

(a) the time between an air impurity entering and exiting the afterburner is—

(i) if the air impurity originates from material containing a principal toxic air pollutant—more than 2 seconds, or

(ii) otherwise—more than 0.3 seconds, and

(b) the temperature for the combustion of an air impurity by the afterburner is—

(i) if the air impurity originates from material containing a principal toxic air pollutant—more than 980°C, or

(ii) otherwise—more than 760°C, and

(c) the destruction efficiency of the plant, in relation to an air impurity entering the plant, is—

(i) if the air impurity originates from material containing a principal toxic air pollutant—more than 99.9999%, or

(ii) otherwise—more than 99.99%.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

70 Thermal treatment plants other than flares

The occupier of premises must ensure a thermal treatment plant on the premises, other than a flare, is operated in a way that ensures the destruction efficiency of the plant, in relation to an air impurity entering the plant, is—

(a) if the air impurity originates from material containing a principal toxic air pollutant—more than 99.9999%, or

(b) otherwise—more than 99.99%.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

71 Method of calculating time, temperature and destruction efficiency

(1) For the purposes of this Division, the time elapsing between an air impurity, including landfill gas, entering and exiting an afterburner or flare must be calculated—

(a) using the volumetric flow rate for the air impurity in accordance with TM-2 or CEM-6, and

(b) using a 1 hour rolling averaging period.

(2) For the purposes of this Division, temperature must be calculated—

(a) in accordance with TM-2, and

(b) using a 1 hour rolling averaging period

(3) For the purposes of this Division, the destruction efficiency of plant must be calculated using the following equation—

$$DE = [1 - (MW_{out} / MW_{in})] \times 100$$

where—

DE is the destruction efficiency, expressed as a percentage.

MW_{out} is the mass emission rate of the air impurity in exhaust emissions prior to its release into the atmosphere using a 1 hour rolling averaging period.

MW_{in} is the mass feed rate of the air impurity in a waste feedstream using a 1 hour rolling averaging period.

Division 6 Exemptions

72 Exemption for emission of smoke by public authority

A public authority, including a person acting at the direction of the public authority, is exempt from the operation of the Act, section 128 and Divisions 2 and 3, to the extent that those provisions regulate the emission of smoke if—

(a) the smoke is emitted during the following activities—

(i) research to improve safety in relation to the flammability of materials and smoke reduction, including the development of testing procedures,

(ii) training of fire-fighters,

(iii) rating of the effectiveness of fire extinguishers and fire suppression systems,

(iv) testing undertaken to certify that manufactured or imported products comply with Australian Standards or International Standards or meet the legislative requirements placed on them, and

(b) the EPA gives its approval because it is of the opinion that—

(i) the emission of smoke will not have a significant impact on local and regional air quality and amenity, and

(ii) it is not practicable for the public authority to implement operational changes to plant or practices to comply with the provisions in relation to the emission of smoke, and

(iii) satisfactory steps will be taken to minimise the impacts on air quality and amenity.

73 Exemption for emergency electricity generation

Emergency standby plant is exempt from the air impurities standard for nitrogen dioxide and nitric oxide specified in Schedule 2, Part 2, Division 3 for the plant if—

(a) the plant comprises a stationary reciprocating internal combustion engine for generating electricity, and

(b) it is used for a total of not more than 200 hours per year.

74 Exemption when complying with directions under National Electricity Rules

(1) An occupier of premises is exempt from the Act, section 128 for emissions occurring during a prescribed period if—

(a) the premises are licensed for the Scheduled activity of electricity generation, and

(b) the emissions occur from plant on the premises, and

(c) the emissions occur as a result of a LOR 2 or above direction for the NSW region, and

(d) the occupier notifies the EPA of the direction and the relevant LOR 2 or above condition as soon as practicable.

(2) In this section—

AEMO means the Australian Energy Market Operator.

LOR 2 or above condition means a lack of reserve (LOR) condition that is—

(a) declared by the AEMO under the National Electricity Rules, clause 4.8.4, and

(b) an actual LOR 2 condition or an actual LOR 3 condition.

LOR 2 or above direction means a direction given by the AEMO under the National Electricity Rules, clause 4.8.9 in response to a LOR 2 or above condition.

prescribed period means—

(a) the period during which both the LOR 2 or above direction and the LOR 2 or above condition are both in force, and

(b) the period of up to 12 hours after the period in paragraph (a) while the electricity plant returns to normal operation.

Part 6 Volatile organic liquids—tanks and loading plant—the Act, Sch 2, cl 6A

Division 1 Control equipment—general requirements

75 Object of Part

The object of this Part is to control the release into the atmosphere of vapours from volatile organic liquids from the use of storage tanks and large loading plant.

76 Tanks, plant and control equipment to comply with Part

(1) The occupier of premises must ensure that a storage tank or loading plant on the premises that is required by this Part to have control equipment is not used or operated unless—

(a) the tank or plant is fitted with the required control equipment, and

(b) the required control equipment is installed in accordance with this Part, and

(c) the tank or plant and the required control equipment complies with the specifications prescribed by this Part in relation to—

(i) commissioning, or

(ii) operation, or

(iii) maintenance, or

(iv) decommissioning.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

(2) In this section—

operate, for a storage tank, includes to allow a volatile organic liquid to remain in the storage tank.

77 Tanks and plant to which Division does not apply

(1) This Division does not apply to a storage tank or loading plant on premises if—

(a) the tank or plant is fitted with control equipment approved by the EPA by written notice given to the occupier of the premises, and

(b) the tank or plant and the approved control equipment complies with the specifications set out in the notice in relation to—

(i) commissioning, or

(ii) operation, or

(iii) maintenance, or

(iv) decommissioning.

(2) This Division does not apply to a small storage tank on premises if—

(a) the premises are in the Sydney Metropolitan area, and

(b) the storage tank is commissioned before 1 July 2024, and

(c) the EPA is satisfied that the volume of volatile organic liquid loaded into the storage tank per year does not usually exceed 600kL, and

(d) the EPA gives written notice to the occupier giving approval for this subsection to apply to the storage tank, and

(e) the occupier complies with the conditions specified in the notice.

(3) The EPA may vary or revoke a notice under this section at any time by further notice given to the occupier.

Division 2 Control equipment for large storage tanks

78 Definitions

In this Division—

large storage tank means a storage tank with a capacity of 150kL or more, but not a petrol storage tank to which Part 8, Division 2, Subdivision 3 applies.

next scheduled maintenance, for a large storage tank, means the next occasion on which the tank is due for a service in accordance with the maintenance schedule recommended by the manufacturer.

prescribed equipment upgrade, for a large storage tank, means fitting to the tank 1 or more of the following in compliance with this Division—

(a) a drainage system,

(b) loading systems and seals,

(c) a floating roof or floating cover,

(d) a vapour disposal system or vapour recovery system.

prescribed event, for a large storage tank, means—

(a) the commissioning of the tank, or

(b) a prescribed equipment upgrade for the tank, or

(c) the next scheduled maintenance for the tank.

79 Application

This Division applies to a large storage tank in—

(a) Sydney Metropolitan Area, or

(b) the following local government areas—

(i) City of Blue Mountains,

(ii) Central Coast,

(iii) City of Cessnock,

(iv) Kiama,

(v) City of Lake Macquarie,

(vi) City of Maitland,

(vii) City of Newcastle,

(viii) Port Stephens,

(ix) City of Shellharbour,

(x) City of Shoalhaven,

(xi) Wingecarribee,

(xii) Wollondilly,

(xiii) City of Wollongong.

80 Calculation of vapour pressure

The calculation of the vapour pressure of volatile organic liquid stored in a large storage tank for the purposes of this Division must be carried out in accordance with TM-21.

81 Drainage system

(1) A large storage tank must be fitted with a drainage system—

(a) comprising a small sump or tundish fitted under each water draw-off valve, and

(b) connected to a fully enclosed drain.

(2) This section does not apply to a tank that is used only for the storage of a volatile organic liquid, other than crude petroleum, that is received by tank-to-tank transfer from another storage tank.

82 Vapour control

(1) A large storage tank in which there is a volatile organic liquid must be fitted with—

(a) a vapour disposal system, or

(b) a vapour recovery system.

(2) However, if the volatile organic liquid has a vapour pressure of 75kPa or less, the large storage tank may instead be fitted with—

(a) an internal floating roof or an external domed floating roof that—

(i) does not permit the escape of vapour through the roof, and

(ii) otherwise complies with section 83, or

(b) for a tank commissioned before 1 July 2024—a floating roof or a floating cover and an external fixed roof that—

(i) does not permit the escape of vapour through the roof, and

(ii) otherwise complies with sections 84 and 85.

83 Roof for tanks commissioned on or after 1 July 2024

(1) A floating roof must—

(a) be made of metal, and

(b) not be open to the atmosphere.

(2) A floating roof must at all times float on the surface of the volatile organic liquid stored in the tank and not rest on the floor of the tank.

(3) A floating roof must have primary closure seals that close —

(a) openings in the floating roof, and

(b) gaps caused by equipment passing through the openings.

(4) A floating roof must have a rim-mounted secondary seal that—

(a) is mounted above a primary seal, and

(b) completely covers the space between the roof edge and the tank wall.

(5) A floating roof must have a mechanical shoe primary seal, or a seal with equal or greater efficacy, that closes spaces between the roof and the walls of the large storage tank.

84 Roof or cover for tanks commissioned before 1 July 2024

(1) A fixed roof and floating cover must be made of a material that is impervious to vapour.

(2) A floating roof must be made of metal.

(3) A floating cover or floating roof must at all times float on the surface of the volatile organic liquid stored in the tank and not rest on the floor of the tank.

(4) A floating roof or floating cover must have primary closure seals that close—

(a) spaces between the roof or cover and the walls of the large storage tank, and

(b) openings in the floating roof or fixed roof and floating cover, and

(c) gaps caused by equipment passing through the openings.

(5) A floating roof must have primary seals that are shielded from the weather by—

(a) moveable weather-shields that allow for the proper inspection of the seals, or

(b) secondary seals.

(6) Subsection (5) does not apply to a large storage tank until—

(a) 1 July 2030, or

(b) if a prescribed event occurs in relation to the storage tank before that date and on or after 1 July 2024, on the date on which the first prescribed event occurs.

85 Rim mounted secondary seal for tanks commissioned before 1 July 2024

(1) A floating roof that is open to the atmosphere must have a rim-mounted secondary seal that—

(a) is mounted above a primary seal, and

(b) completely covers the space between the roof edge and the tank wall.

(2) This section does not apply to a large storage tank until—

(a) 1 July 2030, or

(b) if a prescribed event occurs in relation to the storage tank before that date and on or after 1 July 2024, on the date on which the first prescribed event occurs.

86 Fill pipes for tanks commissioned on or after 1 July 2024

A large storage tank commissioned on or after 1 July 2024 must have—

(a) a bottom loading fill pipe, or

(b) a submerged fill pipe.

87 Vapour disposal systems

(1) A vapour disposal system must incinerate the vapour emitted from the large storage tank by a process that prevents the total concentration of unburnt vapour emitted into the atmosphere exceeding—

(a) before 1 July 2027—1.5g as n-propane per cubic metre of the gases resulting from the incineration process, or

(b) on and from 1 July 2027—

(i) for gases originating from material containing a principal toxic air pollutant—20mg as n-propane per cubic metre of the gases resulting from the part of the incineration process that treats air impurities that originate from material containing a principal toxic air pollutant, or

(ii) otherwise—40mg as n-propane per cubic metre of the gases resulting from the part of the incineration process that treats air impurities that originate from material not containing a principal toxic air pollutant.

(2) The total concentration of unburnt vapour must be determined in accordance with TM-34.

88 Vapour recovery systems

(1) A vapour recovery system must recover the vapour emitted from the large storage tank by a process that prevents the total concentration of unrecovered vapour emitted into the atmosphere during a period of 4 hours exceeding—

(a) before 1 July 2027—110mg as n-propane per litre of volatile organic liquid passing into the tank during the 4-hour period, or

(b) on and from 1 July 2027—10mg as n-propane per litre of volatile organic liquid passing into the tank during the 4-hour period.

(2) The total concentration of unrecovered vapour must be determined in accordance with TM-20.

Division 3 Control equipment for small storage tanks

89 Definitions

In this Regulation—

small storage tank means a storage tank with a capacity of 8kL or more but less than 150kL, but not a petrol storage tank to which Part 8, Division 2, Subdivision 3 applies.

90 Application

(1) This Division applies to a small storage tank in the Sydney Metropolitan Area.

(2) This Division applies to a small storage tank in the following local government areas that is commissioned on or after 1 July 2024—

(a) City of Blue Mountains,

(b) Central Coast,

(c) City of Cessnock,

(d) Kiama,

(e) City of Lake Macquarie,

(f) City of Maitland,

(g) City of Newcastle,

(h) Port Stephens,

(i) City of Shellharbour,

(j) City of Shoalhaven,

(k) Wingecarribee,

(l) Wollondilly,

(m) City of Wollongong.

91 Vapour transfer system and lines

(1) A small storage tank that is filled by the transfer of a volatile organic liquid from a delivery tank on a tanker truck must have a vapour transfer system that ensures vapour displaced by the transfer is returned to the delivery tank on the tanker truck by a vapour return line.

(2) The vapour return line must not permit the escape of vapour into the atmosphere.

(3) The part of the vapour return line that is between the small storage tank and the relevant point on the vapour return line must have an internal diameter—

(a) of not less than 50% of the internal diameter of the fill pipe of the small storage tank, or

(b) if the tank was installed before 1 May 1982 and its vapour return line is taken from the atmospheric vent of the small storage tank—as large as practicable for the internal diameter of the existing vent connection.

(4) A vapour return line must have an internal diameter of not less than 65% of the internal diameter of the fill pipe of the small storage tank for the part of the vapour return line between—

(a) the delivery tank on the tanker truck, and

(b) the relevant point on the vapour return line.

(5) The vapour return line must have the following fittings—

(a) a fitting on the vapour return line that—

(i) connects to the vapour return line on the delivery tank on the tanker truck, and

(ii) does not permit the escape of vapour into the atmosphere, and

(iii) closes automatically when disconnected,

(b) a fitting on the fill pipe for the small storage tank that—

(i) connects to the liquid transfer line on the delivery tank on the tanker truck, and

(ii) does not permit the escape of liquid.

(6) A vapour transfer system may be used for more than 1 storage tank on the same premises.

(7) In this section—

relevant point, on a vapour return line for a small storage tank, means—

(a) the fitting on the line that is closest to the small storage tank, or

(b) the change in direction of the line that occurs closest to the small storage tank.

92 Overfill protection system for tank filled by operation of gravity

(1) A small storage tank that is filled by the transfer of a volatile organic liquid from a delivery tank on a tanker truck by the operation of gravity must have an overfill protection system.

(2) The overfill protection system must stop the flow of the volatile organic liquid into the small storage tank before there is insufficient space in the tank to receive it.

93 Pressure vacuum valves for tank above ground

(1) A small storage tank that is above the ground must have pressure vacuum valves fitted on the atmospheric vents of the tank.

(2) The pressure vacuum valves must be set to be closed when the pressure in the tank is between 15kPa above, and 0.5kPa below, ambient pressure.

(3) Subsection (2) does not apply to a small storage tank installed before 1 May 1982.

94 Fill pipes for tanks commissioned on or after 1 July 2024

A small storage tank commissioned on or after 1 July 2024 must be fitted with—

(a) a bottom loading fill pipe, or

(b) a submerged fill pipe.

95 Opening cover of tank

(1) A person must not open a cover on or associated with a small storage tank if vapour is likely to be released into the atmosphere.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—50 penalty units.

(2) It is a defence to a prosecution for an offence under this section if the person proves the cover was opened—

(a) in an emergency, or

(b) during gauging or sampling of the contents of the small storage tank through a dip hatch, if—

(i) no liquid transfer hoses are connected to the tank fill pipe, and

(ii) other hoses connected to the tank are closed, or

(c) during reasonable maintenance of the tank.

Division 4 Control equipment for large loading plant

96 Definitions

In this Regulation—

large loading plant means industrial plant that is used for loading volatile organic liquid, at a rate of more than 30ML per year, into the delivery tanks of large tanker trucks.

97 Application

(1) This Division applies to a large loading plant in the Sydney Metropolitan Area.

(2) This Division applies to a large loading plant in the following local government areas when a prescribed event occurs in relation to the plant on or after 1 July 2027—

(a) City of Blue Mountains,

(b) Central Coast,

(c) City of Cessnock,

(d) Kiama,

(e) City of Lake Macquarie,

(f) City of Maitland,

(g) City of Newcastle,

(h) Port Stephens,

(i) City of Shellharbour,

(j) City of Shoalhaven,

(k) Wingecarribee,

(l) Wollondilly,

(m) City of Wollongong.

(3) In this section—

next scheduled maintenance, for a large loading plant, means the next occasion on which the plant is due for a service in accordance with the maintenance schedule recommended by the manufacturer.

prescribed equipment upgrade, for a large loading plant, means fitting to the plant 1 or more of the following—

(a) a vapour collection system in compliance with section 98,

(b) an interlock system in compliance with section 99,

(c) a vapour disposal system in compliance with section 100,

(d) a vapour recovery system in compliance with section 101.

prescribed event, for a large loading plant, means—

(a) the commissioning of the plant, or

(b) a prescribed equipment upgrade for the plant, or

(c) the next scheduled maintenance for the plant.

98 Vapour collection systems

(1) A large loading plant must have a vapour collection system that ensures all vapour displaced from delivery tanks on tanker trucks during loading operations is collected and conveyed by a vapour line to—

(a) a vapour disposal system, or

(b) a vapour recovery system.

(2) The vapour line must not permit the escape of vapour into the atmosphere.

(3) The vapour lines must have an internal diameter of not less than 65% of the largest fill-line used for connection to the delivery tank.

(4) Each vapour line and liquid line between the large loading plant and a delivery tank on a tanker truck must have a fitting that—

(a) connects securely to the delivery tank, and

(b) does not permit the escape of vapour or liquid, and

(c) closes automatically when disconnected.

99 Interlock systems

(1) A large loading plant must have an interlock system unless the large loading plant is used only for loading delivery tanks that are fitted with an interlock system.

(2) In this section—

interlock system means a system that prevents the loading of a delivery tank unless a vapour collection system is connected to the delivery tank.

100 Vapour disposal systems

(1) A vapour disposal system must incinerate the vapour emitted from the large storage tank by a process that prevents the total concentration of unburnt vapour emitted into the atmosphere exceeding—

(a) before 1 July 2027—1.5g as n-propane per cubic metre of the gases resulting from the incineration process, or

(b) on and from 1 July 2027—

(i) for gases originating from material containing a principal toxic air pollutant—20mg as n-propane per cubic metre of the gases resulting from the part of the incineration process that treats air impurities that originate from material containing a principal toxic air pollutant, or

(ii) otherwise—40mg as n-propane per cubic metre of the gases resulting from the part of the incineration process that treats air impurities that originate from material containing a principal toxic air pollutant.

(2) The total concentration of unburnt vapour must be determined in accordance with TM-34.

101 Vapour recovery systems

(1) A vapour recovery system must recover the vapour emitted from loading operations by a process that prevents the total concentration of unrecovered vapour emitted into the atmosphere during a period of 4 hours exceeding—

(a) before 1 July 2027—110mg as n-propane per litre of volatile organic liquid passing into the tank during the 4-hour period, or

(b) on and from 1 July 2027—10mg as n-propane per litre of volatile organic liquid passing into the tank during the 4-hour period.

(2) The total concentration of unrecovered vapour must be determined in accordance with TM-20.

(3) It is a defence to an offence under section 76 for a failure to comply with this section if—

(a) the failure to comply is as result of the vapour recovery system being shut down for the purposes of scheduled maintenance, and

(b) the vapour system is not shut down for scheduled maintenance for more than 72 hours in a calendar year, and

(c) all practicable steps are taken to prevent or minimise the vapour emitted from loading operations while the vapour recovery system is shut down.

Part 7 Volatile organic liquids—large tanker trucks—the Act, Sch 2, cl 6A

Division 1 Preliminary

102 Object of Part

The object of this Part is to control the release into the atmosphere of vapours from volatile organic liquids from the use of large tanker trucks.

103 Application

(1) This Part applies to a large tanker truck that—

(a) loads from a large loading plant in the Sydney Metropolitan Area, or

(b) unloads into a small storage tank in—

(i) the Sydney Metropolitan Area, or

(ii) the following local government areas—

(A) City of Blue Mountains,

(B) Wingecarribee,

(C) Wollondilly, or

(c) unloads into a petrol storage tank to which Part 8, Division 2, Subdivision 3 applies.

(2) On and from 1 July 2024, this Part also applies to a large tanker truck that loads from a large loading plant in the following local government areas—

(a) City of Blue Mountains,

(b) Central Coast,

(c) City of Cessnock,

(d) Kiama,

(e) City of Lake Macquarie,

(f) City of Maitland,

(g) City of Newcastle,

(h) Port Stephens,

(i) City of Shellharbour,

(j) City of Shoalhaven,

(k) Wingecarribee,

(l) Wollondilly,

(m) City of Wollongong.

(3) On and from 1 July 2024, this Part also applies to a large tanker truck that unloads into a small storage tank in the following areas—

(a) Central Coast,

(b) City of Cessnock,

(c) Kiama,

(d) City of Lake Macquarie,

(e) City of Maitland,

(f) City of Newcastle,

(g) Port Stephens,

(h) City of Shellharbour,

(i) City of Shoalhaven,

(j) City of Wollongong.

Division 2 Control equipment for large tanker trucks

104 Use of large tanker truck

(1) The owner of a large tanker truck must ensure the tanker truck is not used to load or unload volatile organic liquid unless—

(a) the tanker truck is fitted with the required control equipment, and

(b) the required control equipment is—

(i) installed in accordance with this Part, and

(ii) maintained in an efficient condition.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—50 penalty units.

(2) In this section—

required control equipment, for a large tanker truck, means control equipment required by this Division for the tanker truck.

105 Exemption from requirement for control equipment

(1) This Division does not apply to a large tanker truck if—

(a) the tanker truck is fitted with control equipment approved by the EPA by written notice given to the owner of the large tanker truck, and

(b) the tanker truck and control equipment comply with specifications set out in the notice in relation to—

(i) commissioning, or

(ii) operation, or

(iii) maintenance, or

(iv) decommissioning.

(2) The EPA may vary or revoke a notice under this section at any time by further notice given to the owner.

106 Vapour handling system and lines

(1) A large tanker truck must be fitted with a vapour handling system for the vapour displaced to or from the delivery tank on the truck during loading or unloading operations.

(2) The delivery tank on the large tanker truck must be fitted with a vapour transfer valve connecting the tank to—

(a) a vapour return line fitting, or

(b) a vapour return line that is permanently connected to the delivery tank.

(3) The vapour transfer valve must—

(a) be interlocked so that it is open whenever volatile organic liquid is being transferred to or from the delivery tank on the large tanker truck, and

(b) if the vapour return line is not permanently connected to the delivery tank—be interlocked with the vapour return line fitting so that the vapour return line fitting is closed unless the vapour return line is attached to the fitting.

(4) If the delivery tank on the large tanker truck is not fitted with a permanently connected vapour return line, the truck must not be used unless a vapour return line is carried on the truck that—

(a) does not permit the escape of vapour into the atmosphere, and

(b) is able to securely connect to—

(i) the vapour return line fitting on the delivery tank, and

(ii) the tank or plant to or from which the delivery tank is unloading or loading.

(5) A vapour return line must have an internal diameter of not less than 65% of the internal diameter of the largest liquid transfer line used for loading or unloading the delivery tank on the large tanker truck.

107 Lines

A liquid transfer line, vapour transfer line or other line fitted to a large tanker truck must have fittings that—

(a) securely connect to the tank or plant to which volatile organic liquid is being loaded or unloaded, and

(b) do not permit the escape of liquid or vapour into the atmosphere, and

(c) for a fitting on a liquid transfer line—close automatically when disconnected.

108 Overfill protection device

(1) A large tanker truck must have an overfill protection device.

(2) The overfill protection device must—

(a) be located in the delivery tank, and

(b) be designed to stop the flow of volatile organic liquid into the tank as near as practicable to the level of ullage in the tank that complies with the ADG Code, section 10.3.1.

(3) In this section—

ADG Code has the same meaning as in the *Dangerous Goods (Road and Rail Transport) Regulation 2022*.

109 Pressure vacuum valves

(1) A large tanker truck must have pressure vacuum valves fitted on the atmospheric vents of the delivery tank that are—

(a) set to be closed when the pressure in the tank is between 15kPa above, and 3kPa below, ambient pressure, and

(b) of a kind that may be fitted with a vent by-pass or pilot-bleed system if the maximum area for free venting is limited to $15mm^2$.

(2) Subsection (1) does not apply to an emergency vent fitted to the tank.

(3) The pressure vacuum valves must be maintained in an efficient condition.

110 Fitting of hatch covers to tank openings

(1) A large tanker truck must have covers fitted to openings in the delivery tank that ensure no vapour is released into the atmosphere when the covers are closed.

(2) A person must not open a cover on or associated with a delivery tank if vapour is likely to be released into the atmosphere.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—50 penalty units.

(3) It is a defence to a prosecution for an offence under this section if the person proves the cover was opened—

(a) in an emergency, or

(b) during gauging or sampling of the contents of the delivery tank through a dip hatch, if—

(i) no liquid transfer hoses are connected to the delivery tank, and

(ii) other hoses connected to the delivery tank are closed, or

(c) during reasonable maintenance of the delivery tank.

Division 3 Loading and unloading large tanker trucks

111 Loading from large loading plant

A person in charge of a large tanker truck being loaded with volatile organic liquid from large loading plant must ensure that the delivery tank mounted on the tanker truck is properly connected to the vapour collection system of the plant.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—50 penalty units.

112 Unloading into small storage tank

A person in charge of a large tanker truck unloading volatile organic liquid into a small storage tank must ensure that—

(a) before the unloading takes place, the vapour return line is connected to—

(i) if the line is not permanently connected—the appropriate vapour line fitting on the tanker truck, or

(ii) the appropriate vapour return fitting for the storage tank, and

(b) the vapour return line is not disconnected while volatile organic liquid is being unloaded into the storage tank, and

(c) the connection or disconnection of a line is done in a way that avoids or minimises spillage, and

(d) the liquid transfer line is not disconnected from the storage tank until the line is empty of liquid.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—50 penalty units.

113 Leaving open delivery tank cover

The person in charge of a large tanker truck must not, without reasonable excuse, leave open a cover on a delivery tank mounted on the tanker truck if vapour is likely to be released into the atmosphere.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—50 penalty units.

Part 8 Petrol—the Act, Sch 2, cl 6A

Division 1 Petrol suppliers—vapour pressure

Subdivision 1 Preliminary

114 Definitions

(1) In this Division—

blend, in relation to petrol, means combine petroleum-based products with ethanol.

high ethanol blended petrol means petrol containing 60% or more of ethanol by volume.

low volatility zone means the Greater Metropolitan Area other than the local government area of Mid-Western Regional.

petrol supplier means a person who—

(a) imports petrol into this State for supply by the person, whether the petrol was obtained from another State or Territory or from another country, or

(b) refines or blends petrol in this State.

prescribed blended petrol means—

(a) petrol containing 4% or more of ethanol by volume, but not more than 10% of ethanol by volume, or

(b) high ethanol blended petrol.

refine, in relation to petrol, includes refining crude petroleum or shale oil.

supply includes—

(a) sell by wholesale, retail, auction or tender, and

(b) offer to supply, and

(c) barter or exchange, and

(d) supply for profit, and

(e) consign or deliver for sale, and

(f) cause or permit anything referred to in paragraph (a)–(e).

unblended petrol means petrol that does not contain ethanol.

vapour pressure—see section 115.

115 Meaning of "vapour pressure"

(1) In this Division, the ***vapour pressure*** of petrol means the volatility of the petrol when measured in accordance with this section.

(2) The volatility of petrol must be measured—

(a) at 37.8°C, and

(b) in accordance with—

(i) ASTM D4953 *Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)*, as in force from time to time and published by ASTM International, or

(ii) for a particular supplier—another method approved by the EPA.

(3) The EPA may approve a petrol supplier using another method to measure the volatility of petrol it supplies on the application of the petrol supplier.

(4) The approval may be given by written notice to the petrol supplier.

(5) The approval may be subject to conditions.

(6) The EPA may amend or revoke the approval at any time.

Subdivision 2 Offence of supplying petrol with high volatility

116 Vapour pressure of petrol—offence

(1) A petrol supplier must not supply petrol in the low volatility zone during summer if the vapour pressure of the petrol is more than—

(a) for prescribed blended petrol, other than high ethanol blended petrol—71kPa, or

(b) otherwise—64kPa.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

(2) A petrol supplier must not supply petrol in the low volatility zone during summer if—

(a) the petrol is unblended petrol that the supplier has—

(i) imported into the State, or

(ii) refined in the State, and

(b) the monthly volumetric average vapour pressure of the petrol is more than 62kPa.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

117 Defence—person provided with false or misleading documentation

It is a defence to proceedings against a person for an offence under this Subdivision if the person proves—

(a) the petrol was prescribed blended petrol, and

(b) the person reasonably believed the vapour pressure of the unblended petrol used in the blended petrol complied with this Subdivision based on documentation supplied to the person by the supplier of the unblended petrol, and

(c) the person did not know, and had no reasonable grounds to suspect, the documentation was false or misleading in a material respect.

118 Defence—retail sale of petrol stored before summer

(1) It is a defence to proceedings against a person for an offence under this Subdivision if the person proves the petrol—

(a) was supplied by retail sale by the person from a petrol service station, and

(b) was stored, immediately before the commencement of the summer in which it was supplied, at the petrol service station.

(2) In this section—

petrol service station has the same meaning as in section 127.

119 Defence—supply for motor sports

It is a defence to proceedings against a person for an offence under this Subdivision if the person proves—

(a) the petrol was supplied solely for one of the following purposes—

(i) use in a motor vehicle in a motor racing event conducted on a motor vehicle racing ground for which a licence is in force under the *Motor Vehicle Sports (Public Safety) Act 1985* or in a test of a motor vehicle for the event,

(ii) use in a motor vehicle in a motor race authorised to be conducted under the *Motor Sports Events Act 2022* or in a test of a motor vehicle for the race,

(iii) testing to determine the composition, quality or characteristics of the petrol, and

(b) the person reasonably believed the petrol would be used solely for that purpose.

120 Defence—instrument under Energy and Utilities Administration Act 1987

(1) It is a defence to proceedings against a person for an offence under this Subdivision if an act or omission was authorised or required by an instrument under the *Energy and Utilities Administration Act 1987*, Part 6.

(2) An instrument in force for part of a summer month is taken, for the purposes of this Subdivision, to have been in force for the whole of the month.

(3) In this section—

instrument means the following—

(a) an order,

(b) a proclamation,

(c) a regulation,

(d) a direction.

Subdivision 3 Record keeping and reporting

121 Monthly volumetric average vapour pressure

(1) In this Subdivision, ***monthly volumetric average vapour pressure***, of petrol, means the monthly volumetric average vapour pressure of the petrol calculated in accordance with this section.

(2) The monthly volumetric average vapour pressure of petrol supplied during a summer month by a petrol supplier must be calculated as follows—

(a) a sample must be taken from each batch of the petrol supplied in the month by the petrol supplier,

(b) the vapour pressure of each sample taken must be multiplied by a fraction that equals the volume of the petrol in the batch from which the sample was taken divided by the total volume of the petrol supplied in the relevant month,

(c) the figures calculated in accordance with paragraph (b) for each sample of petrol must be added together,

(d) the figure obtained in accordance with paragraph (c) is the monthly volumetric average vapour pressure.

(3) One test method only must be used in measuring vapour pressure to calculate the monthly volumetric average vapour pressure for a particular month.

122 Petrol supplier must keep records

A petrol supplier who supplies petrol in the low volatility zone during summer must keep records in relation to the petrol in accordance with this Subdivision for a period of at least 2 years.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

123 Records for prescribed blended petrol

(1) The following records must be kept for prescribed blended petrol—

(a) if the petrol was blended in a tanker truck—

(i) the volume of prescribed blended petrol contained in each tanker truck, and

(ii) the ethanol content by volume of the petrol in each tanker truck,

(b) otherwise—

(i) the volume of prescribed blended petrol in each batch, and

(ii) the ethanol content by volume of each batch.

124 Records for blended petrol other than prescribed blended petrol

(1) The following records must be kept for blended petrol other than prescribed blended petrol if the petrol was blended in a tanker truck—

(a) a monthly record of the vapour pressure of at least 4 samples of the blended petrol taken from different trucks, on different days of the month and at regular intervals during the month,

(b) the date or dates on which the vapour pressure of the samples was tested,

(c) the test method used to determine the vapour pressure of the blended petrol,

(d) the volume of blended petrol contained in each tanker truck from which the samples of petrol were taken for testing,

(e) the volume of blended petrol contained in each tanker truck from which a sample was not taken for testing,

(f) the ethanol content by volume of each tanker truck of petrol from which the samples were taken for testing.

(2) The following records must be kept for blended petrol other than prescribed blended petrol if the petrol was blended other than in a tanker truck—

(a) the vapour pressure of a sample of blended petrol taken from each batch,

(b) the date or dates on which the vapour pressure of the samples was tested,

(c) the test method used to determine the vapour pressure of the blended petrol,

(d) the volume of blended petrol in each batch,

(e) the ethanol content by volume of each batch.

125 Records for unblended petrol

(1) The following records must be kept for unblended petrol—

(a) the monthly volumetric average vapour pressure of the petrol,

(b) the vapour pressure of each sample of petrol from each batch tested to calculate the monthly volumetric average vapour pressure of the petrol,

(c) the date or dates on which the vapour pressure of the samples was tested,

(d) the test method used to determine the vapour pressure of the petrol,

(e) the volume of petrol in each batch.

(2) A petrol supplier who blends petrol, but does not import petrol into this State or refine petrol in this State, is not required to keep the records referred to in this section.

126 Reporting

(1) A petrol supplier who supplies petrol in the low volatility zone during a summer month must, within 14 days after the end of the month, provide a report to the EPA containing the following information—

(a) the monthly volumetric average vapour pressure of unblended petrol supplied in the month,

(b) the maximum vapour pressure of the following petrol that was supplied in the month and from which samples were taken for the purposes of this Division—

(i) blended petrol other than prescribed blended petrol,

(ii) unblended petrol,

(c) the total volume of the following petrol supplied in the month—

(i) prescribed blended petrol,

(ii) other blended petrol,

(iii) unblended petrol.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(2) The report must be provided in the form approved by the EPA.

(3) A petrol supplier who blends petrol, but does not import petrol into this State or refine petrol in this State, is not required to provide the information referred to in subsection (1)(a) and (c)(ii).

Division 2 Petrol service stations

Subdivision 1 Preliminary

127 Definitions

In this Division—

existing petrol service station—see section 128.

petrol dispenser means a dispenser fitted to a pump that is operated to dispense petrol into the fuel tank of a vehicle.

petrol service station means premises from which petrol is dispensed, using a petrol dispenser, from a storage tank.

qualified person, in relation to an activity, means a person who has the competence and experience in relation to the activity that is—

(a) recognised in the relevant industry as appropriate to carry out the activity, or

(b) recognised generally in the relevant industry as appropriate to carry out the activity.

throughput, for a petrol service station, means—

(a) if the station is not yet operating or has been operating for less than 1 year—the amount of petrol the occupier of the petrol service station estimates will be unloaded from large tanker trucks to storage tanks on the service station in the service station's first year of operation, or

(b) otherwise—the greatest amount of petrol unloaded, on or after 1 January 2007, from large tanker trucks to storage tanks on the petrol service station over a yearly period commencing on 1 January.

128 Meaning of "existing petrol service station"

(1) In this Division, a petrol service station is an ***existing petrol service station*** if any of the

following occurred before 13 November 2009—

(a) development consent was obtained under the *Environmental Planning and Assessment Act 1979* for the petrol service station,

(b) the installation of the petrol service station was lawfully commenced,

(c) petrol was dispensed from the petrol service station.

(2) However, an existing petrol service station ceases to be an ***existing petrol service station*** if—

(a) the petrol station was an existing petrol station from which petrol was dispensed before 13 November 2009, and

(b) on or after that date works are carried out that—

(i) involve the breaking up of a forecourt of the petrol service station, and

(ii) involve the opening up of petrol product lines and the modification of the storage tanks, tank vents, petrol dispensers, petrol product lines or tanker connection points of the service station, and

(iii) require development consent under the *Environmental Planning and Assessment Act 1979*.

Subdivision 2 Petrol dispensers—stage 2 vapour recovery

129 Definitions

In this Subdivision—

EN 16321—1:2013 means the European standard EN 16321—1:2013*, Petrol vapour recovery during refuelling of motor vehicles at service stations*.

operate, for a petrol dispenser, means to pass fuel from the storage tank, through the petrol dispenser, to the tank of a vehicle.

Ordinance means the German *Ordinance on the Limitation of Hydrocarbon Emissions during Refuelling of Motor Vehicles* of 14 August 2014.

vapour containment integrity test—see section 132(1).

vapour recovery performance test—see section 132(2).

VDI 4205 means Verein Deutscher Ingenieure specification VDI 4205.

130 Application to petrol dispensers

(1) This Subdivision applies to a petrol dispenser if the dispenser is on a petrol service station other than an existing petrol service station that—

(a) is in the stage 2 zone, and

(b) has had a throughput of more than 0.5 million litres of petrol since 1 July 2010.

(2) This Subdivision also applies to a petrol dispenser if the dispenser is on an existing petrol service station that—

(a) is in the stage 2 zone and has had a throughput of more than 12 million litres of petrol since 1 January 2014, or

(b) is in area A and has had a throughput of more than 3.5 million litres of petrol since 1 January 2017.

(3) In this section—

area A means—

(a) the Sydney Metropolitan Area, and

(b) the following local government areas—

(i) City of Blue Mountains,

(ii) Wingecarribee,

(iii) Wollondilly.

stage 2 zone means—

(a) area A, and

(b) the following local government areas—

(i) Central Coast,

(ii) City of Lake Macquarie,

(iii) City of Newcastle,

(iv) City of Shellharbour,

(v) City of Wollongong.

131 Operation of petrol dispenser to which Subdivision applies

(1) The occupier of a petrol service station must ensure that a petrol dispenser is not operated unless—

(a) it is fitted with the required control equipment, and

(b) the required control equipment is—

(i) installed in accordance with this Subdivision, and

(ii) maintained in an efficient condition.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—50 penalty units.

(2) In this section—

required control equipment, for a petrol dispenser, means control equipment required by this Subdivision for the petrol dispenser.

132 Tests and certification

(1) In this Subdivision, a ***vapour containment integrity test*** means a test conducted—

(a) if using a test on the dry portion of the associated tank and lines capable of detecting a gas leak equivalent to 0.38L per hour with a probability of detection of at least 95% and of false detection of 5% or less—in accordance with AS 4897—2008*, The design, installation and operation of underground petroleum storage systems*, or

(b) otherwise—in accordance with—

(i) if associated with a new petrol storage tank—CARB Test Procedure TP–201.3*, Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities*, ensuring the orifice in the tank vent pipe is isolated or blocked, or

(ii) if associated with an existing or modified petrol storage tank—CARB Test Procedure TP–201.3A*, Determination of 5 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities*, ensuring the orifice in the tank vent pipe is isolated or blocked.

(2) In this Subdivision, a ***vapour recovery performance test*** means a test conducted in accordance with—

(a) a method set out in Part 2 of EN 16321—1:2013 or an equivalent method,

(b) a method set out in Part 2 or Part 3 of VDI 4205.

(3) In this section—

CARB test procedure means California Air Resources Board Vapour Recovery Test Procedure.

133 Vapour recovery system

(1) The control equipment required to be fitted to a petrol dispenser is a vapour recovery system that—

(a) before commissioning, has a manufacturer's certification issued by the manufacturer or supplier showing it is a stage 2 vapour recovery system with a hydrocarbon capture efficiency of not less than 85% vapour recovery to liquid dispensed by volume, as measured using a vapour recovery performance test, and

(b) has a visual indicator that the vacuum operates when petrol is dispensed, and

(c) is installed in accordance with the manufacturer's specifications by a qualified person, and

(d) before commissioning, has had the following tests conducted on it by a qualified person—

(i) a vapour containment integrity test, and

(ii) a vapour recovery performance test.

(2) In this section, a ***manufacturer's certification*** means certification made in accordance with—

(a) Part 1 of EN 16321—1:2013 or an equivalent standard to Part 1 of EN 16321—1:2013, or

(b) the Ordinance, section 3, subsection (6).

134 Vapour recovery—testing

(1) The occupier of a petrol service station must ensure that the control equipment required to be fitted to a petrol dispenser is tested using—

(a) a vapour recovery performance test conducted immediately after the removal or replacement of any of the components required to ensure the integrity of the vapour recovery system, and

(b) if an automatic pressure monitoring system is not installed and fully operational at the petrol service station—

(i) a vapour recovery performance test conducted at least once every 6 months, and

(ii) a vapour containment integrity test conducted on the petrol storage tank, fittings and lines at least once every 3 years.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(2) The occupier of a petrol service station must ensure that a petrol dispenser is not operated unless the most recent results of—

(a) a vapour recovery performance test in relation to the dispenser shows the vapour recovery to liquid dispensed ratio was at least 95% and no more than 105%, and

(b) a vapour containment integrity test shows the petrol storage tank, fittings and lines are functioning properly.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(3) In this section—

vapour system recovery performance means the ratio of the volume of recirculated vapour and air mixture to the volume of liquid dispensed into the fuel tank of a vehicle.

135 Vapour recovery—monitoring

(1) The occupier of a petrol service station must ensure that a petrol dispenser is not operated unless it is also fitted with an automatic monitoring system that—

(a) is capable of detecting faults in the functioning of the required control equipment, and

(b) is capable of detecting faults in its own functioning, and

(c) provides a warning or alarm when a fault is detected, and

(d) automatically cuts off the flow of fuel from the petrol dispenser if the fault which is the subject of a warning or alarm is not rectified within 7 days, and

(e) is capable of recording the last—

(i) 1 year of data, and

(ii) 100 faults in the functioning of the required control equipment, and

(f) has a manufacturer's certification that shows the criteria set out in paragraphs (a)–(e) are satisfied.

(2) This section does not apply to a petrol dispenser at a petrol service station that has not had a throughput of 7 million litres or more of petrol at any time since being required to fit the required control equipment, if an adequately trained person on a weekly basis—

(a) checks the visual indicator on the vacuum during a dispensing operation to ensure the vacuum is functioning, and

(b) inspects the vapour return lines for torn, flattened or kinked lines or damaged seals, and

(c) records the test and the inspection in the log book required to be kept under Subdivision 4.

(3) In this section—

adequately trained person means a person who has been trained to perform the check of the relevant required control equipment—

(a) in accordance with the instructions of the manufacturer or supplier of that equipment, or

(b) in a way that enables the person to—

(i) correctly identify an operating vacuum using the visual indicator on the vacuum during a dispensing operation, and

(ii) find and correctly identify torn, flattened or kinked lines or damaged seals on a vapour return line, and

(iii) correctly enter weekly checks in the log book required to be kept under Subdivision 4, including whether the vacuum is operational and lines and seals are fit for the purpose.

manufacturer's certification means certification made in accordance with—

(a) Part 1 of EN 16321—1:2013 or an equivalent standard to Part 1 of EN 16321—1:2013, or

(b) the Ordinance, section 3, subsection (5), subject to the following—

(i) the number of days until the automatic monitoring system shuts off the flow is 7,

(ii) the test procedure for demonstrating the correct function of the automatic monitoring system is the automatic monitoring test in VDI 4205.

136 Petrol dispenser not to be operated until fault rectified

(1) A petrol dispenser must not be operated after 7 days after a fault is identified in the required control equipment, including the automatic monitoring system, until the fault has been rectified by a qualified person.

(2) A fault exists if—

(a) a vapour return line is torn, flattened or kinked, or

(b) a seal is damaged, or

(c) the visual indicator on the vacuum indicates the vacuum is not functioning properly, or

(d) the automatic monitoring system fails to detect a fault in required control equipment that it is monitoring.

137 Compliance notification

(1) The occupier of a petrol service station must ensure the notices required by this section are displayed in accordance with this section.

Maximum penalty—

(a) for a corporation—300 penalty units, or

(b) for an individual—150 penalty units.

(2) A notice is required to be displayed on each petrol dispenser fitted with the required control equipment to the effect that the petrol dispenser is fitted with stage 2 vapour recovery equipment.

(3) A notice is required to be displayed on the petrol service station premises if all petrol dispensers on the premises are fitted with the required control equipment, to the effect that the petrol service station is fitted with stage 2 vapour recovery equipment.

(4) In this section—

notice means a sign, sticker or other notification.

138 Reporting to council

(1) The occupier of a petrol service station must give the relevant local council notice of the commissioning of a petrol dispenser to which this Subdivision will apply within 1 month after the commissioning.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(2) In this section—

relevant local council means the local council for the local government area in which the petrol service station is situated.

Subdivision 3 Petrol storage tanks—stage 1 vapour recovery

139 Definitions

In this Subdivision—

operate, for a petrol storage tank, means to allow petrol to remain in the petrol storage tank.

relevant standards authority means the following—

(a) Standards Australia,

(b) European Standards,

(c) British Standards Institution,

(d) Underwriters Laboratories.

vapour containment integrity test—see section 132(1).

140 Application to petrol storage tanks

(1) This Subdivision applies to a petrol storage tank if the tank is on a petrol service station other than an existing petrol service station that—

(a) is in the stage 1 zone, and

(b) has had a throughput of more than 0.5 million litres of petrol since 1 July 2010.

(2) This Subdivision also applies to a petrol storage tank if the tank is on an existing petrol service station that—

(a) is in the stage 1 zone, and

(b) has had a throughput of more than 0.5 million litres of petrol since 1 January 2015.

(3) In this section—

stage 1 zone means—

(a) the Sydney Metropolitan Area, and

(b) the following local government areas—

(i) City of Blue Mountains,

(ii) Central Coast,

(iii) City of Cessnock,

(iv) Kiama,

(v) City of Lake Macquarie,

(vi) City of Maitland,

(vii) City of Newcastle,

(viii) Port Stephens,

(ix) City of Shellharbour,

(x) City of Shoalhaven,

(xi) Wingecarribee,

(xii) Wollondilly,

(xiii) City of Wollongong.

141 Operation of petrol storage tank to which Subdivision applies

(1) The occupier of a petrol service station must ensure that a petrol storage tank is not operated unless—

(a) it is fitted with the required control equipment, and

(b) the required control equipment is—

(i) installed in accordance with this Subdivision, and

(ii) maintained in an efficient condition.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—50 penalty units.

(2) In this section—

required control equipment, for a petrol storage tank, means control equipment required by this Subdivision for the petrol storage tank.

142 Vapour transfer system and lines

(1) A petrol storage tank must have a vapour transfer system that ensures vapour displaced by the transfer of petrol to the petrol storage tank from a delivery tank on a tanker truck is returned to the delivery tank by a vapour return line.

(2) The vapour return line must not permit the escape of vapour into the atmosphere.

(3) The vapour return line must have a fitting on the vapour return line that—

(a) connects to the vapour return line on the delivery tank on the tanker truck, and

(b) does not permit the escape of vapour into the atmosphere, and

(c) closes automatically when disconnected.

(4) The fitting on the vapour return line must be incompatible with the fitting on the petrol delivery line to ensure liquid is not discharged into the vapour return line.

143 Fill pipes

A petrol storage tank must have a submerged fill pipe that terminates below the lowest point of a suction inlet used for the pumping of petrol out of the petrol storage tank.

144 Overfill prevention

(1) A petrol storage tank must have a float vent valve positioned—

(a) above the highest point of an overfill prevention device when in the closed position, and

(b) so that the valve shuts off the flow into the petrol storage tank at—

(i) the level advised by the manufacturer of the petrol storage tank, or

(ii) if no level is advised, at 95% of the petrol storage tank's capacity.

(2) A petrol storage tank at a service station must have—

(a) an overfill prevention device installed in the tank fill piping, or

(b) a supply system that slows delivery of petrol into the petrol storage tank to prevent overfilling.

(3) Subsection (2) does not apply to a petrol station if any of the following occurred before 13 November 2009—

(a) development consent was obtained under the *Environmental Planning and Assessment Act 1979* for the petrol service station, or

(b) the installation of the petrol service station was lawfully commenced, or

(c) petrol was dispensed from the petrol service station.

145 Petrol spill containment

(1) A petrol storage tank must have spill containment enclosures for all tank fill connection points.

(2) A petrol storage tank must have a fitting on the fill pipe that—

(a) connects to the liquid transfer line on the delivery tank on the tanker truck, and

(b) does not permit the escape of liquid.

146 Seals

(1) A petrol storage tank must have secure seals on connection points of tank filling pipes and

vapour return pipes that minimise vapour leaks when the pipes are not in active use.

(2) A petrol storage tank must have secure seals for the apertures for the use of a dipstick, if dip hatches are provided on the tank.

147 Vent pipe

(1) A petrol storage tank must have a petrol storage tank vent pipe.

(2) The vent pipe must have a pressure vacuum valve or a similar device that—

(a) is certified by the manufacturer as—

(i) meeting the pressure specifications and total leak rates set out in CP–201, sections 3.5.1 and 3.5.2, and

(ii) otherwise conforming with a standard that is—

(A) applicable to the valve or device, and

(B) published by a relevant standards authority, and

(b) is, in the opinion of a qualified person, a suitable size and type and possesses suitable safety features for use in the vent pipe, and

(c) is of a size and weight to allow an emergency release of vapour at not more than 80% of the maximum pressure for which the tank was designed to withstand, and

(d) has been installed as advised by a qualified person.

(3) If a device other than a pressure vacuum valve is used the device must also—

(a) provide emergency relief of pressure or vacuum, and

(b) have a volume flow rate when venting that is sufficient to ensure the pressure or vacuum is not more than that for which the tank is designed, and

(c) be certified by the manufacturer as providing a seal against leakage when the device is closed with at least the same performance as the leak test set out in TP–201.1E.

(4) The vent pipe must also have a 10mm orifice or a similar device that—

(a) is arranged so that the pressure vacuum valve or other similar device would continue to operate if the orifice were to become blocked, and

(b) for a device other than an orifice—is certified by the manufacturer as retaining at least 97% of vapour in the system.

(5) In this section—

CP–201 means CP–201 *Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities* published by the California Air Resources Board.

TP–201.1E means TP–201.1E *Leak Rate and Cracking Pressure of Pressure/Vacuum Valves* published by the California Air Resources Board.

148 Vapour processing unit

If a petrol storage tank is fitted with a vapour processing unit, the unit must be certified by the manufacturer as—

(a) having a hydrocarbon capture efficiency of at least 97%, and

(b) otherwise conforming with a standard that is—

(i) applicable to the unit, and

(ii) published by a relevant standards authority.

149 Testing petrol storage tank

(1) The occupier of a petrol service station must ensure that a petrol storage tank is tested as follows—

(a) before required control equipment is fitted to the tank, the tank must be shown to have no leaks in accordance with subsection (2),

(b) after required control equipment is fitted to the tank and before commissioning the tank, a vapour containment integrity test must be conducted in accordance with section 132.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(2) A tank is taken to have no leaks if, in the previous 3 years, the tank has been certified as having no leaks in accordance with—

(a) the provisions for equipment integrity testing specified in AS 4897—2008*, The design, installation and operation of underground petroleum storage systems*, section 8.5, or

(b) a test procedure that is certified as being capable of detecting any leak in the liquid space of the petroleum storage system.

(3) In this section—

storage system has the same meaning as in the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.

150 Opening cover of tank

(1) A person must not open a cover on or associated with a petrol storage tank if petrol vapour is likely to be released into the atmosphere.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(2) It is a defence to a prosecution for an offence under this section if the person proves the cover

was opened—

(a) in an emergency, or

(b) during gauging or sampling of the contents of the petrol storage tank through a dip hatch, if—

(i) no liquid transfer hoses are connected to the tank fill pipe, and

(ii) other hoses connected to the tank are closed, or

(c) during reasonable maintenance of the tank.

(3) In this section—

petrol vapour means a gaseous compound that evaporates from petrol.

151 Periodic testing

(1) The occupier of a petrol service station must ensure that a vapour containment integrity test is conducted on the petrol storage tank, fittings and lines and the control equipment required to be fitted to the tank—

(a) immediately after the removal or replacement of any of the components required to ensure the integrity of the vapour containment system, and

(b) at least once every 3 years during any period in which an automatic pressure monitoring system is not installed and fully operational.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(2) The occupier of a petrol service station must ensure that an inspection is carried out on orifice plates and pressure vacuum valves for the following at least once every year if an automatic pressure monitoring system is not installed and fully operational at the petrol service station—

(a) extraneous matter,

(b) correct sealing,

(c) the presence of corrosion.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(3) The occupier of a petrol service station must ensure that the functioning of pressure vacuum valves are tested in accordance with TP–201.1E, or an equivalent standard, at least once every 3 years if an automatic pressure monitoring system is not installed and fully operational at the petrol service station.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(4) A petrol storage tank and the control equipment required to be fitted to the tank must not be operated unless the tank and equipment have passed the most recent inspections and tests conducted under this section and section 149.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(5) In this section—

TP–201.1E means *Vapor Recovery Test Procedure TP–201.1E Leak Rate and Cracking Pressure of Pressure/Vacuum Valves* published by the California Environmental Protection Agency Air Resources Board.

152 Reporting to council

(1) The occupier of a petrol service station must give the relevant local council notice of the commissioning of a petrol storage tank to which this Subdivision will apply within 1 month after the commissioning.

Maximum penalty—

(a) for a corporation—100 penalty units, or

(b) for an individual—50 penalty units.

(2) In this section—

relevant local council means the local council for the local government area in which the petrol service station is situated.

Subdivision 4 Log books

153 Requirement for log books

(1) The occupier of a petrol service station must keep a log book in accordance with this Subdivision if the petrol station has—

(a) a petrol dispenser to which Subdivision 2 applies, or

(b) a petrol storage tank to which Subdivision 3 applies.

Maximum penalty—

(a) for a corporation—400 penalty units, or

(b) for an individual—200 penalty units.

(2) The log book—

(a) may be kept in electronic form, and

(b) must be kept at or, if in electronic form, be accessible from, the petrol service station at which the prescribed control equipment is being operated.

154 Matters to be included in log book

(1) The following must be entered in a log book in relation to control equipment required to be fitted to a petrol dispenser or a petrol storage tank—

(a) the type of control equipment installed,

(b) if the control equipment has a serial number—the serial number,

(c) the name and address of the following—

(i) the manufacturer of the control equipment,

(ii) the supplier of the control equipment,

(iii) the person or body that carried out the installation of the control equipment,

(d) for a modification carried out on the control equipment—a description of the modification, including the following—

(i) the type of control equipment replaced, removed or added,

(ii) the serial number of new control equipment, if any, and

(iii) the name and address of the person or body who carried out the modification work,

(e) a description of the routine maintenance carried out on the control equipment,

(f) details of rectification work carried out on the control equipment, including the name and address of the person or body that carried out the rectification work,

(g) details of the manual monitoring of control equipment undertaken,

(h) a description of the testing of the operation of the control equipment, whether carried out in compliance with this Regulation or otherwise, including the following—

(i) the type of test carried out,

(ii) the results of the test,

(iii) the name and address of the person or body who carried out the test,

(i) a description of incidents, if any, that indicated that the control equipment was not, or may not have been, operating in a proper and efficient way and the measures taken to investigate and respond to the incident.

(2) This section applies to a part of the control equipment in the same way that it applies to the control equipment.

(3) A log book may include information kept in compliance with other requirements imposed by or under the Act.

Note— For example, an incident log kept in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*, section 25 could also include the information required to be kept under this Regulation.

155 Keeping of records

(1) A record required to be kept in a log book must be held for 3 years from the date of creation of the record.

(2) A certificate for control equipment from a supplier or manufacturer must be held with the log book for the longer of the following periods—

(a) 3 years,

(b) until the prescribed control equipment to which the certificate relates is decommissioned.

(3) If the petrol service station permanently ceases to operate during the 3-year period referred to in subsection (1) or (2), the record or certificate must be kept at the principal place of business of the person who, immediately before the petrol service station ceased to operate, was the occupier of the petrol service station.

Division 3 Transfer into fuel tank of vehicle

156 Flow restriction device required

The occupier of premises at which petrol is sold to the public must ensure petrol is not transferred into the fuel tank of a motor vehicle on the premises except by a petrol delivery hose with a nozzle that immediately cuts off the flow of petrol when the tip of the nozzle is immersed in petrol.

Maximum penalty—50 penalty units.

157 Petrol delivery hose must be fully inserted in fill pipe

A person must not transfer petrol into the fuel tank of a motor vehicle on premises at which petrol is sold to the public unless the nozzle of the petrol delivery hose is inserted as far as it will go into the fill pipe for the fuel tank.

Maximum penalty—8 penalty units.

Part 9 Sulfur in liquid fuel—the Act, Sch 2, cl 6A

158 Definition

In this Part—

ASTM D5453 means the standard ASTM D5453 *Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence*, as in force from time to time and published by ASTM International.

159 Limits on sulfur content of liquid fuel

(1) A person must not operate fixed or stationary fuel burning equipment using liquid fuel, other

than diesel, if the fuel has a sulfur content, as measured in accordance with ASTM D5453—

(a) for equipment in a relevant area—of more than 0.5% by weight, or

(b) otherwise—of more than 2.5% by weight.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—50 penalty units.

(2) A person must not operate fuel burning equipment powered by a reciprocating internal combustion engine using diesel, if the fuel has a sulfur content of more than the sulfur content specified for diesel—

(a) in a fuel standard determined under the *Fuel Quality Standards Act 2000* of the Commonwealth, section 21, or

(b) in an approval granted under the *Fuel Quality Standards Act 2000* of the Commonwealth, section 13.

Maximum penalty—

(a) for a corporation—200 penalty units, or

(b) for an individual—50 penalty units.

(3) Subsection (2) does not apply to a regulated Australian vessel within the meaning of the *Navigation Act 2012* of the Commonwealth, section 15.

(4) It is a defence to a prosecution for an offence under this section if the person proves—

(a) the liquid fuel was supplied under an order placed by the person for liquid fuel conforming to the relevant requirements of this section, and

(b) the person reasonably believed the sulfur content of the liquid fuel conformed to the requirements.

(5) In this section—

diesel has the same meaning as in the *Fuel Quality Standards (Automotive Diesel) Determination 2019* of the Commonwealth.

relevant area means—

(a) Sydney Metropolitan Area, and

(b) the following local government areas—

(i) City of Blue Mountains,

(ii) Central Coast,

(iii) City of Lake Macquarie,

(iv) City of Newcastle,

(v) City of Shellharbour,

(vi) Wingecarribee,

(vii) Wollondilly,

(viii) City of Wollongong.

160 Defence—control equipment reduces emissions

It is a defence to an offence under this Part if—

(a) the emission of sulfur compounds into the atmosphere from the burning of fuel is restricted by control equipment or otherwise, and

(b) because of the restriction, the emission of sulfur compounds into the atmosphere is no greater than it would be if—

(i) there were no restriction, and

(ii) the fuel had a sulfur content that complied with—

(A) section 159, or

(B) if the restrictions are in place because of a licence—the licence.

161 Defence—liquid fuel used to light or stabilise solid fuel

It is a defence to an offence under this Part for burning liquid fuel if—

(a) the burning is for the lighting-up or flame-stabilising of fuel burning equipment designed primarily to burn solid fuel, and

(b) the liquid fuel has a sulfur content of no more than 2.5% by weight, as measured in accordance with ASTM D5453.

162 Exception—burning approved by EPA

(1) The EPA may grant an approval for a person to burn liquid fuel with a sulfur content higher than that permitted by section 159.

(2) The approval may be granted if the EPA considers that there are special circumstances that justify the burning of the fuel.

(3) The approval may be given by written notice to the person.

(4) The approval may be subject to conditions.

(5) The EPA may amend or revoke the approval at any time.

(6) A person who burns fuel in accordance with an approval applying to the person does not commit an offence under this Part.

Part 10 Miscellaneous

163 Repeal and savings

(1) The *Protection of the Environment Operations (Clean Air) Regulation 2021* is repealed.

(2) An act, matter or thing that, immediately before the repeal of the *Protection of the Environment Operations (Clean Air) Regulation 2021*, had effect under that Regulation continues to have effect under this Regulation.

(3) Schedule 4 is repealed on the day after the day on which it commences.

164 Transitional provision—meaning of "summer" for Part 8 until 2023

Before 16 March 2023, a reference in Part 8 to ***summer*** means the period commencing on the commencement of this Regulation and ending at the end of 15 March 2023.

Schedule 1 Local government areas in which burning is prohibited

sections 12 and 13

Part 1 Areas in which all burning is prohibited except with approval

Bayside	Georges River	City of Randwick
City of Blacktown	Hunters Hill	City of Ryde
Broken Hill City	Inner West	City of Shellharbour
Burwood	Lane Cove	Strathfield
Camden	City of Liverpool	Sutherland Shire
City of Campbelltown	Mosman	City of Sydney
Canada Bay	City of Newcastle	Waverley
Canterbury-Bankstown	North Sydney	City of Willoughby
Cumberland	Northern Beaches	City of Wollongong
City of Fairfield	City of Parramatta	Woollahra

Part 2 Areas in which burning of vegetation is prohibited except with approval

City of Albury	Goulburn Mulwaree	Narromine
Armidale Regional	Gunnedah	Orange City
Ballina	Gwydir	City of Penrith
Balranald	City of Hawkesbury	Port Macquarie-Hastings
Bathurst Regional	Hay	Port Stephens
Bega Valley	Hornsby	Queanbeyan-Palerang Regional
Bellingen	Junee	Richmond Valley

Bland	Kiama	Snowy Monaro Regional
City of Blue Mountains	Ku-ring-gai	Snowy Valleys
Bourke	City of Lake Macquarie	Tamworth Regional
Brewarrina	Leeton	The Hills Shire
Central Coast	Lismore City	Tweed
City of Cessnock	City of Lithgow	Upper Lachlan Shire
Clarence Valley	Liverpool Plains	Uralla
Coffs Harbour City	City of Maitland	Wagga Wagga City
Coonamble	Mid-Coast	Warrumbungle Shire
Dubbo Regional	Mid-Western Regional	Wentworth
Dungog	Muswellbrook	Wingecarribee
Eurobodalla	Nambucca	Wollondilly
Forbes	Narrabri	Wyong

Part 3 Areas in which burning of anything other than vegetation is prohibited, except with approval or in relation to certain domestic waste

City of Albury	Gwydir	Orange City
Armidale Regional	City of Hawkesbury	City of Penrith
Ballina	Hay	Port Macquarie-Hastings
Balranald	Hilltops	Port Stephens
Bathurst Regional	Hornsby	Queanbeyan-Palerang Regional
Bega Valley	Inverell	Richmond Valley
Bland	Junee	City of Shoalhaven
City of Blue Mountains	Kempsey	Snowy Monaro Regional
Bourke	Kiama	Snowy Valleys
Brewarrina	Ku-ring-gai	Tamworth Regional
Central Coast	Kyogle	Temora
City of Cessnock	City of Lake Macquarie	The Hills Shire
Clarence Valley	Leeton	Tweed
Coffs Harbour City	Lismore City	Upper Hunter Shire
Coolamon	City of Lithgow	Upper Lachlan Shire
Coonamble	Lockhart	Uralla
Dubbo Regional	City of Maitland	Wagga Wagga City
Dungog	Mid-Coast	Walcha

Eurobodalla	Mid-Western Regional	Warren
Federation	Murray River	Warrumbungle Shire
Forbes	Muswellbrook	Wentworth
Glen Innes Severn	Nambucca	Wingecarribee
Goulburn Mulwaree	Narrabri	Wollondilly
Greater Hume Shire	Narrandera	Yass Valley
City of Griffith	Narromine	
Gunnedah	Oberon	

Schedule 2 Standards of concentration

sections 52, 58, 61 and 63

Part 1 Definitions

1 Definitions

In this Regulation—

dioxin means 1 or more of the following—

(a) 2,3,7,8 tetrachlorodibenzodioxin (TCDD),

(b) 1,2,3,7,8 pentachlorodibenzodioxin (PeCDD),

(c) 1,2,3,4,7,8 hexachlorodibenzodioxin (HxCDD),

(d) 1,2,3,6,7,8 hexachlorodibenzodioxin (HxCDD),

(e) 1,2,3,7,8,9 hexachlorodibenzodioxin (HxCDD),

(f) 1,2,3,4,6,7,8 heptachlorodibenzodioxin (HpCDD),

(g) octachlorodibenzodioxin (OCDD).

furan means 1 or more of the following—

(a) 2,3,7,8 tetrachlorodibenzofuran (TCDF),

(b) 2,3,4,7,8 pentachlorodibenzofuran (PeCDF),

(c) 1,2,3,7,8 pentachlorodibenzofuran (PeCDF),

(d) 1,2,3,4,7,8 hexachlorodibenzofuran (HxCDF),

(e) 1,2,3,6,7,8 hexachlorodibenzofuran (HxCDF),

(f) 1,2,3,7,8,9 hexachlorodibenzofuran (HxCDF),

(g) 2,3,4,6,7,8 hexachlorodibenzofuran (HxCDF),

(h) 1,2,3,4,6,7,8 heptachlorodibenzofuran (HpCDF),

(i) 1,2,3,4,7,8,9 heptachlorodibenzofuran (HpCDF),

(j) octachlorodibenzofuran (OCDF).

non-standard fuel means a fuel other than a standard fuel.

principal toxic air pollutant means 1 or more of the following elements, compounds or classes of compounds—

(a) acrolein,

(b) acrylonitrile,

(c) alpha chlorinated toluenes and benzoyl chloride,

(d) arsenic and arsenic compounds,

(e) benzene,

(f) beryllium and beryllium compounds,

(g) 1,3-butadiene,

(h) cadmium and cadmium compounds,

(i) chromium VI compounds,

(j) 1,2-dichloroethane (ethylene dichloride),

(k) dioxins or furans,

(l) epichlorohydrin,

(m) ethylene oxide,

(n) formaldehyde,

(o) hydrogen cyanide,

(p) MDI (diphenylmethane diisocyanate),

(q) nickel and nickel compounds,

(r) PAH, as benzo[a]pyrene equivalent,

(s) pentachlorophenol,

(t) phosgene,

(u) propylene oxide,

(v) TDI (toluene-2,4-diisocyanate and toluene-2,6-diisocyanate),

(w) trichloroethylene,

(x) vinyl chloride.

standard fuel means an unused and uncontaminated solid, liquid or gaseous fuel that is—

(a) a coal or coal-derived fuel, other than tar or tar residues, or

(b) a liquid or gaseous petroleum-derived fuel, or

(c) a wood or wood-derived fuel, or

(d) bagasse.

Type 1 substance means the elements antimony, arsenic, cadmium, lead or mercury, or a compound containing 1 or more of those elements.

Type 2 substance means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium, or a compound containing 1 or more of those elements.

volatile organic compound (VOC) means a chemical compound that—

(a) is based on carbon chains or rings, and

(b) contains hydrogen, and

(c) has a vapour pressure greater than 0.27 kilopascals if measured at an ambient temperature of 25°C and at a standard atmospheric pressure of 101.3 kilopascals, and

(d) includes chemical compounds that contain oxygen, nitrogen or other elements, but does not include methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides and carbonate salts.

Part 2 Scheduled premises

Division 1 Afterburners, flares and vapour recovery units

Afterburners and other thermal treatment plant, excluding flares

Air impurity	Plant	Standard of concentration	
Solid particles (total)	An afterburner or other thermal treatment plant treating air impurities that originate from material containing a principal toxic air pollutant	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3

Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	An afterburner or other thermal treatment plant	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	350mg/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	An afterburner or other thermal treatment plant treating air impurities that originate from material containing a principal toxic air pollutant	Group 1, 2, 3, 4 or 5	—
		Group 6	20mg/m^3 VOCs or 125mg/m^3 CO
	An afterburner or other thermal treatment plant treating air impurities that originate from material not containing a principal toxic air pollutant	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
Hydrogen chloride (HCl)	An afterburner or other thermal treatment plant treating air impurities that originate from material containing a principal toxic air pollutant	Group 1, 2, 3 or 4	400mg/m^3
		Group 5 or 6	100mg/m^3
Type 1 substances (in aggregate)	An afterburner or other thermal treatment plant treating air impurities that originate from material containing a principal toxic air pollutant	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—
Type 1 substances and Type 2 substances (in aggregate)	An afterburner or other thermal treatment plant treating air impurities that originate from material containing a principal toxic air pollutant	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	An afterburner or other thermal treatment plant treating air impurities that originate from material containing a principal toxic air pollutant	Group 1, 2 or 3	—
		Group 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Dioxins or furans	An afterburner or other thermal treatment plant treating air impurities that originate from material containing a principal toxic air pollutant	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Smoke	An afterburner or other thermal treatment plant treating air impurities that originate from material containing a principal toxic air pollutant	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6	20% opacity

Flares

Air impurity	Plant	Standard of concentration	
Volatile organic compounds (VOCs), as n-propane equivalent	An enclosed ground-level flare treating landfill gas	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs
Smoke	A flare	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4 or 5	20% opacity
		Group 6	No visible emission other than for a total of no more than 5 minutes in any 2 hour period

Vapour recovery units and other non-thermal treatment plant

Air impurity	Plant	Standard of concentration	
Volatile organic compounds (VOCs), as n-propane equivalent	A vapour recovery unit treating air impurities that originate from material containing a principal toxic air pollutant	Group 1, 2, 3, 4 or 5	—
		Group 6	20mg/m^3 VOCs
	A vapour recovery unit treating air impurities that originate from material not containing a principal toxic air pollutant	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs

Division 2 Activities and plant used for specific purposes

Agricultural fertiliser or ammonium nitrate production

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3
Sulfur dioxide (SO_2)	Acid production	Group 1	5,600mg/m^3
		Group 2, 3, 4 or 5	2,800mg/m^3
		Group 6	1,000mg/m^3

Sulfuric acid mist (H_2SO_4) or sulfur trioxide (SO_3) or both, as SO_3 equivalent	Acid production	Group 1	200mg/m^3
		Group 2, 3, 4, 5 or 6	100mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	Acid production	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	350mg/m^3
Smoke	Acid production	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Aluminium—primary production

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	An activity or plant, except as listed below	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	Pre-baked anode production	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	300mg/m^3

Fluorine (F_2) and a compound containing fluorine, as total fluoride (HF equivalent)	Production of aluminium from alumina	Group 1	40mg/m^3
		Group 2	20mg/m^3
		Group 3 or 4	1.0 kg/t Al
		Group 5	0.8 kg/t Al
		Group 6	0.6 kg/t Al
Dioxins or furans	Pre-baked anode production	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	Pre-baked anode production	Group 1	—
		Group 2, 3 or 4	—
		Group 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
Smoke	Pre-baked anode production	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Aluminium—secondary production

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	An activity or plant, including a smelting, refining or holding furnace, except as listed below	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3

		Group 5	100mg/m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	An activity or plant, including a smelting, refining or holding furnace	Group 1	2,500mg/m^3
		Group 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	300mg/m^3
Fluorine (F_2) and a compound containing fluorine, as total fluoride (HF equivalent)	A smelting or refining furnace	Group 1	100mg/m^3
		Group 2, 3, 4, 5 or 6	50mg/m^3
Type 1 substances (in aggregate)	A smelting or refining furnace	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—
Type 1 substances and Type 2 substances (in aggregate)	A smelting or refining furnace	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	A smelting or refining furnace	Group 1, 2 or 3	—
		Group 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Dioxins or furans	A smelting or refining furnace	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	A smelting or refining furnace	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
Smoke	An activity or plant	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity

		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Cement or lime production or cement or lime handling

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	A kiln	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	A kiln other than a lime kiln	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	500mg/m^3
	A lime kiln	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	400mg/m^3
Fluorine (F_2) and a compound containing fluorine, as total fluoride (HF equivalent)	A kiln fired on a liquid or solid standard fuel or a non-standard fuel	Group 1	100mg/m^3
		Group 2, 3, 4, 5 or 6	50mg/m^3
Type 1 substances (in aggregate)	A kiln fired on a non-standard fuel	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—

Type 1 substances and Type 2 substances (in aggregate)	A kiln fired on a non-standard fuel	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	A kiln fired on a non-standard fuel	Group 1, 2 or 3	—
		Group 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Dioxins or furans	A kiln fired on a non-standard fuel that contains precursors of dioxin or furan formation	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	A kiln fired on a non-standard fuel	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
Smoke	A kiln	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Ceramic works

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	A kiln or dryer	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3

		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	A kiln or dryer	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	500mg/m^3
Fluorine (F_2) and a compound containing fluorine, as total fluoride (HF equivalent)	A kiln or dryer	Group 1	100mg/m^3
		Group 2, 3, 4, 5 or 6	50mg/m^3
Hydrogen chloride (HCl)	An activity, other than the manufacture of glazed terracotta roofing tiles	Group 1, 2, 3 or 4	400mg/m^3
		Group 5 or 6	100mg/m^3
	Manufacture of glazed terracotta roofing tiles	Group 1, 2, 3 or 4	—
		Group 5 or 6	100mg/m^3
Type 1 substances (in aggregate)	A kiln or dryer fired on a non-standard fuel	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—
Type 1 substances and Type 2 substances (in aggregate)	A kiln or dryer fired on a non-standard fuel	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	A kiln or dryer fired on a non-standard fuel	Group 1, 2 or 3	—
		Group 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Dioxins or furans	A kiln or dryer fired on a non-standard fuel that contains precursors of dioxin or furan formation	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	A kiln or dryer fired on a non-standard fuel	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO

Smoke	A kiln, other than those used for firing dark red or dark brown face bricks formed by dry press brick machines A dryer	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity
	A kiln used for firing dark red or dark brown face bricks formed by dry press brick machines	Group 1	60% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Electricity generation

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	An activity or plant using a liquid or solid standard fuel or a non-standard fuel	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	A boiler operating on a fuel other than gas, including a boiler used in connection with an electricity generator that forms part of an electricity generating system with a capacity of 30MW or more	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	800mg/m^3
		Group 6	500mg/m^3
	A turbine operating on gas, being a turbine used in connection with an electricity generating system with a capacity of 30MW or more	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5 or 6	70mg/m^3

	A turbine operating on a fuel other than gas, being a turbine used in connection with an electricity generating system with a capacity of 30MW or more	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	150mg/m^3
		Group 6	90mg/m^3
Fluorine (F_2) and a compound containing fluorine, as total fluoride (HF equivalent)	An activity or plant using a liquid or solid standard fuel or a non-standard fuel	Group 1	100mg/m^3
		Group 2, 3, 4, 5 or 6	50mg/m^3
Type 1 substances (in aggregate)	An activity or plant using a non-standard fuel	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—
Type 1 substances and Type 2 substances (in aggregate)	An activity or plant using a non-standard fuel	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	An activity or plant using a non-standard fuel	Group 1, 2 or 3	—
		Group 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Dioxins or furans	An activity or plant using a non-standard fuel that contains precursors of dioxin or furan formation	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	An activity or plant using a non-standard fuel	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
Smoke	An activity or plant using a liquid or solid standard fuel or a non-standard fuel	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Glass production

Air impurity	Activity or plant	Standard of concentration

Solid particles (Total)	A melting furnace	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	A melting furnace, except for the manufacture of glass using sodium nitrate ($NaNO_3$)	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	700mg/m^3
	A melting furnace for the manufacture of glass using sodium nitrate ($NaNO_3$).	Group 1, 2, 3, 4 or 5	4,000mg/m^3
		Group 6	1,500mg/m^3
Type 1 substances (in aggregate)	A melting furnace	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—
Type 1 substances and Type 2 substances (in aggregate)	A melting furnace	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	A melting furnace	Group 1, 2 or 3	—
		Group 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Smoke	A melting furnace	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity

		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Iron and steel—primary production

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Fuel burning equipment Sinter plant A kiln Power-generating plant A furnace	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	Fuel burning equipment Sinter plant A kiln Power-generating plant A furnace	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	500mg/m^3
Hydrogen sulfide (H_2S)—see also section 53	Fuel burning equipment Sinter plant A kiln Power-generating plant A furnace A reduction control system not followed by combustion	Group 1, 2, 3, 4, 5 or 6	5mg/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	An activity or plant using a non-standard fuel	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
Type 1 substances (in aggregate)	An activity or plant	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—

Type 1 substances and Type 2 substances (in aggregate)	An activity or plant	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	An activity or plant	Group 1	—
		Group 2, 3 or 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Dioxins or furans	Sinter plant	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Smoke	Fuel burning equipment Sinter plant A kiln Power-generating plant A furnace	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Iron and steel—secondary production

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Fuel burning equipment	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity An electric arc furnace	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3

Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	An activity or plant, except an electric arc furnace	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	350mg/m^3
Type 1 substances (in aggregate)	A steelmaking furnace	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—
Type 1 substances and Type 2 substances (in aggregate)	A steelmaking furnace	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	A steelmaking furnace	Group 1	—
		Group 2, 3 or 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Dioxins or furans	A steelmaking furnace	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	A steelmaking furnace	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
Smoke	A steelmaking furnace	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Non-ferrous metals, excluding aluminium—primary production

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Sinter plant A smelting or refining process An alloying or a casting process Fuel burning equipment	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3

		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	A smelting or refining process An alloying or casting process Sinter plant Fuel burning equipment	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	350mg/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	An activity or plant using a non-standard fuel	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
Type 1 substances (in aggregate)	A smelting or refining process An alloying or a casting process Sinter plant	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—
Type 1 substances and Type 2 substances (in aggregate)	A smelting or refining process An alloying or a casting process Sinter plant	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	A smelting or refining process An alloying or a casting process Sinter plant	Group 1, 2 or 3	—
		Group 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Dioxins or furans	Sinter plant	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Smoke	Sinter plant A smelting or refining process An alloying or a casting process Fuel burning equipment	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity

		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Non-ferrous metals, excluding aluminium—secondary production

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	An activity or plant, except as listed below	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	An activity or plant	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	300mg/m^3
Type 1 substances (in aggregate)	A smelting or refining process	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—
Type 1 substances and Type 2 substances (in aggregate)	A smelting or refining process	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	A smelting or refining process	Group 1, 2 or 3	—
		Group 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3

Dioxins or furans	A smelting or refining process	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	A smelting or refining process	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
Smoke	An activity or plant	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Paper, paper pulp or pulp products industries

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	A boiler used in connection with power generation A kraft recovery boiler A lime kiln	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	A boiler used in connection with power generation A kraft recovery boiler	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	300mg/m^3
	A lime kiln	Group 1, 2, 3 or 4	2,500mg/m^3

		Group 5	2,000mg/m^3
		Group 6	400mg/m^3
Hydrogen sulfide (H_2S)—see also section 53	A kraft recovery boiler A lime kiln A digester system, if not followed by combustion A brown stock washer system, if not followed by combustion A condensate stripper, if not followed by combustion	Group 1, 2, 3, 4, 5 or 6	5mg/m^3
Total reduced sulfides (TRS), as H_2S equivalent	A kraft recovery boiler A lime kiln A digester system, if not followed by combustion A brown stock washer system, if not followed by combustion A condensate stripper, if not followed by combustion	Group 1, 2, 3, 4 or 5	—
		Group 6	4mg/m^3
Type 1 substances (in aggregate)	A boiler used in connection with power generation using a non-standard fuel A lime kiln using a non-standard fuel	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—
Type 1 substances and Type 2 substances (in aggregate)	A boiler used in connection with power generation using a non-standard fuel A lime kiln using a non-standard fuel	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	A boiler used in connection with power generation using a non-standard fuel A lime kiln using a non-standard fuel	Group 1, 2 or 3	—
		Group 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Dioxins or furans	A kraft recovery boiler A boiler used in connection with power generation using a non-standard fuel that contains precursors of dioxin or furan formation A lime kiln using a non-standard fuel that contains precursors of dioxin or furan formation	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	A boiler used in connection with power generation using a non-standard fuel A lime kiln using a non-standard fuel	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
Methanol	A kraft recovery boiler	Group 1, 2, 3, 4 or 5	—

		Group 6	0.012 kg/ t of black liquor solids fired
Smoke	A lime kiln A kraft recovery boiler A boiler used in connection with power generation	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Petrochemical production

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	An activity or plant, except as listed below	Group 1	400mg/ m^3
		Group 2, 3 or 4	250mg/ m^3
		Group 5	100mg/ m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/ m^3
		Group 2, 3 or 4	250mg/ m^3
		Group 5	100mg/ m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	Fuel burning equipment	Group 1, 2, 3 or 4	2,500mg/ m^3
		Group 5	2,000mg/ m^3
		Group 6	350mg/ m^3
Hydrogen sulfide (H_2S)—see also section 53	A reduction control system not followed by combustion Sulfur recovery plant	Group 1, 2, 3, 4, 5 or 6	5mg/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	A thermal oxidation process A catalytic oxidation process Vapour incineration	Group 1, 2, 3, 4 or 5	—

		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
	A vapour recovery unit A distillation process	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3
Smoke	An activity or plant using a liquid or solid standard fuel or a non-standard fuel	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Petroleum refining

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Fuel burning equipment A fluidised bed catalytic cracking unit regenerator	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	Fuel burning equipment A fluidised bed catalytic cracking unit regenerator	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	350mg/m^3
Hydrogen sulfide (H_2S)—see also section 53	A reduction control system not followed by combustion Sulfur recovery plant	Group 1, 2, 3, 4, 5 or 6	5mg/m^3
Volatile organic compounds (VOCs), as n-propane equivalent	A thermal oxidation process A catalytic oxidation process Vapour incineration	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
	A vapour recovery unit A distillation process	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs

Smoke	Fuel burning equipment using a liquid or solid standard fuel or a non-standard fuel A fluidised bed catalytic cracking unit regenerator A boiler used in connection with power generation	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity

Division 3 General activities and plant

Note— This Part applies only to an activity or plant specified in this Part that is not covered by Division 1 or 2. See section 52(1)(c).

General standards of concentration

Air impurity	Activity or plant, excluding those referred to in Division 1 or 2	Standard of concentration	
Solid particles (Total)	An activity or plant, except as listed below	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	Plant used for heating metals	Group 1	250mg/m^3
		Group 2, 3 or 4	200mg/m^3
		Group 5	100mg/m^3
		Group 6	50mg/m^3
	A crushing, grinding, separating or materials handling activity	Group 1	400mg/m^3
		Group 2, 3 or 4	250mg/m^3
		Group 5	100mg/m^3
		Group 6	20mg/m^3
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both nitrogen dioxide and nitric oxide, as NO_2 equivalent	An activity or plant, except boilers, gas turbines and stationary reciprocating internal combustion engines listed below	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	2,000mg/m^3
		Group 6	350mg/m^3

	A boiler operating on gas	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5 or 6	350mg/m^3
	A boiler operating on a fuel other than gas, including a boiler used in connection with an electricity generator that forms part of an electricity generating system with a capacity of less than 30MW	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5 or 6	500mg/m^3
	A turbine operating on gas, being a turbine used in connection with an electricity generating system with a capacity of less than 10MW	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	90mg/m^3
		Group 6	70mg/m^3
	A turbine operating on gas, being a turbine used in connection with an electricity generating system with a capacity of 10MW or greater but less than 30MW	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5 or 6	70mg/m^3
	A turbine operating on a fuel other than gas, being a turbine used in connection with an electricity generating system with a capacity of less than 10MW	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5 or 6	90mg/m^3
	A turbine operating on a fuel other than gas, being a turbine used in connection with an electricity generating system with a capacity of 10MW or greater but less than 30MW	Group 1, 2, 3 or 4	2,500mg/m^3
		Group 5	150mg/m^3
		Group 6	90mg/m^3
	Stationary reciprocating internal combustion engines	Group 1, 2, 3, 4 or 5	—
		Group 6	450mg/m^3
Sulfur dioxide (SO_2)	Sulfuric acid manufacture using elemental sulfur	Group 1	5,600mg/m^3
		Group 2, 3, 4 or 5	2,800mg/m^3
		Group 6	1,000mg/m^3
	Sulfuric acid manufacture not using elemental sulfur	Group 1, 2, 3, 4 or 5	7,200mg/m^3
		Group 6	1,000mg/m^3
Sulfuric acid mist (H_2SO_4) or sulfur trioxide (SO_3) or both, as SO_3 equivalent	An activity or plant	Group 1	200mg/m^3
		Group 2, 3, 4, 5 or 6	100mg/m^3

Hydrogen sulfide (H_2S)—see also section 53	An activity or plant	Group 1, 2, 3, 4, 5 or 6	5mg/m^3
Fluorine (F_2) and a compound containing fluorine, as total fluoride (HF equivalent)	An activity or plant, other than the manufacture of aluminium from alumina	Group 1	100mg/m^3
		Group 2, 3, 4, 5 or 6	50mg/m^3
Chlorine (Cl_2)	An activity or plant	Group 1, 2, 3, 4, 5 or 6	200mg/m^3
Hydrogen chloride (HCl)	An activity, other than the manufacture of glazed terracotta roofing tiles	Group 1, 2, 3 or 4	400mg/m^3
		Group 5 or 6	100mg/m^3
	Manufacture of glazed terracotta roofing tiles	Group 1, 2, 3 or 4	—
		Group 5 or 6	100mg/m^3
Type 1 substances (in aggregate)	An activity or plant	Group 1, 2 or 3	20mg/m^3
		Group 4	10mg/m^3
		Group 5 or 6	—
Type 1 substances and Type 2 substances (in aggregate)	An activity or plant	Group 1, 2, 3 or 4	—
		Group 5	5mg/m^3
		Group 6	1mg/m^3
Cadmium (Cd) or mercury (Hg) individually	An activity or plant	Group 1, 2 or 3	—
		Group 4	3mg/m^3
		Group 5	1mg/m^3
		Group 6	0.2mg/m^3
Dioxins or furans	An activity or plant using a non-standard fuel that contains precursors of dioxin or furan formation	Group 1, 2, 3, 4 or 5	—
		Group 6	0.1ng/m^3
	An incinerator that processes waste	Group 1, 2, 3 or 4	—
		Group 5 or 6	0.1ng/m^3
Volatile organic compounds (VOCs), as n-propane	An activity or plant involving combustion, except as listed below	Group 1, 2, 3, 4 or 5	—
		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
	A stationary reciprocating internal combustion engine using a gaseous fuel	Group 1, 2, 3, 4 or 5	—

		Group 6	40mg/m^3 VOCs or 125mg/m^3 CO
	A stationary reciprocating internal combustion engine using a liquid fuel	Group 1, 2, 3, 4 or 5	—
		Group 6	1,140mg/m^3 VOCs or 5,880mg/m^3 CO
Smoke	An activity or plant in connection with which solid fuel is burnt	Group 1—during a prescribed period	60% opacity
		Group 1—otherwise	40% opacity
		Group 2, 3, 4, 5 or 6—during a prescribed period	60% opacity
		Group 2, 3, 4, 5 or 6—otherwise	20% opacity
	An activity or plant in connection with which liquid or gaseous fuel is burnt	Group 1, 2, 3, 4, 5 or 6	20% opacity

Part 3 Non-scheduled premises

Air impurity	Activity or plant	Group	Concentration
Solid particles (Total)	An activity or plant, except as listed below	Group A	400mg/m^3
		Group B	250mg/m^3
		Group C	100mg/m^3
Smoke	An activity or plant in which, or in connection with which, solid fuel is burnt	Group A	40% opacity
		Group B or C	20% opacity
	An activity or plant in connection with which liquid or gaseous fuel is burnt	Group A, B or C	20% opacity
	An activity or plant in connection with which solid fuel is burnt	Group A, in relation to marine vessels or premises—during a prescribed period	60% opacity
		Group A, in relation to marine vessels or premises—otherwise	40% opacity
		Group B or C, in relation to marine vessels or premises—during a prescribed period	60% opacity, or
		Group B or C, in relation to marine vessels or premises—otherwise	20% opacity

An activity or plant in connection with which liquid or gaseous fuel is burnt	Group A, B or C, in relation to marine vessels or premises—during a prescribed period	60% opacity
	Group A, B or C, in relation to marine vessels or premises—otherwise	20% opacity

Schedule 3 Test methods, averaging periods and reference conditions

section 56

Part 1 Test methods

Division 1 Scheduled premises

Test methods and monitoring methods

Air impurity	Test method	Monitoring method
Solid particles (Total)	TM-15	Not applicable
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both, as NO_2 equivalent	TM-11	CEM-2
Sulfur dioxide (SO_2)	TM-4	CEM-2
Hydrogen sulfide (H_2S)	TM-5	CEM-7
Total reduced sulfides (TRS)	TM-33	CEM-5
Sulfuric acid mist (H_2SO_4) or sulfur trioxide (SO_3) or both, as SO_3 equivalent	TM-3	Not applicable
Chlorine (Cl_2)	TM-7	Not applicable
Hydrogen chloride (HCl)	TM-8	Not applicable
Fluorine (F_2) and a compound containing fluorine, as total fluoride (HF equivalent), except where emitted from pot line roof vents at a primary aluminium smelter while manufacturing aluminium from alumina	TM-9	Not applicable
Hydrogen fluoride (HF) emitted from pot line roof vents at a primary aluminium smelter while manufacturing aluminium from alumina	TM-10	Not applicable
Type 1 substances and Type 2 substances	TM-12, TM-13, TM-14	Not applicable
Cadmium (Cd) or mercury (Hg)	TM-12, TM-13, TM-14	Not applicable
Dioxins or furans	TM-18	Not applicable
Carbon monoxide (CO)	TM-32	CEM-4
Volatile organic compounds, as n-propane equivalent	TM-34	CEM-8, CEM-9, CEM-10
Methanol	TM-35	CEM-8, CEM-9, CEM-10
Smoke, if determining whether a specified standard of concentration of opacity has been exceeded	Not applicable	CEM-1

Smoke, if determining whether standard for emission of smoke from flares has been exceeded	TM-37	Not applicable

Division 2 Non-scheduled premises

Test methods and monitoring methods

Air impurity	Test method	Monitoring method
Solid particles (Total)	TM-15	Not applicable
Smoke, if determining whether a specified standard of concentration of opacity has been exceeded	Not applicable	CEM-1

Part 2 Averaging periods

Division 1 Scheduled premises

Averaging periods

Air impurity	Averaging period
Sulfuric acid mist (H_2SO_4) or sulfur trioxide (SO_3) or both, as SO_3 equivalent Fluorine (F_2), and a compound containing fluorine, as total fluoride (HF equivalent), except where emitted by a primary aluminium smelter while manufacturing aluminium from alumina Hydrogen Chloride (HCl) Cadmium (Cd) Dioxins or furans Mercury (Hg) Type 1 or Type 2 substances Solid particles (Total)	1 hour, or the minimum sampling period specified in the relevant test method referred to in Part 1, Division 1, whichever is the greater
Nitrogen dioxide (NO_2) or nitric oxide (NO) or both, as NO_2 equivalent Sulfur dioxide (SO_2) Hydrogen sulfide (H_2S) Total reduced sulfides (TRS) Chlorine (Cl_2)	1 hour block
Volatile organic compounds (VOCs), as n-propane equivalent Carbon monoxide (CO)	1 hour rolling
Hydrogen fluoride (HF) emitted by a primary aluminium smelter while manufacturing aluminium from alumina Methanol	24 hours
Smoke, if determining whether a specified standard of concentration of opacity has been exceeded	6 minutes rolling

Division 2 Non-scheduled premises

Averaging periods

Air impurity	Averaging period

Solid particles (Total)	1 hour, or the minimum sampling period specified in the relevant test method referred to in Part 1, Division 2, whichever is the greater
Smoke, if determining whether a specified standard of concentration of opacity has been exceeded	6 minutes rolling

Part 3 Reference conditions

Division 1 Scheduled premises

Reference conditions relating to Group 1, 2, 3 or 4

Air impurity	Activity or plant	Reference conditions
All air impurities, except as listed below	An activity or plant	Dry, 273K, 101.3kPa
Smoke, if determining whether a specified standard of concentration of opacity has been exceeded	An activity or plant	Gas stream temperature above dew point Path length corrected to stack exit diameter as per CEM-1
Solid particles (Total)	A boiler or incinerator	Dry, 273K, 101.3kPa, 12% CO_2

Reference conditions relating to Group 5 or 6

Air impurity	Activity or plant	Reference conditions
All air impurities, except as listed below	An activity or plant, except as listed below	Dry, 273K, 101.3kPa
	Fuel burning equipment using solid fuel	Dry, 273K, 101.3kPa, 7% O_2
	Fuel burning equipment using gas or liquid fuel	Dry, 273K, 101.3kPa, 7% O_2
	A gas turbine	Dry, 273K, 101.3kPa, 15% O_2
Smoke, if determining whether a specified standard of concentration of opacity has been exceeded	An activity or plant	Gas stream temperature above dew point Path length corrected to stack exit diameter as per CEM-1
Dioxins or furans	An incinerator that processes waste	Dry, 273K, 101.3kPa, 11% O_2

Division 2 Non-scheduled premises

Reference conditions relating to Group A

Air impurity	Activity or plant	Reference conditions
Solid particles (Total)	An activity or plant, except as listed below	Dry, 273K, 101.3kPa
	A boiler or an incinerator	Dry, 273K, 101.3kPa, 12% CO_2

Smoke, if determining whether a specified standard of concentration of opacity has been exceeded	An activity or plant	Gas stream temperature above dew point Path length corrected to stack exit diameter as per CEM-1

Reference conditions relating to Group B or C

Air impurity	Activity or plant	Reference conditions
Solid particles (Total)	An activity or plant, except as listed below	Dry, 273K, 101.3kPa
	Fuel burning equipment using solid fuel	Dry, 273K, 101.3kPa, 7% O_2
	Fuel burning equipment using liquid or gaseous fuel	Dry, 273K, 101.3kPa, 7% O_2
Smoke, if determining whether a specified standard of concentration of opacity has been exceeded	An activity or plant	Gas stream temperature above dew point Path length corrected to stack exit diameter as per CEM-1

Schedule 4 (Repealed)

Dictionary

section 3

In this Regulation—

Approved Methods (Modelling and Assessment) Publication means the document entitled *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* prepared by the EPA and published in the Gazette, as in force from time to time.

Approved Methods (Sampling and Analysis) Publication means the document entitled *Approved methods for the sampling and analysis of air pollutants in New South Wales* prepared by the EPA and published in the Gazette, as in force from time to time.

ASTM D5453, for Part 9—see section 158.

Australian Design Rule means a national road vehicle standard under the *Road Vehicle Standards Act 2018* of the Commonwealth, section 12 as in force from time to time.

blend, in relation to petrol, for Part 8, Division 1—see section 114.

CEM, together with a number, means a monitoring method of that number prescribed by the Approved Methods (Sampling and Analysis) Publication.

certificate of compliance, for Part 2—see section 6(1)(b).

certificate of exemption, for Part 2—see section 6(2).

commission something means to bring it into operation for the first time following installation or modification.

complying exhaust pipe, for Part 4—see section 34.

decommission something means to permanently abandon its operation or render it permanently inoperable.

delivery tank means a tank mounted on a tanker truck, but does not include the fuel tank that powers the vehicle.

development application has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

development consent has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

dioxin—see Schedule 2, section 1.

domestic solid fuel heater, for Part 2—see section 5(1).

emission unit, for Part 5, Division 1—see section 41.

EN 16321—1:2013, for Part 8, Division 2, Subdivision 2—see section 129.

excessive air impurities, for Part 4—see section 19.

existing petrol service station, for Part 8, Division 2—see section 128.

fire fighting authority has the same meaning as in the *Rural Fires Act 1997*.

furan—see Schedule 2, section 1.

Greater Metropolitan Area means—

(a) the Sydney Metropolitan Area, and

(b) the local government areas of City of Blue Mountains, Central Coast, City of Cessnock, Kiama, City of Lake Macquarie, City of Lithgow, City of Maitland, Mid-Western Regional, Muswellbrook, City of Newcastle, Port Stephens, City of Shellharbour, City of Shoalhaven, Singleton, Wingecarribee, Wollondilly and City of Wollongong.

heavy vehicle has the same meaning as in the Heavy Vehicle National Law (NSW).

high ethanol blended petrol, for Part 8, Division 1—see section 114.

large loading plant—see section 96.

large storage tank—see section 78.

large tanker truck means a vehicle having 1 or more delivery tanks with a total capacity of more than 12kL.

legacy condition, for Part 5, Division 1—see section 41.

line includes hose or pipe.

low volatility zone, for Part 8, Division 1—see section 114.

model of a domestic solid fuel heater, for Part 2—see section 4.

monitoring method means a continuous emissions monitoring method prescribed by the Approved Methods (Sampling and Analysis) Publication.

monthly volumetric average vapour pressure, of petrol, for Part 8, Division 1, Subdivision 3—see section 121.

next scheduled maintenance, for a large storage tank, for Part 6, Division 2—see section 78.

non-scheduled premises means premises, other than scheduled premises, at which an activity is carried on or plant is operated.

non-standard fuel, for Schedule 2—see Schedule 2, section 1.

normal operation for plant means the plant is operating at a constant rate, whether or not it is operating at full capacity.

operate—

(a) for a petrol dispenser, for Part 8, Division 2, Subdivision 2—see section 129, or

(b) for a petrol storage tank, for Part 8, Division 2, Subdivision 3—see section 139.

Ordinance, for Part 8, Division 2, Subdivision 2—see section 129.

petrol has the same meaning as in the Act, section 154.

petrol dispenser, for Part 8, Division 2—see section 127.

petrol service station, for Part 8, Division 2—see section 127.

petrol supplier, for Part 8, Division 1—see section 114.

prescribed blended petrol, for Part 8, Division 1—see section 114.

prescribed equipment upgrade, for a large storage tank, for Part 6, Division 2—see section 78.

prescribed event, for a large storage tank, for Part 6, Division 2—see section 78.

prescribed period—see section 63.

principal toxic air pollutant—see Schedule 2, section 1.

qualified person, in relation to an activity, for Part 8, Division 2—see section 127.

refine, in relation to petrol, for Part 8, Division 1—see section 114.

registered, for a motor vehicle, for Part 4—see section 19.

relevant averaging period, in relation to an air impurity, for Part 5, Division 3—see section 56.

relevant reference conditions, in relation to an air impurity emitted from an activity or plant, for Part 5, Division 3—see section 56.

relevant standards authority, for Part 8, Division 2, Subdivision 3—see section 139.

relevant test method or ***relevant monitoring method***, in relation to an air impurity, for Part 5, Division 3—see section 56.

routine maintenance includes repairs that are done in the course of routine maintenance.

scheduled premises means premises at which a scheduled activity is carried on.

small storage tank—see section 89.

Standard 4012, for Part 2—see section 4.

Standard 4013, for Part 2—see section 4.

standard fuel, for Schedule 2—see Schedule 2, section 1.

storage tank means a tank situated on premises, but does not include the tank of a vehicle or vessel.

summer means the period commencing at the beginning of 1 November of a year and ending at the end of 31 March in the following year.

summer month means November, December, January, February or March.

supply, for Part 8, Division 1—see section 114.

Sydney Metropolitan Area means the local government areas of Bayside, City of Blacktown, Burwood, Camden, City of Campbelltown, Canada Bay, Canterbury-Bankstown, Cumberland, City of Fairfield, Georges River, City of Hawkesbury, Hornsby, Hunters Hill, Inner West, Ku-ring-gai, Lane Cove, City of Liverpool, Mosman, North Sydney, Northern Beaches, City of Parramatta, City of Penrith, City of Randwick, City of Ryde, Strathfield, Sutherland Shire, City of Sydney, The Hills Shire, Waverley, City of Willoughby and Woollahra.

tank means a container, or an isolated section of a container, used or designed to be used for the storage of volatile organic liquid, but does not include anything designed—

(a) to hold volatile organic liquid under pressure, and

(b) to prevent the emission of—

(i) volatile organic liquid, or

(ii) volatile organic liquid vapour.

tanker truck means a vehicle used or designed to be used for the transport of volatile organic liquid from 1 tank to another, whether or not the vehicle is moveable under its own power, but does not include a railway vehicle.

test method means a test method prescribed by the Approved Methods (Sampling and Analysis) Publication.

the Act means the *Protection of the Environment Operations Act 1997*.

throughput, for Part 8, Division 2—see section 127.

TM, together with a number, means a test method of that number prescribed by the Approved Methods (Sampling and Analysis) Publication.

Type 1 substance, for Schedule 2—see Schedule 2, section 1.

Type 2 substance, for Schedule 2—see Schedule 2, section 1.

unblended petrol, for Part 8, Division 1—see section 114.

use, for a motor vehicle, for Part 4—see section 19.

vapour containment integrity test, for Part 8, Division 2, Subdivisions 2 and 3—see section 132.

vapour pressure, of petrol, for Part 8, Division 1—see section 115.

vapour recovery performance test, for Part 8, Division 2, Subdivision 2—see section 132.

VDI 4205, for Part 8, Division 2, Subdivision 2—see section 129.

volatile organic compound (VOC)—see Schedule 2, section 1.

volatile organic liquid means an organic compound that exists as a liquid at actual conditions of use or storage but not if the organic compound has a true vapour pressure of less than or equal to 3.44 kilopascals

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Protection of the Environment Operations (Clean Air) Regulation 2022 (811). LW 16.12.2022. Date of commencement, 16.12.2022, sec 2. This Regulation has been amended by sec 163(3) of this Regulation.

Table of amendments

Sch 4	Rep 2022 (811), sec 163(3).