

Protection of the Environment Operations (Clean Air) Regulation 2002

Part 1 – Preliminary

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Clean Air) Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

This Regulation replaces the *Clean Air (Domestic Solid Fuel Heaters) Regulation 1997* and the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997* which are repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions and notes

(1) 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. "**CEM**", together with a number, means a monitoring method of that number prescribed by the Approved Methods (Sampling and Analysis) Publication. "**Central Coast Metropolitan Area**" means the local government areas of Gosford and Wyong. "**Greater Metropolitan Area**" means:

- (a) the Central Coast Metropolitan Area, and
- (b) the Newcastle Metropolitan Area, and
- (c) the Sydney Metropolitan Area, and
- (d) the Wollongong Metropolitan Area, and
- (e) the local government areas of Blue Mountains, Cessnock, Kiama, Lithgow, Maitland, Mid-Western Regional, Muswellbrook, Port Stephens, Shoalhaven, Singleton, Wingecarribee and Wollondilly.

"**monitoring method**" means a continuous emissions monitoring method prescribed by the Approved Methods (Sampling and Analysis) Publication. "**Newcastle Metropolitan Area**" means the local government areas of Lake Macquarie and Newcastle. "**Sydney Metropolitan Area**" means the local government areas of Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Fairfield, Hawkesbury, Holroyd, Hornsby, Hunter's Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby and Woollahra. "**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*. "**TM**", together with a number, means a test method of that number prescribed by the Approved Methods (Sampling and Analysis) Publication. "**Wollongong Metropolitan Area**" means the local government areas of Shellharbour and Wollongong.

(2) Notes included in this Regulation do not form part of this Regulation.

Part 2 – Domestic solid fuel heaters

4 Interpretation and application of Part

(1) In this Part: "**central heating appliance**" has the meaning given to it in Standard 4013. "**certificate of compliance**" means a certificate issued by a body approved by the EPA, being a certificate certifying that all heaters of a particular model comply with Standard 4013. "**certificate of exemption**" means a certificate issued by a body approved by the EPA, being a certificate exempting all heaters of a particular model from compliance with Standard 4013. "**heater**" --see subclause (2). "**model**" of heater means a particular design of heater made by a particular manufacturer. "**sell**" --see the Dictionary to the Act. "**Standard 4013**" means the document entitled "*AS/NZS 4013:1999, Domestic solid fuel burning appliances--Method for determination of flue gas emission*", published by Standards Australia and as in force from time to time.

(2) This Part applies to any solid fuel burning appliance that is designed, manufactured or adapted for domestic use (referred to in this Part as a "**heater**").

(3) This Part applies to the wholesale and retail sale of heaters, other than heaters of the following kind:

- (a) any masonry appliance built on site,
- (b) any central heating appliance,
- (c) any cooking stove appliance as defined in Standard 4013,
- (d) any appliance intended for use solely for heating water,
- (e) any appliance intended for use solely for distributing heat through ducts.

5 Requirement for certificates of compliance

(1) A person must not sell a heater to any other person unless:

- (a) the heater is marked in accordance with Standard 4013, and
- (b) a certificate of compliance is in force in relation to heaters of the same model as that heater, and
- (c) in the case of a sale to a person whose business includes the wholesale or retail sale of heaters, a copy of the certificate is given to the purchaser.

Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in the case of an individual.

(2) Subclause (1) (c) does not require a copy of a certificate to be given to a person to whom a copy of the certificate has previously been given.

(3) This clause does not apply to a heater of a model for which a certificate of exemption is in force.

6 Interference with heaters

(1) A person must not:

- (a) alter the structure, exhaust system or inlet air system of any heater of a model to which a certificate of compliance or certificate of exemption relates, or
- (b) mark on a heater that it complies with Standard 4013 if the heater is not of a model that is the subject of a certificate of compliance.

Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in the case of an individual.

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

(3) Nothing in this clause makes it an offence for a person to carry out any repair work on any heater (including repairs or alterations in accordance with a notice under section 96 of the Act).

Part 2A – Control of burning

Division 1 – Preliminary

6A Definitions

In this Part:

"approval" means an approval in force under clause 6G.

"domestic waste" means waste (other than vegetation) that is of a kind and quantity ordinarily generated on domestic premises.

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

"domestic waste management services", as defined in the *Local Government Act 1993*, means services comprising the periodic collection of domestic waste from individual parcels of rateable land and services that are associated with those services.

6B Application of Part

This Part does not apply to or in respect of the following:

- (a) the carrying out of emergency bush fire hazard reduction work (within the meaning of the *Rural Fires Act 1997*),
- (b) the destruction, by means of burning, of any prohibited plant or prohibited drug under the *Drug Misuse and Trafficking Act 1985*,
- (c) the destruction, by means of burning, of an animal that has died, or is reasonably suspected to have died, as the result of a disease proclaimed under the *Stock Diseases Act 1923* or an exotic disease within the meaning of the *Exotic Diseases of Animals Act 1991*.

In addition to section 133 of the Act (which allows the EPA to prohibit the burning of fires in the open or in incinerators) and the prohibitions imposed by this Part, other legislative controls exist in relation to the lighting of fires (for example, see the *Rural Fires Act 1997*, the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995*).

Division 2 – Control of burning generally

6C General obligation to prevent or minimise air pollution

(1) A person who burns anything in the open or in an incinerator must do so by such practicable means as are necessary to prevent or minimise air pollution. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

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

- (a) taking into account the potential for smoke impacting on any person having regard to:
 - (i) wind direction, and
 - (ii) weather conditions, and
 - (iii) the length of time that the material being burnt is likely to burn,
- (b) taking reasonable measures to ensure that the material being burnt is not wet,
- (c) burning only material that is suitable for disposal by burning, having regard to possible effects on human health and the environment.

6D Prohibition on burning certain articles

(1) A person must not burn a prohibited article:

- (a) in the open, or
- (b) in an incinerator that is not authorised or controlled by a licence under the Act.

Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) It is not an offence under this clause to burn a tyre for the purposes of the giving of instruction in methods of fire fighting by an officer or member of a fire fighting authority, or by a fire control officer within the meaning of the *Rural Fires Act 1997*, when acting in his or her official capacity.

- (3) The EPA may, by written notice given to a public authority, exempt the public authority from the operation of subclause (1).
- (4) The EPA may grant such an exemption only in relation to the burning of prohibited articles in the course of any of 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 undertaken to certify that manufactured or imported products comply with Australian Standards or International Standards or meet any legislative requirements placed on them.
- (5) An exemption referred to in subclause (3):
- (a) is subject to any conditions that may be specified in the written notice by which it is granted, and
 - (b) may be amended or revoked by means of a further written notice given to the public authority, and
 - (c) unless sooner revoked by the EPA, remains in force:
 - (i) for a period of 12 months from the date it is granted, or
 - (ii) for such other period as is specified in the written notice by which it is granted, and
 - (d) extends to apply to any person acting at the direction of the public authority to which it is granted.
- (6) In this clause, "**prohibited article**" means any of the following:
- (a) tyres,
 - (b) coated wire,
 - (c) paint containers and residues,
 - (d) solvent containers and residues,
 - (e) timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP).

Division 3 – Control of burning in local government areas

6E Offences

- (1) A person must not burn anything:
- (a) in the open, or
 - (b) in an incinerator,
- in a local government area specified in Part 1 of Schedule 8 except in accordance with an approval. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.
- (2) A person must not burn any vegetation:
- (a) in the open, or
 - (b) in an incinerator,
- in a local government area specified in Part 2 of Schedule 8 except in accordance with an approval. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.
- (3) A person must not burn anything (other than vegetation):
- (a) in the open, or
 - (b) in an incinerator,
- in a local government area specified in Part 3 of Schedule 8 except in accordance with an approval. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual. See clause 6F (4) which provides a specific exception to the offence under this subclause.

6F Exceptions

- (1) It is not an offence under clause 6E:
- (a) to cook or barbecue in the open, or to light, maintain or use a fire for

recreational purposes such as camping, picnicking, scouting or other similar outdoor activities, so long as only dry seasoned wood, liquid petroleum gas (LPG), natural gas or proprietary barbecue fuel (including a small quantity of fire starter) is used, or

(b) to burn vegetation, in the course of carrying on agricultural operations, on premises on which the vegetation grew, including:

(i) the burning of vegetation for the purposes of clearing (other than for construction), 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, or

(c) to burn anything for the purposes of the giving of instruction in methods of fire fighting by:

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

(ii) a fire control officer within the meaning of the *Rural Fires Act 1997*, or

(iii) an industrial fire control officer,

when acting in his or her official capacity, or

(d) to burn anything under the authority of, and in accordance with, a bush fire hazard reduction certificate issued under the *Rural Fires Act 1997*.

(2) It is not an offence under clause 6E:

(a) to burn anything in an incinerator that is authorised or controlled by a licence under the Act, or

(b) to burn anything in an incinerator that:

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

(ii) is designed, maintained and operated in a manner 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) is 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) is not installed in a residential building comprising home units, flats or apartments.

(3) It is not an offence under clause 6E to burn air impurities by the process known as flaring if the flare is designed, maintained and operated so as to prevent or minimise air pollution. See clause 41 for an operating requirement for flares.

(4) It is not an offence under clause 6E (3) to burn domestic waste on residential premises in a local government area specified in Part 3 of Schedule 8, being premises on which the waste was generated, if domestic waste management services are not available to those premises.

6G Approval for certain fires or incinerators

An approval may be granted so as to permit burning in circumstances where it would otherwise be prohibited under clause 6E.

However, even though this Part may permit the burning of fires in the open or in an incinerator in accordance with an approval or because of the operation of clause 6F, burning may still be prohibited by an order of the EPA under section 133 of the Act or by an order under the *Rural Fires Act 1997*.

(1) The EPA may grant an approval for the purposes of this Part:

(a) to any class of persons--by means of a notice published in the Gazette, or

(b) to any particular person--by means of a written notice given to the person (except in relation to an approval that would be granted to the person in

accordance with subclause (2)).

(2) The council of a local government area specified in Part 2 of Schedule 8 may grant an approval for the purposes of this Part in respect of the burning of dead and dry vegetation on the premises on which the vegetation grew in the local government area:

(a) to any class of persons--by means of a notice published in a local newspaper circulating in the local government area, or

(b) to any particular person--by means of a written notice given to the person.

(3) Before granting an approval for the purposes of this Part, the EPA or local council concerned must take the following matters into consideration:

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

(b) the impact on local air quality and amenity,

(c) the feasibility of re-use, recycling or other alternative means of disposal,

(d) any opinions of the sector of the public likely to be affected by the proposed approval,

(e) in the case of an approval under subclause (2) (a)--any opinions of the EPA in relation to the proposed approval.

(4) An approval:

(a) is subject to such conditions (if any) as are specified in the notice by which the approval is granted, and

(b) may be amended or revoked by means of a notice given or published in the same way as the original notice granting the approval was given or published, and

(c) remains in force for a period of 12 months (or such other period as is specified in, or implied by, the approval) from the date it is granted unless sooner revoked by the authority that granted it.

Part 3 – Motor vehicles and motor vehicle fuels

Division 1 – Interpretation

7 Definitions

In this Part:

"ADR" or **"Australian Design Rule"** means a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth as in force from time to time.

"diesel engine" means an engine that is designed to operate on automotive diesel fuel.

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

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

(a) specified by the manufacturer, or

(b) specified by the Roads and Traffic Authority 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.

"motor bus" means a passenger vehicle that seats more than 9 adult persons (including the driver).

"motor cycle" includes a motor tricycle and a motor cycle combination.

"passenger vehicle" means a motor vehicle constructed primarily for the carriage of persons, but does not include a motor cycle.

"petrol" has the same meaning as in section 154 (1) of the Act.

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

"registered", in relation to a motor vehicle, means registered under the *Road Transport (Vehicle Registration) Act 1997*.

"spark-ignition engine" means an engine that is designed to operate on petrol, liquefied petroleum gas or compressed natural gas, being an engine that has its air-fuel mixture ignited by means of an electrical spark.

"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, and includes:

- (a) a tractor, harvester, header, thresher, swather, baler, cuber, loader, digger, bulldozer, excavator, grader, scraper and roller, and
- (b) a mobile crane the engine of which is used for the purpose of both lifting loads and propelling the vehicle,

but does not include any vehicle constructed on a chassis of a type normally used in the construction of a goods vehicle.

"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 above.

Division 2 – Air impurities

8 Definition of excessive air impurities: section 154

- (1) This clause applies to motor vehicles propelled by a spark-ignition or diesel engine.
- (2) A motor vehicle emits excessive air impurities as referred to in section 154 (2) (a) of the Act if, when in operation, it emits air impurities in excess of such a standard of concentration that air impurities are visible for a continuous period of more than 10 seconds when determined in accordance with Test Method 31.
- (3) A motor vehicle emits excessive air impurities as referred to in section 154 (2) (b) of the Act if, when tested in accordance with Test Method 31, it emits air impurities in excess of an amount per test that results in air impurities being visible for a continuous period of more than 10 seconds.

9 Motor vehicles emitting excessive air impurities

- (1) An owner of a motor vehicle is guilty of an offence if the vehicle emits excessive air impurities while being used. Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.
- (2) It is a defence to a prosecution for an offence under this clause if the owner proves that the motor vehicle was at the time of the commission of the offence a stolen motor

vehicle or a motor vehicle illegally taken or used.

(3) It is a defence to a prosecution for an offence under this clause if the defendant proves that the motor vehicle:

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

(b) was not registrable under the *Road Transport (Vehicle Registration) Act 1997*.

(4) For the purposes of this clause, a motor vehicle "**emits excessive air impurities**" if it emits air impurities in the circumstances described in section 154 (2) of the Act.

Division 3 – Prescribed anti-pollution devices

10 Prescribed anti-pollution devices: section 154

For the purposes of the definition of "**prescribed anti-pollution device**" in section 154 (1) of the Act, each of the following devices is prescribed as a device that is designed or intended to minimise air pollution caused by motor vehicles:

(a) an "**evaporative emission control system**", that is, a system of devices and equipment that is designed to trap the evaporative emissions from a motor vehicle's fuel tank and fuel supply system and so restrict their release to the atmosphere,

(b) a "**fuel supply system**", that is, a system of devices and equipment that is designed:

(i) to convey fuel to a direct injection engine, or

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

(c) an "**engine ignition system**", that is, a system of devices and equipment that is designed to ignite the fuel, or the mixture of fuel and air, in a motor vehicle's engine,

(d) an "**engine management system**", that is, a system of devices and equipment that is designed to control the operation of a motor vehicle's fuel supply system and engine ignition system,

(e) a "**smoke-limiting throttle control system**", that is, a system of devices and equipment that is designed to limit the maximum rate at which fuel can go into a diesel-engined motor vehicle and so reduce the amount of smoke emitted by the motor vehicle while it is being accelerated,

(f) an "**exhaust gas recirculation system**", that is, a system of devices and equipment that is designed to convey exhaust gases from a spark ignition engine to the engine's air intake system for the purpose of reducing the amount of oxygen in the mixture of air and fuel going into the engine and so reducing the amount of oxides of nitrogen emitted by the engine,

(g) a "**catalytic converter system**", that is, a system of devices and equipment that is designed to induce a catalytic reaction between the various exhaust gases that are emitted from a motor vehicle's engine and so reduce the emission of air impurities by the motor vehicle,

(h) a "**complying exhaust pipe**", that is, an exhaust pipe that complies with the requirements of clause 11.

11 Fitting of certain anti-pollution devices to be compulsory: sections 156 and 161 and clause 15

A motor vehicle that is propelled by a diesel engine and that has a manufacturer's gross vehicle mass of more than 4.5 tonnes must be fitted with:

(a) in the case of a motor vehicle for which, as at the date of its manufacture, an Australian Design Rule prescribed requirements with respect to the exhaust pipe to be fitted to it, a vertical exhaust pipe that complies with those requirements, or

(b) in any other case, an exhaust pipe:

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

(ii) whose exhaust vent is directed upwards (within 30 degrees of the vertical) and away from the nearside of the vehicle.

12 Automatic exemption of certain vehicles from clause 11

(1) Clause 11 does not apply to:

- (a) any motor vehicle that is registered outside New South Wales, or
- (b) any motor vehicle that is sold in New South Wales for delivery outside New South Wales.

(2) Clause 11 does not apply to the following motor vehicles sold or registered in New South Wales:

- (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 an exhaust pipe of the kind referred to in clause 11,
- (i) a motor vehicle manufactured before 1 January 2007 of a model certified in writing by the EPA as complying with ADR 80/01,
- (j) a motor vehicle manufactured on or after 1 January 2007 in compliance with ADR 80/01.

13 EPA may exempt rural table-top trucks from clause 11

(1) On application by the owner of a motor vehicle, the EPA may, by instrument in writing, exempt the vehicle from the operation of clause 11 if satisfied that the vehicle:

- (a) is a rigid table-top truck, and
- (b) is used predominantly to transport hay or other flammable farm produce, and
- (c) is usually garaged on a farm.

(2) An application for such an exemption must be in the approved form and must be accompanied by a fee of \$50.

(3) An exemption under this clause may be granted unconditionally or subject to conditions.

(4) An exemption under this clause applies only while the motor vehicle to which it relates is owned by the person in whose name the exemption was granted.

(5) A person who, in relation to any application under this clause, wilfully makes any statement or furnishes any information that is false or misleading in a material respect is guilty of an offence. Maximum penalty: 100 penalty units in the case of a corporation, or 10 penalty units in the case of an individual.

(6) Clause 11 does not apply to a vehicle to which an exemption under this clause relates, but only so long as any conditions to which the exemption is subject are complied with.

(7) On payment of a fee of \$25, the EPA may issue a replacement instrument of exemption if it is satisfied that the instrument it replaces has been lost or destroyed.

Division 4 – Use and maintenance of motor vehicles

14 Maintenance of vehicles: section 159 and clause 16

For the purposes of section 159 of the Act and clause 16, a motor vehicle to which clause 11 applies must be maintained so that the exhaust pipe of the vehicle is free of holes (other than holes necessary for the effective operation of the exhaust system).

15 Use of motor vehicle without prescribed anti-pollution device prohibited

(1) An owner of a motor vehicle who uses the motor vehicle, or causes or allows it to be used, is guilty of an offence if:

- (a) this Regulation requires motor vehicles of the class to which it belongs to be

fitted with a prescribed anti-pollution device, and

(b) the vehicle is not fitted in the prescribed manner with such a device.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

(2) It is a defence to a prosecution for an offence under this clause if the defendant proves that, at the time the offence was committed:

(a) the defendant had reasonable grounds to believe, and did believe, that the motor vehicle was fitted with every prescribed anti-pollution device required by this Regulation to be fitted to the motor vehicle, and

(b) the defendant took all reasonable steps to ensure that every such device was fitted in the prescribed manner.

(3) It is a defence to a prosecution for an offence under this clause if the defendant proves that the motor vehicle:

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

(b) was not registrable under the *Road Transport (Vehicle Registration) Act 1997*.

(4) In this clause, "**prescribed anti-pollution device**" has the same meaning as in section 154 of the Act.

16 Maintenance, service and adjustment of motor vehicles

(1) An owner of a motor vehicle who uses the motor vehicle, or causes or allows it to be used, is guilty of an offence if:

(a) this Regulation requires motor vehicles of the class to which it belongs to be serviced, maintained, or adjusted in a specified manner, and

(b) the vehicle has not been serviced, maintained or adjusted in that manner.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

(2) It is a defence to a prosecution for an offence under this clause if the defendant proves that the defendant took all reasonable steps to ensure that the motor vehicle was serviced, maintained or adjusted as required by this Regulation.

17 Removal or adjustment of anti-pollution devices

(1) The owner of a motor vehicle who uses the motor vehicle, or causes or allows it to be used, is guilty of an offence if:

(a) an anti-pollution device had been fitted to the motor vehicle, and

(b) at the time of that use the device had been:

(i) removed, disconnected or impaired, or

(ii) adjusted or modified and the adjustment or modification results in the emission of excessive air impurities by the motor vehicle.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

(2) It is a defence to a prosecution for an offence under this clause if the defendant proves:

(a) that the removal, disconnection, impairment, adjustment or modification was done:

(i) in order to service, repair or replace the anti-pollution device or to improve its efficiency with respect to minimising air pollution, or

(ii) in order to facilitate the use of a motor vehicle for motor racing or off-road motor sport (being a motor vehicle that immediately before that removal or other action was not registrable under the *Road Transport (Vehicle Registration) Act 1997*) and that the vehicle is to be used in that condition only in the competition itself, or

(b) that, at the time the offence was committed:

(i) the defendant had reasonable grounds to believe, and did believe, that any anti-pollution device that had been fitted to the motor vehicle

continued to be fitted to the motor vehicle, and

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

(3) For the purposes of this clause, a motor vehicle "**emits excessive air impurities**" if it emits air impurities in the circumstances described in section 154 (2) of the Act.

(4) In this clause, "**anti-pollution device**" means a prescribed anti-pollution device within the meaning of section 154 of the Act or any other device that is designed to minimise air pollution.

18 Notices to repair motor vehicles: section 161

For the purposes of section 161 (5) and (7) of the Act, the prescribed label is a label in or to the effect of Form 1 in Schedule 1.

Division 5 – Transfer of petrol

19 Transfer of petrol into fuel tanks of motor vehicles

(1) This clause applies to all premises from which petrol is sold to the public.

(2) The occupier of premises to which this clause applies must not, at those premises:

(a) transfer any petrol into a motor vehicle's fuel tank, or

(b) cause or allow any petrol to be transferred into a motor vehicle's fuel tank, except by means of a petrol delivery hose whose nozzle is fitted with an automatic over-fill protection device. Maximum penalty: 40 penalty units.

(3) A person must not, at premises to which this clause applies, transfer petrol into the fuel tank of a motor vehicle by means of a petrol delivery hose unless the nozzle of the hose is inserted as far as it will go into the fuel tank's fill-pipe. Maximum penalty: 8 penalty units.

(4) In this clause, "**automatic over-fill protection device**" means a device:

(a) that immediately cuts off the flow of petrol into the fuel tank when the tip of the nozzle becomes immersed in petrol, and

(b) that is properly installed and efficiently maintained.

Division 6 – Reporting and record keeping relating to benzene content of petrol

19A Definition

In this Division, "**petrol supplier**" means a person who imports petrol by ship into this State for supply by the person (whether the petrol was obtained from another State or Territory or from another country) or refines petrol in this State.

19B Records relating to benzene content of petrol

(1) For the purposes of this clause, each of the following periods is a "**relevant period**":

(a) 1 July 2004 to 31 December 2004 (inclusive),

(b) 1 January 2005 to 30 June 2005 (inclusive),

(c) 1 July 2005 to 31 December 2005 (inclusive).

(2) A petrol supplier must, for each relevant period, keep a record of the following information in accordance with this clause:

(a) for each grade of petrol imported by ship into this State, or refined in this State, by the petrol supplier during the period concerned:

(i) the total volume of the petrol, and

(ii) the volumetric average benzene content (expressed as a percentage to one decimal place) of that volume, and

(iii) the minimum and maximum benzene content measurements obtained from tests carried out for the purposes of subparagraph (ii),

(b) the test methods used to determine the benzene content of that petrol.

Maximum penalty: 100 penalty units in the case of a corporation, or 50 penalty units in the case of an individual.

(3) The petrol supplier must keep a record referred to in subclause (2) for at least 2 years

after the end of the relevant period to which the record relates.

(4) For the purposes of this clause, the grades of petrol include unleaded, premium unleaded, lead replacement petrol and other higher octane petrol (however described).

19C Reporting of benzene content of petrol

(1) A petrol supplier must, within 6 weeks after the end of each relevant period referred to in clause 19B (1), provide a report to the EPA, in a form approved by the EPA, containing the information required to be kept under that clause for that period. Maximum penalty: 100 penalty units in the case of a corporation, 50 penalty units in the case of an individual.

(2) A person must not provide any information to the EPA in a report under this clause that the person knows is false or misleading in a material particular. Maximum penalty: 100 penalty units in the case of a corporation, or 50 penalty units in the case of an individual.

Division 7 – Petrol volatility

19D Definitions

(1) In this Division: "**base petrol**" means petrol that does not contain ethanol. "**blend**", in relation to petrol, means combine petroleum-based products with ethanol. "**low volatility zone**" means the area consisting of the following local government areas:

Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Cessnock, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kiama, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leichhardt, Lithgow, Liverpool, Maitland, Manly, Marrickville, Mosman, Muswellbrook, Newcastle, North Sydney, Parramatta, Penrith, Pittwater, Port Stephens, Randwick, Rockdale, Ryde, Shellharbour, Shoalhaven, Singleton, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby, Wingecarribee, Wollondilly, Wollongong, Woollahra, Wyong.

"**month**", in relation to a summer, includes each of the periods from 15 November to 30 November (inclusive) and 1 March to 15 March (inclusive). "**monthly volumetric average vapour pressure**" of petrol means the monthly volumetric average vapour pressure of the petrol as calculated in accordance with clause 19E. "**petrol supplier**" means a person who 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 refines or blends petrol in this State. "**prescribed blended petrol**" means petrol containing 9 per cent or more of ethanol by volume but not more than 10 per cent of ethanol by volume. "**summer**" of a particular year means the period commencing on 15 November in that year and ending on 15 March (inclusive) in the following year. "**vapour pressure**" of petrol means the volatility of the petrol at 37.8 degrees Celsius measured:

(a) in accordance with *ASTM D4953-99a Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method)* as in force from time to time and as published by the American Society for Testing and Materials, or

(b) in the case of petrol supplied by a particular petrol supplier, using such other method as is approved in relation to that petrol supplier for the time being by the EPA under subclause (2).

(2) On application made by a petrol supplier, the EPA may, for the purposes of paragraph (b) of the definition of "**vapour pressure**" in subclause (1), approve in writing a method for measuring the volatility of petrol in relation to petrol supplied by that petrol supplier.

(3) The EPA may, by notice in writing given to a petrol supplier, revoke or vary an approval given to the petrol supplier under subclause (2).

19E Monthly volumetric average vapour pressure

(1) For the purposes of this Division, "**monthly volumetric average vapour pressure**" of petrol supplied in a particular month of summer by a petrol supplier is to be calculated as follows:

- (a) a sample is to be taken from each batch of the petrol supplied in the month by the petrol supplier,
- (b) the vapour pressure of each sample taken is to 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 are to be added together and the resulting figure is the monthly volumetric average vapour pressure.

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

19F Vapour pressure of petrol

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

- (a) in the case of prescribed blended petrol--72 kPa for petrol supplied in a summer commencing in 2004 or 71 kPa for petrol supplied in any subsequent summer, or
- (b) in the case of any other petrol--65 kPa for petrol supplied in a summer commencing in 2004 or 64 kPa for petrol supplied in any subsequent summer.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

(2) A petrol supplier who imports petrol into this State, or refines petrol in this State, must ensure that the monthly volumetric average vapour pressure of so much of that petrol (other than blended petrol) as is supplied by the petrol supplier in the low volatility zone in a summer is not more than 62 kPa. Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

(3) It is a defence to any proceedings against a person for an offence under subclause (1) if the defendant establishes that:

- (a) the petrol concerned was prescribed blended petrol, and
- (b) the defendant had reasonable grounds to believe, and did believe, that the vapour pressure of the base petrol used in the blended petrol complied with subclause (1) (b) based on documentation supplied to the defendant by the supplier of the base petrol, and
- (c) the defendant did not know, and had no reasonable grounds to suspect, that the documentation was false or misleading in a material respect.

(4) It is a defence to any proceedings against a person for an offence under this clause if the defendant establishes that the petrol concerned:

- (a) was supplied by way of retail sale by the defendant 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.

(5) It is a defence to any proceedings against a person for an offence under this clause if:

- (a) the defendant establishes that:
 - (i) the petrol concerned was supplied solely for use in a motor vehicle in a motor racing event conducted on a motor vehicle racing ground in respect of which a licence is in force under the *Motor Vehicle Sports (Public Safety) Act 1985* or in a test of a motor vehicle for any such event, or
 - (ii) the petrol concerned was supplied solely for the purpose of testing to determine the composition, quality or characteristics of the petrol, and
- (b) the defendant establishes that the defendant believed on reasonable grounds that the petrol would be used solely for that purpose.

(6) A person is not guilty of an offence against subclause (1) or (2) in respect of any act or omission that was authorised or required by an order, proclamation, regulation or

direction made or given under Part 6 of the *Energy and Utilities Administration Act 1987*.

(7) If such an order, proclamation, regulation or direction is in force for part of a month in summer, it is taken, for the purposes of subclause (6) (in so far as it relates to an offence against subclause (2)), to have been in force for the whole of the month.

19G Record keeping

(1) A petrol supplier who supplies petrol in the low volatility zone during summer must keep records in relation to that petrol, in accordance with this clause, for a period of at least 2 years. Maximum penalty: 100 penalty units in the case of a corporation, or 50 penalty units in the case of an individual.

(2) The following records are to be kept in relation to petrol that is 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) if the petrol was blended otherwise than in a tanker truck:
 - (i) the volume of prescribed blended petrol in each batch, and
 - (ii) the ethanol content by volume of each batch.

(3) The following records are to be kept in relation to blended petrol that is not prescribed blended petrol:

- (a) if the petrol was blended in a tanker truck:
 - (i) the vapour pressure of at least 4 samples of blended petrol taken each month from different tanker trucks on separate days and at regular intervals, and
 - (ii) the date or dates on which the vapour pressure of the samples was tested, and
 - (iii) the test method used to determine the vapour pressure of the blended petrol, and
 - (iv) the volume of blended petrol contained in each tanker truck from which the samples of petrol were taken for testing, and
 - (v) the volume of blended petrol contained in each tanker truck from which a sample was not taken for testing, and
 - (vi) the ethanol content by volume of each tanker truck of petrol from which the samples were taken for testing,
- (b) if the petrol was blended otherwise than in a tanker truck:
 - (i) the vapour pressure of a sample of blended petrol taken from each batch, and
 - (ii) the date or dates on which the vapour pressure of the samples was tested, and
 - (iii) the test method used to determine the vapour pressure of the blended petrol, and
 - (iv) the volume of blended petrol in each batch, and
 - (v) the ethanol content by volume of each batch.

(4) The following records are to be kept in relation to petrol that is not blended:

- (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.

(5) 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 subclause (4).

19H Reporting

(1) A petrol supplier who supplies petrol in the low volatility zone during any month in summer must, within 14 days after the end of the month, provide a report to the EPA in a form approved by the EPA and containing the following information in relation to that petrol:

- (a) the monthly volumetric average vapour pressure of any petrol supplied in that month that was not blended petrol,
- (b) the maximum vapour pressure of any blended petrol that was not prescribed blended petrol, that was supplied in that month and from which samples were taken for the purposes of this Division,
- (c) the maximum vapour pressure of any petrol that was not blended petrol, that was supplied in that month and from which samples were taken for the purposes of this Division,
- (d) the total volume of prescribed blended petrol supplied in that month,
- (e) the total volume of other blended petrol supplied in that month,
- (f) the total volume of petrol supplied in that month that was not blended petrol.

Maximum penalty: 100 penalty units in the case of a corporation, or 50 penalty units in the case of an individual.

(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 provide the information referred to in subclause (1)

(a) and (f).

(3) A person must not provide any information to the EPA in a report under this clause that the person knows is false or misleading in a material particular. Maximum penalty: 100 penalty units in the case of a corporation, or 50 penalty units in the case of an individual.

Part 4 – Emission of air impurities from activities and plant

Division 1 – Preliminary

20 Definitions

(1) In this Part, and in Schedules 2-7 "**approved circumstances**" are defined in clause 30 (in relation to scheduled premises) and clause 35 (in relation to non-scheduled premises). "**development application**" has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*. "**development consent**" has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*. "**dioxin**" means any 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),

"**emission unit**" means an item of plant that forms part of, or is attached to, some larger plant, being an item of plant that emits, treats or processes air impurities or controls the discharge of air impurities into the atmosphere. "**furan**" means any 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).

"Group", in relation to any activity or plant, means the Group to which the activity or plant belongs pursuant to its classification:

(a) in relation to any activity or plant carried out or operated on scheduled premises, under Division 2, or

(b) in relation to any activity or plant carried out or operated on non-scheduled premises, under Division 3.

"non-scheduled premises" means premises (other than scheduled premises) at which an activity is carried on or plant is operated. **"non-standard fuel"** means any fuel other than a standard fuel. **"principal toxic air pollutant"** means any one 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.

"scheduled premises" means premises at which a scheduled activity is carried on. **"standard fuel"** means any unused and uncontaminated solid, liquid or gaseous fuel that is:

(a) a coal or coal-derived fuel (other than any 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 any compound containing one or more of those elements. **"Type 2 substance"** means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements. **"volatile organic compound (VOC)"** means any chemical compound that:

(a) is based on carbon chains or rings, and

(b) contains hydrogen, and

(c) has a vapour pressure greater than 2mm of mercury (0.27 kPa) at 25°C and 101.3 kPa,

and includes any such compound containing oxygen, nitrogen or other elements, but does not include methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides and carbonate salts.

(2) For the purposes of this Part, plant is in "**normal operation**" if it is operating at a constant rate, whether or not it is operating at full capacity.

(3) Subject to clause 22 (4), any activity or plant that belongs to both Group 6 and another group is taken to belong to Group 6.

Division 2 – Standards of concentration for scheduled premises

21 General grouping of activities and plant

(1) Subject to this Division, an activity carried out, or plant operated, on scheduled premises:

(a) belongs to "**Group 1**" if:

(i) it commenced to be carried on, or to operate, before 1 January 1972, or

(ii) it commenced to be carried on, or to operate, on or after 1 January 1972 as a result of a pollution control approval granted under the *Pollution Control Act 1970* pursuant to an application made before 1 January 1972, or

(b) belongs to "**Group 2**" if it commenced to be carried on, or to operate, on or after 1 January 1972 as a result of a pollution control approval granted under the *Pollution Control Act 1970* pursuant to an application made on or after 1 January 1972 and before 1 July 1979, or

(c) belongs to "**Group 3**" if it commenced to be carried on, or to operate, on or after 1 July 1979 as a result of a pollution control approval granted under the *Pollution Control Act 1970* pursuant to an application made on or after 1 July 1979 and before 1 July 1986, or

(d) belongs to "**Group 4**" if it commenced to be carried on, or to operate, on or after 1 July 1986 as a result of a pollution control approval granted under the *Pollution Control Act 1970* pursuant to an application made on or after 1 July 1986 and before 1 August 1997, or

(e) belongs to "**Group 5**" if it commenced to be carried on, or to operate, on or after 1 August 1997 as a result of:

(i) a pollution control approval granted under the *Pollution Control Act 1970* pursuant to an application made on or after 1 August 1997 and before 1 July 1999, or

(ii) an environment protection licence granted under the *Protection of the Environment Operations Act 1997* pursuant to an application made on or after 1 July 1999 and before 1 September 2005, or

(f) belongs to "**Group 6**" if it commenced to be carried on, or to operate, on or after 1 September 2005, as a result of an environment protection licence granted under the *Protection of the Environment Operations Act 1997* pursuant to an application made on or after 1 September 2005.

(2) Any activity or plant that would, but for this subclause, belong to Group 6 is taken to belong to Group 5 if it is the subject of a development consent in respect of which the EPA had given general terms of approval (within the meaning of section 93 of the *Environmental Planning and Assessment Act 1979*) before 1 September 2005.

22 Effect on grouping of alteration or replacement of emission units

(1) If:

(a) an emission unit in Group 1, 2, 3, 4 or 5 is altered as a result of:

(i) the modification of development consent under section 96 (2) of the *Environmental Planning and Assessment Act 1979* pursuant to an application made on or after 1 September 2005, or

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

(b) the effect of the alteration is that there is an increase in the emission of air impurities, or a change in the nature of the air impurities emitted or the intensity with which air impurities are emitted, from the plant of which the emission unit forms part, or to which it is attached,

the altered emission unit is taken to belong to Group 6.

(2) If, in relation to plant operated in the Greater Metropolitan Area, an emission unit in Group 1, 2, 3, 4 or 5 is replaced, the replacement emission unit is taken to belong to Group 6.

(3) An emission unit is not taken to belong to Group 6 by virtue of subclause (1) or (2) if the conditions of the licence for the activity or plant of which it forms part, or to which it is attached, state that it is taken to belong to Group 1, 2, 3, 4 or 5.

(4) Plant that belongs to Group 1, 2, 3, 4 or 5 remains in that Group despite any alteration or replacement, as referred to in subclause (1) or (2), of an emission unit that forms part of, or is attached to, that plant.

23 Phasing out of Group 1

(1) On and from 1 January 2008, any activity or plant that, immediately prior to that date, belonged to Group 1 is taken to belong to Group 2.

(2) An activity or plant is not taken to belong to Group 2 by virtue of subclause (1) if the conditions of the licence for the activity or plant state that it is taken to belong to Group 1.

(3) An application for the variation of the conditions of a licence for the purpose of including a statement referred to in subclause (2) must be made:

(a) in the case of an application for the first such variation, on or before 1 January 2007, and

(b) in the case of an application for any subsequent variation, no later than 12 months before the date on which the current variation expires pursuant to subclause (4).

(4) A variation of the conditions of a licence under this clause expires at the end of 5 years after the date on which notice of the variation is given to the holder of the licence under section 58 of the Act.

24 Phasing out of Group 2

(1) On and from 1 January 2012, any activity or plant that, immediately prior to that date, belonged to Group 2 (including any activity or plant previously in Group 1) is taken to belong to Group 5.

(2) An activity or plant is not taken to belong to Group 5 by virtue of subclause (1) if the conditions of the licence for the activity or plant state that it is taken to belong to Group 1 or 2.

(3) An application for the variation of the conditions of a licence for the purpose of including a statement referred to in subclause (2) must be made:

(a) in the case of an application for the first such variation, on or before 1 January 2011, and

(b) in the case of an application for any subsequent variation, no later than 12 months before the date on which the current variation expires pursuant to subclause (4).

(4) A variation of the conditions of a licence under this clause expires at the end of 5 years after the date on which notice of the variation is given to the holder of the licence under section 58 of the Act.

25 Alternative standards of concentration imposed by licence conditions

An application for the variation of the conditions of a licence for any activity, plant or emission unit for the purpose of including a statement referred to in clause 22 (3), 23 (2) or 24 (2) is to be accompanied by a report containing each of the following:

- (a) particulars of the concentration or rates at which air impurities are emitted as a result of the carrying out of the activity or operation of the plant, based on sampling, analysis and monitoring carried out 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, in relation to:
 - (i) the activity, plant or emission unit concerned, and
 - (ii) any other activity carried on, or plant or emission unit operated, at the scheduled premises concerned,
- (c) details of any pollution reduction programs that have been established in relation to the activity, plant or emission unit,
- (d) details of any control equipment that has been installed in relation to the activity, plant or emission unit,
- (e) such other information as may be relevant to demonstrate the acceptability of impacts associated with the alternative standards arising from the proposed variation of conditions.

26 Determination of application for variation of licence

(1) In determining an application to vary the conditions of a licence for any activity or plant for the purposes of clause 22, 23 or 24, the EPA must consider the impact on local and regional air quality and amenity of a decision to grant the application, having regard to:

- (a) any pollution reduction programs that have been established, or that the holder of the licence has agreed to establish, in relation to the activity or plant, and
- (b) any 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) any load reduction agreement that has been entered into between the EPA and the applicant under Division 5 of Part 2.1 of the *Protection of the Environment Operations (General) Regulation 1998*, and
- (d) the principles of ecologically sustainable development set out in section 6 (2) of the *Protection of the Environment Administration Act 1991*, and
- (e) such other matters as are relevant.

(2) A statement referred to in clause 22 (3), 23 (2) or 24 (2) that is included in the conditions of the licence for any activity, plant or emission unit pursuant to an application made in accordance with clause 25 may not state that the activity or plant belongs to a Group with a lower number than that of the Group to which the activity or plant previously belonged.

(3) Nothing in this clause prevents the EPA, when granting an application to vary the conditions of a licence under this clause, from including other conditions in the licence, including conditions imposing more stringent standards of concentration than those applicable to the Group to which the activity or plant will belong as a consequence of the variation.

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

27 Prescribed standards of concentration for air impurities

(1) For the purposes of section 128 (1) of the Act, the prescribed standards of concentration for emissions of air impurities are:

- (a) in relation to any plant referred to in Schedule 2, the standards of concentration specified in that Schedule in relation to that plant, and
- (b) in relation to any activity or plant specified in Schedule 3 in respect of a particular purpose, the standards of concentration specified in Schedule 3 in relation to that activity or plant and that purpose, and

(c) in relation to any activity or plant specified in Schedule 4 (other than those covered by Schedule 2 or 3), the standards of concentration specified in Schedule 4 in relation to that activity or plant.

(2) For the purposes of this clause, a requirement in Schedule 2, 3 or 4 that a standard of concentration for volatile organic compounds or carbon monoxide be met is satisfied if either of those standards is met.

28 Procedures for determining whether prescribed standards of concentration have been exceeded

(1) For the purpose of determining whether or not a standard of concentration prescribed by Schedule 2, 3 or 4 for an air impurity has been exceeded, the following procedures are to be applied:

(a) a sampling or monitoring position is to be selected in accordance with:

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

(ii) CEM-1 (if measuring opacity) or CEM-2 (in any other case), if the concentration is to be determined in accordance with the relevant monitoring method,

(b) the concentration of the air impurity is to be determined in accordance with the relevant test method, or relevant monitoring method, for the air impurity, using the relevant averaging period,

(c) the concentration determined under paragraph (b) (otherwise than for smoke) is to be expressed by reference to the relevant reference conditions for the standard of concentration after determining the following:

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

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

(iii) 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,

(iv) 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,

(d) the concentration determined under paragraph (b) for smoke (if determined as opacity) is to be expressed by reference to the relevant reference conditions for the standard of concentration.

(2) For the purposes of this clause:

(a) a reference to the "**relevant test method**" or "**relevant monitoring method**", in relation to an air impurity, is a reference to the test method or monitoring method specified in Part 1 of Schedule 5 in relation to that air impurity, and

(b) a reference to the "**relevant averaging period**", in relation to an air impurity, is a reference to:

(i) the averaging period specified in Part 2 of Schedule 5 in relation to that air impurity, or

(ii) such other averaging period as may be specified in the conditions of the relevant licence, and

(c) a reference to the "**relevant reference conditions**", in relation to any air impurity emitted from an activity or plant, is a reference to:

(i) the reference conditions specified in Part 3 of Schedule 5 in relation to that air impurity and that activity or plant, or

(ii) such other reference conditions as may be specified in the conditions

of the relevant licence.

29 Test methods and toxic equivalence factors for dioxins and furans

(1) For the purpose of determining whether or not a standard of concentration prescribed by Schedule 2, 3 or 4 for dioxins or furans has been exceeded, the following procedures are to be applied in addition to the procedures set out in clause 28:

- (a) the unweighted concentration of each dioxin or furan is to 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 is to be multiplied by the toxic equivalence factor set out in the Table to this clause in respect of that dioxin or furan.

(2) For the purposes of clause 27, the concentration of dioxins and furans is taken to be the sum of the amounts calculated under subclause (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)	0.0001
Furans	
2,3,7,8 tetrachlorodibenzofuran (TCDF)	0.1
1,2,3,7,8 pentachlorodibenzofuran (PeCDF)	0.05
2,3,4,7,8 pentachlorodibenzofuran (PeCDF)	0.5
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)	0.0001

30 Meaning of "approved circumstances" in relation to smoke emissions

(1) For the purposes of Schedules 2, 3 and 4 (otherwise than in relation to ceramic works referred to in Schedule 3), the "approved circumstances", in relation to the emission of smoke from any activity or plant in Group 1, are:

- (a) that the smoke is emitted:

- (i) for a period of no more than 20 minutes per 24 hours, after lighting a boiler or incinerator from cold, being the period during which the boiler or incinerator is brought up to normal operation, or
 - (ii) in the case of a boiler burning up to 1 tonne of fuel per hour (unless subparagraph (i) applies)--for a period of no more than 10 minutes per 8 hours, or
 - (iii) in the case of a boiler burning more than 1 tonne but less than 5 tonnes of fuel per hour (unless subparagraph (i) applies)--for a period of no more than 20 minutes per 8 hours, and
 - (b) that all practicable means are employed to prevent or minimise the emission of smoke during that period.
- (2) For the purposes of Schedule 3 (in relation to ceramic works referred to in that Schedule), the "**approved circumstances**", in relation to the emission of smoke from any activity or plant in Group 1, are:
- (a) that the smoke is emitted for a period of no more than 10 minutes per hour, and
 - (b) that all practicable means are employed to prevent or minimise the emission of smoke during that period.
- (3) For the purposes of Schedules 2, 3 and 4, the "**approved circumstances**", in relation to the emission of smoke from any activity or plant in Group 2, 3, 4, 5 or 6, are:
- (a) that smoke is emitted, as a result of blowing soot from a boiler, for a period of no more than 10 minutes per 8 hours, and
 - (b) that all practicable means are employed to prevent or minimise the emission of smoke during that period.

31 EPA may approve alternative restrictions on 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) If an occupier has been granted such an approval, and the occupier complies with the alternative standard of concentration and any other conditions specified in the approval, the occupier is exempt from the operation of section 128 of the Act, in so far as that section relates to the emission of hydrogen sulfide.
- (3) Before granting an approval under this clause the EPA:
 - (a) must take into consideration the impact of the approval on local and regional air quality and amenity, and
 - (b) must be satisfied that it is not practicable for the occupier to comply with the standards prescribed by clause 27 by implementing operational changes to plant or practices, and
 - (c) must 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) The EPA is to grant an approval under this clause by means of a written notice given to the occupier.
- (5) An approval under this clause:
 - (a) is subject to any conditions that may be specified in the approval (including the method of measuring the concentration of hydrogen sulfide emissions), and
 - (b) may be amended or revoked by the EPA by means of a written notice given to the occupier.

Division 3 – Standards of concentration for non-scheduled premises

32 Grouping of activities and plant

- (1) Subject to subclause (2), an activity carried out, or plant operated, on non-scheduled premises:
 - (a) belongs to "**Group A**" if:

- (i) it commenced to be carried on, or to operate, before 1 August 1997, or
- (ii) it commenced to be carried on, or to operate, on or after 1 August 1997 as a result of development consent granted pursuant to a development application made before 1 August 1997, or

(b) belongs to "**Group B**" if it commenced to be carried on, or to operate, on or after 1 August 1997 as a result of development consent granted pursuant to a development application made on or after 1 August 1997 and before 1 September 2005, or

(c) belongs to "**Group C**" if it commenced to be carried on, or to operate, on or after 1 September 2005 as a result of development consent granted pursuant to a development application made on or after 1 September 2005.

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

33 Prescribed standards of concentration for air impurities

For the purposes of section 128 (1) of the Act, the prescribed standards of concentration for the emission of air impurities in relation to any activity carried on, or plant operated, at non-scheduled premises are as set out in Schedule 6.

34 Procedures for determining whether prescribed standards of concentration have been exceeded

(1) For the purpose of determining whether or not a standard of concentration prescribed by Schedule 6 for an air impurity has been exceeded, the following procedures are to be applied:

- (a) a sampling or monitoring position is to be selected in accordance with:
 - (i) TM-1, if the concentration is to be determined in accordance with the relevant test method, or
 - (ii) CEM-1 (if measuring opacity) or CEM-2 (in any other case), if the concentration is to be determined in accordance with the relevant monitoring method,
- (b) the concentration of the air impurity is to be determined in accordance with the relevant test method, or relevant monitoring method, for the air impurity, using the relevant averaging period,
- (c) the concentration determined under paragraph (b) (otherwise than for smoke) is to be expressed by reference to the relevant reference conditions for the standard of concentration after determining the following:
 - (i) the moisture content of the sample, determined in accordance with TM-22,
 - (ii) the temperature and pressure at the sampling position, determined in accordance with TM-2,
 - (iii) 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,
 - (iv) 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,
- (d) the concentration determined under paragraph (b) for smoke (if determined as opacity) is to be expressed by reference to the relevant reference conditions for the standard of concentration.

(2) For the purposes of this clause:

- (a) a reference to the "**relevant test method**" or "**relevant monitoring method**", in relation to an air impurity, is a reference to the test method or monitoring method specified in Part 1 of Schedule 7 in relation to that air

impurity, and

(b) a reference to the "**relevant averaging period**", in relation to an air impurity, is a reference to the averaging period specified in Part 2 of Schedule 7 in relation to that air impurity, and

(c) a reference to the "**relevant reference conditions**", in relation to any air impurity emitted from an activity or plant, is a reference to the reference conditions specified in Part 3 of Schedule 7 in relation to that air impurity and that activity or plant.

35 Meaning of "approved circumstances" in relation to smoke emissions

(1) For the purposes of Schedule 6, the "**approved circumstances**" for marine vessels are:

(a) that the smoke is emitted from a marine vessel:

(i) for the period the vessel is approaching, leaving or manoeuvring at a berth, or

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

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

(2) For the purposes of Schedule 6, the "**approved circumstances**" for premises other than marine vessels are:

(a) that the smoke is emitted from the premises:

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

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

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

Division 4 – Additional provisions for Group 6 afterburners, flares and vapour recovery units etc

36 Application of Division

This Division applies only in respect of afterburners and other thermal treatment plant, flares and vapour recovery units and other non-thermal treatment plant that are in Group 6 ("**Group 6 treatment plant**").

37 Offence

An occupier of premises on which any Group 6 treatment plant is operated must ensure that the requirements of this Division relating to the operation of any such plant are complied with.

Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

38 Residence time

(1) An afterburner, other than one that employs a catalytic control system, must be operated in such a way that the time between an air impurity entering and exiting the afterburner is:

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

(b) more than 0.3 seconds in any other case.

(2) An enclosed ground-level flare for the treatment of landfill gas must be operated in such a way that the time between landfill gas entering and exiting the flare is more than 0.6 seconds.

(3) For the purposes of this clause, the time elapsing between an air impurity (including landfill gas) entering and exiting an afterburner or flare is to be calculated:

- (a) using the volumetric flow rate for the air impurity, as determined in accordance with TM-2 or CEM-6, and
- (b) using a 1 hour rolling averaging period.

39 Combustion temperature

(1) An afterburner, other than one that employs a catalytic control system, must be operated in such a way that the temperature for the combustion of an air impurity by the afterburner is:

- (a) more than 980°C if the air impurity originates from material containing any principal toxic air pollutant, or
- (b) more than 760°C, in any other case.

(2) An enclosed ground-level flare for the treatment of landfill gas must be operated in such a way that the temperature for the combustion of landfill gas by the flare is more than 760°C.

(3) A reference in this clause to the temperature for the combustion of an air impurity (including landfill gas) is a reference to that temperature as determined in accordance with TM-2, using a 1 hour rolling averaging period.

40 Destruction efficiency

(1) Group 6 treatment plant (other than flares) must be operated in such a way that 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 any principal toxic air pollutant--more than 99.9999%, or
- (b) in any other case--more than 99.99%.

(2) An enclosed ground-level flare for the treatment of landfill gas must be operated in such a way that the destruction efficiency of the flare, in relation to landfill gas entering the flare, is more than 98%.

(3) A reference in this clause to the destruction efficiency of Group 6 treatment plant in relation to an air impurity (including landfill gas) is a reference to the destruction efficiency of the plant, in relation to the air impurity, calculated by using the following equation:

where: "DE" is the destruction efficiency, expressed as a percentage. "MWout" is the mass emission rate of the air impurity in exhaust emissions prior to its release to the atmosphere using a 1 hour rolling averaging period. "MWin" is the mass feed rate of the air impurity in a waste feedstream using a 1 hour rolling averaging period.

41 Flares

A flare operated for the treatment of air impurities must be operated in such a way that a flame is present at all times while air impurities are required to be treated.

Division 5 – Miscellaneous

42 Emission points

(cf *Clean Air (Plant and Equipment) Regulation 1997*, cl 4)

(1) For the purposes of section 128 (1) of the Act, the point at which the standard of concentration, or rate of emission, of air impurities resulting from the carrying on of any activity, or the operation of any plant, on any premises is not to be exceeded is a 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 any 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 any control equipment, the point immediately before the point where the air, gas or vapour is added.

(2) In any case where there is more than one point of release applying in relation to any activity or plant, a reference in subclause (1) to the point of release is a reference to all of the points of release applying in relation to the activity or plant.

43 Combination of air impurities from 2 or more sources

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

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

(3) Nothing in this clause 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 clause to a source is a reference to an activity or item of plant.

44 Prescribed standards of concentration not to affect other controls

For the avoidance of doubt, this Part does not authorise the occupier of premises to carry on an activity, or operate any plant, in or on the premises in such a manner as to cause or permit the emission of air impurities in excess of those allowed by any other controls that apply in respect of the activity or plant (such as a licence or a development consent granted under the *Environmental Planning and Assessment Act 1979*).

45 Exemptions from prescribed standards of concentration

The standards of concentration prescribed by this Part do not apply to or in relation to any 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.

While the standards prescribed by this Part do not apply, the occupier of the premises concerned will be subject to the requirements of section 128 (2) of the Act in relation to the prevention and minimisation of air pollution.

46 Exemption from prescribed standards of concentration for the emission of smoke

(1) The EPA may, by written notice given to a public authority, exempt the public authority from the operation of section 128 of the Act and Divisions 2 and 3, in so far as those provisions relate to the emission of smoke.

(2) The EPA may only grant such an exemption in relation to smoke emitted in the course of 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,
- (b1) rating of the effectiveness of fire extinguishers and fire suppression systems,
- (c) testing undertaken to certify that manufactured or imported products comply with Australian Standards or International Standards or meet any legislative requirements placed on them.

(3) Before granting an exemption under this clause, the EPA:

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

(b) must be satisfied that it is not practicable for the public authority to comply with the provisions referred to in subclause (1), in relation to the emission of smoke, by implementing operational changes to plant or practices.

(4) An exemption under this clause:

(a) is subject to any conditions that may be specified in the written notice by which it is granted, and

(b) may be amended or revoked by means of a further written notice given to the public authority, and

(c) unless sooner revoked by the EPA, remains in force:

(i) for a period of 12 months from the date it is granted, or

(ii) for any other period specified in the written notice by which it is granted, and

(d) extends to apply to any person acting at the direction of the public authority to which it is granted.

(5) (Repealed)

Part 5 – Control of volatile organic liquids

47 Definitions

In this Part:

"delivery tank" means a tank mounted on a tank vehicle (not being the fuel tank of the vehicle).

"large loading plant" means industrial plant that is used for loading volatile organic liquid, at a rate of more than 30 megalitres per year, into the delivery tanks of large tank vehicles.

"large storage tank" means a storage tank having a capacity of 150 kilolitres or more.

"large tank vehicle" means a tank vehicle having one or more delivery tanks with a total capacity of more than 12 kilolitres.

"small storage tank" means a storage tank having a capacity of 8 kilolitres or more but less than 150 kilolitres.

"storage tank" means a tank that is installed on any premises (other than a vessel).

"tank" means a container, or an isolated section of a container, that is used or designed to be used for the storage of volatile organic liquid, but does not include anything that is designed to hold volatile organic liquid under pressure and to prevent the emission of any volatile organic liquid or volatile organic liquid vapour.

"tank vehicle" means a vehicle used or designed to be used for the transport of volatile organic liquid from one tank to another, whether or not the vehicle is moveable under its own power, but does not include a railway vehicle.

"volatile organic liquid" means any organic compound that exists as a liquid at actual conditions of use or storage, unless it has a true vapour pressure of less than or equal to 25.8mm Hg (0.5 psia).

48 Equipment and plant to be fitted with prescribed control equipment

(1) Unless exempted from the provisions of this clause by clause 49 or by the EPA under section 284 of the Act, the occupier of any premises must not use or operate, or cause or allow to be used or operated, any fuel burning equipment or industrial plant in or on those

premises unless that equipment or plant is fitted with the control equipment prescribed by this Part.

(2) The occupier of any premises in or on which is installed any fuel burning equipment or industrial plant fitted with control equipment prescribed by this Part must, if specifications for the maintenance or operation of that fuel burning equipment, industrial plant or control equipment are prescribed by this Part, ensure that those specifications are complied with.

(3) An occupier who contravenes this clause is guilty of an offence. Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

49 Exemptions from requirement for prescribed control equipment

(1) The occupier of any premises is exempt from the operation of clause 48 in relation to any industrial plant if:

(a) the plant is fitted with control equipment that is approved by the EPA by notice in writing to the occupier, and

(b) the plant and control equipment are maintained and operated in such manner as the EPA specifies in that notice of approval.

(2) The occupier of any premises is exempt from the operation of clause 48 in relation to small storage tanks if:

(a) the EPA is satisfied that the volume of volatile organic liquid loaded into the storage tanks on those premises per year does not usually exceed 600 kilolitres, and

(b) the EPA grants an exemption from the operation of that clause by notice in writing to the occupier, and

(c) the occupier complies with such conditions as the EPA specifies in the exemption.

(3) The EPA may vary or revoke an approval or exemption under this clause at any time by notice in writing served on the holder of the approval or exemption.

50 Prescribed control equipment for large storage tanks

(1) This clause applies to any large storage tank situated anywhere within the Sydney, Newcastle or Wollongong Metropolitan Area.

(2) For the purposes of clause 48, the following control equipment is the prescribed control equipment to be fitted to any large storage tank:

(a) a drainage system comprising a small sump or tundish fitted under each water draw-off valve and connected to a totally enclosed drain,

(b) if the volatile organic liquid stored in the tank has a vapour pressure of or below 75 kilopascals:

(i) a floating metal roof that, under normal operating conditions, floats on the surface of the liquid, or

(ii) a floating cover constructed of material impervious to vapour that, under normal operating conditions, floats on the surface of the liquid inside a fixed roof, or

(iii) a vapour disposal or recovery system of the kind referred to in subclause (6),

(c) if the volatile organic liquid stored in the tank has a vapour pressure above 75 kilopascals, a vapour disposal or recovery system of the kind referred to in subclause (6).

(3) Subclause (2) (a) does not apply in the case of tanks used for the storage of volatile organic liquid (other than crude petroleum) received by tank-to-tank transfer from other storage tanks.

(4) A floating roof or cover referred to in subclause (2) (b) must be constructed so as to prevent the escape of vapour through the roof or cover and so that:

(a) vapour beneath the floating roof or cover is contained by skirt plates situated

near the edges of the roof or cover and surrounding any openings in the roof or cover or by similar means, and

(b) the roof or cover is equipped with one or more closure seals to close the spaces between the roof or cover and the tank walls and between any openings in the roof or cover and any equipment passing through those openings, and

(c) seals on floating roofs are shielded from the weather, and

(d) weather-shields are moveable to permit proper inspection of seals.

(5) For the purposes of clause 48 (2), the level of volatile organic liquid in a large storage tank that is fitted with a floating roof or cover referred to in subclause (2) (b) must be maintained, during normal operating conditions, at a depth sufficient to prevent the supports of the floating roof or cover from resting on the floor of the tank.

(6) A vapour disposal or recovery system referred to in subclause (2) (b) or (c) must be constructed so that the vapour emitted from the tank:

(a) is incinerated, so that the total concentration of unburnt vapour emitted to the atmosphere does not exceed 1.5 grams per cubic metre of the gases resulting from the incineration process, or

(b) is recovered, so that the total concentration of unrecovered vapour emitted to the atmosphere during any period of 4 hours does not exceed 110 milligrams per litre of volatile organic liquid passing into the tank during that period.

(7) The total concentration of unburnt vapour referred to in subclause (6) (a) is to be determined as set out in TM-19, the total concentration of unrecovered vapour referred to in subclause (6) (b) is to be determined as set out in TM-20 and the calculation of the vapour pressure of volatile organic liquid stored in tanks is to be carried out in accordance with TM-21.

(8) Subclauses (6) and (7) do not apply to large storage tanks on scheduled premises, within the meaning of Part 4, that belong to Group 6, within the meaning of that Part.

51 Prescribed control equipment for large loading plant

(1) This clause applies to any large loading plant situated anywhere within the Sydney Metropolitan Area.

(2) For the purposes of clause 48, the following control equipment is the prescribed control equipment to be fitted to large loading plant:

(a) a vapour collection system by which all vapour displaced from tanks during loading operations is collected and conveyed to a vapour recovery or disposal system through vapour lines having an internal diameter of not less than 65 per cent of the largest fill-line used for connection to the delivery tank,

(b) an interlock system that prevents the loading of a delivery tank unless the vapour collection system is first connected to that tank,

(c) fittings on all liquid and vapour lines that make vapour-tight connections with the respective mating fittings on the delivery tank and that close automatically when disconnected,

(d) a vapour recovery or disposal system of the kind referred to in subclause (4).

(3) The interlock system referred to in subclause (2) (b) is taken not to be prescribed for the purposes of clause 48 if it forms part of industrial plant used only for loading delivery tanks that are themselves fitted with such an interlock system.

(4) A vapour recovery or disposal system referred to in subclause (2) (d) must be constructed so that the vapour resulting from loading operations:

(a) is incinerated, so that the total concentration of unburnt vapour emitted to the atmosphere does not exceed 1.5 grams per cubic metre of the gases resulting from the incineration process, or

(b) is recovered, so that the total concentration of unrecovered vapour emitted to the atmosphere during any period of 4 hours does not exceed 110 milligrams per litre of volatile organic liquid passing out of the plant during that period.

(5) The total concentration of unburnt vapour referred to in subclause (4) (a) is to be determined as set out in TM-19 and the total concentration of unrecovered vapour referred to in subclause (4) (b) is to be determined as set out in TM-20.

(6) Subclauses (4) and (5) do not apply to large storage tanks on scheduled premises, within the meaning of Part 4, that belong to Group 6, within the meaning of that Part.

52 Prescribed control equipment for small storage tanks

(1) This clause applies to any small storage tank situated anywhere within the Sydney Metropolitan Area other than the local government area of Hawkesbury.

(2) For the purposes of clause 48, the following control equipment is the prescribed control equipment to be fitted to a small storage tank:

- (a) a vapour transfer system by which all vapour displaced by the transfer of volatile organic liquid into the storage tank is returned to the delivery tank being unloaded by means of a vapour return line,
- (b) a coupling on the vapour return line that makes a vapour-tight connection with the vapour return hose on the delivery tank and that closes automatically when disconnected,
- (c) in the case of a tank that is filled by the operation of gravity, an overflow protection system designed to stop the flow of volatile organic liquid into the storage tank before there is insufficient space in that tank to receive the contents of the tank vehicle's transfer hose,
- (d) a coupling on the storage tank's fill-pipe that makes a liquid-tight connection with the delivery tank's liquid transfer hose,
- (e) in the case of a storage tank located above the ground, pressure vacuum valves on all atmospheric vents.

(3) The vapour transfer system referred to in subclause (2) (a) may be used to serve more than one storage tank on the same premises.

(4) A vapour return line referred to in subclause (2) (a) must be of vapour-tight construction and must have an internal diameter:

(a) in the case of such part of the vapour return line as is upstream of the first fitting or change in direction from the tank:

- (i) not less than 50 per cent of the internal diameter of the fill-pipe, or
- (ii) in the case of a tank installed before 1 May 1982 and in which the vapour return line is taken from the atmospheric vent, as large as practicable having regard to the internal diameter of the existing vent connection, and

(b) in the case of such part of the vapour return line as is downstream of the first fitting or change in direction from the tank, not less than 65 per cent of the internal diameter of the fill-pipe.

(5) The pressure vacuum valves referred to in subclause (2) (e):

(a) except as provided in paragraph (b), must be set to be closed when the pressure in the tank is between 15 kilopascals above, and 0.5 kilopascals below, ambient pressure, or

(b) in the case of tanks installed before 1 May 1982, may be set to be closed when the pressure in the tank is between the design operating maximum pressure and the design operating maximum vacuum.

(6) For the purposes of clause 48 (2), a hatch, manhole or other cover on or associated with a storage tank fitted with the prescribed control equipment referred to in subclause (2) must not be opened if, in so doing, vapour would be likely to be emitted to the atmosphere, except:

(a) in an emergency, or

(b) for the purpose of tank gauging or sampling through a dip hatch (when no liquid transfer hoses are connected to the tank or when any connected hoses are

closed), or

(c) for the purpose of reasonable maintenance.

53 Prescribed control equipment for large tank vehicles

(1) This clause applies to:

(a) the loading of a large tank vehicle from large loading plant, and

(b) the unloading of a large tank vehicle into a small storage tank,

where the loading or unloading takes place anywhere within the Sydney Metropolitan Area.

(2) The owner of a tank vehicle must not use the tank vehicle, or allow the tank vehicle to be used, to load or unload volatile organic liquid unless the tank vehicle is fitted with the following control equipment and the equipment is maintained in an efficient condition:

(a) a vapour handling system for the transfer between delivery tanks of vapour displaced during loading or unloading operations,

(b) an overfill protection device, located in the delivery tank, that is designed to stop the flow of volatile organic liquid into the tank as near as practicable to the level of minimum ullage,

(c) couplings on liquid transfer pipes and hoses on the tank vehicle that make a liquid-tight connection with the respective mating fittings and that, in the case of liquid transfer pipes, close automatically when disconnected,

(d) hatch covers on any openings that are required to be vapour-tight when closed,

(e) pressure vacuum valves on all atmospheric vents (except emergency vents) that are set to be closed when the pressure in the tank is between 15 kilopascals above, and 3 kilopascals below, ambient pressure, being valves that may be fitted with a vent by-pass or pilot-bleed system if the maximum area for free venting is limited to 15 square millimetres.

Maximum penalty: 200 penalty units (in the case of a corporation) or 40 penalty units (in the case of an individual).

(3) The vapour handling system referred to in subclause (2) (a) must comply with the following requirements:

(a) the delivery tank must be fitted with a vapour transfer valve connecting the tank, through a manifold if desired, to a vapour line coupling or permanently connected vapour hose,

(b) the vapour transfer valve:

(i) must be interlocked with the delivery valve, so as to be open whenever volatile organic liquid is being transferred to or from the tank, and

(ii) if the vapour return hose is not permanently connected to the delivery tank, must be interlocked with the vapour line coupling on the delivery tank, so as to be closed unless the vapour return hose is attached to that coupling,

(c) unless the delivery tank is fitted with a permanently connected vapour hose, the tank vehicle must carry a vapour return hose of vapour-tight construction, fitted to connect:

(i) at one end, to the vapour line coupling on the vehicle, and

(ii) at the other end, to a vapour return coupling at the liquid loading or unloading plant,

(d) the vapour line (including any vapour hose carried by the vehicle) must have an internal diameter of not less than 65 per cent of the internal diameter of the largest liquid transfer hose carried by the vehicle,

(e) couplings on vapour transfer hoses on the tank vehicle must make vapour-tight connections with the respective fittings on the vehicle.

(4) A person is exempt from the operation of this clause if:

(a) the vehicle is fitted with control equipment that is approved by the EPA by

notice in writing to the owner of the vehicle, and

(b) the vehicle and control equipment are maintained and operated in such manner as the EPA specifies in that notice of approval.

(5) The EPA may vary or revoke an approval or exemption under this clause at any time by notice in writing served on the holder of the approval or exemption.

54 Loading and unloading large tank vehicles

(1) This clause applies to:

(a) the loading of a large tank vehicle from large loading plant, and

(b) the unloading of a large tank vehicle into a small storage tank,

where the loading or unloading takes place anywhere within the Sydney Metropolitan Area.

(2) While a tank vehicle is being loaded with volatile organic liquid from large loading plant, the person in charge of the vehicle must ensure that the delivery tank mounted on the vehicle is properly connected to the vapour collection system of that plant. Maximum penalty: 200 penalty units (in the case of a corporation) or 40 penalty units (in the case of an individual).

(3) While a tank vehicle is being used to load volatile organic liquid into a small storage tank, the person in charge of the vehicle must ensure that:

(a) before any such loading takes place, the vapour return hose is connected to the appropriate vapour line coupling on the tank vehicle (except in the case of a permanently connected hose) and to the appropriate vapour return coupling on or associated with the storage tank, and

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

(c) the connection or disconnection of any hose is done in such a manner as to avoid or minimise spillage, and

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

Maximum penalty: 200 penalty units (in the case of a corporation) or 40 penalty units (in the case of an individual).

(4) The person in charge of a tank vehicle must not, without reasonable excuse, leave open a hatch, manhole or other cover on any delivery tank mounted on the vehicle if to do so would be likely to result in vapour being emitted to the atmosphere. Maximum penalty: 200 penalty units (in the case of a corporation) or 40 penalty units (in the case of an individual).

Part 6 – Limits on sulfur content of liquid fuel

55 Limits on sulfur content of liquid fuel

(1) A person must not, anywhere in the Sydney, Wollongong, Newcastle or Central Coast Metropolitan Area, operate any fuel burning equipment with liquid fuel having a sulfur content of more than 0.5 per cent by weight, as measured in accordance with TM-6.

Maximum penalty: 200 penalty units (in the case of a corporation) or 40 penalty units in the case of an individual.

(2) A person must not, anywhere outside the Sydney, Wollongong, Newcastle or Central Coast Metropolitan Area, operate any fuel burning equipment with liquid fuel having a sulfur content of more than 2.5 per cent by weight, as measured in accordance with TM-6. Maximum penalty: 200 penalty units (in the case of a corporation) or 40 penalty units (in the case of an individual).

(3) This clause does not prevent a person from operating fuel burning equipment with liquid fuel having a sulfur content in excess of a limit imposed by subclause (1) or (2) in the following circumstances:

(a) circumstances in which the emissions of sulfur compounds to the atmosphere arising from the operation of the equipment are restricted (by means of control equipment or otherwise) in such a manner that they are no greater than they would be if the equipment were operated (in the absence of any such restriction) with

- fuel having a sulfur content within the relevant limit,
- (b) circumstances in which the liquid fuel is used for the lighting-up or flame-stabilising of fuel burning equipment designed primarily to burn solid fuel and the sulfur content of the liquid fuel is no more than 2.5 per cent by weight,
- (c) circumstances in respect of which the person operating the fuel burning equipment holds a written exemption issued by the EPA, being circumstances that, in the opinion of the EPA, are special circumstances in respect of the fuel burning equipment or the premises in which the fuel burning equipment is installed,
- (d) circumstances in which:
 - (i) the emissions of sulfur compounds to the atmosphere arising from the operation of the fuel burning equipment are restricted (by means of control equipment or otherwise) in accordance with the requirements of a licence, and
 - (ii) the fuel has a sulfur content within the limits imposed by that licence.

(4) It is a defence to a prosecution for an offence arising under this clause if the defendant establishes that:

- (a) the fuel burning equipment was being operated with liquid fuel supplied under an order placed by the defendant for liquid fuel conforming to the relevant requirements of this clause, and
- (b) the defendant had reasonable grounds to believe, and did in fact believe, that the sulfur content of the liquid fuel conformed to those requirements.

Part 7 – Miscellaneous

56 Savings relating to domestic solid fuel heaters

Any act, matter or thing that, immediately before the repeal of the *Clean Air (Domestic Solid Fuel Heaters) Regulation 1997*, had effect under that Regulation continues to have effect under this Regulation.

57 Savings relating to motor vehicles and motor vehicle fuels

(1) Any act, matter or thing that, immediately before the repeal of the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997*, had effect under that Regulation continues to have effect under this Regulation.

(2) Without limiting the generality of subclause (1), any exemption or certificate issued under a provision of the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997* and in force immediately before the repeal of that Regulation is taken to have been issued under the corresponding provision of this Regulation and is subject to the same terms and conditions on which it was issued.

58 Savings relating to repealed Regulation

(1) Any act, matter or thing that had effect under the *Protection of the Environment Operations (Control of Burning) Regulation 2000* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

(2) In particular, an approval granted by the EPA under clause 9 of that Regulation, being an approval that was in force immediately before the commencement of this clause:

- (a) is taken to be an approval granted under Part 2A of this Regulation, and
- (b) may be amended or revoked accordingly.

Schedule 1 Forms

(Clause 18)

Form 1

[Front of label]

DEFECTIVE VEHICLE

This vehicle is in a defective condition and must not be used after the date shown on the back of this label unless the repairs, reconnections or readjustments shown on the back of the label have been properly effected and the defective vehicle notice given in relation to this vehicle has been cleared.

You must not use this vehicle or allow it to be used while that notice is in force. PENALTY UP TO \$6,600. However, it is not an offence to drive the vehicle to or from a place of repair or inspection.

This label must not be removed or interfered with except by an authorised officer of the Environment Protection Authority or with the authority of such an officer. PENALTY UP TO \$6,600.

Failure to comply with the defective vehicle notice may result in this vehicle's registration under the *Road Transport (Vehicle Registration) Act 1997* being suspended or cancelled.

[Back of label]

Defect Notice No:

Registration/Chassis/Engine No of vehicle:

Date for completion of repairs, reconnections or readjustments:

The following repairs, reconnections or readjustments must be carried out:

After the above repairs, reconnections or readjustments have been carried out, this vehicle must be inspected by an authorised officer of the Environment Protection Authority in order for this label to be removed. Inspection may be arranged by telephoning the following number between 9 am and 4 pm Monday to Friday:

Issued on:

Signature of authorised officer:

Schedule 2 Standards of concentration for scheduled premises: afterburners, flares and vapour recovery units

(Clause 27)

	Afterburners and other thermal treatment plant (excluding flares)	Standard of concentration	
Air impurity	Plant	Group 1	400 mg/m ³
Solid particles (Total)	Any afterburner or other thermal treatment plant treating air impurities that originate from material containing any principal toxic air		

	pollutant		
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any afterburner or other thermal treatment plant	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	350 mg/m ³	
Volatile organic compounds (VOCs), as n-propane equivalent	Any afterburner or other thermal treatment plant treating air impurities that originate from material containing any principal toxic air pollutant	Group 1, 2, 3, 4 or 5	--
	Group 6	20 mg/m ³ VOCs or 125 mg/m ³ CO	
	Any afterburner or other thermal treatment plant treating air impurities that originate from material not containing any principal toxic air pollutant	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
Hydrogen chloride (HCl)	Any afterburner or other thermal treatment plant treating air impurities that originate from material containing any principal toxic air pollutant	Group 1, 2, 3 or 4	400 mg/m ³
	Group 5 or 6	100 mg/m ³	
Type 1 substances (in aggregate)	Any afterburner or other thermal treatment plant treating air impurities that originate from material containing any principal toxic air pollutant	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any afterburner or other thermal treatment plant treating air impurities that originate from material containing any principal toxic air pollutant	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any afterburner or other thermal treatment plant treating air impurities that originate from material containing any principal toxic air pollutant	Group 1, 2 or 3	--
	Group 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any afterburner or other thermal treatment plant treating air impurities that originate from material containing any principal toxic air	Group 1, 2, 3, 4 or 5	--

	pollutant		
	Group 6	0.1 ng/m ³	
Smoke	Any afterburner or other thermal treatment plant treating air impurities that originate from material containing any principal toxic air pollutant	Group 1, in approved circumstances	Ringelman 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6	Ringelmann 1 or 20% opacity	

	Flares		
Air impurity	Plant	Standard of concentration	
Volatile organic compounds (VOCs), as n-propane equivalent	Any enclosed ground-level flare treating landfill gas	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs	
Smoke	Any flare	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4 or 5	Ringelmann 1 or 20% opacity	
	Group 6	No visible emission other than for a total period of no more than 5 minutes in any 2 hours.	

	Vapour recovery units and other non-thermal treatment plant		
Air impurity	Plant	Standard of concentration	
Volatile organic compounds (VOCs), as n-propane equivalent	Any vapour recovery unit treating air impurities that originate from material containing any principal toxic air pollutant	Group 1, 2, 3, 4 or 5	--
	Group 6	20 mg/m ³ VOCs	
	Any vapour recovery unit treating air impurities that originate from material not containing any principal toxic air pollutant	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs	

Schedule 3 Standards of concentration for scheduled premises: activities and plant used for specific purposes

(Clause 27)

	Agricultural fertiliser or ammonium nitrate production		
Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Sulfur dioxide (SO ₂)	Acid production	Group 1	5,600 mg/m ³
	Group 2, 3, 4 or 5	2,800 mg/m ³	
	Group 6	1,000 mg/m ³	
Sulfuric acid mist (H ₂ SO ₄) or sulfur trioxide (SO ₃) or both, as SO ₃ equivalent	Acid production	Group 1	200 mg/m ³
	Group 2, 3, 4, 5 or 6	100 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Acid production	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	350 mg/m ³	
Smoke	Acid production	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

	Aluminium: primary production		
Air impurity	Activity or plant	Standard of concentration	
Solid particles (total)	Any activity or plant (except as listed below)	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂	Pre-baked anode production	Group 1, 2, 3 or 4	2,500 mg/m ³

equivalent			
	Group 5	2,000 mg/m ³	
	Group 6	300 mg/m ³	
Fluorine (F ₂) and any compound containing fluorine, as total fluoride (HF) equivalent	Production of aluminium from alumina	Group 1	40 mg/m ³
	Group 2	20 mg/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	0.1 ng/m ³	
Volatile organic compounds (VOCs), as n-propane equivalent	Pre-baked anode production	Group 1	--
	Groups 2, 3 and 4	--	
	Group 5	--	
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
Smoke	Pre-baked anode production	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

	Aluminium: secondary production		
Air impurity	Activity or plant	Standard of concentration	
Solid particles (total)	Any activity or plant, including any smelting, refining or holding furnace (except as listed below)	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any activity or plant, including any smelting, refining or holding furnace	Group 1	2,500 mg/m ³
	Group 2, 3 or 4	2,500 mg/m ³	
	Group 5	2,000 mg/m ³	
	Group 6	300 mg/m ³	
Fluorine (F ₂) or any compound	Any smelting or refining furnace	Group 1	100 mg/m ³

containing fluorine, as total fluoride (HF) equivalent			
	Group 2, 3, 4, 5 or 6	50 mg/m ³	
Type 1 substances (in aggregate)	Any smelting or refining furnace	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any smelting or refining furnace	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any smelting or refining furnace	Group 1, 2 or 3	--
	Group 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any smelting or refining furnace	Group 1, 2, 3, 4 or 5	--
	Group 6	0.1 ng/m ³	
Volatile organic compounds (VOCs), as n-propane equivalent	Any smelting or refining furnace	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
Smoke	Any activity or plant	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

	Cement or lime production or cement or lime handling		
Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Any kiln	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Groups 2, 3, and 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO _x	Any kiln other than a lime kiln	Group 1, 2, 3 or 4	2,500 mg/m ³

2 equivalent			
	Group 5	2,000 mg/m ³	
	Group 6	500 mg/m ³	
	Any lime kiln	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	400 mg/m ³	
Fluorine (F ₂), or any compound containing fluorine, as total fluoride (HF) equivalent	Any kiln fired on a liquid or solid standard fuel or a non-standard fuel	Group 1	100 mg/m ³
	Group 2, 3, 4, 5 or 6	50 mg/m ³	
Type 1 substances (in aggregate)	Any kiln fired on a non-standard fuel	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any kiln fired on a non-standard fuel	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any kiln fired on a non-standard fuel	Group 1, 2 or 3	--
	Group 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any kiln fired on a non-standard fuel that contains precursors of dioxin or furan formation	Group 1, 2, 3, 4 or 5	--
	Group 6	0.1 ng/m ³	
Volatile organic compounds (VOCs), as n-propane equivalent	Any kiln fired on a non-standard fuel	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
Smoke	Any kiln	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

	Ceramic works		
Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Any kiln or dryer	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	

	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any kiln or dryer	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	500 mg/m ³	
Fluorine (F ₂), or any compound containing fluorine, as total fluoride (HF) equivalent	Any kiln or dryer	Group 1	100 mg/m ³
	Group 2, 3, 4, 5 or 6	50 mg/m ³	
Hydrogen chloride (HCl)	Any activity, other than the manufacture of glazed terracotta roofing tiles	Group 1, 2, 3 or 4	400 mg/m ³
	Group 5 or 6	100 mg/m ³	
	Manufacture of glazed terracotta roofing tiles	Group 1, 2, 3 or 4	--
	Group 5 or 6	100 mg/m ³	
Type 1 substances (in aggregate)	Any kiln or dryer fired on a non-standard fuel	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any kiln or dryer fired on a non-standard fuel	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any kiln or dryer fired on a non-standard fuel	Group 1, 2 or 3	--
	Group 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any 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	0.1 ng/m ³	
Volatile organic compounds (VOCs), as n-propane equivalent	Any kiln or dryer fired on a non-standard fuel	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
Smoke	Any kiln (other than those used for firing dark red or dark brown face bricks formed by dry press brick machines) Any dryer	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity

	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	
	Any kiln used for firing dark red or dark brown face bricks formed by dry press brick machines	Group 1	Ringelmann 3 or 60% opacity
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

	Electricity generation		
Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Any activity or plant using a liquid or solid standard fuel or a non-standard fuel	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any 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 30 MW or more	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	800 mg/m ³	
	Group 6	500 mg/m ³	
	Any turbine operating on gas, being a turbine used in connection with an electricity generating system with a capacity of 30 MW or more	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5 or 6	70 mg/m ³	
	Any turbine operating on a fuel other than gas, being a turbine used in connection with an electricity generating system with a capacity of 30 MW or more	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	150 mg/m ³	

	Group 6	90 mg/m ³	
Fluorine (F ₂) and any compound containing fluorine, as total fluoride (HF) equivalent	Any activity or plant using a liquid or solid standard fuel or a non-standard fuel	Group 1	100 mg/m ³
	Group 2, 3, 4, 5 or 6	50 mg/m ³	
Type 1 substances (in aggregate)	Any activity or plant using a non-standard fuel	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any activity or plant using a non-standard fuel	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any activity or plant using a non-standard fuel	Group 1, 2 or 3	--
	Group 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any 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	0.1 ng/m ³	
Volatile organic compounds (VOCs), as n-propane equivalent	Any activity or plant using a non-standard fuel	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
Smoke	Any activity or plant using a liquid or solid standard fuel or a non-standard fuel	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

	Glass production
--	------------------

Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Any melting furnace	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any melting furnace except manufacture of glass using sodium nitrate (NaNO ₃)	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	700 mg/m ³	
	Any melting furnace for manufacture of glass using sodium nitrate (NaNO ₃).	Group 1, 2, 3, 4 or 5	4,000 mg/m ³
	Group 6	1,500 mg/m ³	
Type 1 substances (in aggregate)	Any melting furnace	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any melting furnace	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any melting furnace	Group 1, 2 or 3	--
	Group 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Smoke	Any melting furnace	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

Iron and steel: primary production			
Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Any fuel burning equipment Any sinter plant Any kiln Any power-generating plant Any furnace	Group 1	400 mg/m ³

	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any fuel burning equipment Any sinter plant Any kiln Any power-generating plant Any furnace	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	500 mg/m ³	
Hydrogen sulfide (H ₂ S) (see also clause 31)	Any fuel burning equipment Any sinter plant Any kiln Any power-generating plant Any furnace Any reduction control system not followed by combustion	Group 1, 2, 3, 4, 5 or 6	5 mg/m ³
Volatile organic compounds (VOCs), as n-propane equivalent	Any activity or plant using a non-standard fuel	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
Type 1 substances (in aggregate)	Any activity or plant	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any activity or plant	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any activity or plant	Group 1	--
	Groups 2, 3 and 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any sinter plant	Group 1, 2, 3, 4 or 5	--
	Group 6	0.1 ng/m ³	
Smoke	Any fuel burning equipment Any sinter plant Any kiln Any power-generating plant Any furnace	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	

	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity

		Iron and steel: secondary production	
Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Any fuel burning equipment	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity Any electric arc furnace	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any activity or plant except any electric arc furnace	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	350 mg/m ³	
Type 1 substances (in aggregate)	Any steelmaking furnace	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 2 substances (in aggregate)	Any steelmaking furnace	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any steelmaking furnace	Group 1	--
	Group 2, 3 or 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any steelmaking furnace	Group 1, 2, 3, 4 or 5	--
	Group 6	0.1 ng/m ³	
Volatile organic compounds (VOCs), as n-propane equivalent	Any steelmaking furnace	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
Smoke	Any steelmaking furnace	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity

	Group 1, in other circumstances	Ringelmann 2 or 40% opacity
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity

	Non-ferrous metals (excluding aluminium): primary production		
Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Any sinter plant Any smelting or refining process Any alloying or casting process Any fuel burning equipment	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
	Any smelting or refining process Any alloying or casting process Any sinter plant Any fuel burning equipment	Group 1, 2, 3 or 4	2,500 mg/m ³
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Group 5	2,000 mg/m ³	
	Group 6	350 mg/m ³	
Volatile organic compounds (VOCs), as n-propane equivalent	Any activity or plant using a non-standard fuel	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
Type 1 substances (in aggregate)	Any smelting or refining process Any alloying or casting process Any sinter plant	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any smelting or refining process Any alloying or casting process Any sinter plant	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any smelting or refining process Any alloying or casting process Any sinter plant	Group 1, 2 or 3	--
	Group 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any sinter plant	Group 1, 2, 3, 4 or 5	--

	Group 6	0.1 ng/m ³	
Smoke	Any sinter plant Any smelting or refining process Any alloying or casting process Any fuel burning equipment	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

	Non-ferrous metals (excluding aluminium): secondary production		
Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Any activity or plant (except as listed below)	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any activity or plant	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	300 mg/m ³	
Type 1 substances (in aggregate)	Any smelting or refining process	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any smelting or refining process	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any smelting or refining process	Group 1, 2 or 3	--
	Group 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any smelting or refining process	Group 1, 2, 3, 4 or 5	--
	Group 6	0.1 ng/m ³	

Volatile organic compounds (VOCs), as n-propane equivalent	Any smelting or refining process	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
Smoke	Any activity or plant	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

	Paper, paper pulp or pulp products industries				
Air impurity	Activity or plant	Standard of concentration			
Solid particles (Total)	Any boiler used in connection with power generation	Group 1	400 mg/m ³		
	Any kraft recovery boiler				
	Any lime kiln				
	Group 2, 3 or 4	250 mg/m ³			
	Group 5	100 mg/m ³			
	Group 6	50 mg/m ³			
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³		
	Group 2, 3 or 4	250 mg/m ³			
	Group 5	100 mg/m ³			
	Group 6	20 mg/m ³			
	Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any boiler used in connection with power generation		Group 1, 2, 3 or 4	2,500 mg/m ³
		Any kraft recovery boiler			
Group 5		2,000 mg/m ³			
Group 6		300 mg/m ³			
Any lime kiln		Group 1, 2, 3 or 4	2,500 mg/m ³		
Group 5		2,000 mg/m ³			
Group 6	400 mg/m ³				
Hydrogen sulfide (H ₂ S) (see also clause 31)	Any kraft recovery boiler	Group 1, 2, 3, 4, 5 or 6	5 mg/m ³		
	Any lime kiln				
Total reduced sulfides (TRS), as H ₂ S equivalent	Any digester system, if not followed by combustion	Group 1, 2, 3, 4 or 5	--		
	Any brown stock washer system, if not followed by combustion				
	Any condensate stripper, if not followed by combustion				

	combustion		
	Group 6	4 mg/m ³	
Type 1 substances (in aggregate)	Any boiler used in connection with power generation using a non-standard fuel Any lime kiln using a non-standard fuel	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any boiler used in connection with power generation using a non-standard fuel Any lime kiln using a non-standard fuel	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any boiler used in connection with power generation using a non-standard fuel Any lime kiln using a non-standard fuel	Group 1, 2 or 3	--
	Group 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any kraft recovery boiler Any boiler used in connection with power generation using a non-standard fuel that contains precursors of dioxin or furan formation Any lime kiln using a non-standard fuel that contains precursors of dioxin or furan formation	Group 1, 2, 3, 4 or 5	--
	Group 6	0.1 ng/m ³	
Volatile organic compounds (VOCs), as n-propane equivalent	Any boiler used in connection with power generation using a non-standard fuel Any lime kiln using a non-standard fuel	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs and 125 mg/m ³ CO	
Methanol	Any kraft recovery boiler	Group 1, 2, 3, 4 or 5	--
	Group 6	0.012 kg/t of black liquor solids fired	
Smoke	Any lime kiln Any kraft recovery boiler Any boiler used in connection with power generation	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	

	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity
--	---	-----------------------------------

Petrochemical production			
Air impurity	Activity or plant	Standard of concentration	
Solid particles (total)	Any activity or plant (except as listed below)	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any fuel burning equipment	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	350 mg/m ³	
Hydrogen sulfide (H ₂ S) (see also clause 31)	Any reduction control system not followed by combustion Any sulfur recovery plant	Group 1, 2, 3, 4, 5 or 6	5 mg/m ³
Volatile organic compounds (VOCs), as n-propane equivalent	Any thermal oxidation process	Group 1, 2, 3, 4 or 5	--
	Any catalytic oxidation process		
	Any vapour incineration	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO
	Any vapour recovery unit Any distillation process	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³	
Smoke	Any activity or plant using a liquid or solid standard fuel or a non-standard fuel	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

Petroleum refining			
Air impurity	Activity or plant	Standard of concentration	
Solid particles (total)	Any fuel burning equipment Any fluidised bed catalytic cracking unit regenerator	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	

	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Any fuel burning equipment Any fluidised bed catalytic cracking unit regenerator	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	350 mg/m ³	
Hydrogen sulfide (H ₂ S) (see also clause 31)	Any reduction control system not followed by combustion Any sulfur recovery plant	Group 1, 2, 3, 4, 5 or 6	5 mg/m ³
Volatile organic compounds (VOCs), as n-propane equivalent	Any thermal oxidation process Any catalytic oxidation process Any vapour incineration	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
	Any vapour recovery unit Any distillation process	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs	
Smoke	Any fuel burning equipment using a liquid or solid standard fuel or a non-standard fuel Fluidised bed catalytic cracking unit regenerator Any boiler used in connection with power generation	Group 1, in approved circumstances	Ringelmann 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	

Schedule 4 Standards of concentration for scheduled premises: general activities and plant

(Clause 27)

	General standards of concentration		
Air impurity	Activity or plant	Standard of concentration	
Solid particles (Total)	Any activity or plant (except as listed below)	Group 1	400 mg/m ³
	Group 2, 3 or 4		250 mg/m ³

	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any plant used for heating metals	Group 1	250 mg/m ³
	Group 2, 3 or 4	200 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	50 mg/m ³	
	Any crushing, grinding, separating or materials handling activity	Group 1	400 mg/m ³
	Group 2, 3 or 4	250 mg/m ³	
	Group 5	100 mg/m ³	
	Group 6	20 mg/m ³	
Nitrogen dioxide (NO ₂) or Nitric oxide (NO) or both, as NO ₂ equivalent	Any activity or plant (except boilers, gas turbines and stationary reciprocating internal combustion engines listed below)	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	2,000 mg/m ³	
	Group 6	350 mg/m ³	
	Any boiler operating on gas	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5 or 6	350 mg/m ³	
	Any 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 30 MW	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5 or 6	500 mg/m ³	
	Any turbine operating on gas, being a turbine used in connection with an electricity generating system with a capacity of less than 10 MW	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	90 mg/m ³	
	Group 6	70 mg/m ³	
	Any turbine operating on gas, being a turbine used in connection with an electricity generating system with a capacity of 10 MW or greater but less than 30 MW	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5 or 6	70 mg/m ³	
	Any 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 10 MW	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5 or 6	90 mg/m ³	
	Any turbine operating on a fuel other than gas, being a turbine used in connection with an electricity generating system with a capacity of 10 MW or greater but less than 30 MW	Group 1, 2, 3 or 4	2,500 mg/m ³
	Group 5	150 mg/m ³	
	Group 6	90 mg/m ³	
	Stationary reciprocating internal combustion engines	Group 1, 2, 3, 4 or 5	--

	Group 6	450 mg/m ³	
Sulfur dioxide (SO ₂)	Sulfuric acid manufacture using elemental sulfur	Group 1	5,600 mg/m ³
	Group 2, 3, 4 or 5	2,800 mg/m ³	
	Group 6	1,000 mg/m ³	
	Sulfuric acid manufacture using other than elemental sulfur	Group 1, 2, 3, 4 or 5	7,200 mg/m ³
	Group 6	1,000 mg/m ³	
Sulfuric acid mist (H ₂ SO ₄) or sulfur trioxide (SO ₃) or both, as SO ₃ equivalent	Any activity or plant	Group 1	200 mg/m ³
	Group 2, 3, 4, 5 or 6	100 mg/m ³	
Hydrogen sulfide (H ₂ S) (see also clause 31)	Any activity or plant	Group 1, 2, 3, 4, 5 or 6	5 mg/m ³
Fluorine (F ₂) and any compound containing fluorine, as total fluoride (HF) equivalent	Any activity or plant, other than the manufacture of aluminium from alumina	Group 1	100 mg/m ³
	Group 2, 3, 4, 5 or 6	50 mg/m ³	
Chlorine (Cl ₂)	Any activity or plant	Group 1, 2, 3, 4, 5 or 6	200 mg/m ³
Hydrogen chloride (HCl)	Any activity, other than the manufacture of glazed terracotta roofing tiles	Group 1, 2, 3 or 4	400 mg/m ³
	Group 5 or 6	100 mg/m ³	
	Manufacture of glazed terracotta roofing tiles	Group 1, 2, 3 or 4	--
	Group 5 or 6	100 mg/m ³	
Type 1 substances (in aggregate)	Any activity or plant	Group 1, 2 or 3	20 mg/m ³
	Group 4	10 mg/m ³	
	Group 5 or 6	--	
Type 1 substances and Type 2 substances (in aggregate)	Any activity or plant	Group 1, 2, 3 or 4	--
	Group 5	5 mg/m ³	
	Group 6	1 mg/m ³	
Cadmium (Cd) or mercury (Hg) individually	Any activity or plant	Group 1, 2 or 3	--
	Group 4	3 mg/m ³	
	Group 5	1 mg/m ³	
	Group 6	0.2 mg/m ³	
Dioxins or furans	Any activity or plant using a non-standard fuel	Group 1, 2,	--

	that contains precursors of dioxin or furan formation	3, 4 or 5	
	Group 6	0.1 ng/m	
	Incinerator that processes waste	Group 1, 2, 3 or 4	--
	Group 5 or 6	0.1 ng/m	
Volatile organic compounds (VOCs), as n-propane	Any activity or plant involving combustion (except as listed below)	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
	Any stationary reciprocating internal combustion engine using a gaseous fuel	Group 1, 2, 3, 4 or 5	--
	Group 6	40 mg/m ³ VOCs or 125 mg/m ³ CO	
	Any stationary reciprocating internal combustion engine using a liquid fuel	Group 1, 2, 3, 4 or 5	--
	Group 6	1140 mg/m ³ VOCs or 5880 mg/m ³ CO	
Smoke	Any activity or plant in connection with which solid fuel is burnt	Group 1, in approved circumstances	Ringelman 3 or 60% opacity
	Group 1, in other circumstances	Ringelmann 2 or 40% opacity	
	Group 2, 3, 4, 5 or 6, in approved circumstances	Ringelmann 3 or 60% opacity	
	Group 2, 3, 4, 5 or 6, in other circumstances	Ringelmann 1 or 20% opacity	
	An activity or plant in connection with which liquid or gaseous fuel is burnt	Group 1, 2, 3, 4, 5 or 6	Ringelman n 1 or 20% opacity

Schedule 5 Test methods, averaging periods and reference conditions for scheduled premises

(Clause 28)

Part 1 – Test methods

	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 ₂ S)	TM-5	CEM-7
Total reduced sulfides (TRS)	TM-33	CEM-5
Sulfuric acid mist (H ₂ SO 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) or any compound containing fluorine, as total fluoride (HF) equivalent, except where emitted by a primary aluminium smelter while manufacturing aluminium from alumina	TM-9	Not applicable
Hydrogen fluoride (HF) emitted by a primary aluminium smelter while manufacturing aluminium from alumina	TM-10	Not applicable
Type 1 substances and Type 2 substances	TM-12, TM-13 and TM-14	Not applicable
Cadmium (Cd) or mercury	TM-12, TM-13 and 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 a specified Ringelmann standard has been exceeded)	TM-16	Not applicable
Smoke (if determining whether standard for emission of smoke from flares has been exceeded)	TM-37	Not applicable

Part 2 – Averaging periods

	Averaging periods
Air impurity	Averaging period
Sulfuric acid mist (H ₂ SO ₄) or sulfur trioxide (SO ₃) or both, as SO ₃ equivalent Fluorine (F ₂), or any compound containing fluorine, as total fluoride (HF) equivalent (except where emitted by a primary	1 hour, or the minimum sampling period specified in the relevant test

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)	method referred to in Part 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 ₂ S) 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

Part 3 – Reference conditions

	Reference conditions relating to Group 1, 2, 3 or 4	
Air impurity	Activity or plant	Reference conditions
All air impurities (except as listed below)	Any activity or plant	Dry, 273 K, 101.3 kPa
Smoke (if determining whether a specified standard of concentration of opacity has been exceeded)	Any activity or plant	Gas stream temperature above dew point. Path length corrected to stack exit diameter as per CEM-1
Solid particles (total)	Boilers or incinerators	Dry, 273 K, 101.3 kPa, 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)	Any activity or plant (except as listed below)	Dry, 273 K, 101.3 kPa
	Any fuel burning equipment using solid fuel	Dry, 273 K, 101.3 kPa, 7% O ₂
	Any fuel burning equipment using gas or liquid fuel	Dry, 273 K, 101.3 kPa, 3% O ₂
	Gas turbines	Dry, 273 K, 101.3 kPa, 15% O ₂
Smoke (if determining whether a specified standard of concentration of opacity has been exceeded)	Any activity or plant	Gas stream temperature above dew point. Path length corrected to stack exit diameter as per CEM-1
Dioxins or furans	Incinerators that process waste	Dry, 273 K, 101.3kPa, 11% O ₂

Schedule 6 Standards of concentration for non-scheduled premises

(Clause 33)

Air impurity	Activity or plant	Group	Concentration	
Solid particles	Any activity or plant (except as listed below)	Group A	400 mg/m ³	
		Group B		250 mg/m ³
		Group C		100 mg/m ³
	Any activity or plant in which, or in connection with which, solid fuel is burnt	Group A	Ringelmann 2 or 40% opacity	
		Group B		Ringelmann 1 or 20% opacity
		Group C		Ringelmann 1 or 20% opacity
	Any activity or plant in which, or in connection with which, liquid or gaseous fuel is burnt	Group A	Ringelmann 1 or 20% opacity	
		Group B		Ringelmann 1 or 20% opacity
		Group C		Ringelmann 1 or 20% opacity
Smoke	Any activity or plant in connection with which solid fuel is burnt	Group A, in relation to marine vessels or premises, in approved circumstances	Ringelmann 3 or 60% opacity	
		Group A, in relation to marine vessels or premises, in other circumstances		Ringelmann 2 or 40% opacity
		Group B or C, in relation to marine vessels or premises, in approved circumstances		Ringelmann 3 or 60% opacity, or
		Group B or C, in relation to marine vessels or premises, in other circumstances		Ringelmann 1 or 20% opacity
		Any 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, in approved circumstances
	Group A, B or C, in relation to marine vessels or premises, in other circumstances	Ringelmann 1 or 20% opacity		

Schedule 7 Test methods, averaging periods and reference conditions for non-scheduled premises

(Clause 34)

Part 1 – Test methods

	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
Smoke (if determining whether a specified Ringelmann standard has been exceeded)	TM-16	Not applicable

Part 2 – Averaging periods

	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, 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

	Reference conditions relating to Group A
Air impurity	Activity or plant
Solid particles (total)	Any activity or plant (except as listed below)
	Boilers or incinerators
Smoke (if determining whether a specified standard of concentration of opacity has been exceeded)	Any activity or plant

	Reference conditions
	Dry, 273 K, 101.3 kPa
	Dry, 273 K, 101.3 kPa, 12% CO ₂
	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
Solid particles (total)	Any activity or plant (except as listed below)
	Fuel burning equipment using solid fuel
	Fuel burning equipment using liquid or gaseous fuel
Smoke (if determining whether a specified standard of concentration of opacity has been exceeded)	Any activity or plant

	Reference conditions
	Dry, 273 K, 101.3 kPa
	Dry, 273 K, 101.3 kPa, 7% CO ₂
	Dry, 273 K, 101.3 kPa, 3% CO ₂
	Gas stream temperature above dew point. Path length corrected to stack exit diameter as per CEM-1

Schedule 8 Local government areas in which burning is prohibited

(Clauses 6E, 6F (4) and 6G (2))

Part 1 – Areas in which all burning (including burning of vegetation and domestic waste) is prohibited except with approval

Ashfield	Manly
Auburn	Marrickville
Bankstown City	Mosman
Blacktown City	Newcastle City
Botany Bay City	North Sydney
Broken Hill City	Parramatta City
Burwood	Pittwater
Camden	Queanbeyan City
Campbelltown City	Randwick City
Canada Bay	Rockdale City
Canterbury City	Ryde City
Fairfield City	Shellharbour City
Gosford City	Strathfield
Holroyd City	Sutherland Shire
Hunter's Hill	City of Sydney
Hurstville City	Warringah
Kogarah	Waverley
Ku-ring-gai	Willoughby City
Lake Macquarie City	Wollongong City
Lane Cove	Woollahra
Leichhardt	Wyong
Liverpool City	

Part 2 – Areas in which burning of vegetation is prohibited except with approval

City of Albury	Hornsby
Armidale Dumaresq	Kiama
Ballina	Leeton
Balranald	Lismore City
Bathurst Regional	City of Lithgow
Baulkham Hills	Liverpool Plains
Bellingen	Maitland City
Bland	Mid-Western Regional

Blue Mountains City	Muswellbrook
Boorowa	Nambucca
Bourke	Narrabri
Brewarrina	Narromine
Cessnock City	Orange City
Clarence Valley	Penrith City
Cobar	Port Macquarie-Hastings
Coffs Harbour City	Port Stephens
Cooma-Monaro Shire	Tamworth Regional
Coonamble	Tumut
Dubbo City	Uralla
Eurobodalla	Wagga Wagga City
Goulburn Mulwaree	Warren
Greater Taree City	Wellington
Gunnedah	Wentworth
Gwydir	Wingecarribee
Hawkesbury City	Wollondilly
Hay	

Part 3 – Areas in which all burning (other than burning of vegetation) is prohibited except with approval or in relation to certain domestic waste

City of Albury	Inverell
Armidale Dumaresq	Junee
Ballina	Kiama
Balranald	Kyogle
Bathurst Regional	Leeton
Baulkham Hills	Lismore City
Bland	City of Lithgow
Blue Mountains City	Maitland City
Boorowa	Mid-Western Regional
Bourke	Muswellbrook
Brewarrina	Narrabri
Cessnock City	Narromine
Clarence Valley	Oberon
Cobar	Orange City
Coffs Harbour City	Palerang
Cooma-Monaro Shire	Penrith City
Coonamble	Port Macquarie-Hastings
Cootamundra	Port Stephens
Dubbo City	Tamworth Regional
Eurobodalla	Temora
Glen Innes Severn	Tumut
Goulburn Mulwaree	Upper Hunter Shire

Greater Hume Shire	Urana
Greater Taree City	Wagga Wagga City
Gunnedah	Warren
Guyra	Wellington
Gwydir	Wentworth
Hawkesbury City	Wingecarribee
Hay	Wollondilly
Hornsby	

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
Cll	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government Gazette	Rep	repealed	Subst	substituted
Ins	inserted	Sch	Schedule		

Table of amending instruments *Protection of the Environment Operations (Clean Air) Regulation 2002* published in Gazette No 135 of 30.8.2002, p 7496 and amended as follows: *Protection of the Environment Operations (Clean Air) Amendment Regulation 2004* (GG No 104 of 25.6.2004, p 4572)

2005	No 18	<i>Energy Administration Amendment (Water and Energy Savings) Act 2005</i> . Assented to 18.5.2005. Date of commencement of Sch 2.9, 20.5.2005, sec 2 and GG No 57 of 20.5.2005, p 1733.
	(495)	<i>Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005</i> . GG No 107 of 26.8.2005, p 5669. Date of commencement, 1.9.2005, cl 2.
	No 98	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2005</i> . Assented to 24.11.2005. Date of commencement of Sch 2.48, assent, sec 2 (2).
2006	(491)	<i>Protection of the Environment Operations Legislation Amendment (Control of Burning) Regulation 2006</i> . GG No 106 of 25.8.2006, p 6616. Date of commencement, 1.9.2006, cl 2.
2007	(14)	<i>Protection of the Environment Operations (Clean Air) Amendment (Bush Fire Hazard Reduction) Regulation 2007</i> . GG No 11 of 19.1.2007, p 168. Date of commencement, on gazettal.
	No 27	<i>Statute Law (Miscellaneous Provisions) Act 2007</i> . Assented to 4.7.2007. Date of commencement of Sch 2, assent, sec 2 (2).

Table of amendments

Cl 3	Am 2005 (495), Sch 1 [1].
Part 2A	Ins 2006 (491), Sch 1 [1].
Part 2A, Div 1	Ins 2006 (491), Sch 1 [1].
Cl 6A	Ins 2006 (491), Sch 1 [1].
Cl 6B	Ins 2006 (491), Sch 1 [1]. Am 2007 (14), Sch 1 [1].
Part 2A, Div 2 (cll 6C,	Ins 2006 (491), Sch 1 [1].

6D)	
Part 2A, Div 3	Ins 2006 (491), Sch 1 [1].
Cl 6E	Ins 2006 (491), Sch 1 [1].
Cl 6F	Ins 2006 (491), Sch 1 [1]. Am 2007 (14), Sch 1 [2].
Cl 6G	Ins 2006 (491), Sch 1 [1].
Cl 7	Am 25.6.2004; 2005 (495), Sch 1 [2].
Part 3, Div 5, heading	Subst 25.6.2004.
Part 3, Div 6 (cII 19A-19C)	Ins 25.6.2004.
Part 3, Div 7	Ins 25.6.2004.
CII 19D, 19E	Ins 25.6.2004.
Cl 19F	Ins 25.6.2004. Am 2005 No 18, Sch 2.9.
CII 19G, 19H	Ins 25.6.2004.
Part 4	Subst 2005 (495), Sch 1 [3].
Part 4, Div 1, heading	Ins 2005 (495), Sch 1 [3].
Cl 20	Subst 2005 (495), Sch 1 [3].
Part 4, Div 2, heading	Ins 2005 (495), Sch 1 [3].
CII 21, 22	Subst 2005 (495), Sch 1 [3].
CII 23-25	Ins 2005 (495), Sch 1 [3].
Cl 26	Ins 2005 (495), Sch 1 [3]. Am 2005 No 98, Sch 2.48.
CII 27-31	Ins 2005 (495), Sch 1 [3].
Part 4, Divs 3, 4 (cII 32-41)	Ins 2005 (495), Sch 1 [3].
Part 4, Div 5	Ins 2005 (495), Sch 1 [3].
CII 42, 43	Ins 2005 (495), Sch 1 [3].
Cl 44	Ins 2005 (495), Sch 1 [3]. Am 2007 No 27, Sch 2.42.
Cl 45	Ins 2005 (495), Sch 1 [3].
Cl 46	Ins 2005 (495), Sch 1 [3]. Am 2006 (491), Sch 1 [2]-[4].
Parts 5, 6 (cII 47-55)	Ins 2005 (495), Sch 1 [3].
Part 7	Ins 2005 (495), Sch 1 [3].
CII 56, 57	Ins 2005 (495), Sch 1 [3].
Cl 58	Ins 2006 (491), Sch 1 [5].
Sch 2	Subst 2005 (495), Sch 1 [4].
Schs 3-7	Ins 2005 (495), Sch 1 [4].
Sch 8	Ins 2006 (491), Sch 1 [6].