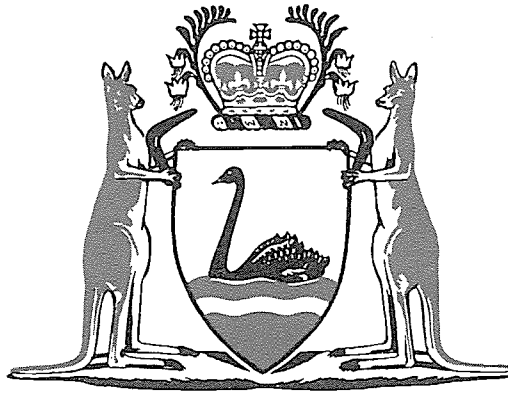


[2567]



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OF

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[1985

CLEAN AIR ACT 1964

CLEAN AIR REGULATIONS 1967

WESTERN AUSTRALIA

CLEAN AIR ACT 1964.

CLEAN AIR REGULATIONS 1967.

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Reprinted under the Reprints
Act 1984 as at 9 June 1985.

WESTERN AUSTRALIA

CLEAN AIR ACT 1964.

CLEAN AIR REGULATIONS 1967.

Citation.

1. These regulations may be cited as the Clean Air Regulations 1967.

Commencement.

2. These regulations shall come into operation on and from the day on which the Clean Air Act 1964 comes into operation.

Interpretation.

3. In these regulations, unless the contrary intention appears—

“Act” means the Clean Air Act 1964, and if that Act is amended from time to time includes the Act as so amended;

“Council” means the Air Pollution Control Council established under the Act;

“dark smoke” means smoke that, if compared with a chart known as the Ringelmann Chart as described in the British Standard (of the British Standards Institution) 2742: 1958, using for the purpose of the test British Standard Ringelmann Chart BS2742C: 1957 or British Standard Miniature Ringelmann Chart BS2742M: 1960, would appear darker than shade 1 on either of those charts;

“incinerator” means any structure or part of a structure used to dispose of combustible refuse by burning;

“master” includes every person having lawfully, or de facto, the command, charge or management of a vessel for the time being;

“section” means section of the Act.

[Reg. 3. Amended by G.G. 27/5/83, p. 1605.]

LICENSING AND OTHER PROVISIONS.

Prescribed periods.

4. The prescribed period for the purposes of—

[Paragraph (a) deleted by G.G. 27/5/83, p. 1605.]

- (b) paragraph (b) of section 23(2), is 1 month from the time the person making application for a licence in respect of any premises, first commenced to use them as scheduled premises;
- (c) paragraph (c) of section 23(2), is 3 months after the publication of the Order in Council in the *Gazette*;
- (d) paragraph (d) of section 23(2), is 1 month after the person became the occupier of the scheduled premises.

[Reg. 4. Amended by G.G. 27/5/83, p. 1605; G.G. 2/3/84, p. 544.]

Prescribed period for renewal of licence.

5. An application for the renewal of a licence shall be made not earlier than 1 month before the date of expiry of the licence.

Application for licence.

6. An application for a licence pursuant to the provisions of Division 1 of Part III of the Act shall be made in or to the effect of Form 1.

Form of licence.

6A. A licence issued pursuant to the provisions of Division 1 of Part III of the Act shall be in the form of Form 6.

[Reg. 6A inserted by G.G. 27/5/83, p. 1605.]

Application for renewal of licence.

7. An application for renewal of a licence pursuant to the provisions of Division 1 of Part III of the Act shall be made in or to the effect of Form 2.

Renewal of licence.

7A. The renewal of a licence pursuant to the provisions of Division 1 of Part III of the Act shall be in the form of Form 7.

[Reg. 7A inserted by G.G. 27/5/83, p. 1605.]

Application for transfer of licence.

8. An application for transfer of a licence pursuant to the provisions of Division 1 of Part III of the Act shall be made in or to the effect of Form 3.

Offence and penalty.

9. A person who makes an application—

- (a) for a licence;
- (b) for the renewal of a licence; or
- (c) for the transfer of a licence,

that is false in any material particular is guilty of an offence against these regulations and is liable to a penalty of \$2 000.

[Reg. 9. Amended by G.G. 27/5/83, p. 1605.]

Fees for transfer.

10. The fee payable in respect of a transfer of a licence shall be \$30.

[Reg. 10. Amended by G.G. 7/10/83, p. 4069.]

Fee for approval under S. 34.

11. An application for approval under the provisions of section 34 shall be made to the Executive Director in or to the effect of Form 4 and shall be accompanied by a fee of \$50.

[Reg. 11. Amended by G.G. 7/10/83, p. 4069; G.G. 29/6/84, p. 1781.]

Plans and specifications.

12. The plans and specifications required to be submitted under section 34 (2) (d)—

- (a) shall be submitted in duplicate; and
- (b) shall be drawn to such scale and be set forth in such detail as shall provide adequate information of the work, building, erection or alteration to which the plans and specifications relate so far as the work, building, erection or alteration affects air pollution control.

Register of licences.

13. The register of licences caused to be kept by the Executive Director under section 28, shall be in or to the effect of Form 5.

[Reg. 13. Amended by G.G. 29/6/84, p. 1781.]

Licensing fees.

14. (1) Subject to subregulation (2), the fees payable for licences in respect of scheduled premises or any renewal thereof under the provisions of section 24 shall be as follows—

A. PREMISES BEING USED FOR—	\$
(a) Abrasive Blasting Works—	
(i) in which all blasting is carried out in an enclosed chamber from which particulate emissions from the exit gases conform to the standard of concentration prescribed in section 33	50
(ii) all other abrasive blasting works	200
(b) Asphalt and Bitumen Works—	
(i) processing not more than 10 000 tonnes of material per year.....	50
(ii) processing more than 10 000 tonnes but not more than 100 000 tonnes of material per year	250
(iii) processing more than 100 000 tonnes but not more than 1 000 000 tonnes per year	500
(iv) processing more than 1 000 000 tonnes of material per year	1 000
(c) Cement and Lime Works—	
(i) producing lime or grinding cement clinker not more than 200 000 tonnes of material per year	1 000
(ii) producing more than 200 000 tonnes of lime or grinding more than 200 000 tonnes of cement clinker per year	2 000
(d) Cement Product Manufacturing Works—	
(i) processing more than 500 tonnes but not more than 5 000 tonnes of concrete per year.....	50
(ii) processing more than 5 000 tonnes but not more than 50 000 tonnes of concrete per year	250
(iii) processing more than 50 000 tonnes but not more than 500 000 tonnes of concrete per year.....	500
(iv) processing more than 500 000 tonnes of concrete per year	1 000
(e) Ceramic Works—Excluding glass works—	
(i) producing not more than 5 000 tonnes of products per year.....	50
(ii) producing more than 5 000 tonnes but not more than 50 000 tonnes of products per year	250
(iii) producing more than 50 000 tonnes but not more than 500 000 tonnes of products per year	500
(iv) producing more than 500 000 tonnes of products per year	1 000

(f) Chemical Manufacturing Works—	\$
(i) excluding plaster (gypsum) works and alumina or bauxite refineries—	
(A) producing not more than 100 tonnes of total chemical products per year	50
(B) producing more than 100 tonnes but not more than 1 000 tonnes of total chemical products per year	250
(C) producing more than 1 000 tonnes but not more than 10 000 tonnes of total chemical products per year	500
(D) producing more than 10 000 tonnes but not more than 100 000 tonnes of total chemical products per year	1 000
(E) producing more than 100 000 tonnes but not more than 500 000 tonnes of total chemical products per year	2 000
(F) producing more than 500 000 tonnes of total chemical products per year	3 000
(ii) used for the treatment or processing of plaster (gypsum).....	250
(iii) used for the treatment or processing of bauxite or alumina—	
(A) processing not more than 1 000 000 tonnes of material per year	1 000
(B) processing more than 1 000 000 tonnes of material per year	2 000
(g) Concrete Batching Plants—	
(i) processing more than 500 tonnes (230 cubic metres) but not more than 5 000 tonnes (2 300 cubic metres) of concrete or concrete products per year	50
(ii) processing more than 5 000 tonnes (2 300 cubic metres) but not more than 50 000 tonnes (23 000 cubic metres) of concrete or concrete products per year	250
(iii) processing more than 50 000 tonnes (23 000 cubic metres) but not more than 500 000 tonnes (230 000 cubic metres) of concrete or concrete products per year	500
(iv) processing more than 500 000 tonnes (230 000 cubic metres) of concrete or concrete products per year	1 000
(h) Fibreglass works—	
(i) using more than 500 kilogrammes but not more than 5 tonnes of polyester resin per year	50
(ii) using more than 5 tonnes but not more than 250 tonnes of polyester resin per year.....	100
(iii) using more than 250 tonnes of polyester resin per year	200
(i) Gas Works based on coal, oil or hydrocarbon derivatives—	
(i) producing not more than 50 000 gigajoules per year	250
(ii) producing more than 50 000 gigajoules but not more than 1 000 000 gigajoules per year	500
(iii) producing more than 1 000 000 gigajoules but not more than 5 000 000 gigajoules per year	1 000
(iv) producing more than 5 000 000 gigajoules per year.....	2 000

(j) Glass Works—	\$
(i) producing not more than 1 000 tonnes of products per year	50
(ii) producing more than 1 000 tonnes but not more than 10 000 tonnes of products per year	250
(iii) producing more than 10 000 tonnes but not more than 100 000 tonnes of products per year	500
(iv) producing more than 100 000 tonnes of products per year	1 000
(k) Grinding and Milling Works—	
(i) producing more than 200 tonnes but not more than 5 000 tonnes of material per year	50
(ii) producing more than 5 000 tonnes but not more than 50 000 tonnes of material per year	250
(iii) producing more than 50 000 tonnes but not more than 500 000 tonnes of material per year	500
(iv) producing more than 500 000 tonnes but not more than 5 000 000 tonnes of material per year	1 000
(v) producing more than 5 000 000 tonnes of material per year	2 000
(l) Loading or Unloading Vessels	200
(m) Primary Metallurgical Works smelting or converting ores to metal of any kind—	
(i) producing not more than 10 000 tonnes of metal per year	500
(ii) producing more than 10 000 tonnes per year but not more than 200 000 tonnes per year	1 000
(iii) producing more than 200 000 tonnes per year	2 000
(n) (i) Oil Refinery	2 000
(ii) Waste Oil Reclaiming Refinery	250
(o) Scrap Metal Reclaiming Works—	
(i) reclaiming not more than 200 tonnes of metal per year	50
(ii) reclaiming more than 200 tonnes but not more than 2 000 tonnes of metal per year	250
(iii) reclaiming more than 2 000 tonnes but not more than 10 000 tonnes of metal per year	500
(iv) reclaiming more than 10 000 tonnes of metal per year	1 000
(p) Stockyards	50
(q) Waste Water Treatment Plants—Where the volume treated is—	
(i) more than 20 m ³ per day but not more than 200 m ³ per day	50
(ii) 200 m ³ per day but not more than 2 000 m ³ per day	100
(iii) 2 000 m ³ per day but not more than 10 000 m ³ per day	150
(iv) 10 000 m ³ per day or more	250
(r) Works used for the Rendering or Reduction of Animal Matter—	
(i) producing not more than 100 tonnes of products per week	100
(ii) producing more than 100 tonnes of products per week	250

B. PREMISES ON WHICH THERE IS ERECTED ANY—	\$
(a) Boiler or boilers consuming or capable of consuming either alone or in the aggregate more than 500 kilogrammes of combustible material per hour—	
(i) consuming more than 500 kilogrammes and not more than 1 tonne of combustible material per hour.....	50
(ii) consuming more than 1 tonne and not more than 10 tonnes of combustible material per hour	100
(iii) consuming more than 10 tonnes but not more than 50 tonnes of combustible material per hour.....	250
(iv) consuming more than 50 tonnes but not more than 100 tonnes of combustible material per hour.....	500
(v) consuming more than 100 tonnes of combustible material per hour	1 000
(b) Coke works—	
(i) producing not more than 10 000 tonnes of coke per year	250
(ii) producing more than 10 000 tonnes of coke but not more than 100 000 tonnes of coke per year	500
(iii) producing more than 100 000 tonnes of coke per year.....	1 000
(c) Furnace used for the melting of non-ferrous metals—	
(i) melting not more than 200 tonnes of metal per year	50
(ii) melting more than 200 tonnes but not more than 2 000 tonnes of metal per year	250
(iii) melting more than 2 000 tonnes but not more than 10 000 tonnes of metal per year	500
(iv) melting more than 10 000 tonnes of metal per year.....	1 000
(d) Furnace or cupola used for the smelting of alloys of iron or steel—	
(i) melting not more than 1 000 tonnes of metal per year.....	50
(ii) melting more than 1 000 tonnes but not more than 10 000 tonnes of metal per year	250
(iii) melting more than 10 000 tonnes of metal per year.....	500
(iv) melting more than 100 000 tonnes of metal per year	1 000
C. PREMISES ON WHICH FUEL BURNING EQUIPMENT OR INDUSTRIAL PLANT IS OPERATED BY THE WESTERN AUSTRALIAN GOVERNMENT RAILWAYS COMMISSION CONSTITUTED UNDER THE GOVERNMENT RAILWAYS ACT 1904—	
In the aggregate in respect to all such premises	2 000

(2) Where premises at one location and occupied by the same person, as determined by the Council, fall within more than one of the descriptions or classes of scheduled premises specified in subregulation (1) only one fee is payable, and that fee shall be the fee appropriate to the classification or description in respect of which the higher or highest fee is payable.

[Reg. 14. Substituted by G.G. 7/10/83, pp. 4069-72. Amended by G.G. 15/6/84, p. 1632.]

[Regulation 15 repealed by G.G. 7/10/83, p. 4072.]

[Regulation 16 repealed by G.G. 7/10/83, p. 4072.]

CHIMNEY HEIGHTS.

Chimneys.

17. (1) This regulation applies to any furnace, boiler or any other fuel burning equipment that can under normal operation emit 1.5 kilogrammes or more of sulphur dioxide in an hour.

(2) The height of a chimney serving or connected to any such furnace, boiler or other fuel burning equipment shall be in accordance with that given under the second edition of a memorandum on chimney heights entitled "CHIMNEY HEIGHTS— second edition of the 1956 Clean Air Act Memorandum published in the United Kingdom by Her Majesty's Stationery Office on behalf of the Ministry for Housing and Local Government of that country and code numbered 75-115-0-67, as determined within the scope of that Memorandum."

Penalty: \$2 000 and, in the case of a continuing offence, a further sum of \$400 for each day during which the offence continues.

[Reg. 17. Amended by G.G. 4/6/68, p. 1696; G.G. 23/12/71, p. 5318; G.G. 27/5/83, p. 1605.]

EMISSION OF SOLID PARTICLES IN SMOKE.

Solid Particles in Smoke.

18. (1) Subject to subregulation (2), a person shall not erect or install in any premises any fuel burning equipment or incinerator of any kind that is likely to emit solid particles in smoke unless the person proposing to erect or install it has before commencing the erection or installation thereof, submitted to the Council full details including details of any control equipment for preventing or minimizing the emission of solid particles in smoke.

Penalty: \$2 000 and, in the case of a continuing offence, a further sum of \$400 for each day during which the offence continues.

(2) This regulation does not apply to domestic fires or to individual free standing incinerators of a capacity of less than 0.25 of a cubic metre which is used for burning household or garden refuse, but applies to any incinerator that is built into a building.

[Reg. 18. Amended by G.G. 27/5/83, p. 1605.]

EMISSION OF DARK SMOKE (GENERAL).

Dark smoke permitted periods.

19. (1) The emission of dark smoke lasting for not longer than 4 minutes in any hour from a chimney of, or used in connection with, any scheduled or other premises shall be left out of account for the purposes of sections 32 and 37.

(2) In any prosecution for an offence against this regulation it shall be a defence to prove—

- (a) that the contravention happened on an isolated occasion; and
- (b) that the contravention was due solely to—
 - (i) the lighting up of the fuel burning equipment served by the chimney and that all practicable means had been adopted to prevent or minimise the emission of dark smoke, but where the fuel burning equipment is a boiler or incinerator, the emission of dark smoke and lighting up period did not exceed a period of 20 minutes in the aggregate in any period of 24 hours; or
 - (ii) the failure of the fuel burning equipment or of any apparatus used in connection therewith and that the failure could not have been foreseen or provided against and that all practicable means had been adopted to prevent the failure by maintaining the equipment or apparatus in a reasonable state of repair; or
 - (iii) the unavoidable use of unsuitable or variable fuel and that all practicable means had been adopted to prevent or minimize the emission of the dark smoke resulting from the use thereof.

[Reg. 19. Amended by G.G. 3/8/73, p. 2906.]

DARK SMOKE PERMITTED PERIODS (VESSELS).

Dark smoke—vessels.

20. The emission of dark smoke from any vessel within the limits of any harbour or in any inland navigable waters lasting for not longer than the periods set out in this regulation shall be left out of account for the purposes of section 37—

- (a) continuously for 4 minutes, except when soot blowing a water tube boiler in the vessel or in the cases referred to in paragraph (e);
- (b) in the case of the emission of dark smoke from a forced draught oil-fired boiler furnace or an oil engine in the vessel, for 10 minutes in the aggregate in any period of 2 hours;
- (c) in the case of the emission of dark smoke from a natural draught oil-fired boiler furnace in the vessel for 10 minutes in the aggregate in any period of 1 hour;
- (d) in the case of the emission of dark smoke from a coal-fuel boiler furnace in the vessel, for 10 minutes when the vessel is not under way, except in the cases referred to in paragraph (e), or for 20 minutes in the aggregate in any period of 1 hour when the vessel is under way;
- (e) in the case of the emission of dark smoke from a natural draught boiler furnace, whether oil or coal fired, and for tugs not under way but preparing to get under way or supplying power to other vessels or shore installations, or for vessels not under way but using main power for dredging, lifting, pumping or performing some other special operation for which the vessel is designed, for 20 minutes in the aggregate in any period of 1 hour or for 10 minutes continuously in the case of the emission of dark smoke from an oil-fired boiler furnace, except when soot blowing a water tube boiler;
- (f) for 5 minutes in the aggregate in any period of 1 hour in any other case not previously referred to in this regulation.

[Regulation 21 repealed by G.G. 27/5/83, p. 1605.]

WESTERN AUSTRALIA.
CLEAN AIR ACT 1964.
APPLICATION FOR A LICENCE.

¹Where an applicant is a wholly owned subsidiary company, the application shall be made in the name of the subsidiary with the name of the parent or holding company also stated.

²Where a company, firm or person operates on more than one premises or location, a separate application must be made for each.

³Where two or more processes which are scheduled are carried on in the same scheduled premises, a separate application must be made for each.

Name and address of applicant.		Telephone	Postcode
Name and address of scheduled premises to which the licence will relate. ²		Postcode	
Classification of scheduled premises	Is this a new plant? NO <input type="checkbox"/> YES <input type="checkbox"/>		
Nature and quantity of products or produce produced during the last financial year			
Nature		quantity	
.....		
.....		
.....		
Enclosed fee cheque/money order	\$:	DATE	
Signed		OFFICE USE ONLY	
Official Position.....		Date application received	
		Receipt number	
		Receipt dated	
Date		Forward completed form to: Executive Director, Public Health and Scientific Support Services Health Department.	

[Form 1. Substituted by G.G. 27/5/83, p. 1606. Amended by G.G. 29/6/84, p. 1781.]

WESTERN AUSTRALIA.
CLEAN AIR ACT 1964.
APPLICATION FOR RENEWAL OF A LICENCE.

¹Where an applicant is a wholly owned subsidiary company, the application shall be made in the name of the subsidiary with the name of the parent or holding company also stated.

²Where a company, firm or person operates on more than one premises or location, a separate application must be made for each.

Forward completed form to:
Executive Director,
Public Health and
Scientific Support Services
Health Department

Name and address of applicant.		
.....		Telephone
.....		Postcode

Name and address of scheduled premises to which the licence relates.	
.....	
.....	
Postcode	

Classification of scheduled premises

Nature and quantity of products produced during the last financial year	
Nature	quantity
.....
.....

List any changes to plant that have or may have in any way affected emission into the air of any air impurity during the period since the current licence was granted or renewed.
.....
.....

Enclosed fee cheque/money order	\$:	Date			
------------------------------------	----	---	------	--	--	--

Signed	Date			
--------	------	--	--	--

OFFICE USE ONLY			
Date application received			
Receipt number			
Receipt dated			

[Form 2. Substituted by G.G. 27/5/83, p. 1607. Amended by G.G. 29/6/84, p. 1781.]

WESTERN AUSTRALIA.
CLEAN AIR ACT 1964.
REGISTER OF LICENCES.

FILE NUMBER		FIRM									
CLASSIFICATION											
APPLICATION FOR A LICENCE								APPLICATION TO CONSTRUCT			
LICENCE NO.	DATE OF ISSUE		RECEIPT NO.	DATED		FEE \$		RECEIPT NUMBER			
APPLICATION FOR A CONTROLLED OPERATIONS PERMIT								DATED			
PERMIT NO.	DATE OF ISSUE		RECEIPT NO.	DATED		FEE \$		FEE \$			
								DATE THAT APPROVAL SENT			
ANNUAL RENEWAL DATA											
PERIOD OF RENEWAL	RECEIPT NO.	DATED		FEE \$		FORM NO.	DATE OF ISSUE		INITIALS		

[Form 5. Substituted by G.G. 27/5/83, p. 1610.]

WESTERN AUSTRALIA.
 CLEAN AIR ACT 1964.
 LICENCE RENEWAL.

Renewal form number	
Licence number	
Dept. file number	

Name and address of applicant.	
.....	
.....	
.....	
Postcode	

Name and address of Scheduled Premises to which the licence renewal relates.	
.....	
.....	
.....	
Postcode	

Classification of Scheduled Premises.

Commencement day of this licence renewal	DAY	MONTH	YEAR 19
Expiry day of this licence renewal	DAY	MONTH	YEAR 19

Conditions.	Signed		
	_____ Chairman, AIR POLLUTION CONTROL COUNCIL.		
	DATE		

[Form 7. Inserted by G.G. 27/5/83, p. 1611.]

NOTES.

1. The Clean Air Regulations 1967 were published in the *Government Gazette* on 12 April 1967 at pages 932-940 and came into operation on 14 April 1967, sec regulation 2.
2. The reprint incorporates the amendments listed in the Table of Amendments below.

Table of Amendments.

Date of <i>Government Gazette</i>	Page Numbers	Date of Operation
4/6/68	1696	4/6/68
30/11/71	4941	30/11/71
23/12/71	5318	23/12/71
3/8/73	2906	3/8/73
27/5/83	1605-11	26/7/83
7/10/83	4069-72	7/10/83
2/3/84	544	2/3/84
15/6/84	1632	15/6/84
29/6/84	1781	1/7/84