



Western Australia

Environmental Protection Act 1986

**Environmental Protection (Unauthorised
Discharges) Regulations 2004**

As at 12 Mar 2004

Version 00-a0-10

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Environmental Protection (Unauthorised Discharges) Regulations 2004

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Defined terms

Environmental Protection (Unauthorised Discharges) Regulations 2004

1. Citation

These regulations may be cited as the *Environmental Protection (Unauthorised Discharges) Regulations 2004*.

2. Interpretation

In these regulations unless the contrary intention appears —
dark smoke means smoke that, if compared with a chart known as the Australian Miniature Smoke Chart (AS 3543 1989), would appear darker than shade 1 on that chart.

3. Discharges of certain materials prohibited

- (1) A person who, in the course of or in connection with a business or a commercial activity, causes or allows a material listed in Schedule 1 to be discharged into the environment commits an offence.

Penalty: \$5 000.

- (2) Subregulation (1) does not apply if —
- (a) the material discharged into the environment is a detergent and the detergent —
 - (i) was used as a wetting agent on a lawn or in a garden; and

r. 4

(ii) was applied or used at a frequency or rate that was not in excess of that recommended by the manufacturer of the wetting agent;

or

(b) the material discharged into the environment is a pesticide or horticultural product and the pesticide or horticultural product was applied or used at a frequency or rate that was not in excess of that recommended by its manufacturer.

4. Discharges of visible smoke from burning certain materials and dark smoke prohibited

(1) A person who, in the course of or in connection with a business or a commercial activity, burns or allows a material listed in Schedule 2 to be burnt so as to cause or allow visible smoke to be discharged into the environment commits an offence.

Penalty: \$5 000.

(2) A person who, in the course of or in connection with a business or a commercial activity, burns or allows any material to be burnt so as to cause or allow dark smoke to be discharged into the environment for more than 4 minutes in any hour commits an offence.

Penalty: \$5 000.

(3) Subregulation (2) does not apply to a solid or liquid burnt in a vehicle's engine on a road, a locomotive's engine while the locomotive is operating on a railway line or an aircraft's engine while the aircraft is taking off, landing, taxiing or in flight.

5. Defences

In proceedings against a person for a breach of regulation 3(1) or 4(1) or (2), it is a defence to show that the discharge —

(a) occurred in accordance with an authorisation given in the exercise of a power under another written law;

- (b) occurred as a result of an emergency or an accident or malfunction caused otherwise than by the negligence of that person; or
- (c) occurred for the purpose of preventing danger to human life or health or irreversible damage to a significant part of the environment.

6. Environmental Protection Regulations 1987 amended

- (1) The amendment in this regulation is to the *Environmental Protection Regulations 1987*.
- (2) Schedule 6 is amended by inserting after item 4 of the entry relating to the *Environmental Protection (NEPM - UPM) Regulations 2003* the following —

“

*Environmental Protection
(Unauthorised Discharges)
Regulations 2004*

1. regulation 3(1)	250	500
2. regulation 4(1)	250	500
3. regulation 4(2)	250	500

”.

7. Clean Air Regulations 1967 repealed

The *Clean Air Regulations 1967* are repealed.

**Schedule 1 — Materials that must not be discharged
into the environment**

[r. 3]

Acid with a pH less than 4
Alkali with a pH more than 10
Animal waste
Animal oil, fat or grease
Compounds or solutions of cyanide, chromium, cadmium, lead,
arsenic, mercury, nickel, zinc or copper
Degreaser
Detergent
Dust produced by a mechanical process including cutting, grinding,
sawing, sanding or polishing a material
Dye
Engine coolant or engine corrosion inhibitor
Food waste
Laundry waste
Mineral oil
Organic solvent
Paint
Petrol, diesel or other hydrocarbon
Pesticide
Sediment
Sewage
Vegetable oil, fat or grease

**Schedule 2 — Materials that must not be burnt so as to
discharge visible smoke into the environment**

[r. 4(1)]

Carpet
Electrical cables
Fabrics or textiles
Organic solvent
Paint
Plastic, including polystyrene and the like
Printed circuit boards
Printing waste
Rubber
Timber that has been treated with preservatives
Tyres
Vehicles or vessels and their parts
Waste oil, fats or grease

Notes

- ¹ This is a compilation of the *Environmental Protection (Unauthorised Discharges) Regulations 2004*. The following table contains information about those regulation.

Compilation table

Citation	Gazettal	Commencement
<i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>	12 Mar 2004 p. 747-50	12 Mar 2004

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
dark smoke.....	2