— PART 1 —

ENVIRONMENTAL PROTECTION

EP301*

Environmental Protection Act 1986

Environmental Protection Amendment Regulations (No. 3) 2000

Made by the Administrator in Executive Council on the recommendation of the Environmental Protection Authority.

1. Citation

These regulations may be cited as the *Environmental Protection Amendment Regulations (No. 3) 2000.*

2. The regulations amended

The amendments in these regulations are to the *Environmental Protection Regulations 1987**.

[* *Reprinted as at 2 April 1999. For amendments to 10 July 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 70 and Gazette 7 July 2000.*]

3. Regulation 5A amended

After regulation 5A(3) the following subregulations are inserted —

"

(4) If premises specified in Schedule 1 Part 2 are registered under regulation 5B and the Chief Executive Officer is satisfied that the occupier of the premises —

(a) has been convicted in any court of an offence —

(i) against the Act or regulations made under the Act; and

(ii) that relates to the premises;

or

(b) has operated, conducted, managed, or controlled the premises in a manner which is detrimental to the environment,

the Chief Executive Officer may, by notice in writing served on the occupier of the premises, cancel the registration of the premises.

(5) If the registration of premises is cancelled under subregulation (4), the occupier of the premises may apply to the Chief Executive Officer in writing in a form approved by the Chief Executive Officer for reinstatement of the registration.

(6) The Chief Executive Officer may reinstate the registration if the occupier satisfies the Chief Executive Officer that the occupier will not —

(a) contravene a provision of the Act or regulations made under the Act that relate to the premises; or

(b) operate, conduct, manage, or control the premises in a manner which is detrimental to the environment.

(7) If the registration of the premises is reinstated under subregulation (6), section 56 of the Act does not apply to the occupier of those premises.

".

4. Regulation 5B amended

Regulation 5B(2) is amended as follows:

(a) after paragraph (a) by inserting the following paragraph —

" (ab) made by the occupier of the premises; ";

(b) in paragraph (c) after "units" by inserting —

"

unless the occupier of the premises holds a license in respect of the premises

".

5. Regulation 5C amended

After regulation 5C(2) the following subregulation is inserted —

"

(3) For the purpose of section 64(1)(b) of the Act the fee prescribed for the transfer of a works approval is 2 units.

".

6. Regulation 5CA inserted

After regulation 5C the following regulation is inserted —

"

5CA. Waiver of fee for works approval where best practice criteria met

If, in respect of an application for a works approval under section 54 of the Act, the Chief Executive Officer is satisfied that the environmental performance and management of the premises to which the application relates conform to best practice criteria, the Chief Executive Officer may waive any amount otherwise payable under regulation 5C(1) in respect of the works approval.

".

7. Regulation 5D amended

(1) Regulation 5D(1) is amended as follows:

(a) by deleting "subregulation (3)" and inserting instead —

" subregulations (3) and (4) ";

(b) in paragraph (b) after "bitterns" by inserting —

" , water to allow mining of ore ".

(2) After regulation 5D(3) the following subregulations are inserted —

"

(4) No amount is payable under subregulation (1)(c) in respect of water discharge from category 6 premises.

(5) For the purpose of section 64(1)(b) of the Act the fee prescribed for the transfer of a licence is 2 units.

".

8. Regulation 5EB inserted

After regulation 5EA the following regulation is inserted —

"

5EB. Waiver of fee where it would be unreasonable to impose it

If in respect of an application for a licence, the Chief Executive Officer is satisfied that the production or design capacity of the premises is so small that it would be unreasonable to impose a fee, the Chief Executive Officer is to waive any amount otherwise payable under regulation 5D in respect of the licence.

".

9. Regulation 5H amended

Regulation 5H(2) is amended as follows:

(a) after paragraph (a) by deleting "and";

(b) after paragraph (b) by deleting the comma and inserting instead —

"

; and

(c) an application for a refund is made in writing in a form approved by the Chief Executive Officer by the person who is the licensee at the end of the term of the licence —

(i) on an application for another licence in respect of the same premises made within 3 months of the end of the term of the expired licence; or

(ii) within 3 months of the end of the term of the licence,

".

10. Regulations 5M, 5N, and 5O inserted

After regulation 5L the following regulations are inserted —

"

5M. Notification of changes in information provided for registration or the grant of a works approval or a licence

(1) If the occupier of premises registered under regulation 5B becomes aware —

(a) of a change in a material particular in the information provided in the application for the registration; or

(b) that the operation of the registered premises has changed in a material manner after the registration was granted,

the occupier must promptly notify the Department of the change in a form approved by the Chief Executive Officer.

(2) If a person to whom a works approval has been granted under section 54 of the Act becomes aware of a change in a material particular in the information provided to the Department in the application for the works approval, or in the course of the processing of the application for the works approval, then the occupier must promptly notify the Department of the change in a form approved by the Chief Executive Officer.

(3) If a person to whom a licence has been granted under section 57 of the Act becomes aware of a change in a material particular in the information provided to the Department in the application for the licence, or in the course of the processing of the application for the licence, then the occupier must promptly notify the Department of the change in a form approved by the Chief Executive Officer.

(4) A person who contravenes subregulation (1), (2), or (3) commits an offence.

Penalty: $5 000.

5N. Transitional provision (reduced fees)

If a fee prescribed under this Part is paid by a person (**"the payer"**) on or after 1 October 1998 but before the *Environmental Protection Amendment Regulations (No. 3) 2000* come into force, the Chief Executive Officer may refund to the payer the portion of the fee that exceeds the fee payable under this Part had those regulations come into force on 1 October 1998.

5O. Reduction, waiver, or refund of fees

The Chief Executive Officer may reduce, waive, or refund, in whole or part, any fee referred to in these regulations relating to a works approval, licence, or registration.

".

11. Schedule 1 amended

(1) Schedule 1 Part 1 is amended as follows:

(a) in category 25 by deleting "50" and inserting instead —

" 350 ";

(b) in category 26(a) after "carpet" by inserting —

" or yarn ";

(c) in category 48 by deleting "(other than premises within category 44)";

(d) after category 48 by inserting —

"

48A	Metal finishing: premises on which iron or steel is galvanized.	Not applicable

";

(e) in category 54 by deleting "treatment";

(f) in category 54 after paragraph (a) by deleting "and" and inserting instead —

" or ";

(g) by deleting the item "Category 61" and inserting the following categories instead —

"

61	Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated.	100 tonnes or more per year

61A	Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.	1000 tonnes or more per year

";

(h) in category 62 by deleting "Waste" and inserting instead —

" Solid waste ";

(i) by deleting items "Category 63", "Category 64", "Category 65", and "Category 66" and inserting the following categories instead —

"

63	Class I inert landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	500 tonnes or more per year
64	Class II or III putrescible landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	Not applicable
65	Class IV secure landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	Not applicable
66	Class V intractable landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	Not applicable

".

(2) Schedule 1 Part 2 is amended as follows:

(a) in category 85 by deleting "treatment";

(b) after category 85 by inserting —

"

85A	Sewage pumping station: premises on which sewage is pumped (other than to or from septic tanks) and where a discharge of waste from the station may enter the Swan River or the Canning River.	Not applicable

";

(c) after category 87 by inserting —

"

88	Metal finishing: premises on which — (a) metals are chemically cleaned or metals, plastics or metal or plastic products are plated, electroplated, anodised, coloured or otherwise coated or finished; and (b) from which liquid waste is discharged into a sewer.	Not applicable

".

12. Schedule 4 amended

(1) Schedule 4 Part 1 is amended as follows:

(a) by deleting the item "Categories 1 and 2" and inserting instead —

"

Categories 1 and 2	Not more than 2 000 animals	25
	More than 2 000 animals but not more than 5 000 animals	50
	More than 5 000 animals	100

";

(b) in "Categories 33, 35, 36, 37, 38 and 39" by deleting ", 38 and 39" and inserting instead —

" and 38 ";

(c) after the item "Categories 33, 35, 36, 37, 38 and 39" by inserting —

"

Category 39	Not more than 500 tonnes per year	20
	More than 500 tonnes but not more than 2 000 tonnes per year	50
	More than 2 000 but not more than 10 000 tonnes per year	100
	More than 10 000 but not more than 50 000 tonnes per year	200
	More than 50 000 tonnes per year	300

";

(d) by deleting the item "Category 48" and inserting instead —

"

Category 48	Not more than 100 tonnes per year	25
	More than 100 tonnes but not more than 1 000 tonnes per year	50
	More than 1 000 tonnes but not more than 20 000 tonnes per year	100
	More than 20 000 tonnes per year	200
Category 48A	Not more than 1 000 tonnes per year	50
	More than 1 000 tonnes but not more than 10 000 tonnes per year	100
	More than 10 000 tonnes per year	200

";

(e) by deleting the item "Category 55" and inserting instead —

"

Category 55	Not more than 50 000 animals per year	20
	More than 50 000 animals per year	50

";

(f) in category 61 by deleting "Category 61" and inserting instead —

" Categories 61 and 61A ";

(g) in "Categories 68 to 87" by deleting "87" and inserting instead —

" 88 ".

(2) The heading to Schedule 4 Part 2 is amended after "bitterns" by inserting —

" **, water to allow mining of ore,** ".

(3) Schedule 4 Part 3 Table 2 is amended as follows:

(a) Item 4(a) is amended by deleting "manganese,";

(b) after Item 4(c) the following paragraph is inserted —

" (d) manganese 10 ".

13. Schedule 6 amended

Schedule 6 under the heading "*Environmental Protection Regulations 1987*" is amended after item 1 by inserting the following item —

"

1A. regulation 5M(4)	250	500

".

Recommended by the Environmental Protection Authority,

B. BOWEN, Chairman.

By Command of the Administrator,

ROD SPENCER, Clerk of the Executive Council.