

EP302*

Environmental Protection Act 1986

Environmental Protection (NEPM -NPI) Regulations 1998

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

1. Citation

These regulations may be cited as the *Environmental Protection (NEPM -NPI) Regulations 1998*.

2. Interpretation

- (1) In these regulations —
“**NPI**” means the NEPM cited as the *National Environment Protection (National Pollution Inventory) Measure*;
“**occupier**” means an occupier, within the meaning of the NPI, to which these regulations apply.
- (2) The following words and expressions have the meaning given by the NPI:
 - “**emission data**”;
 - “**estimation technique**”;
 - “**facility**” (as defined in clause 3 and modified in clause 9(5) of the NPI);
 - “**industry handbook**”;
 - “**reporting facility**”;
 - “**reporting period**”;
 - “**reporting threshold**”;
 - “**substance**”;
 - “**substance identity information**”;
 - “**supporting data**”.

3. Purpose

The purpose of these regulations is to require certain acts to be done for the purpose of implementing the NPI.

4. Application

These regulations apply to an occupier of a reporting facility for which an industry handbook —

- (a) has been agreed between participating jurisdictions to the NPI; and
- (b) is published by the Commonwealth.

5. Collection of data from reporting facilities

- (1) The occupier of each facility must provide to the Chief Executive Officer the following information if a reporting threshold for a substance is exceeded in a reporting period —
 - (a) supporting data for the facility;
 - (b) substance identity information and emission data, determined and documented in accordance with regulation 6, for each substance for which the reporting threshold is exceeded in the period;
 - (c) any information that may be required to assess the integrity of the emission data; and
 - (d) a statement, signed by the occupier or a person authorized by the occupier for that purpose, that the occupier has exercised due diligence in gathering and providing the information mentioned in paragraphs (a), (b) and (c).

- (2) An occupier who —
- (a) fails to provide the information to the Chief Executive Officer within 3 months after the end of the reporting period to which the information relates; or
 - (b) provides information which is false or misleading in a material particular,

commits an offence.

Penalty: \$5 000.

- (3) The State shall not release any information provided to it under subregulation (1)(c) unless —
- (a) the occupier consents to its release; or
 - (b) the State is legally compelled to release it.

6. Emission estimation techniques

- (1) In estimating emission data for the purposes of providing information under regulation 5, each occupier of a reporting facility must —
- (a) if an estimation technique is set out in the relevant industry handbook for that type of reporting facility apply either —
 - (i) that estimation technique; or
 - (ii) another estimation technique approved by the Chief Executive Officer;
 - (b) if no estimation technique is set out in the relevant industry handbook which relates to a specific process carried out at the reporting facility or means of emission of waste from the reporting facility, apply an estimation technique approved by the Chief Executive Officer; and
 - (c) document the technique applied under paragraph (a) or (b).
- (2) An occupier must —
- (a) retain any data which may be required by the Chief Executive Officer to verify the emission data for 3 years from the date on which a report was provided to the Chief Executive Officer; and
 - (b) provide the data to the Chief Executive Officer as required by the Chief Executive Officer.

Penalty: \$5 000.

7. Information not admissible in other proceedings

Information provided by an occupier solely for the purposes of these regulations is not admissible in evidence in any proceedings against the occupier other than proceedings in respect of an offence against regulation 5(2)(b).

Recommended by the Environmental Protection Authority,

BERNARD BOWEN, Chairman.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.