



# Victoria Government Gazette

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## Environment Protection Act 2017

### DETERMINATION OF THE AUTHORITY UNDER SECTION 48

#### Exemption from Requirement to hold Permission – Discharges or Emissions to the Atmosphere from Prescribed Activities

#### 1. Citation

This Section 48 determination is 01 of 2021 and may be cited as EPA Determination – discharges or emissions to the atmosphere from prescribed activities.

#### 2. Summary

This determination is made by the Environment Protection Authority (Authority) under Section 48(a) and (b) of the **Environment Protection Act 2017** (the Act). It specifies the requirements that a person must meet to comply with Section 44 or 45 of the Act if the person does not hold a development licence or operating licence in relation to certain prescribed activities involving discharges or emissions to the atmosphere.

A person who meets the requirements set out in this determination is authorised to engage in a prescribed activity set out in Clause 4 without a development licence or operating licence issued under the Act in relation to that activity.

#### 3. Definitions

In this determination, words or phrases have the same meaning as in the Act or the Environment Protection Regulations 2021 (the Regulations), unless otherwise specified.

#### 4. Application

This determination applies to a person engaging, or proposing to engage, in one or more of the activities set out in the following items of the Table in Schedule 1 to the Regulations –

- (a) item 2 (A02a – Other waste treatment – incineration);
- (b) item 49 (F02 – Fibreboard works);
- (c) item 51 (G01 – Chemical works);
- (d) item 52 (G02 – Coal processing);
- (e) item 53 (G03 – Oil and gas refining);
- (f) item 56 (H01 – Cement works);
- (g) item 59 (H04 – Mineral wool works);
- (h) item 60 (H05a – Glass works – manufacturing);
- (i) item 63 (I01 – Primary metallurgical).

#### 5. Requirements

For the purposes of Section 48(a) and (b) of the Act, a person referred to in Clause 4 of this determination does not have to comply with the requirement to hold a development licence under Section 44(1) or an operating licence under Section 45(1) of the Act in relation to the activities set out in Clause 4, if the person meets the following requirements –

- (a) the person engages, or proposes to engage, in an activity set out in Clause 4 that involves discharges or emissions solely to the atmosphere from one or more sources (other than an incinerator or an afterburner) and the discharge or emission from each source is less than the following –
  - (i) 100 kilograms per day oxides of nitrogen;
  - (ii) 10 kilograms per day oxides of sulphur;

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- (iii) 100 kilograms per day carbon monoxide;
- (iv) 5 kilograms per day volatile organic compounds of which none are odorous compounds (except those substances referred to in subclauses (vii) and (viii));
- (v) in the case of –
  - (A) a source that was discharging or emitting at any time during the 12 months before 25 June 2017, 10 kilograms per day particles (except lead, respirable crystalline silica and asbestos);
  - (B) any other source, 10 kilograms per day particles (except lead, respirable crystalline silica and asbestos), including no more than 4 kilograms per day particles as PM<sub>2.5</sub>;
- (vi) 0.1 gram per minute of lead;
- (vii) 0.1 gram per minute of any substance classified as a Class 2 substance (except particles as PM<sub>2.5</sub>);
- (viii) 0.1 gram per minute of any substance classified as a Class 3 substance; or
- (b) the person engages, or proposes to engage, in an activity set out in Clause 4 that involves discharges or emissions solely to the atmosphere from one or more of the following –
  - (i) a standby engine;
  - (ii) fire-fighting training activities;
  - (iii) a spray booth, extractor vent system or fume cupboard used in product development or in a laboratory;
  - (iv) a safety relief valve or rupture disc;
  - (v) a vent on a wastewater treatment system except at a sewage treatment plant;
  - (vi) a general room or building ventilation point;
  - (vii) a food cooker or kitchen range;
  - (viii) an acid or alkali tank;
  - (ix) hand-held or other portable cleaning, maintenance or construction equipment;
  - (x) extractive industry or mining operations in accordance with the **Mineral Resources (Sustainable Development) Act 1990**.

## 6. Duration

This determination commences on 1 July 2021 and remains in effect until the revocation of the Regulations, unless earlier revoked by the Authority.

## 7. Notes

- (1) The Authority may amend or repeal this determination by way of written notice published in the Government Gazette.
- (2) This determination does not satisfy, alter or remove any requirement under the Act, except to the extent the determination expressly states otherwise.
- (3) This determination and others can be found on the Authority's website: [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

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