

information sheet

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## ENVIRONMENTAL LAW

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# Environmental law – what you need to know

## You are legally responsible.

**Be aware of your legal responsibilities under various environmental laws. You are responsible for the environmental management of your business operations and ignorance of the law is no defence against fines or prosecution. Even accidents can possibly result in fines or prosecution.**

### Environmental Harm Legislation Amendment to Environmental Protection Act 1986

Environmental Harm is intended to cover **unauthorised damage** of the environment. It can mean any direct or indirect harm to, or alteration of, the environment. This means you can be prosecuted for **potential harm** to the environment if appropriate action is not taken to prevent harm from actually happening. Environmental harm includes environmental damage that involves the unauthorised removal or destruction of native vegetation, flora or fauna.

**Penalties:** Causing or allowing environmental harm can carry maximum penalties of up to \$1 million for companies and \$500,000 with up to five years' jail for individuals.

#### More information:

Department of Environment and Conservation  
Environmental Management Division  
Telephone: (08) 6467 5000

### Environmental Protection (Unauthorised Discharges) Regulations 2004

If you discharge certain harmful materials from a commercial activity into the environment (e.g. stormwater drains or onto the ground), you are liable to be penalised. While a pollution incident may not arise from a small discharge of material the cumulative effects over time may result in serious contamination of soils, ground water and surface water. Some examples of materials include: animal waste, organic solvents, engine coolant/inhibitor, oil, petrol/diesel, pesticides, paint, acids/alkali, sediment and sewage.

Burning certain materials, which cause visible smoke are also prohibited. Examples include: burning paint, cables, rubber, plastic and tyres. The amount of dark smoke emitted from generators, dewatering pumps and incinerators, etc are also covered in the Regulations.

Make sure you are aware of all materials, related to discharge or smoke, which are covered by these Regulations.

**Penalties:** Local Government Officers and Department of Environment Officers have powers to enforce these Regulations. Penalties range from on-the-spot fines of \$250 and \$500 through to a maximum penalty of \$5000 if the matter proceeds to court.

#### More information:

Department of Environment and Conservation  
Telephone: (08) 6467 5000

### Contaminated Sites Act 2003

A contaminated site is an area of land, including underground or surface water that has the potential to harm human health or the environment. The Act requires known or suspected contaminated sites to be reported to the Department of Environment.

Reported sites will be classified and some information will be registered on a public site. Some contaminated sites will be 'tagged' with a memorial on the Certificate of Title and owners will have to inform potential owners, lessees or mortgagees about the site. Only some sites will be required to be cleaned up under the direction of the Department of Environment and there is protection for people who bought contaminated land who did not know the site was contaminated.

**Penalties:** If you fail to report known or suspected contaminated sites there is a fine of up to \$250,000 for individuals and \$1.25 million for a company. If you report a site that is contaminated knowing it is not, there is a fine of up to \$250,000. The same penalty applies for untruthful or misleading reporting.

#### Duties and responsibility to notify pollution incidents

If a pollution accident or incident occurs you must immediately notify the Department of Environment on telephone: 6364 6500 or after hours: 1800 018 800.

#### More information:

Department of Environment and Conservation  
Contaminated Sites Section;  
Telephone: 1300 762 982  
[www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites)

## Environmental Protection (Controlled Waste) Regulations 2004

This enables the Department of Environment to monitor the transportation of certain wastes, that could be an environmental hazard if not transported and disposed of properly. The system aims to prevent environmental harm or health effects that may arise from illegal disposal or unsafe transportation. There is a number of categories of waste including biological and medical waste, pesticides, paints, oils, solvents, acids/alkalis, heavy metals through to partially treated waste water. Vehicles, drivers and carriers transporting controlled waste require a licence. If you produce/generate waste you must use a licensed transport contractor to remove your waste. You are also required to keep three years documentation as proof you have disposed of your waste legally through a licensed transport contractor. Make sure you are aware of the wastes covered by these Regulations.

**Penalties:** Failure to comply with these Regulations can result in an on-the-spot fine of \$250 or \$500 or a fine up to \$5,000 determined by the courts.

### More information:

Department of Environment and Conservation  
Controlled Waste Section  
Telephone: (08) 6467 5000

## Noise and air emissions

**Noise:** The enforcement of the Environmental Protection (Noise) Regulations 1997 is usually under the jurisdiction of Local Government Environment Health Officers. These Regulations set limits for the level of noise allowed to be received at neighbouring properties.

If a site is a licensed industrial premise then it is regulated by the Department of Environment.

### More information:

Contact your Local Government Authority for details, or the Department of Environment and Conservation, Audit and Response Branch, Telephone: (08) 6467 5000

## Air emissions

The Environmental Protection Act 1986, deals with air emissions. There are also quality standards developed at a national level to address air quality throughout Australia. The Department of Health and Department of Environment also monitor air quality in terms of harm to human health.

If you produce air emissions you should check with the Department of Environment that you are not exceeding air quality standards. If a site is licensed then it is regulated by the Department of Environment.

### More information:

Department of Environment and Conservation  
Air Quality Management Branch  
Telephone: (08) 6467 5000

## General information on licenses, permits and approvals required

**Environmental Protection Licence:** A licence or registration is generally required by large industries or works, which have the potential to seriously affect the environment. They are known as prescribed premises and include intensive animal industries (feedlots, abattoirs), mining, food and beverage processing, chemical processing, metal processing, sewage and waste facilities. Prior to issuing a licence or registration for new prescribed industrial premises a works approval is generally required.

**Chemical storage:** If your business is located in an Underground Water Pollution Control Area and you store more than 20 litres of chemicals you may require a permit from the Department of Environment and Conservation. If your business is located in the following local government areas you need to contact the Department of Environment and Conservation to check if you need a permit; Joondalup, Stirling, Swan, Wanneroo, Chittering, Gingin, Kwinana and Cockburn.

### More information:

Department of Environment and Conservation  
Environmental Regulation Branch  
Telephone: (08) 6467 5000

**Dangerous Goods:** Some substances are classified as Dangerous Goods, such as sodium hydroxide and hydrochloric acid and are controlled by the *Dangerous Goods and Safety Act 1961*. A licence may be required if storage exceeds 500 litres.

### More information:

Department of Mines and Petroleum  
Telephone: (08) 9222 3333.

**Wastewater disposal:** Any person wanting to put processed industrial wastewater in the sewer system must have an industrial waste permit issued by the Water Corporation.

It is an offence to discharge industrial waste to the sewer without a permit.

### More information:

Water Corporation  
Telephone: 13 13 95  
Environmental Defenders Office 9221 3030

**New or altering premises:** Approval is required to undertake any development in accordance with a Town Planning Scheme. Approval from your Council is usually required where it is proposed to undertake construction work or to change the nature of the use of land and premises.

**Note: This brochure is for general information only and is not intended as legal advice. You must contact the relevant Government Department or Agency and your Local Authority or legal adviser about your legal responsibilities.**

**Check out other Information Sheets in this series.**

These information sheets have been produced by Perth Region NRM in consultation with our partners.

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