

environmental law


Be aware of your legal responsibilities under the 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 result in fines or prosecution.

Environmental Harm Legislation

Amended 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 that you can be prosecuted for **potential harm** to the environment if appropriate, preventative action is not taken to prevent harm from actually happening. Environmental harm includes environmental damage that involves the unauthorised removal of native vegetation, flora or fauna.

Penalties: Causing or allowing environmental harm can carry maximum penalties of up to \$1 million for companies and up to five years goal for individuals.

 [Department of Environment and Conservation: Environmental Management Division](#)
Telephone: (08) 6364 6500

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. Other sites may be required to be cleaned up under the direction of the Department of Environment and there is protection for people who have bought contaminated land and 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 as 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 occurs you must immediately notify the Department of Environment and Conservation. Telephone: (08) 6364 6500 or after hours 1800 018 800.

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, **acidic/alkali**, sediment and sewage.

Burning certain materials, which cause visible smoke is also prohibited. Examples of materials that cannot be burnt include: 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.

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.

 [Department of Environment and Conservation: Response and Audit Branch](#)
Telephone: (08) 6364 6500

Environmental Protection (Controlled Waste) Regulations 2004

These regulations allow 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 are a number of waste categories 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 license. If you produce or 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 contractor. Make sure you are aware of the waste types 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 penalty of up to \$5000 determined by courts.

 [Department of Environment and Conservation: Controlled Waste Section](#)
Telephone: (08) 6364 6500

Noise emissions

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

If a site is a licensed industrial premises (winery crushing over 500 tonnes) then it is regulated by the Department of Environment.

 [Contact your local Government Authority for details](#)
OR [Department of Environment and Conservation: Audit and Response Branch](#)
Telephone: (08) 6364 6500

Air emissions

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

 [Contact the Department of Environment and Conservation: Air Quality Management Branch](#)
Telephone: (08) 6364 6500

General information on licenses, permits and approvals required

Environmental Protection License

A license 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 wineries producing more than 350,000 litres of wine each year or crushing approximately 500 tonnes of fruit each vintage. Prior to issuing a license or registration for new prescribed industrial premises, a works approval is generally required.

Chemical storage

If your business is located in a **Public Drinking Water Source Area (PDWSA)** and you store more than 20 litres of chemical you may require a permit from the Department of Environment and Conservation. PDWSAs include Underground Water Pollution Control Areas, Water Reserves and Public Water Supply Catchment Areas declared in accordance with the *Metropolitan Water Supply Sewerage and Drainage Act 1909*, or the *Country Areas Water Supply Act 1947*.

 [Department of Environment and Conservation: Environmental Regulation Branch](#) Telephone: (08) 6364 6500
OR [contact your local council](#)

Dangerous goods

Some substances classified as dangerous goods, such as sodium hydroxide and hydrochloric acid, are controlled by the *Explosives and Dangerous Goods Act 1961*. A license may be required if storage exceeds more than 500 litres.

 [Department of Consumer and Employment Protection \(DOCEP\)](#) Telephone: (08) 9222 3413
OR [Department of Environment and Conservation](#) Telephone: (08) 6364 6500

Wastewater disposal

Any person wanting to put processed industrial wastewater into 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.

 [Water Corporation 13 13 95](#)

