



# Variation to the National Environment Protection (National Pollutant Inventory) Measure 2007 (No. 1)

*National Environment Protection Council Act 1994*

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The NATIONAL ENVIRONMENT PROTECTION COUNCIL makes this variation to the National Environment Protection (National Pollutant Inventory) Measure under section 20 of the *National Environment Protection Council Act 1994*.

Dated 2 June 2007

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**1 Name of Variation**

This Variation is the *Variation to the National Environment Protection (National Pollutant Inventory) Measure 2007 (No. 1)*.

**2 Commencement**

This Variation commences on the day after it is registered.

**3 Amendment of National Environment Protection (National Pollutant Inventory) Measure**

Schedule 1 amends the National Environment Protection (National Pollutant Inventory) Measure.

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## Schedule 1 Amendments

(section 3)

### Introductory Note

Section 20 of the *National Environment Protection Council Act 1994* and the equivalent provision of the corresponding Act of each participating State and Territory enables the National Environment Protection Council to vary a national environment protection measure. This is a variation to the National Environment Protection (National Pollutant Inventory) Measure which was made by the National Environment Protection Council on 27 February 1998.

The Variation is to be implemented by the laws and other arrangements participating jurisdictions consider necessary pursuant to section 7 of the Commonwealth Act and the equivalent provision of the corresponding Act of each participating State and Territory

#### [1] Clause 1

*substitute*

#### 1 Name of Measure

This Measure is the *National Environment Protection (National Pollutant Inventory) Measure 1998*.

#### [2] Subclause 3 (3), after definition of *aggregated emissions data*

*insert*

***aggregated transfer data*** means estimates of the amount of a substance transferred annually from:

- (a) facilities which are not reporting facilities; and
- (b) anthropogenic sources other than facilities, which transfer a significant amount of that substance.

#### [3] Subclause 3 (3), after definition of *article*

*insert*

***business entity*** has the meaning given by the term ***entity*** in the *A New Tax System (Goods and Services Tax) Act 1999*.

*Note* Subsection 184-1 (1) of the *A New Tax System (Goods and Services Tax) Act 1999* defines ***entity*** as follows:

***Entity*** means any of the following:

- (a) an individual;
- (b) a body corporate;
- (c) a corporation sole;
- (d) a body politic;

- 
- (e) a partnership;
  - (f) any other unincorporated association or body of persons;
  - (g) a trust;
  - (h) a superannuation fund.

***carbon dioxide equivalent*** means the unit of measurement used to compare emissions of different greenhouse gases based on their global warming potential as defined by the Intergovernmental Panel on Climate Change (IPCC).

***carbon dioxide equivalent (indirect)*** means the amount of greenhouse gases (expressed in carbon dioxide equivalents) emitted from the off-site generation of electrical, steam, heating or cooling energy if that energy is used on-site.

**[4] Subclause 3 (3), definition of *CASR number***

*substitute*

***CAS number*** means Chemical Abstracts Service number.

**[5] Subclause 3 (3), definitions of *category 1 substance*, *category 1a substance*, *category 2a substance*, *category 2b substance* and *category 3 substance***

*omit each mention of*  
or Table 2

**[6] Subclause 3 (3), after definition of *category 1a substance***

*insert*

***category 1b substance*** means a substance for which a threshold Category of 1b is specified in Column 3 of Table 1 of Schedule A.

**[7] Subclause 3 (3), after definition of *category 3 substance***

*insert*

***category 4 substance*** means a substance for which a threshold Category of 4 is specified in Column 3 of Table 1 of Schedule A.

**[8] Subclause 3 (3), definition of *contextual information***

*substitute*

***controlling business entity*** means a business entity that is not subject to the operational control of another business entity.

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[9] **Subclause 3 (3), definition of *emission***

*substitute*

***emission*** means release or discharge of a substance to the environment whether in pure form or contained in other matter and whether in solid, liquid or gaseous form

[10] **Subclause 3 (3), definition of *estimation technique***

*omit*

to the environment;

*substitute*

or transferred.

[11] **Subclause 3 (3), definition of *facility***

*substitute*

***facility*** means any building or land together with any machinery, plant, appliance, equipment, implement, tool or other item used in connection with any activity carried out at the facility, and includes an offshore facility. The facility may be located on a single site or on adjacent or contiguous sites owned or operated by the same person.

***financial reporting year*** means a year commencing 1 July.

***greenhouse gases*** means carbon dioxide (CO<sub>2</sub>), carbon dioxide equivalent (indirect), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs); perfluorocarbons (PFCs) and sulfur hexafluoride (SF<sub>6</sub>).

[12] **Subclause 3 (3), definition of *industry handbook***

*substitute*

***industry reporting materials*** means resources agreed between participating jurisdictions which provide advice to a facility in meeting requirements resulting from this Measure, including:

- (a) advice or guidance on the information which is required to be furnished or retained by occupiers; and
- (b) an appropriate estimation technique, or range of estimation techniques.

***mandatory reporting transfer destination*** means:

- (a) a destination for containment including landfill, tailings storage facility, underground injection or other long term purpose-built waste storage structure;
- (b) an off-site destination for destruction;
- (c) an off-site sewerage system;
- (d) an off-site treatment facility which leads solely to one or more of the above.

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***mandatory transfer data*** for a substance, means an estimate of the amount of the substance that is transferred to a mandatory reporting transfer destination in a reporting period, and that identifies:

- (a) the type of destination;
- (b) whether the transfer is on-site or off-site; and
- (c) the estimation technique used.

**[13] Subclause 3 (3), definition of *National Pollutant Inventory***

*omit*

or *NPI*

**[14] Subclause 3 (3), definition of *National Pollutant Inventory***

*after*

emitted

*insert*

or transferred

**[15] Subclause 3 (3), definition of *OECD industry activity code***

*omit*

**[16] Subclause 3 (3), after definition of *off-shore facility***

*insert*

***overburden*** means overlying rock and soil, not being part of ore or sub-grade rock, that is displaced during underground or surface mining operations.

**[17] Subclause 3 (3), definition of *reporting list***

*substitute*

***reporting list*** means Table 1 of Schedule A.

**[18] Subclause 3 (3), definition of *reporting year***

*omit*

**[19] Paragraph 3 (3) (b), definition of *substance identity information***

*omit*

CASR

*substitute*

CAS

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[20] **Subclause 3 (3), after definition of *substance identity information***

*insert*

***substance information*** means information contained in the National Pollutant Inventory database that contributes to public understanding of emission and transfer data, and includes the following:

- (a) the CAS number of the substance and common synonyms and product names for the substance;
- (b) the chemical characteristics and intrinsic properties of the substance;
- (c) the possible health and environment effects of the substance, including toxicity profiles, environmental impacts, likely fate and transport of the substance in the environment, and other relevant effects;
- (d) information on common uses of the substance including products or processes reliant on the substance; and
- (e) information on common anthropogenic and other sources of the substance.

[21] **Paragraph 3 (3) (c), definition of *supporting data***

*substitute*

- (c) the occupier's Australian Business Number (ABN), if any.

[22] **Subclause 3 (3), after definition of *Territory***

*insert*

***transfer***:

- (a) means the transport or movement, on-site or off-site, of substances to a mandatory reporting transfer destination or a voluntary reporting transfer destination; but
- (b) does not include the transport or movement of substances contained in overburden, waste rock, uncontaminated soil, uncontaminated sediment, rock removed in construction or road building, or soil used for the capping of landfills.

***voluntary reporting transfer destination*** means a destination for reuse, recycling, reprocessing, purification, partial purification, immobilisation, remediation or energy recovery.

***voluntary transfer data*** for a substance means an estimate of the amount of the substance transferred, to a voluntary reporting transfer destination, in a reporting period that identifies:

- (a) the type of destination;
- (b) whether the transfer is on-site or off-site; and
- (c) the estimation technique used.

***waste rock*** means the sub-grade rock displaced during underground or surface mining operations.

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**[23] After clause 3**

*insert*

**3A Meaning of *operational control***

A business entity that controls a facility has *operational control* of the facility if the entity, or one of its subsidiaries, has full authority to introduce and implement its operating policies at the facility.

**[24] Subclause 4 (1)**

*substitute*

In this Measure reporting period for a facility is:

- (a) a financial reporting year; or
- (b) if the relevant jurisdiction approves a different annual reporting period — that annual reporting period.

**[25] Subclauses 4 (2) and (3)**

*omit*

**[26] Clause 5, heading**

*substitute*

**5 Desired environmental outcomes**

**[27] Paragraph 5 (c)**

*substitute*

- (c) an improvement in the sustainable use of resources.

**[28] Clause 6**

*substitute*

**6 National environment protection goals**

The national environment protection goals established by this Measure are to:

- (a) collect a broad base of information on emissions and transfers of substances on the reporting list, and
- (b) disseminate the information collected to all sectors of the community in a useful, accessible and understandable form.

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**[29] Clause 7**

*substitute*

**7 Establishment of National Pollutant Inventory**

A database to be known as the National Pollutant Inventory will be established that contains the following information:

- (a) about emissions and transfers of specified substances, on a geographical basis, including those of a hazardous nature or involving significant impact;
- (b) that enhances and facilitates policy formulation and decision making for environmental planning and management;
- (c) about waste minimisation and cleaner production programmes in industry, government and the community and promotes and facilitates their implementation;
- (d) that is available and accessible to the public.

**[30] Clause 8, heading**

*substitute*

**8 Nature of National Pollutant Inventory**

**[31] Paragraph 8 (a)**

*after*

emission

*insert*

and transfer

**[32] Paragraph 8 (b)**

*after*

collect emission

*insert*

and transfer

**[33] Paragraph 8 (b)**

*omit*

emissions data,

*insert*

emission and transfer data,



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**[34] Subparagraph 8 (c) (i)**

*substitute*

- (i) compile substance information;

**[35] Clause 9**

*substitute*

**9 Collection of data from reporting facilities**

- (1) The occupier of each facility is to be required to provide 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 for each substance for which the reporting threshold is exceeded in the period;
  - (c) the type and mass of fuel or waste burned in the reporting period;
  - (d) the amount of electrical, steam, heating or cooling energy, sourced off-site, that the facility consumed in the reporting period;
  - (e) any other information that may be required to assess the integrity of the emission data;
  - (f) substance identity information and mandatory transfer data for each substance for which a Category 1, Category 1b or Category 3 reporting threshold is exceeded in the period;
  - (g) any information that may be required to assess the integrity of the mandatory transfer data;
  - (h) a statement, signed by the occupier or a person authorised by the occupier for that purpose, that the occupier has exercised due diligence in gathering and providing the information mentioned in paragraphs (a) to (f).
- (2) For the purpose of reporting emissions of greenhouse gases generated outside the boundary of the business entity's facilities, but attributable to the activities of the business entity, such as a transport fleet:
  - (a) this information shall be provided as attributed to a reporting facility; and
  - (b) a reporting facility may be a premises central to the business entity, such as a corporate headquarters or head office.
- (3) For the purpose of reporting emissions of carbon dioxide equivalent (indirect), this information shall be provided as attributed to the reporting facility.
- (4) If the business entity exceeds the Category 4 threshold but a facility operated by the entity generates less than 5 000 tonnes of greenhouse gases expressed in carbon dioxide equivalents or produces or consumes less than 20 terajoules of energy, in the reporting period:
  - (a) information from such facilities may be aggregated and attributed it to a single reporting facility; and

- 
- (b) that single reporting facility may be a premises central to the business entity, such as a corporate headquarters or head office.
  - (5) The occupier of each reporting facility may voluntarily report substance identity information and voluntary transfer data.
  - (6) Information reported under subclause (2), (3), (4) and (5) must be accompanied by a statement, signed by the occupier or a person authorised by the occupier for that purpose, that the occupier has exercised due diligence in gathering and providing the information.
  - (7) The information is to be provided:
    - (a) to the nominated agency of the participating State or Territory within which the facility is located; and
    - (b) within three months after the end of the reporting period to which it relates.
  - (8) The requirements under subclauses (1), (2), (3), (4), (6) and (7) are to be imposed, to the extent possible, by the participating State or Territory within which the facility is located or, to the extent this is not possible, by the Commonwealth.
  - (9) A participating jurisdiction is not to release any information provided to it under paragraphs (1) (c), (d), (e) and (g) unless:
    - (a) the occupier consents to its release;
    - (b) the participating jurisdiction is legally compelled to release it; or
    - (c) it is specifically required by another State, Territory or Commonwealth data gathering program.
  - (10) If paragraph (9) (c) applies, this information may only be supplied to the State, Territory or Commonwealth program that requires it.
  - (11) In this clause *facility* does not include:
    - (a) a mobile emission source (for example, an aircraft in flight or a ship at sea) operating outside the boundaries of a fixed facility;
    - (b) a petroleum retailing facility engaging in the retail sale of fuel; or
    - (c) a dry-cleaning facility employing less than 20 persons;
    - (d) a scrap metal handling facility trading in metal, that is not engaged in the reprocessing of batteries or the smelting of metal; or
    - (e) a facility, or part of a facility, engaging solely in agricultural production, including the growing of trees, aquaculture, horticulture or livestock raising unless it is engaged in:
      - (i) processing of agricultural produce; or
      - (ii) intensive livestock production (for example, a piggery, cattle feedlot, or poultry farm).

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**[36] Clause 10, heading**

*substitute*

**10 Reporting threshold – category 1, category 1a and category 1b substances**

**[37] Subclause 10 (2)**

*omit everything after*  
in that period.

**[38] After subclause 10 (2)**

*insert*

- (2A) The reporting threshold for a category 1b substance is exceeded in a reporting period if the activities involve the use of 5 kilograms or more of the substance in that period.

**[39] Paragraph 10 (4) (a)**

*omit*

already permanently

**[40] Subclause 10 (5)**

*omit*

subclause (1) and subclause (2),

*insert*

subclauses (1) and (2),

**[41] Clause 11**

*substitute*

**11 Reporting threshold — category 2a and category 2b substances**

- (1) The reporting threshold for a category 2a substance is taken to be exceeded in a reporting period if the activities of the facility involve the burning of:
- (a) 400 tonnes or more of fuel or waste in the period; or
  - (b) 1 tonne or more of fuel or waste in any hour in the period.
- (2) The reporting threshold for a category 2b substance is taken to be exceeded in a reporting period if:
- (a) the activities of the facility involve:
    - (i) the burning of 2 000 tonnes or more of fuel or waste in the period; or

- 
- (ii) the consumption of 60 000 megawatt hours or more of electrical energy in the period for other than lighting or motive purposes; or
  - (b) the maximum potential power consumption of the facility at any time in the period is rated at 20 megawatts or more, other than for lighting or motive purposes.

**[42] Clauses 12, 13 and 14**

*substitute*

**12 Reporting threshold – category 3 substances**

- (1) The reporting threshold for category 3 substances is exceeded in a reporting period if the activities of the facility involve a total of 15 tonnes or more of Total Nitrogen or a total of 3 tonnes or more of Total Phosphorus in the reporting period being:
  - (a) emitted to water (excluding groundwater);
  - (b) transferred to a mandatory reporting transfer destination; or
  - (c) both emitted to water and transferred to a mandatory reporting transfer destination.
- (2) Both Total Nitrogen and Total Phosphorus must be reported if the category 3 threshold is exceeded, even if the threshold is exceeded only on the basis of one of these substances.

**13 Reporting threshold – category 4 substances**

- (1) The reporting threshold for category 4 substances is exceeded in a reporting period if the activities of the controlling business entity involve:
  - (a) the emission of 25 000 tonnes or more of greenhouse gases expressed in carbon dioxide equivalents; or
  - (b) the production or consumption of 100 terajoules or more of energy in the reporting period.
- (2) In this clause, *activities* includes:
  - (a) activities conducted at any facility operated by the business entity; and
  - (b) activities conducted outside the boundary of the business entity's facilities, but attributable to the activities of the business entity, such as:
    - (i) a transport fleet; and
    - (ii) the generation of electrical, steam, heating or cooling energy, sourced off-site, that the facility consumed in the reporting period.

**14 Commencement of reporting**

- (1) Participating jurisdictions shall not require an occupier of a reporting facility within its legislative control to furnish any information otherwise required under clause 9, unless or until the ANZSIC code for one or more activities undertaken at the facility:

- 
- (a) has been agreed between participating jurisdictions as an industry type required to report under this Measure;
  - (b) has been included by the Commonwealth on a published list as an industry type required to report under this Measure; and,
  - (c) has industry reporting materials published by the Commonwealth.
- (2) Participating jurisdictions shall not require an occupier of a reporting facility within its legislative control to furnish mandatory transfer data, otherwise required under clause 9, unless or until industry reporting materials for transfers have been published by the Commonwealth.
- (3) Participating jurisdictions shall not require an occupier of a reporting facility within its legislative control to furnish greenhouse gas emissions data, or information about the amount of energy, sourced off-site, that the facility consumed in the reporting period:
- (a) unless or until industry reporting material for greenhouse gas emissions reporting have been published by the Commonwealth; and
  - (b) prior to the reporting period commencing 1 July 2008.

**[43] Clause 15**

*substitute*

**15 Emission and transfer estimation techniques**

Each participating jurisdiction shall ensure that, in estimating emission data and mandatory transfer data for the purposes of furnishing information under clause 9, each occupier of a reporting facility within its jurisdiction:

- (a) if an estimation technique is set out in the relevant industry reporting materials for that type of reporting facility, applies either:
  - (i) that estimation technique; or
  - (ii) any other estimation technique which the relevant jurisdiction has agreed is likely to provide more representative emission or transfer data than the technique set out in the relevant industry reporting materials;
- (b) if no estimation technique is set out in the relevant industry reporting materials which relates to a specific process carried out at the reporting facility or means of emission or transfer of waste from the reporting facility, applies any estimation techniques which the relevant jurisdiction has agreed are likely to provide emission or transfer data for that process or means of emission or transfer;
- (c) documents any technique applied under subparagraph (a) (ii) or paragraph (b);
- (d) retains any data which may be required by participating jurisdictions to verify the emission or transfer data for the time period required by that jurisdiction from the date on which a report was provided to the participating jurisdiction; and
- (e) provides these data to the participating jurisdiction as required.

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- [44] **Clause 16, heading**  
*substitute*
- 16 Accuracy of information**
- [45] **Clause 17, heading**  
*substitute*
- 17 Assessments of integrity of data**
- [46] **Clause 17**  
*after*  
emission  
*insert*  
and transfer
- [47] **Clause 18, heading**  
*substitute*
- 18 Data — Commonwealth requirement**
- [48] **Clause 18**  
*after*  
emissions  
*insert*  
and mandatory transfer
- [49] **Clause 19**  
*omit*  
30 November  
*insert*  
31 December
- [50] **Paragraph 19 (b)**  
*substitute*  
emission data, mandatory transfer data and voluntary transfer data provided under clause 9;

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**[51] Paragraph 19 (d)**

*omit*

**[52] Paragraph 19 (e)**

*omit*

grid reference; and

*insert*

grid reference.

**[53] Paragraph 19 (f)**

*omit*

**[54] Clause 20, heading**

*substitute*

**20 Emission and transfer data from sources other than reporting facilities**

**[55] Subclause 21 (1)**

*after*

emissions

*insert*

emission or transfer

**[56] Subclause 21 (1)**

*after*

data relating to the emission

*insert*

or transfer

**[57] Subclause 21 (3)**

*omit*

subclause (1) or (2)

*insert*

subclause 20 (1) or (2)

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**[58] Clause 22**

*omit everything before paragraph (a), insert*

Processes for consideration of any amendments to the reporting list will (in addition to meeting the requirements of section 20 of the Commonwealth Act and equivalent provisions of the corresponding Acts of participating jurisdictions) comprise the following:

**[59] Clause 23**

*omit*

The council envisages that claims

*insert*

Claims

**[60] Subclause 24 (1)**

*omit*

The council envisages that a claim

*insert*

A claim

**[61] Subclause 24 (3)**

*omit*

the Council envisages that

**[62] Subclause 24 (3) and (4)**

*omit*

NPI

*insert*

National Pollutant Inventory

**[63] Subclause 25 (1)**

*omit*

The Council envisages that enforcement

*insert*

Enforcement

**[64] Subclause 25 (1)**

*omit*

will



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*insert*

may

**[65] Subclause 25 (2), (3), (4), (5) and (6)**

*substitute*

- (2) The enforcement action will, unless the law of the relevant participating jurisdiction provides otherwise, be taken in accordance with the following principles:
- (a) the occupier of the reporting facility will be given the opportunity for an impartial hearing;
  - (b) if, following that hearing, the nominated agency thinks that the circumstances so warrant:
    - (i) the occupier may be named in the annual report of the Council as breaching its reporting requirements; and/or,
    - (ii) appropriate penalties may be prescribed.

**[66] Subclause 26 (1)**

*omit*

(1)

**[67] Clause 26**

*omit*

The Council envisages that information

*insert*

Information

**[68] Clause 27**

*omit*

The Council envisages that participating

*insert*

Participating

**[69] Clause 27**

*after*

aggregated emission

*insert*

or transfer data

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**[70] Clause 28, heading**

*substitute*

**28 Storage information**

**[71] Paragraph 28 (b)**

*after*

aggregated emissions data

*insert*

, or aggregated transfer data

**[72] Paragraph 28 (c)**

*after*

emissions data

*insert*

, mandatory transfers data or voluntary transfers data,

**[73] Clause 29**

*substitute*

**29 Access and provision of National Pollutant Inventory data to the public**

- (1) Information gathered under this Measure for a reporting period will be released to the general public by the Commonwealth on or before 31 March in the following year.
- (2) For the purpose of reporting of greenhouse gas emissions, information released to the general public will be attributed to the controlling business entity.
- (3) Access to information collected for the purposes of this Measure should be provided primarily by the Commonwealth through:
  - (a) Internet access to the National Pollutant Inventory database; and
  - (b) Publishing of reports summarising National Pollutant Inventory information.

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**[74] Clause 30, heading**

*substitute*

**30 Summary of information to be included in annual report**

**[75] Clause 30**

*omit*

The council envisages that a summary

*insert*

A summary

**[76] Clause 31, heading**

*substitute*

**31 Way that Commonwealth will disseminate information**

**[77] Subclause 31 (1)**

*omit*

The Council envisages that the Commonwealth

*insert*

The Commonwealth

**[78] Paragraph 31 (1) (a)**

*omit*

contextual

*insert*

substance

**[79] Paragraph 31 (1) (d)**

*omit*

NPI

*insert*

National Pollutant Inventory

**[80] Paragraph 31 (1) (e)**

*substitute*

(e) identify:

(i) additional information provided under clause 21;

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(ii) the dates describing the reporting period for particular emission and transfer data, if this is not a reporting year;

**[81] Paragraph 31 (1) (f)**

*omit*

databases.

*insert*

databases; and

**[82] After paragraph 31 (1) (f)**

*insert*

(g) clearly differentiate transfer data from emission data.

**[83] Subclause 31 (2)**

*substitute*

(2) The Commonwealth may seek to recover dissemination costs of information derived from the National Pollutant Inventory data but notes that this does not allow the Commonwealth to recover costs for the provision of the emission data, mandatory and voluntary transfer data, supporting data, substance information, aggregated emission data or aggregated transfer data specified in this Measure.

**[84] Clause 32**

*omit*

The Council envisages that the right

*insert*

The right

**[85] Clause 32**

*omit*

would be subject

*insert*

will be subject

**[86] Subclause 33 (1)**

*omit everything before paragraph (a)*

*insert*

This measure will be subject to a comprehensive review, as determined by the Council and at least every five years:

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**[87] Sub-subparagraph 33 (1) (c) (i)**

*omit*

**[88] Subclause 33 (2)**

*omit*

to add substances to, or delete substances from the reporting list, prior to the review.

*insert*

to amend Schedule A, prior to the review.

**[89] After clause 33**

*insert*

**34 Withdrawal of Greenhouse Gas Provisions**

Should a more comprehensive national scheme of greenhouse gas emissions and energy reporting come into force, Council will revoke the greenhouse gas and energy reporting obligations established in this Measure.

**[90] Schedule A**

*omit all occurrences of*

CASR

*insert*

CAS

**[91] Schedule A, paragraph 1 (b)**

*substitute*

- (b) the thresholds for ‘Total Nitrogen’ and ‘Total Phosphorus’ refer only to the amounts of those nitrogen and phosphorus compounds that give rise to nitrate/nitrite and phosphate ions respectively and, for transfers, the thresholds of ‘Total Nitrogen’ and ‘Total Phosphorus’ refer only to the amounts of soluble compounds of nitrogen and phosphorus that are in materials that readily permit the dissolution of these substances;

**[92] Schedule A, paragraphs 1 (d) and (e)**

*substitute*

- (d) the threshold for ‘Chlorine & compounds’ includes the amount of chlorine compounds used which may produce emissions of chlorine gas (Cl<sub>2</sub>), free residual chlorine, hypochlorite ion (OCl<sup>-</sup>), hypochlorous acid (HOCl) or chloramines;
- (e) the threshold for category 1 or category 1 (b) substances that are listed as ‘(a metal) & compounds’ refers to the total amount of the metal and

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its compounds used (for example, “Lead & compounds” refers to Lead and all compounds which incorporate Lead).

**[93] Schedule A, paragraph 1 (f)**

*omit*

**[94] Schedule A, clause 2**

*substitute*

2. For the purposes of estimating emission and mandatory transfer data to be reported under clause 9 of the Measure:
- (a) the amount of a category 1 acid emitted refers to the amount of the actual acid compound emitted or transferred (for example, in the case of “Hydrochloric acid”, the amount emitted or transferred refers to the amount of hydrogen chloride emitted). It does not include any amounts of the acid that have been neutralised before release as the acid no longer exists;
  - (b) the amounts of ‘Total Nitrogen’ and “‘Total Phosphorus’ emitted or transferred refer to the amounts of those nitrogen and phosphorus compounds emitted or transferred that give rise to nitrate/nitrite and phosphate ions respectively and, for transfers, the amounts of ‘Total Nitrogen’ and ‘Total Phosphorus’ transferred refer only to the amounts of soluble compounds of nitrogen and phosphorus that are in materials that readily permit the dissolution of these substances;
  - (c) the amount of ‘Ammonia (total)’ emitted or transferred refers to the total amount of both ammonia (NH<sub>3</sub> CAS number 7664-41-7) and the ammonium ion (NH<sub>4</sub><sup>+</sup>) emitted or transferred in solution;
  - (d) the amount of ‘Chlorine & compounds’ emitted or transferred refers to the total amount of chlorine gas (Cl<sub>2</sub>), free residual chlorine, hypochlorite ion (OCl<sup>-</sup>), hypochlorous acid (HOCl) and chloramines emitted or transferred, expressed as the equivalent weight of chlorine (Cl);
  - (e) the amount emitted or transferred in relation to a substance listed as ‘(a metal) & compounds’ refers only to the amount of the metal emitted or transferred (for example, the amount of ‘Lead & compounds’ emitted refers only to the amount of Lead emitted);
  - (f) the amount of ‘Polychlorinated Dioxins and Furans (TEQ)’ emitted or transferred refers to the sum of the toxic equivalent amounts of the individual congeners emitted. Toxic equivalent amounts are obtained by multiplying the mass of the congener by the Toxicity Equivalency Factor published in industry reporting materials;
  - (g) the amount of ‘Polycyclic Aromatic Hydrocarbons (Benzo[a]pyrene equivalent) (PAHs B[a]P<sub>eq</sub>)’ emitted refers to the sum of the toxic equivalent amounts of the individual congeners emitted or transferred. Toxic equivalent amounts are obtained by multiplying the mass of the congener by the Toxicity Equivalency Factor published in industry reporting materials;

- (h) the amount of ‘Oxides of Nitrogen’ emitted refers to the mass of Nitrogen oxide and Nitrogen dioxide expressed as the equivalent mass of Nitrogen dioxide according to the protocol published in industry reporting materials;
- (i) the amount of ‘Particulate Matter  $\leq 2.5 \mu\text{m}$  (PM<sub>2.5</sub>)’ emitted refers only to the amount emitted from the burning of fuel or waste.

**[95] Schedule A, tables 1 and 2**

*substitute*

**Table 1**

| <b>COLUMN 1<br/>Substance</b>        | <b>COLUMN 2<br/>CAS No.</b> | <b>COLUMN 3<br/>Threshold Category<br/>See explanatory note below*</b> |
|--------------------------------------|-----------------------------|--|
| Acetaldehyde                         | 75-07-0                     | 1  |
| Acetic acid (ethanoic acid)          | 64-19-7                     | 1  |
| Acetone                              | 67-64-1                     | 1  |
| Acetonitrile                         | 75-05-8                     | 1  |
| Acrolein                             | 107-028                     | 1  |
| Acrylamide                           | 79-06-1                     | 1  |
| Acrylic acid                         | 79-10-7                     | 1  |
| Acrylonitrile (2-propenenitrile)     | 107-13-1                    | 1  |
| Ammonia (total)                      | N/A                         | 1  |
| Aniline (benzenamine)                | 62-53-3                     | 1  |
| Antimony & compounds                 | 7440-36-0                   | 1  |
| Arsenic & compounds                  | 7440-38-2                   | 1 and 2b   |
| Benzene                              | 71-43-2                     | 1  |
| Benzene hexachloro- (HCB)            | 608-73-1                    | 1  |
| Beryllium & compounds                | 7440-41-7                   | 1 and 2b   |
| Biphenyl (1,1-biphenyl)              | 92-52-4                     | 1  |
| Boron & compounds                    | 7440-42-8                   | 1  |
| 1,3-Butadiene (vinyl ethylene)       | 106-99-0                    | 1  |
| Cadmium & compounds                  | 7440-43-9                   | 1 and 2b   |
| Carbon disulfide                     | 75-15-0                     | 1  |
| Carbon dioxide                       | 124-38-9                    | 2b and 4   |
| Carbon dioxide equivalent (indirect) | N/A                         | 4  |
| Carbon monoxide                      | 630-08-0                    | 1, 2a and 2b   |
| Chlorine & compounds                 | N/A                         | 1  |
| Chlorine dioxide                     | 10049-04-4                  | 1  |

| <b>COLUMN 1<br/>Substance</b>     | <b>COLUMN 2<br/>CAS No.</b> | <b>COLUMN 3<br/>Threshold Category<br/>See explanatory note below*</b> |
|-----------------------------------|-----------------------------|--|
| Chloroethane (ethyl chloride)     | 75-00-3                     | 1  |
| Chloroform (trichloromethane)     | 67-66-3                     | 1  |
| Chlorophenols (di, tri, tetra)    | N/A                         | 1  |
| Chromium(III) compounds           | 7440-47-3                   | 1 and 2b   |
| Chromium(VI) compounds            | 7440-47-3                   | 1 and 2b   |
| Cobalt & compounds                | 7440-48-4                   | 1  |
| Copper & compounds                | 7440-50-8                   | 1 and 2b   |
| Cumene (1-methylethylbenzene)     | 98-82-8                     | 1  |
| Cyanide (inorganic) compounds     | N/A                         | 1  |
| Cyclohexane                       | 110-82-7                    | 1  |
| 1,2-Dibromoethane                 | 106-93-4                    | 1  |
| Dibutyl phthalate                 | 84-74-2                     | 1  |
| 1,2-Dichloroethane                | 107-06-2                    | 1  |
| Dichloromethane                   | 75-09-2                     | 1  |
| Ethanol                           | 64-17-5                     | 1  |
| 2-Ethoxyethanol                   | 110-80-5                    | 1  |
| 2-Ethoxyethanol acetate           | 111-15-9                    | 1  |
| Ethyl acetate                     | 141-78-6                    | 1  |
| Ethyl butyl ketone                | 106-35-4                    | 1  |
| Ethylbenzene                      | 100-41-4                    | 1  |
| Ethylene glycol (1,2-ethanediol)  | 107-21-1                    | 1  |
| Ethylene oxide                    | 75-21-8                     | 1  |
| Di-(2-ethylhexyl)phthalate (DEHP) | 117-81-7                    | 1  |
| Fluoride compounds                | N/A                         | 1, 2a and 2b   |
| Formaldehyde (methyl aldehyde)    | 50-00-0                     | 1  |
| Glutaraldehyde                    | 111-30-8                    | 1  |
| Hydrofluorocarbons (HFCs)         | N/A                         | 4  |
| n-Hexane                          | 110-54-3                    | 1  |
| Hydrochloric acid                 | 7647-01-0                   | 1, 2a and 2b   |
| Hydrogen sulfide                  | 7783-06-4                   | 1  |
| Lead & compounds                  | 7439-92-1                   | 1 and 2b   |
| Magnesium oxide fume              | 1309-48-4                   | 1 and 2b   |
| Manganese & compounds             | 7439-96-5                   | 1  |
| Mercury & compounds               | 7439-97-6                   | 1b and 2b  |
| Methane                           | 74-82-8                     | 4  |



| <b>COLUMN 1<br/>Substance</b>                                  | <b>COLUMN 2<br/>CAS No.</b> | <b>COLUMN 3<br/>Threshold Category<br/>See explanatory note below*</b> |
|--|-----------------------------|--|
| Methanol   | 67-56-1                     | 1  |
| 2-Methoxyethanol   | 109-86-4                    | 1  |
| 2-Methoxyethanol acetate                                       | 110-49-6                    | 1  |
| Methyl ethyl ketone  | 78-93-3                     | 1  |
| Methyl isobutyl ketone   | 108-10-1                    | 1  |
| Methyl methacrylate  | 80-62-6                     | 1  |
| 4,4'-Methylene bis(2-chloroaniline)<br>(MOCA)                  | 101-14-4                    | 1  |
| Methylenebis(phenylisocyanate)                                 | 101-68-8                    | 1  |
| Nickel & compounds   | 7440-02-0                   | 1 and 2b   |
| Nickel carbonyl  | 13463-39-3                  | 1  |
| Nickel subsulfide  | 12035-72-2                  | 1  |
| Nitrous oxide  | 10024-97-2                  | 2b and 4   |
| Nitric acid  | 7697-37-2                   | 1  |
| Organo-tin compounds   | N/A                         | 1  |
| Oxides of Nitrogen   | N/A                         | 2a and 2b  |
| Particulate Matter $\leq 2.5 \mu\text{m}$ (PM <sub>2.5</sub> ) | N/A                         | 2a and 2b  |
| Particulate Matter $\leq 10.0 \mu\text{m}$ (PM <sub>10</sub> ) | N/A                         | 2a and 2b  |
| Perfluorocarbons (PFCs)  | N/A                         | 4  |
| Phenol   | 108-95-2                    | 1  |
| Phosphoric acid  | 7664-38-2                   | 1  |
| Polychlorinated Biphenyls                                      | N/A                         | 1  |
| Polychlorinated dioxins and furans (TEQ)                       | N/A                         | 2b   |
| Polycyclic aromatic hydrocarbons (B[a]P <sub>eq</sub> )        | N/A                         | 2a and 2b  |
| Selenium & compounds   | 7782-49-2                   | 1  |
| Styrene (ethenylbenzene)                                       | 100-42-5                    | 1  |
| Sulfur dioxide   | 7446-09-5                   | 1, 2a and 2b   |
| Sulfur hexafluoride  | 2551-62-4                   | 4  |
| Sulfuric acid  | 7664-93-9                   | 1  |
| 1,1,2,2-Tetrachloroethane                                      | 79-34-5                     | 1  |
| Tetrachloroethylene  | 127-18-4                    | 1  |
| Toluene (methylbenzene)  | 108-88-3                    | 1  |
| Toluene-2,4-diisocyanate                                       | 584-84-9                    | 1  |
| Total Nitrogen   | N/A                         | 3  |
| Total Phosphorus   | N/A                         | 3  |

| <b>COLUMN 1<br/>Substance</b>         | <b>COLUMN 2<br/>CAS No.</b> | <b>COLUMN 3<br/>Threshold Category</b><br>See explanatory note below* |
|---------------------------------------|-----------------------------|---|
| Total Volatile Organic Compounds      | N/A                         | 1a, 2a and 2b   |
| 1,1,2-Trichloroethane                 | 79-00-5                     | 1   |
| Trichloroethylene                     | 79-01-6                     | 1   |
| Vinyl Chloride Monomer                | 75-01-4                     | 1   |
| Xylenes (individual or mixed isomers) | 1330-20-7                   | 1   |
| Zinc and compounds                    | 7440-66-6                   | 1   |

**\* Explanatory Note on Threshold Category**

The following is an abbreviation of the definitions in clauses 10, 11, 12 and 13 and are for guidance only. For the full definition of the thresholds refer to the appropriate clause.

Category 1 involves the use of 10 tonnes or more of the substance in the period.

Category 1a involves the use of 25 tonnes or more of the substance in the period.

Category 1b involves the use of 5 kilograms or more of the substance in the period.

'use' of a substance means the handling, manufacture, import, processing, coincidental production or other use of the substance.

Category 2a involves the burning of:

- (a) 400 tonnes or more of fuel or waste in the period; or
- (b) 1 tonne or more of fuel or waste in any hour in the period.

Category 2b substance involves:

- (a) the burning of 2,000 tonnes or more of fuel or waste in the period; or
- (b) the consumption of 60,000 Megawatt hours or more of electrical energy in the period for other than lighting or motive purposes; or
- (c) the maximum potential power consumption of the facility being rated at 20 megawatts or more for other than lighting or motive purposes.

Category 3 involves the emission to water or transfer to a mandatory reporting transfer destination of 15 tonnes of Total Nitrogen or 3 tonnes of Total Phosphorus.

Category 4 involves a controlling business entity:

- (a) emitting 25,000 tonnes or more of greenhouse gases expressed in carbon dioxide equivalents; or
- (b) producing or consuming 100 terajoules or more of energy in the reporting period.