



# Variation to the National Environment Protection (National Pollutant Inventory) Measure 2008 (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 22A of the *National Environment Protection Council Act 1994*.

Dated 7 November 2008

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## 1 Name of Variation

This Variation is the *Variation to the National Environment Protection (National Pollutant Inventory) Measure 2008 (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 1998.

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## Schedule 1 Amendments

(section 3)

### Introductory Note

Section 22A 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 make a minor variation to 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] **Subclause 3(3) definition of *carbon dioxide equivalent***  
*omit*
- [2] **Subclause 3(3) definition of *carbon dioxide equivalent (indirect)***  
*omit*
- [3] **Subclause 3(3) definition of *CAS number***  
*substitute*  
*CAS number* means Chemical Abstract Service number;
- [4] **Subclause 3(3) definition of *category 4 substance***  
*omit*
- [5] **Subclause 3(3) definition of *controlling business entity***  
*omit*
- [6] **Subclause 3(3) definition of *greenhouse gases***  
*omit*
- [7] **Subclause 3(3) definition of *transfer***  
*omit*  
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*substitute*

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**[8] Paragraph 9 (1)(d)**

*omit*

**[9] Subclauses 9 (2), and (3)**

*omit*

**[10] Paragraphs 9 (4)(a) and (b)**

*omit*

**[11] Subclause 9 (6)**

*substitute*

(6) Information reported under subclause (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.

**[12] Subclause 9 (8)**

*substitute*

(8) The requirements under subclauses (1), (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.

**[13] Subclause 9 (9)**

*substitute*

(9) A participating jurisdiction is not to release any information provided to it under paragraphs (1)(c), (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.

**[14] Subclause 9 (10)**

*omit*

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*substitute*

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- [15] **Clause 10, heading**  
*substitute*
- 10 Reporting threshold – category 1, category 1a and category 1b substances**
- [16] **Clause 13**  
*omit*
- [17] **Subclause 14 (3)**  
*omit*
- [18] **Paragraphs 14 (3)(a) and (b)**  
*omit*
- [19] **Clause 20 heading**  
*omit*  
Estimation  
*substitute*  
Emission
- [20] **Paragraph 28 (c)**  
*omit*  
transfers  
*substitute*  
transfer
- [21] **Subclause 29 (2)**  
*omit*
- [22] **Subclause 33 (1)**  
*after*  
at least every five years  
*insert*  
, which will

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**[23] Clause 34**

*omit*

**[24] Schedule A, paragraph 1(e)**

(e) the thresholds for category 1 or category 1b substances that are listed as ‘(a metal) & compounds’ refer to the total amount of the metal and its compounds used (for example, ‘Lead & compounds’ refer to Lead and all compounds which incorporate Lead).

**[25] Schedule A, table 1**

*omit the substance name, the CAS No and the Threshold category for the following substances:*

- Carbon dioxide
- Carbon dioxide equivalent (indirect)
- Hydrofluorocarbons (HFCs)
- Methane
- Nitrous oxide
- Perfluorocarbons (PFCs)
- Sulfur hexafluoride

**[26] Schedule A, table 1, explanatory notes**

*substitute*

**\* Explanatory Note on Threshold Category**

The following is an abbreviation of the definitions in clauses 10, 11 and 12 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 reporting period.

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

**Category 1b** involves the use of 5 kilograms or more of the substance in the reporting 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 reporting period; or
- (b) 1 tonne or more of fuel or waste in any hour in the reporting period.

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**Category 2b** substance involves:

- (a) the burning of 2,000 tonnes or more of fuel or waste in the reporting period; or
- (b) the consumption of 60,000 megawatt hours or more of electrical energy in the reporting 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 or more of Total Nitrogen or 3 tonnes or more of Total Phosphorus.