

South Australia

Environment Protection (Air Quality) Policy 2016

under section 28 of the *Environment Protection Act 1993*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Application of policy

Part 2—Air quality measures

Division 1—Burning offences

- 5 Burning in the open in council areas
- 6 Burning permits
- 7 Burning of prohibited substances
- 8 Environmental harm

Division 2—Solid fuel heaters

- 9 Sale of solid fuel heaters
- 10 Installation of solid fuel heaters
- 11 Interference with solid fuel heaters
- 12 Prevention of excessive smoke
- 13 Sale of green firewood etc

Division 3—Localised air quality objectives

- 14 Localised air quality objectives

Division 4—Miscellaneous

- 15 Taking reasonable and practicable measures to avoid emissions from premises
- 16 Testing points

Part 3—Matters relating to Part 5 of Act

- 17 Amendment of policy by Gazette notice under section 32 of Act

Part 4—Matters relating to Part 6 of Act

- 18 Matters relating to Part 6 of Act

Schedule 1—Prohibited substances

Schedule 2—Ground level concentrations (clause 18(1)(a))

- 1 Interpretation
- 2 Ground level concentrations

Schedule 3—Odour levels (clause 18(1)(b))

Schedule 4—Stack emissions (clause 18(1)(c))

Schedule 5—Revocations and transitional provisions

Part 1—Revocation of environment protection policies

1 Revocation of environment protection policies

Part 2—Transitional provisions

2 Policy not to apply for 2 years in relation to existing prescribed activities of environmental significance

Part 1—Preliminary

1—Short title

This policy may be cited as the *Environment Protection (Air Quality) Policy 2016*.

2—Commencement

This policy will come into operation on a day to be fixed by the Governor by notice in the Gazette.

3—Interpretation

(1) In this policy, unless the contrary intention appears—

Act means the *Environment Protection Act 1993*;

agriculture includes horticulture;

agriculture waste means waste produced in the course of agriculture and includes dead stock, diseased crops, crop stubble or other crop waste and waste resulting from the clearing of land for farming;

AS/NZS 1080.1:2012 means AS/NZS 1080.1:2012 *Timber - Methods of test Method 1:Moisture Content* published jointly by Standards Australia and Standards New Zealand, as in force at the commencement of this policy;

AS/NZS 2918:2001 means AS/NZS 2918:2001 *Domestic solid fuel burning appliances - Installation* published jointly by Standards Australia and Standards New Zealand, as in force at the commencement of this policy;

AS/NZS 4012:2014 means AS/NZS 4012:2014 *Domestic solid fuel burning appliances - Method for determination of power output and efficiency* published jointly by Standards Australia and Standards New Zealand, as in force at the commencement of this policy;

AS/NZS 4013:2014 means AS/NZS 4013:2014 *Domestic solid fuel burning appliances - Method for determination of flue gas emissions* published jointly by Standards Australia and Standards New Zealand, as in force at the commencement of this policy;

boiler means a vessel in which water is heated for any purpose by any combustible materials with a total heat release of 100 or more megajoules per hour;

certificate of compliance, in relation to a solid fuel heater, means a certificate issued or approved by the Authority certifying that solid fuel heaters of the same model as that heater comply with AS/NZS 4012:2014 and AS/NZS 4013:2014 (or an overseas standard approved by the Authority as being equivalent to, or more stringent than such a standard);

cubic metre or m^3 means that volume of dry gas which occupies a cubic metre at a temperature of 0° Celsius and at an absolute pressure equivalent to 101.3 kilopascals (1 atmosphere);

domestic incinerator means an incinerator that is situated on residential premises for burning waste from the premises;

emit a pollutant to air—see subclause (2);

fire danger season has the same meaning as in the *Fire and Emergency Services Act 2005*;

mandatory measures, in relation to a provision of this policy or a code, standard or other document, means measures that are expressed in the provision, code, standard or document as mandatory rather than as recommendations;

mandatory provision—see subclause (5);

occupier, of land, includes a person with responsibility for the care, control or management of the land;

overseas standard means a standard from an overseas jurisdiction;

particles as $PM_{2.5}$ means particulate matter with an equivalent aerodynamic diameter of 2.5 micrometres or less;

particles as PM_{10} means particulate matter with an equivalent aerodynamic diameter of 10 micrometres or less;

ppm means parts per million by volume;

prescribed Act—each of the following is a prescribed Act:

- (a) *Botanic Gardens and State Herbarium Act 1978*;
- (b) *Crown Land Management Act 2009*;
- (c) *Forestry Act 1950*;
- (d) *National Parks and Wildlife Act 1972*;
- (e) *Wilderness Protection Act 1992*;

prohibited substance—see clause 7(1);

recommended measures, in relation to a provision of this policy or a code, standard or other document means measures that are expressed in the provision, code, standard or document as recommendations rather than as mandatory;

solid fuel heater means any solid fuel burning appliance that is designed, manufactured or adapted for use in domestic premises (whether or not it is actually used in such premises);

stack, in relation to premises, means an outlet intended for the emission to air of pollutants produced on the premises, and includes a chimney, flue or vent;

tyre waste means waste comprised of tyres or tyre pieces.

- (2) For the purposes of this policy, a person emits a pollutant to air if the person causes or allows the pollutant to be emitted into the air or fails to prevent it from entering or escaping into the air.
- (3) A reference in this policy to the burning of matter in the open includes a reference to the burning of matter in a domestic incinerator.
- (4) For the purposes of this policy, a fire will be regarded as burning in the open despite the fact that it is burning in connection with the operation of any fuel-burning equipment, or within a container of some kind, if the equipment or container does not have a stack for the emission of pollutants to the air.
- (5) In this policy, the expression *mandatory provision* followed by a statement as to the category of offence is to be taken to signify that contravention of the provision at the foot of which the expression appears is, for the purposes of Part 5 of the Act, an offence of the category so stated.

Note—

Unless the contrary intention appears, terms used in this policy that are defined in the Act have the respective meanings assigned to those terms by the Act.

4—Application of policy

- (1) This policy does not apply in relation to—
 - (a) the destruction of property pursuant to a direction of the Commissioner of Police under section 52E of the *Controlled Substances Act 1984*; or
 - (b) an activity undertaken in the course of, or in connection with, fire-fighting, or the training of firefighters or fire investigators, by or on behalf of—
 - (i) the South Australian Metropolitan Fire Service; or
 - (ii) the South Australian Country Fire Service; or
 - (iii) the South Australian State Emergency Service; or
 - (iv) the South Australian Fire and Emergency Services Commission; or
 - (c) the disposal, in accordance with an environmental authorisation, of gaseous waste produced in the course of a prescribed activity of environmental significance; or
 - (d) burning undertaken in accordance with a permit or other authority issued under the *Fire and Emergency Services Act 2005* or as otherwise authorised by or under that Act; or
 - (e) burning for the purposes of fuel load reduction or other fire prevention or control purposes as required or authorised by or under the *Fire and Emergency Services Act 2005*; or
 - (f) burning for the purposes of native vegetation clearance as required or authorised by or under the *Native Vegetation Act 1991*; or
 - (g) burning as required or authorised by or under a prescribed Act.

- (2) Nothing in this policy affects the operation of an authority or exemption given by or under any Act or law (other than the *Environment Protection Act 1993*) and in force immediately before the commencement of this policy.
- (3) In this clause—
firefighter has the same meaning as in the *Fire and Emergency Services Act 2005*;
fire-fighting has the same meaning as in the *Fire and Emergency Services Act 2005*.

Part 2—Air quality measures

Division 1—Burning offences

5—Burning in the open in council areas

- (1) A person must not cause or permit the burning of matter by fire in the open on any land within a council area.
Mandatory Provision: Category B offence.
- (2) However—
 - (a) subclause (1) does not prevent a person from carrying out the following burning activities within a metropolitan council area or within a township in a non-metropolitan council area:
 - (i) lighting or maintaining a fire using charcoal, dry wood or other dry plant material for the purpose of preparing food or beverages;
 - (ii) burning charcoal (but not wood or other plant material) in a brazier, chiminea or fire pit for domestic heating;
 - (iii) burning agriculture or forestry waste, burning off vegetation for fire prevention or control, or burning vegetation for any other purpose, outside a fire danger season, provided that—
 - (A) the burning activity is carried out in accordance with a burning permit issued under clause 6; and
 - (B) the person complies with any mandatory measures of a prescribed burning code of practice that apply in relation to the burning activity; and
 - (C) the person has regard to any recommended measures of a prescribed burning code of practice that apply in relation to the burning activity; and
 - (b) subclause (1) does not prevent a person from carrying out the following burning activities within a non-metropolitan council area (other than a township):
 - (i) lighting or maintaining a fire in the open on land using charcoal, dry wood or other dry plant material—
 - (A) for the purpose of preparing food or beverages; or
 - (B) for a campfire or barbecue in the course of camping, scouting or a similar outdoor recreational activity;

- (ii) burning charcoal, dry wood or other dry plant material in a brazier, chiminea or fire pit for domestic heating;
 - (iii) burning agriculture or forestry waste, burning off vegetation for fire prevention or control, or burning vegetation for any other purpose, outside a fire danger season, provided that—
 - (A) the burning activity takes place only on land owned or occupied by the person or on land with the consent or authority of the owner or occupier; and
 - (B) the person complies with any mandatory measures of a prescribed burning code of practice that apply in relation to the burning activity; and
 - (C) the person has regard to any recommended measures of a prescribed burning code of practice that apply in relation to the burning activity.
- (3) For the purposes of subclause (2)(a)(i) and (b)(i), a fire will not be taken to be for the purpose of preparing food or beverages unless the fire is of a size, and has been built in a way, that reasonably corresponds to that purpose.
- (4) This clause—
 - (a) applies subject to any ban, prohibition, restriction or other requirement under the *Fire and Emergency Services Act 2005*, the *Native Vegetation Act 1991* or a prescribed Act; and
 - (b) does not apply in relation to the burning of a prohibited substance.
- (5) In this clause—

metropolitan Adelaide has the same meaning as in the *Development Act 1993*;

metropolitan council area means a council area within metropolitan Adelaide;

non-metropolitan council area means a council area outside of metropolitan Adelaide;

plant material includes paper, cardboard and garden prunings;

prescribed burning code of practice means—
 - (a) the *Broadacre Burning Code of Practice April 2015* prepared by the South Australian Country Fire Service; or
 - (b) the *Vegetation Rubbish Pile Burning Code of Practice April 2015* prepared by the South Australian Country Fire Service;

township has the same meaning as in the *Local Government Act 1999*.

6—Burning permits

- (1) The Authority or relevant council delegate may issue a permit (a **burning permit**) authorising a person or class of persons to carry out any 1 or more of the following burning activities outside of a fire danger season:
 - (a) burning agriculture or forestry waste; or
 - (b) burning off vegetation for fire prevention or control; or

- (c) burning vegetation for any other purpose.
- (2) An application for a burning permit must be made in writing in a manner and form determined by the Authority or relevant council delegate.
- (3) A burning permit—
 - (a) is issued—
 - (i) by notice in writing to the person to whom the permit applies; or
 - (ii) by notice published on the relevant council's website and in a newspaper circulating within the council area; and
 - (b) must specify the conditions to which the permit is subject, which may include—
 - (i) a condition requiring the burning activity to take place only during specified times or periods, under specified circumstances or in a specified manner; or
 - (ii) a condition permitting only specified matter or a specified class of matter to be burned; or
 - (iii) any other condition considered necessary or desirable to control or minimise air pollution from the burning activity; and
 - (c) cannot authorise a person to carry out a burning activity on land if the person is not the owner or occupier of the land or does not have the consent or authority of the owner or occupier; and
 - (d) cannot authorise the burning of a prohibited substance; and
 - (e) comes into operation on the day on which it is issued or such later date as may be specified in the permit; and
 - (f) remains in force according to its terms for a period specified in the permit or until revoked; and
 - (g) may be varied or revoked at any time by further notice given in the same manner as for its issuing (under paragraph (a)).
- (4) An application for a burning permit may be refused on the grounds that the applicant is not a suitable person to be issued with such a permit.
- (5) The fact that the holder of a burning permit has complied with the conditions of the permit does not of itself—
 - (a) relieve the holder from liability for any loss, damage or harm caused by a fire lit under the authority of the permit; or
 - (b) prevent proceedings for enforcement of the general environmental duty under section 25 of the Act, or for any offence under the Act, in relation to the burning activity.
- (6) In this clause—

relevant council delegate, for a burning permit authorising a burning activity within a council area, means—

 - (a) if the council for the area is an administering agency—

- (i) that administering agency; or
 - (ii) any person or body (as contemplated under section 18C of the Act) to which that administering agency's functions under this clause have been delegated; or
- (b) any council, officer of the council or other person or body (as contemplated under section 115 of the Act) to which the Authority's powers or functions under this clause have been delegated.

7—Burning of prohibited substances

- (1) A person must not cause or permit the burning of a substance listed in Schedule 1 (a *prohibited substance*) by fire, whether inside a building or in the open.

Mandatory provision: Category B offence.

- (2) Subclause (1) does not apply in relation to the burning of a prohibited substance by fire in accordance with an environmental authorisation.

8—Environmental harm

For the purposes of section 5(1)(b) of the Act, the emission to the environment of ash or other residual matter caused by burning a prohibited substance by fire in contravention of clause 7 is declared to constitute environmental harm.

Division 2—Solid fuel heaters

9—Sale of solid fuel heaters

- (1) A person must not sell a solid fuel heater unless—
- (a) the heater is marked as being compliant with AS/NZS 4012:2014 and AS/NZS 4013:2014; and
 - (b) a certificate of compliance exists in relation to the heater; and
 - (c) in the case of the sale to a person whose business includes the wholesale or retail sale of heaters, a copy of the certificate has been given to the purchaser.

Mandatory provision: Category B offence.

- (2) If the Authority is satisfied that an overseas standard applies to the solid fuel heater and contains measures that are equivalent to, or more stringent than, a standard referred to in subclause (1), the Authority may determine that this clause applies as if a reference to that standard so referred to were a reference to the overseas standard.
- (3) This clause does not apply in relation to a solid fuel heater that is a fixture in premises that are being sold.

10—Installation of solid fuel heaters

- (1) A person must not install a solid fuel heater unless the heater is marked as being compliant with AS/NZS 4012:2014 and AS/NZS 4013:2014.

Mandatory provision: Category B offence.

- (2) A person must, when installing a solid fuel heater, comply with any mandatory measures of AS/NZS 2918:2001, AS/NZS 4012:2014 and AS/NZS 4013:2014 that apply in relation to the installation of solid fuel heaters of that kind.

Mandatory provision: Category B offence.

- (3) A person must, when installing a solid fuel heater, have regard to any recommended measures of AS/NZS 2918:2001, AS/NZS 4012:2014 and AS/NZS 4013:2014 that apply in relation to the installation of solid fuel heaters of that kind.
- (4) If the Authority is satisfied that an overseas standard applies to the solid fuel heater and contains measures that are equivalent to, or more stringent than, a standard referred to in a preceding provision in this clause, the Authority may determine that the provision applies as if a reference to that standard so referred to were a reference to the overseas standard.

11—Interference with solid fuel heaters

- (1) A person must not—
- (a) alter, or cause or permit the alteration of, the structure, exhaust system or air inlet of a solid fuel heater in relation to which a certificate of compliance exists; or
 - (b) mark a heater, or cause or permit a heater to be marked, as being compliant with the solid fuel heater standards referred to in clause 9(1)(a) if the heater is not of a model that is the subject of a certificate of compliance to that effect.

Mandatory provision: Category B offence.

- (2) Nothing in this clause prevents a person from carrying out genuine repair work on a heater.

12—Prevention of excessive smoke

- (1) The owner or occupier of premises at which a solid fuel heater is used must not cause or permit excessive smoke to be emitted to the air from the heater.

Mandatory provision: Category B offence.

- (2) Without limiting the circumstances in which smoke may be taken to be excessive for the purposes of subclause (1), smoke emitted to the air from a solid fuel heater will be taken to be excessive if a visible plume of smoke extends into the air from the flue or chimney of the heater for a continuous period of not less than 10 minutes, including a period of not less than 30 seconds when the plume extends into the air at least 10 metres from the point at which the smoke is emitted from the flue or chimney.

13—Sale of green firewood etc

- (1) Subject to subclause (2), a person must not cause or permit the sale of firewood or other solid fuel for use in a solid fuel heater if the moisture content of the firewood or other solid fuel exceeds 25% dry weight (when measured in accordance with AS/NZS 1080.1:2012).

Mandatory provision: Category B offence.

- (2) Subclause (1) does not apply to the sale of firewood or other solid fuel to a wholesaler or retailer of firewood or solid fuel.

- (3) If a retailer stores firewood or other solid fuel with a moisture content exceeding 25% dry weight (when measured in accordance with AS/NZS 1080.1:2012) on retail premises, the firewood or other solid fuel must be kept in a separate area that is clearly marked by a sign stating that the firewood or other solid fuel in that area is not available for retail sale.

Mandatory provision: Category B offence.

- (4) A retailer commits an offence against subclause (1) or (3) if a selection of 10 or more pieces of the wood or other solid fuel available for retail sale on the retailer's premises exceeds 25% dry weight (when measured in accordance with AS/NZS 1080.1:2012).

- (5) In this clause—

retail premises, in relation to firewood or other solid fuel, includes any place or vehicle occupied by the retailer for the purpose of selling the firewood or solid fuel.

Division 3—Localised air quality objectives

14—Localised air quality objectives

- (1) The Authority may, by amendment of this policy under clause 17, declare that localised air quality objectives apply within a designated area of the State.
- (2) A declaration under subclause (1)—
- (a) must specify—
 - (i) the designated area, by map or description (or both); and
 - (ii) the air quality objectives sought to be achieved by the declaration; and
 - (iii) the class of persons to which the declaration applies; and
 - (b) may specify—
 - (i) measures for achieving the air quality objectives, including—
 - (A) mandatory or recommended measures regarding emission concentrations for particular pollutants; and
 - (B) any other mandatory or recommended measures; or
 - (ii) the testing, monitoring or modelling methodology to be used in determining compliance with the measures.
- (3) A person to whom a declaration under subclause (1) applies must comply with any mandatory measures specified in the declaration.
- Mandatory provision: Category B offence.
- (4) A person to whom a declaration under subclause (1) applies must have regard to any recommended measures specified in the declaration.
- (5) If another provision of this policy is inconsistent with a declaration under subclause (1), the former will not apply to the extent of the inconsistency.

Division 4—Miscellaneous

15—Taking reasonable and practicable measures to avoid emissions from premises

- (1) The occupier of premises (other than domestic premises) must ensure that the emission of pollutants to air from the premises is not caused through any failure to take reasonable and practicable measures—
 - (a) to maintain fuel-burning equipment, control equipment or any other plant or equipment in an efficient condition; or
 - (b) to operate fuel-burning equipment, control equipment or any other plant or equipment in a proper and efficient manner; or
 - (c) to carry out maintenance of fuel-burning equipment, control equipment or any other plant or equipment in a proper and efficient manner; or
 - (d) to process, handle, move or store goods or materials in or on the premises in a proper and efficient manner.

Mandatory Provision: Category B offence.

- (2) In this clause—

control equipment means any device that controls, limits, measures, records or indicates air pollution;

fuel-burning equipment means any machine, engine, apparatus or structure in which, or in the operation of which, combustible material is burned, but does not include a motor vehicle.

16—Testing points

- (1) The Authority or another administering agency may, by notice in writing to the occupier of premises (other than domestic premises) at which an activity is carried on that causes the emission of pollutants to the air, fix a suitable testing point at the premises to enable the Authority or another administering agency to evaluate the emissions from the premises.
- (2) An occupier to whom a notice has been given under subclause (1) must ensure that the testing point is, at all times, in a suitable condition and available for testing on request by an authorised officer.

Mandatory Provision: Category B offence.

Part 3—Matters relating to Part 5 of Act

17—Amendment of policy by Gazette notice under section 32 of Act

- (1) Pursuant to section 32(1)(c) of the Act, this policy may be amended by the Minister, by notice in the Gazette—
 - (a) so as to modify the definition of ***prescribed burning code of practice*** for the purposes of clause 5; or
 - (b) so as to modify the references to the moisture content of firewood or other solid fuel in clause 13 from "25%" to a lower percentage; or

- (c) so as to declare, for the purposes of clause 14, that localised air quality objectives apply within a designated area of the State;
 - (d) so as to modify any Schedule in this policy (other than Schedule 5); or
 - (e) as a consequence of—
 - (i) an amendment to the Act, the making, variation or revocation of regulations under the Act or the making, amendment or revocation of another environment protection policy; or
 - (ii) the amendment, revocation or substitution of another Act, or a code, standard, guidelines or other document, referred to in the policy; or
 - (f) so as to make any other amendments (including amendment of Part 1) as a consequence of an amendment referred to in a preceding subparagraph.
- (2) An amendment is to be in the form of a textual amendment and, as such, a provision may be deleted from, substituted in or inserted into the policy and material may be deleted from, substituted in or inserted into a provision of the policy.
- (3) The Authority cannot make a recommendation to the Minister for an amendment referred to in this clause unless—
- (a) the proposal has been reduced to writing, clearly setting out the purpose and likely impact of and reasons for the proposed amendment; and
 - (b) in addition, in the case of an amendment under subclause (1)(b) or (c)—consultation has been undertaken as follows:
 - (i) relevant organisations and industries and the community likely to be affected by the proposed amendment have been consulted;
 - (ii) the views expressed by those consulted have been considered by the Authority and communicated to the Minister.

Part 4—Matters relating to Part 6 of Act

18—Matters relating to Part 6 of Act

- (1) In determining any matters under Part 6 of the Act in relation to an activity (including a related development), the Authority must take into account the following matters (to the extent to which they are relevant):
- (a) **ground level concentrations**—whether the activity has resulted, or may result, in the concentration of a pollutant specified in column 1 of the table in Schedule 2 clause 2 exceeding the maximum concentrations specified in column 4 or 5 for that pollutant over the averaging time specified in column 3 for that pollutant (based on evaluations at ground level using a prescribed testing, assessment, monitoring or modelling methodology for the pollutant and activity);
 - (b) **odour levels**—whether the activity has resulted, or may result, in the number of odour units specified in column 2 of the table in Schedule 3 being exceeded for the number of persons specified in column 1 over a 3 minute averaging time 99.9% of the time (based on evaluations at ground level using a prescribed testing, assessment, monitoring or modelling methodology for the pollutant and activity);

- (c) **stack emissions**—if the Authority is satisfied that it is not reasonably practicable or feasible to make evaluations in relation to the activity under paragraph (a) or (b)—whether the activity (being an activity specified in column 2 of the table in Schedule 4) has resulted, or may result, in the emission to air of a pollutant specified in column 1 of the table in Schedule 4—
- (i) at a level exceeding that specified for the pollutant in column 3; or
 - (ii) in contravention of a requirement (if any) specified for the pollutant in column 4,
- (based on evaluations at the stack using a prescribed testing, assessment, monitoring or modelling methodology for the pollutant and activity);
- (d) **evaluation distances**—whether the assessment requirements set out in the document entitled *Evaluation Distances for Effective Air Quality and Noise Management 2016* prepared by the Authority give rise to requirements for separation distances between the activity and other premises;
- (e) **localised air quality objectives**—any localised air quality objectives (within the meaning of clause 14) that apply in relation to the activity;
- (f) **any other kind of air pollution**—whether the activity has resulted or may result in the pollution of the air in any other manner;
- (g) **requirements to be imposed on all relevant persons**—the requirements that should, in the event of an environmental authorisation being granted, be imposed on all relevant persons for the purposes of preventing or minimising the pollution of the air or its harmful effects.

(2) In this clause—

prescribed testing, assessment, monitoring or modelling methodology, for a pollutant or activity, means—

- (a) a testing, assessment, monitoring or modelling methodology set out for the pollutant or activity in—
 - (i) *Ambient Air Quality Assessment 2016* prepared by the Authority; or
 - (ii) *Emission Testing Methodology for Air Pollution 2012* prepared by the Authority; or
- (b) some other testing, assessment, monitoring or modelling methodology approved by the Authority for the pollutant or activity.

Schedule 1—Prohibited substances

A listed waste (ie waste of a kind specified in Schedule 1 Part B of the Act)

Copper chromium arsenate or other timber preservation chemicals

Plastics

Tyre waste

A substance or material containing, or contaminated with, any substance listed above.

Schedule 2—Ground level concentrations (clause 18(1)(a))

1—Interpretation

- (1) In this Schedule—
IARC means the International Agency for Research on Cancer;
USEPA means the United States Environmental Protection Agency.
- (2) A reference to a classification specified in column 2 of the table in clause 2 followed by "(IARC)" or "(USEPA)" is a reference to that classification as determined by IARC or USEPA (as the case may be).

2—Ground level concentrations

Pollutant	Classification	Averaging time	Maximum concentration (mg/m ³ unless otherwise specified)	Maximum concentration (ppm)
Acetaldehyde	Odour	3 minutes	0.083	0.042
	Toxicity	3 minutes	6.44	3.2
Acetic acid	Odour	3 minutes	0.55	0.20
	Toxicity	3 minutes	0.9	0.32
Acetone	Toxicity	3 minutes	44	16.7
Acrolein	extremely toxic (USEPA)	3 minutes	0.00084	0.00033
Acrylic acid	Toxicity	3 minutes	0.22	0.067
Acrylonitrile	Group 2B carcinogen (IARC)	3 minutes	0.015	0.0067
Alpha chlorinated toluenes and benzoyl chloride	Group 2A carcinogen (IARC)	3 minutes	0.019	0.0033
Ammonia	Toxicity	3 minutes	0.66	0.83
Aniline	Toxicity	3 minutes	0.27	0.067
Antimony and compounds	Toxicity	3 minutes	0.019	-
Arsenic and compounds	Group 1 carcinogen (IARC)	3 minutes	0.00019	-
Asbestos	Group 1 carcinogen (IARC)	3 minutes	0.33 fibres/litre	-
Asphalt (petroleum) fumes	Toxicity	3 minutes	0.19	-
Barium (soluble compound)	Toxicity	3 minutes	0.019	-

Environment Protection (Air Quality) Policy 2016
Ground level concentrations (clause 18(1)(a))—Schedule 2

Pollutant	Classification	Averaging time	Maximum concentration (mg/m³ unless otherwise specified)	Maximum concentration (ppm)
Benzene	Group 1 carcinogen (IARC)	3 minutes	0.058	0.017
		12 months	0.01	0.003
Benzo(a)pyrene as a marker for polycyclic aromatic hydrocarbons	Group 1 carcinogen (IARC)	3 minutes	0.0008	-
		12 months	0.3 nanogram/m ³	-
Beryllium and beryllium compounds	Group 1 carcinogen (IARC)	3 minutes	0.000008	-
Biphenyl	Toxicity	3 minutes	0.047	0.0067
Bromochloromethane	Toxicity	3 minutes	38	6.7
Bromoform (tribromomethane)	Toxicity	3 minutes	0.19	0.017
Bromotrifluoromethane	Toxicity	3 minutes	222	33
1,3-butadiene	Group 1 carcinogen (IARC)	3 minutes	0.08	0.033
n-Butanol	Odour	3 minutes	0.98	0.3
	Toxicity	3 minutes	5.57	1.7
n-Butyl acetate	Odour	3 minutes	2.02	0.39
	Toxicity	3 minutes	26	5.0
Butyl acrylate	Odour	3 minutes	0.2	0.035
Butyl mercaptan	Odour	3 minutes	0.013	0.004
	Toxicity	3 minutes	0.066	0.017
Cadmium and cadmium compounds	Toxicity; Group 1 carcinogen (IARC)	3 minutes	0.000036	-
Carbon black	Toxicity	3 minutes	0.11	-
Carbon disulphide	Odour	3 minutes	0.14	0.042
	Toxicity	3 minutes	1.02	0.32
Carbon monoxide	Toxicity	1 hour	31.24	25
		8 hours	11.25	9.0
Carbon tetrachloride (tetrachloromethane)	Toxicity	3 minutes	0.023	0.0033
Chlorine	Toxicity	3 minutes	0.11	0.033
Chlorine dioxide	Toxicity	3 minutes	0.01	0.0033

Environment Protection (Air Quality) Policy 2016
 Schedule 2—Ground level concentrations (clause 18(1)(a))

Pollutant	Classification	Averaging time	Maximum concentration (mg/m³ unless otherwise specified)	Maximum concentration (ppm)
Chlorobenzene	Odour	3 minutes	0.22	0.042
	Toxicity	3 minutes	1.64	0.32
Chloroform (trichloromethane)	Toxicity	3 minutes	1.75	0.33
Chloromethane (methyl chloride)	Toxicity	3 minutes	3.7	1.7
Chromium (III) compounds	Toxicity	3 minutes	0.019	-
Chromium VI compounds	Group 1 carcinogen (IARC)	3 minutes	0.00019	-
Copper dusts and mists	Toxicity	3 minutes	0.036	-
Copper fume	Toxicity	3 minutes	0.0073	-
Cotton dust (raw)	Toxicity	3 minutes	0.0073	-
Crotonaldehyde	Toxicity	3 minutes	0.22	0.067
Cumene (isopropyl benzene)	Odour	3 minutes	0.043	0.008
	Toxicity	3 minutes	8.8	1.6
Cyclohexane	Toxicity	3 minutes	38.2	10
Cyclohexanol	Toxicity	3 minutes	7.5	1.7
Cyclohexanone	Odour	3 minutes	0.53	0.12
	Toxicity	3 minutes	3.5	0.82
Cyanide (as CN)	Toxicity	3 minutes	0.19	-
Diacetone alcohol	Odour	3 minutes	1.42	0.28
o-Dichlorobenzene	Toxicity	3 minutes	10.9	1.7
1,2-dichloroethane (ethylene dichloride)	Mutagen (USEPA); Group 2B carcinogen (IARC)	3 minutes	0.14	0.033
1,2-Dichloroethylene	Toxicity	3 minutes	28.7	6.7
Dichlorvos	Toxicity	3 minutes	0.036	0.0033
Diethylamine	Odour	3 minutes	0.07	0.02
	Toxicity	3 minutes	1.06	0.32
Dimethylamine	Odour	3 minutes	0.019	0.0094
	Toxicity	3 minutes	0.64	0.32
Dinitrobenzene (all isomers)	Toxicity	3 minutes	0.036	0.005
Dinitrotoluene	Toxicity	3 minutes	0.06	-

Environment Protection (Air Quality) Policy 2016
Ground level concentrations (clause 18(1)(a))—Schedule 2

Pollutant	Classification	Averaging time	Maximum concentration (mg/m³ unless otherwise specified)	Maximum concentration (ppm)
Diphenyl ether	Odour	3 minutes	0.15	0.02
Epichlorohydrin	Group 2A carcinogen (IARC)	3 minutes	0.027	0.0067
Ethanol	Odour	3 minutes	4.1	2.0
	Toxicity	3 minutes	68.4	33.3
Ethanolamine	Toxicity	3 minutes	0.27	0.1
Ethyl acetate	Odour	3 minutes	24.1	6.3
	Toxicity	3 minutes	25.76	6.6
Ethyl acrylate	Odour	3 minutes	0.0009	0.0002
	Toxicity	3 minutes	0.72	0.16
Ethylbenzene	Toxicity	3 minutes	15.8	3.3
Ethyl butyl ketone	Toxicity	3 minutes	8.4	1.7
Ethyl chloride (chloroethane)	Toxicity	3 minutes	94.5	33.3
Ethylene glycol (vapour)	Toxicity	3 minutes	2.2	-
Ethylene oxide	Group 1 carcinogen (IARC)	3 minutes	0.0066	0.0033
Fluoride	Bioaccumulation	24 hours	0.003	0.0034
		7 days	0.002	0.002
		90 days	0.001	0.00059
Fluorine	Toxicity	3 minutes	0.058	0.033
Formaldehyde	Toxicity; Group 1 carcinogen (IARC)	13 minutes	0.044	0.033
		24 hours	0.054	0.04
n-Hexane	Toxicity	3 minutes	6.4	1.7
2-Hexanone	Toxicity	3 minutes	3.6	0.83
Hydrogen chloride	Toxicity	3 minutes	0.27	0.17
Hydrogen cyanide	extremely toxic (USEPA)	3 minutes	0.404	0.33
Hydrogen sulphide	Odour	3 minutes	0.00015	0.0001
	Toxicity	3 minutes	0.51	0.32
Iron oxide fume	Toxicity	3 minutes	0.19	-
Lead (as particles)	Toxicity	12 months	0.0005	-
Magnesium oxide fume	Toxicity	3 minutes	0.36	-

Environment Protection (Air Quality) Policy 2016
 Schedule 2—Ground level concentrations (clause 18(1)(a))

Pollutant	Classification	Averaging time	Maximum concentration (mg/m³ unless otherwise specified)	Maximum concentration (ppm)
Maleic anhydride	Toxicity	3 minutes	0.036	0.0083
Manganese and compounds	Toxicity	3 minutes	0.036	-
MDI (Diphenylmethane diisocyanate)	extremely toxic (USEPA)	3 minutes	0.00008	-
Mercury				
- inorganic	Bioaccumulation	3 minutes	0.004	-
- organic	Bioaccumulation	3 minutes	0.00036	-
Methanol	Odour	3 minutes	6.0	4.3
	Toxicity	3 minutes	9.5	6.7
Methyl acrylate	Toxicity	3 minutes	1.3	0.33
Methylamine	Odour	3 minutes	0.0055	0.0042
	Toxicity	3 minutes	0.47	0.32
Methyl bromide (bromomethane)	Toxicity	3 minutes	0.69	0.17
Methylene chloride (dichloromethane)	Toxicity	3 minutes	6.3	1.7
Methyl ethyl ketone	Odour	3 minutes	6.4	2.0
	Toxicity	3 minutes	17.5	4.9
Methyl isobutyl ketone	Odour	3 minutes	0.45	0.1
	Toxicity	3 minutes	7.3	1.6
Methyl mercaptan	Odour	3 minutes	0.00092	0.00042
	Toxicity	3 minutes	0.035	0.016
Methyl methacrylate	Odour	3 minutes	0.23	0.05
	Toxicity	3 minutes	14.63	3.2
Methyl styrene	Odour	3 minutes	0.27	0.052
	Toxicity	3 minutes	8.84	1.7
Nickel and nickel compounds	Group 1 carcinogen (IARC)	3 minutes	0.00036	0.00017
Nitric acid	Toxicity	3 minutes	0.19	0.067
Nitrobenzene	Odour	3 minutes	0.005	0.00094
	Toxicity	3 minutes	0.175	0.032
Nitrogen dioxide	Toxicity	1 hour	0.25	0.12
		12 months	0.06	0.03
Particles as PM ₁₀	Toxicity	24 hours	0.05	-

Environment Protection (Air Quality) Policy 2016
Ground level concentrations (clause 18(1)(a))—Schedule 2

Pollutant	Classification	Averaging time	Maximum concentration (mg/m³ unless otherwise specified)	Maximum concentration (ppm)
Particles as PM _{2.5}	Toxicity	24 hours	0.025	-
		12 months	0.008	-
Pentachlorophenol	extremely toxic (USEPA)	3 minutes	0.0019	-
n-Pentane	Toxicity	3 minutes	65.5	20
2-Pentanone	Toxicity	3 minutes	25.4	6.7
Perchloroethylene (tetrachloroethylene)	Odour	3 minutes	6.9	0.94
	Toxicity	3 minutes	12.2	1.7
Phenol	Odour	3 minutes	0.039	0.0094
	Toxicity	3 minutes	0.14	0.032
Phosgene	extremely toxic (USEPA)	3 minutes	0.014	0.0033
Phosphine	Odour	3 minutes	0.0061	0.0042
	Toxicity	3 minutes	0.015	0.01
Photochemical oxidants (as ozone)	Toxicity	1 hour	0.21	0.1
		4 hours	0.17	0.08
Phthalic anhydride	Toxicity	3 minutes	0.22	0.033
n-propanol	Odour	3 minutes	0.082	0.03
	Toxicity	3 minutes	17.9	6.2
Propylene glycol monomethyl ether	Toxicity	3 minutes	13.1	3.3
Propylene oxide	Group 2B carcinogen (IARC)	3 minutes	0.17	0.067
Pyridine	Odour	3 minutes	0.014	0.0042
	Toxicity	3 minutes	0.57	0.16
Respirable crystalline silica— inhaled in the form of quartz or cristobalite (measured as PM _{2.5})	Group 1 carcinogen (IARC)	3 minutes	0.00036	-
Silver metal	Toxicity	3 minutes	0.004	-
Silver, soluble compounds (as Ag)	Toxicity	3 minutes	0.00036	-
Styrene (monomer)	Odour	3 minutes	0.23	0.05
	Toxicity	3 minutes	7.6	1.64

Environment Protection (Air Quality) Policy 2016
 Schedule 2—Ground level concentrations (clause 18(1)(a))

Pollutant	Classification	Averaging time	Maximum concentration (mg/m³ unless otherwise specified)	Maximum concentration (ppm)
Sulphur dioxide	Toxicity	1 hour	0.57	0.2
		24 hours	0.23	0.08
		12 months	0.06	0.02
Sulphuric acid	Toxicity	3 minutes	0.036	-
TDI (toluene-2,4-diisocyanate (USEPA) and toluene-2,6-diisocyanate)	extremely toxic	3 minutes	0.00008	-
Toluene	Odour	3 minutes	0.71	0.17
	Toxicity	3 minutes	13.4	3.2
		24 hours	4.11	1.0
		12 months	0.41	0.1
1,1,1-trichloroethane (methyl chloroform)	Toxicity	3 minutes	24.8	4.2
1,1,2-trichloroethane	Toxicity	3 minutes	1.97	0.33
Trichloroethylene	Group 1 carcinogen (IARC)	3 minutes	0.98	0.17
Trichlorofluoromethane	Toxicity	3 minutes	204	33.3
Triethylamine	Odour	3 minutes	0.39	0.09
	Toxicity	3 minutes	0.43	0.1
Trimethylbenzene (mixed isomers)	Toxicity	3 minutes	4.4	0.83
Vinyl chloride	Group 1 carcinogen (IARC)	3 minutes	0.047	0.017
Vinyl toluene	Toxicity	3 minutes	8.8	1.7
Welding fume (total particulate)	Toxicity	3 minutes	0.19	-
Wood dust				
- hardwoods	Group 1 carcinogen (IARC)	3 minutes	0.036	-
- softwoods	Group 1 carcinogen (IARC)	3 minutes	0.019	-
Xylenes (as total of ortho, meta and para isomers)	Odour	3 minutes	0.38	0.08
	Toxicity	3 minutes	12.4	2.7

Pollutant	Classification	Averaging time	Maximum concentration (mg/m ³ unless otherwise specified)	Maximum concentration (ppm)
		24 hours	1.18	0.25
		12 months	0.95	0.2
Zinc chloride fume	Toxicity	3 minutes	0.036	-
Zinc oxide fume	Toxicity	3 minutes	0.19	-

Schedule 3—Odour levels (clause 18(1)(b))

Number of people	Odour units (3 minutes average, 99.9% of time)
2000 or more	2
350 - 1999 (inclusive)	4
60 - 349 (inclusive)	6
12 - 59 (inclusive)	8
Single residence (fewer than 12)	10

Schedule 4—Stack emissions (clause 18(1)(c))

Pollutant	Activity	Maximum pollutant level	Other requirements
Antimony or its compounds	Any activity	10mg/m ³ as antimony	
Arsenic or its compounds	Any activity	10mg/m ³ as arsenic	
Cadmium or its compounds	Any activity	3mg/m ³ as cadmium	
Lead or its compounds	Any activity	10mg/m ³ as lead	
Mercury or its compounds	Any activity	3mg/m ³ as mercury	
Any 2 or more of the preceding 5 pollutants	Any activity	10mg/m ³ (as the respective pollutants (in total))	
Carbon monoxide	Any activity	1000mg/m ³	
Chlorinated dioxins and furans	Production of energy from waste	0.1ng (nanograms) /m ³	

Environment Protection (Air Quality) Policy 2016

Schedule 4—Stack emissions (clause 18(1)(c))

Pollutant	Activity	Maximum pollutant level	Other requirements
Chlorine or inorganic chlorine compounds	Any activity	200mg/m ³ as chlorine equivalent	
Fluorine, hydrofluoric acid or inorganic fluorine compounds	Any activity except primary aluminium smelters	50mg/m ³ as hydrofluoric acid equivalent	
	Primary aluminium smelters	20mg/m ³ as hydrofluoric acid equivalent	
Hydrogen sulphide gas	Any activity	5mg/m ³	
Nickel carbonyl	Any activity	0.5mg/m ³ as nickel	
Nickel or its compounds (other than nickel carbonyl)	Any activity	20mg/m ³ as nickel	
Nitric acid or oxides of nitrogen	Manufacture of nitric acid or sulphuric acid	2000mg/m ³ as nitrogen dioxide equivalent	The plume must be colourless
Oxides of nitrogen	Fuel burning (other than internal combustion engines or the manufacture of nitric acid, sulphuric acid, glass or cement) with a maximum heat input rate greater than 150 000 MJ/hr gross—		
	(a) for gaseous fuels	350mg/m ³ referenced to 7% by volume of oxygen	
	(b) for liquid or solid fuels	500mg/m ³ referenced to 7% by volume of oxygen	
	Power generation of 250MW or greater	700mg/m ³ referenced to 7% by volume of oxygen	
	Gas turbines for power generation of 10MW or greater—		
	(a) for gaseous fuels	70mg/m ³ referenced to 15% by volume of oxygen	
	(b) for liquid or solid fuels	150mg/m ³ referenced to 15% by volume of oxygen	
Gas turbines for power generation of less than 10MW	90mg/m ³ referenced to 15% by volume of oxygen		

Pollutant	Activity	Maximum pollutant level	Other requirements
Particulate matter	Any activity other than heating metals or metal ores	100mg/m ³ , referenced, in the case of boilers and incinerators, to 12% by volume of carbon dioxide	
	Heating metals or metal ores (other than cold blast cupolas)	100mg/m ³	
Sulphur dioxide	Sulphuric acid plant	1000mg/m ³	
Sulphuric acid mist or sulphur trioxide	Any activity	100mg/m ³ as sulphur trioxide equivalent	

Schedule 5—Revocations and transitional provisions

Part 1—Revocation of environment protection policies

1—Revocation of environment protection policies

The following environment protection policies are revoked:

- (a) the *Environment Protection (Air Quality) Policy 1994*;
- (b) the *Environment Protection (Burning) Policy 1994*;
- (c) the *Environment Protection (Motor Vehicle Fuel Quality) Policy 2002*;
- (d) the *Environment Protection (Solid Fuel Heaters) Policy 2015*.

Part 2—Transitional provisions

2—Policy not to apply for 2 years in relation to existing prescribed activities of environmental significance

If, immediately before the commencement of this policy, a person was undertaking a prescribed activity of environmental significance in accordance with an environmental authorisation, nothing in this policy will affect that activity so undertaken by the person until the expiry of the second year of operation of this policy.