

NSW



Environment Protection Authority

Environmental Improvement Programs



A vertical decorative bar on the left side of the page, featuring intricate Aboriginal patterns in shades of blue and white. The patterns include concentric circles, wavy lines, and geometric shapes, typical of traditional Indigenous art.

Acknowledgement of Country

The NSW Environment Protection Authority acknowledges the Traditional Custodians of the land on which we live and work, honours the ancestors and the Elders both past and present and extends that respect to all Aboriginal people.

We recognise Aboriginal peoples' spiritual and cultural connection and inherent right to protect the land, waters, skies and natural resources of NSW. This connection goes deep and has since the Dreaming.

We also acknowledge our Aboriginal and Torres Strait Islander employees who are an integral part of our diverse workforce and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and culture.

Aboriginal artwork by Worimi artist Gerard Black

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Licensees' environmental performance and environmental improvement programs

For premises-based licences and licences for mobile waste processing, licence administrative fees are calculated based on the type of activities being undertaken (fee-based activities), the scale of these activities, and the licensee's environmental management category.

The environmental management category (EMC) for a licence is calculated by considering the environmental management performance of the licensee at the licensed premises and takes into account:

- a licensee's compliance history and certain regulatory actions the EPA has taken in relation to activities at the premises
- environmental improvement programs.

Based on this assessment, a licensee will be allocated an environmental management category: A, B, C, D or E for each licence.

Refer to the *Environmental Management Calculation Protocol* (the Protocol) for more information on the determination of the EMC for a licence.

Environmental improvement programs

If the licensee has entered into an environmental improvement program at the licensed premises, the licensee is eligible for reductions to their environmental management score.

Definition

Environmental improvement programs (EIPs) are defined in the Protocol as:

pollution reduction programs (under section 68 of the POEO Act) that have been initiated by the licensee by way of an application made to the EPA to vary their licence under section 58(3) of the POEO Act. The environmental improvement programs must be programs outside of those required to achieve compliance with legislative requirements under the POEO Act or Regulations or any existing conditions on the licence at the time that the environmental improvement program is added to the licence.

With regard to pollution reduction programs (PRPs), section 68 of the Protection of the Environment Operations Act 1997 (POEO Act) states that:

- (2) The conditions of a licence may require the holder of the licence –
 - a. to develop and submit to the appropriate regulatory authority a pollution reduction program and to comply with the program as approved by the appropriate regulatory authority, or
 - b. to comply with a pollution reduction program determined by the appropriate regulatory authority.

- (3) A pollution reduction program may include but is not limited to requirements to carry out works or to install plant for the purpose of preventing, controlling, abating or mitigating pollution.
- (4) The appropriate regulatory authority may approve a pollution reduction program with or without alterations.

Purpose

EIPs involve licensees proactively undertaking actions that lead to environmental improvements and a reduction in pollution, consistent with the objectives of the POEO Act. Licensees undertake a program of actions to improve environmental outcomes within a negotiated timeframe, in consultation with the EPA. These improvement programs must be programs outside of those that are required for compliance with legislative requirements or licence conditions. EIPs are attached as conditions of a licence and are therefore enforceable.

Common objectives of EIPs include:

- reducing pollution
- implementing sustainability initiatives and cleaner production techniques (to reduce pollution at source)
- providing public access to information on the nature and timing of the improvements being made
- helping the licensee demonstrate their intention and willingness to improve environmental performance.

EIPs are intended to encourage voluntary environmental improvements by providing a potential financial incentive. Where an EIP is entered into and placed on a licence, it can improve a licensee's environmental management score, which may lead to reduced licence administration fees.

Varying a licence to attach an EIP

The licensee must apply for an EIP using the *Licence variation application – premises* form on eConnect.

The EIP application must provide the following information:

- a description of the program, including costs
- the program's proposed completion date
- key reporting milestones
- details of expected environmental improvements.

The EPA will attach the EIP as a licence condition under section 68 of the POEO Act, under the heading 'Pollution studies and reduction programs – environmental improvement program'.

The EIP should include:

- a date by which the licensee must commence the program of actions outlined in the EIP.
- a date by which the licensee must have completed the program of actions described in the EIP.

Following up

The licensee must report any non-compliance with conditions of their licence, including EIP conditions.

Under section 64 of the POEO Act, if any condition of a licence is contravened by any person, each holder of the licence is guilty of an offence.

The EPA may also remove the EIP from the licence if key milestones or any other conditions of the EIP are not met.

If the licensee does not comply with the requirements of the EIP, or if the EIP is removed from the licence, the EPA will add an amount equivalent to the total score reduction received for the EIP onto the environmental score for the following licence fee period.

The EPA will routinely review EIPs to ensure key milestones are met. Licensees can renegotiate timeframes with the EPA in certain circumstances. The EPA will negotiate EIPs in accordance with the EPA's statutory powers and the principles of procedural fairness.

Case study – environmental improvement programs

A licensee applies for an EIP after contacting the EPA office and consulting on the applicability of a program of actions to reduce water pollution. The EPA considers the steps below to determine if it is appropriate to vary the licence and attach the EIP.

Consider relevant provisions in the POEO Act and Regulations, and EPA guidelines

The licensee is currently complying with the licence conditions for water discharges at the premises. The EPA has set licence limits for concentration and volume water discharges from the premises, consistent with Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018 and the NSW Water Quality Objectives.

Assess pollution reduction

The program of actions contained in the EIP application aims to reduce the amount of water discharged from the premises by recycling wastewater and stormwater. This water would be re-used in operating the activity undertaken at the premises, reducing the load of water pollutants entering the waterway.

Consider licensee's compliance history

The EPA has considered the matters set out in section 45 of the POEO Act when assessing the EIP application. The licensee has a good environmental performance record and has controls in place for discharging treated wastewater.

Assess the environmental measures

Existing controls for reducing the risks posed to waters from activities undertaken at the licensed premises include diverting all uncontaminated surface stormwater away from areas where activities are undertaken. In addition, the licensee currently treats wastewater prior to discharge.

The licensee proposes to make major upgrades to the premises over the next two years, including making changes to operational procedures and to increase the storage capacity of wastewater. These changes will allow treated wastewater to be used in the operation, reducing the amount of controlled water discharges. They will implement best practice to improve water quality as a result of a proposed wastewater holding dam.

Attach EIP

The EIP is attached to the licence as a licence condition under the heading 'Pollution studies and reduction programs – environmental improvement program', and includes:

- a date by which the licensee must commence the program of actions outlined in the environmental improvement program
- a date by which the licensee must have completed the program of actions described in the environmental improvement program.

Follow up

The licensee must report any non-compliance with all conditions of their licence, including EIP conditions. EIPs are routinely reviewed by the EPA to ensure key milestones are met.



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Phone 133 677, then ask for 131 555

Speak and listen users:
Phone 1300 555 727, then ask for 131 555

Email:
info@epa.nsw.gov.au

Website:
epa.nsw.gov.au

Report pollution and
environmental incidents

Environment Line:
131 555 (NSW only) or
info@epa.nsw.gov.au

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