



Requirements for publishing pollution monitoring data

© 2013 State of NSW and Environment Protection Authority

The State of NSW and the Environment Protection Authority (EPA) are pleased to allow this material to be reproduced in whole or in part for educational and non-commercial use, provided the meaning is unchanged and its source, publisher and authorship are acknowledged.

The EPA has compiled these requirements in good faith, exercising all due care and attention. No representation is made about the accuracy, completeness or suitability of the information in this publication for any particular purpose. The EPA shall not be liable for any damage which may occur to any person or organisation taking action or not on the basis of this publication. Readers should seek appropriate advice when applying the information to their specific needs.

This document should also be read in conjunction with current versions of the NSW environment protection legislation, including the *Protection of the Environment Operations Act 1997*, as changes may have been made to that legislation affecting the information in this document since publication.

Published by:

Environment Protection Authority
59 Goulburn Street, Sydney NSW 2000
PO Box A290, Sydney South NSW 1232
Phone: (02) 9995 5000 (switchboard)
Phone: 131 555 (environment information and publications requests)
Fax: (02) 9995 5999
TTY users: phone 133 677, then ask for 131 555
Speak and listen users: phone 1300 555 727, then ask for 131 555
Email: info@environment.nsw.gov.au
Website: www.epa.nsw.gov.au

Report pollution and environmental incidents

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

ISBN 978 1 74359 305 9
EPA 2013/0742
October 2013

About this document

These requirements are designed to be used by the holders of environment protection licences issued under the *Protection of the Environment Operations Act 1997* (POEO Act). They have been issued by the Environment Protection Authority (EPA) and are the written requirements referred to in section 66(6) of the POEO Act.

They set out the general requirements for the publication of pollution monitoring data in accordance with section 66(6) of the POEO Act and include instructions on how this must be done, both for licensees that maintain a website and those that do not.

They aim to provide guidance on how to present monitoring data in a meaningful way to satisfy the community's right to know and improve understanding of a licensed premise's environmental performance, while minimising the burden on licensees to comply with this obligation.

There are a number of circumstances that are potentially complex, for example, where the sample or data needs to be analysed by a laboratory or where monitoring is continuous. A number of options for presenting monitoring data have been included.

In the case of any inconsistency between these requirements and the POEO Act, the latter prevails to the extent of the inconsistency.

This document is available on the EPA's website at www.epa.nsw.gov.au/130742reqpubpmdata.htm.

The NSW legislation can be accessed at www.legislation.nsw.gov.au.

Contents

About this document

1	Introduction	1
1.1	Background	1
2	Legislative requirements	1
2.1	Document history	1
2.2	Further information and assistance	2
2.3	Overview of the requirements	2
3	General requirements for publishing monitoring data	3
3.1	Making the data publicly accessible	3
3.1.1	Applicable websites	3
3.1.2	Meaning of ‘publicly and prominently available’	3
3.1.3	Written requests for data must be ‘reasonable’	4
3.2	Providing meaningful information	4
3.2.1	Meaningful summaries and exceedances	4
3.2.2	Access to all pollution monitoring data – obtained data	5
3.3	What monitoring data must be published or provided?	5
3.3.1	Ambient data	6
3.4	When the data needs to be published or provided	6
3.4.1	Data quality	7
3.5	How the data must be published	7
3.6	How long must the pollution monitoring data be publicly available?	7
3.7	What other information must be published with the data?	8
3.7.1	Environment protection licence number and licensee’s details	8
3.7.2	Sampling or monitoring location	8
3.7.3	Licence condition limits	9
3.7.4	Units of measure	9
3.7.5	Applicable dates	9
3.7.6	Meteorological data	10
3.7.7	Correction log	10
3.7.8	Apparent missing data	10
3.8	Examples of meaningful summaries and tables for publishing or providing obtained data	10
3.8.1	Meaningful summaries	11
4	Procedures for the publication or provision on request of obtained data collected continuously	13
4.1	Instrument downtime	13
4.2	Off-scale measurements	13
5	Monitoring data not required to be published	14
5.1	Load-based licensing	14

5.2	Pollution reduction programs.....	14
5.3	National Pollutant Inventory	15
5.4	National greenhouse and energy reporting	15
5.5	Suspended, revoked or surrendered licences.....	15
6	More information	15
7	Definitions.....	16
Appendix		17
	Licence conditions subject to data availability requirements.....	17

1 Introduction

Under the *Protection of the Environment Operations Act 1997* (POEO Act), holders of environment protection licences (licensees) must publish or make pollution monitoring data available to members of the public. This document sets out the written requirements of the Environment Protection Authority (EPA) that licensees must follow to comply with these obligations.

By adhering to these requirements, licensees will ensure that the pollution monitoring data they publish is able to be both easily accessed and understood by members of the public.

1.1 Background

The requirement for licensees to make their pollution monitoring data publicly available in a timely manner was introduced in section 66(6) of the POEO Act in 2012. The intention of this requirement is to improve the general public's access to information about the environmental performance of licensed facilities. This is in addition to other information that the EPA includes on its public register. Another important aim is to improve communication between licensees and their surrounding neighbours.

2 Legislative requirements

The specific requirements for providing monitoring results are set out in section 66(6) of the POEO Act. In summary, this provision requires that:

- licensees who undertake monitoring as a result of a licence condition must publish or make available pollution monitoring data within 14 days of obtaining the data and/or receiving a specific request for a copy of the data
- licensees who maintain a website must make the monitoring data related to pollution available in a prominent position on their website
- licensees who do not maintain a website must provide a free of charge copy of the pollution monitoring data on reasonable written request from any person
- the data must be published in accordance with requirements issued in writing by the EPA and this document constitutes those requirements.

There is a penalty for not publishing or making available the results of monitoring in accordance with section 66(6).

Section 66(7) of the legislation provides a penalty for making available or providing false or misleading results.

For the purposes of these requirements, the timeframe for publishing or providing data is 14 **working** days.

2.1 Document history

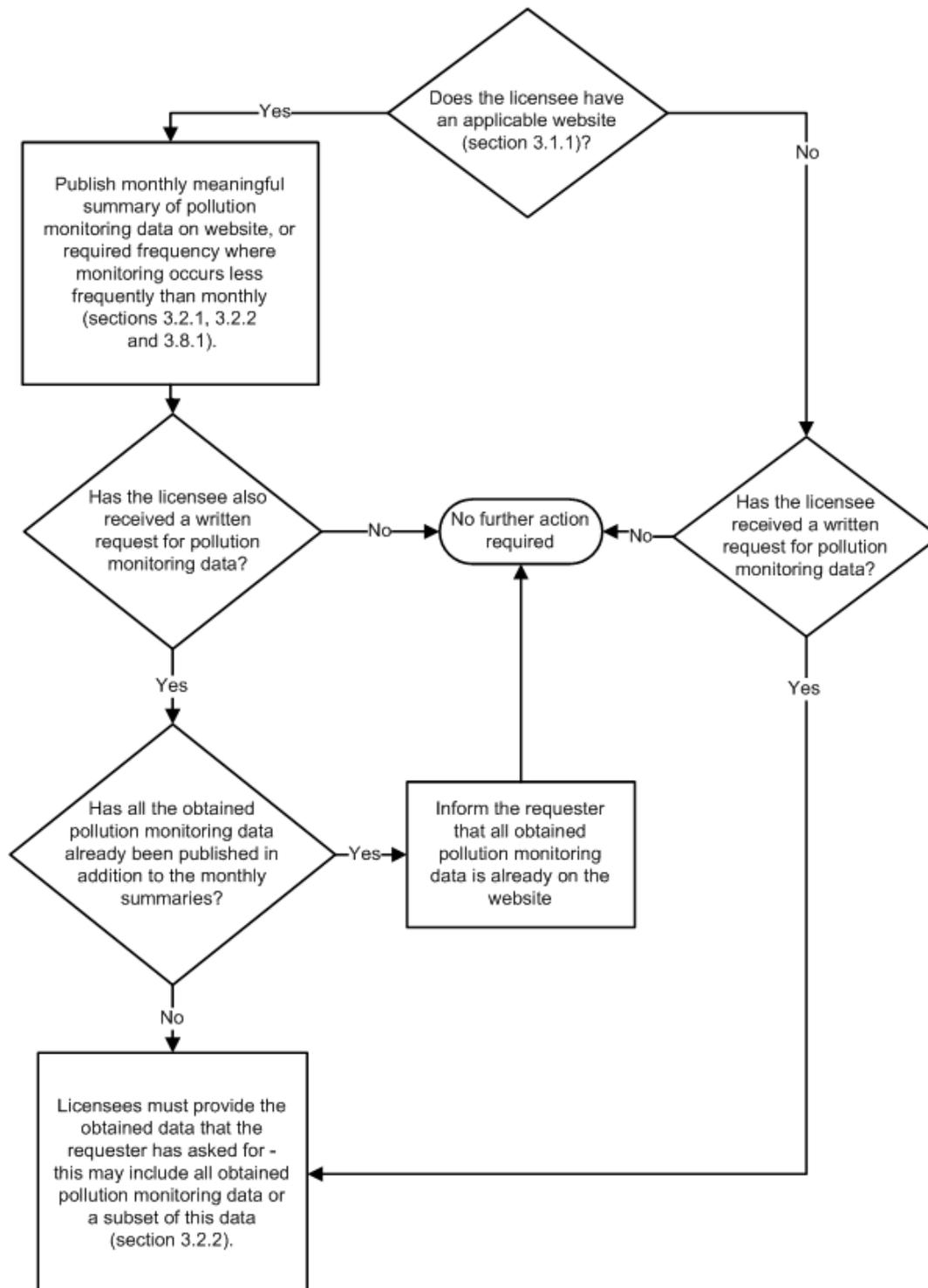
The first version of the *Requirements for publishing pollution monitoring data* was released in March 2012 with an EPA commitment to review it within 12 months. This document represents the culmination of the review process that commenced in February 2013 and incorporates comments from stakeholders and lessons learnt.

2.2 Further information and assistance

Any licence-specific issues that are not covered by these requirements, or in information that is available on the EPA's website, should be discussed with an officer from the relevant EPA office in the first instance. This includes concerns regarding particular monitoring conditions and/or duplication with consent conditions.

2.3 Overview of the requirements

The following flowchart gives a general overview of the requirements.



3 General requirements for publishing monitoring data

The following section sets out the requirements to be followed when publishing pollution monitoring data. Adherence to these requirements will help ensure that the data published is publicly accessible and understood in context.

3.1 Making the data publicly accessible

Licensees must either:

- make their pollution monitoring data available in a prominent location on their website (if they have one); the format of the information must be able to be viewed, printed, downloaded and analysed, or
- for those without a website, the licensee must provide the pollution monitoring data at no charge to members of the public who request it in writing. If possible, it should be provided in the form preferred by the requester (including hard copy, CD, DVD, post, email, fax or in person).

3.1.1 Applicable websites

The intent of section 66(6) of the POEO Act is that the pollution monitoring data should, where possible, be published on a website related to a premises or licensee. This is the most readily accessible way for the general community to access information. For this reason, the requirement to publish pollution monitoring data applies to:

- websites specific to premises, or
- local, corporate (parent) or global websites related to the licensee, if a website specific to the premises does not exist. Data is only required to be published on the most relevant of these websites where more than one exists. For completeness, licensees could also provide a link to this data from their other websites.

The requirement applies even if these websites exist solely for marketing purposes.

The requirement does not strictly apply to the parent websites where a licensee is a subsidiary of the larger parent company and trades under a different name to the parent company with a different ABN. This is because the general community would not be readily aware of a parent company name and hence, would not readily find the pollution monitoring data. However, licensees may still wish to publish their data on a parent company's website and direct interested parties to this information.

3.1.2 Meaning of 'publicly and prominently available'

Section 66(6) requires that data is made 'publicly and prominently available' on websites. For the purpose of these requirements 'publicly and prominently available' means that users should be able to find the data easily and in a relatively short period of time once they commence a search. Generally, the data should be found:

- within a reasonable number of mouse clicks (e.g. 3–4) on the website, or
- by doing an internet search of the premises/licensee name with 'pollution monitoring data' as the search criteria.

3.1.3 Written requests for data must be ‘reasonable’

Licensees must provide the pollution monitoring data if they receive ‘reasonable’ written requests. The ‘reasonableness’ of a written request may be determined by assessing:

- whether the information sought complies with the types of information the licensee is obliged to provide as specified in section 3.3
- the amount of information that has already been supplied to, or is available to, the requester
- how onerous it will be for the claimant to comply with the request
- whether the information sought is sufficiently specified.

3.2 Providing meaningful information

The primary objective of these requirements is that members of the public have access to the results of all pollution monitoring (which a licence specifies must be carried out) in a way that is meaningful to them. It is recognised that some licensees collect a large amount of monitoring data on a frequent basis and that providing all of this data could be a significant undertaking, especially where the licensee is required to publish that information on a website. It is also recognised that publishing large amounts of monitoring data will not necessarily provide meaningful information for the public and will often be very difficult to interpret.

For the purposes of these requirements, providing meaningful information involves the following.

3.2.1 Meaningful summaries and exceedances

Licensees required to publish their data on a website must include:

- a meaningful summary of the monitoring data (for each monitoring location and pollutant) must be published for each sampling period, whether this be monthly or greater than monthly (i.e. a summary of a month’s worth of obtained data points – see sections 3.2.2 and 3.4 for a definition of obtained data). Licensees must indicate the monitoring frequencies on their website to ensure people are aware of when monitoring data will be available, and
- information regarding when and to what extent the pollutant discharge or emission limits specified in the licence were not met and why.

This will allow a comparison of pollution monitoring results with any relevant pollutant discharge or emission limits where they exist and hence is a meaningful way of informing members of the public about the environmental performance of their industrial neighbours on a regular basis.

The question of what is a meaningful summary will vary depending on the pollutant, the specifics of the monitoring requirement and any related limit conditions that specify the environmental performance the licensee is obliged to meet. This document provides a number of examples for common types of limits in section 3.8. An example is also provided for situations where the licensee is required to monitor, but with no corresponding limit. Licensees will need to use their own judgement and act in good faith to ensure that the information provided is meaningful.

3.2.2 Access to all pollution monitoring data – obtained data

'Obtained data' is the resulting value for each individually monitored sample following the relevant steps outlined in section 3.4 to get the data in the form required by the licence monitoring condition.

On written request, a licensee must provide copies of all the obtained data required to be collected under the licence (or a subset of this data that meets the request). This is in addition to the meaningful summaries that must be provided in accordance with section 3.2.1 (for licensees that have a website).

Licensees may choose to publish all their obtained data (which may be in the form of a 'live' feed of continuous emission monitoring data) on their website in addition to the meaningful summaries. Any information that is made available on a website does not have to be provided again if a written request is received for this information. However, licensees should provide the web address where information is already available to anyone requesting the obtained data.

This approach is intended to reduce the costs of complying with section 66(6) of the POEO Act (especially for licensees with significant monitoring data sets) while meeting the objectives of the requirement to make monitoring information available.

If the licensee receives no written requests, they have no obligation to do more to allow access to obtained data as long as they have complied with requirements to provide meaningful summaries and information on exceedances specified in section 3.2.1, where applicable.

3.3 What monitoring data must be published or provided?

The monitoring data that must be published and/or made available on request is any data that is obtained as a result of a monitoring condition on a licence that relates to air, water (surface or groundwater), noise and/or land pollution. The data to be published or provided is limited to data that relates to pollutants generated, discharged or emitted from the licensed premises. See section 3.3.1 below regarding ambient data.

Monitoring conditions are generally set out in the 'M2 Requirement to monitor concentration of pollutants discharged' section of an environment protection licence, although they may also be set in other sections of a licence. The licence will generally specify a sampling or monitoring point, location or area where pollutants are required to be measured. The pollution monitoring data published by a licensee must be based on the sampling or monitoring points identified in the licence. Monitoring conditions will generally include words or phrases such as:

- the licensee must monitor [or measure]
- [X] must be measured [or monitored].

The following sections set out when and how this data is to be published and what additional information should be included with the data to ensure that it is given appropriate context.

Note that in cases where an environment protection licence is issued for an activity that is subject to load-based licensing requirements, any pollution data that is collected solely for the purpose of calculating the actual load of assessable pollutants need not be published. See section 5.1 for further information on this and other data that is not required to be published.

The Appendix provides more detailed information on which licence conditions are subject to the requirements.

3.3.1 Ambient data

Data clearly noted as 'ambient' in a licence condition requires the level of pollution to be measured at points that receive pollutants from multiple sources, for example, water bodies and air sheds that receive pollutants from licensed premises and other surrounding land uses. It is difficult to provide meaningful context around this data for the community (i.e. what proportion of the air impacts come from the licensed premise). For this reason, ambient data is not required to be **published** (see section 5). However, in recognition that there are community members that will be interested in this data, licensees are still required to **provide** this data if they receive a written request for it.

3.4 When the data needs to be published or provided

'Obtained data' (discussed in section 3.2.2) is usually the product of the licensee following some or all of the steps (1 to 4) below to obtain the data for a specific monitoring record:

1. the pollutant is sampled (e.g. a physical sample of the air emission/water discharge is taken in accordance with any standard/specified sampling methods)
2. the sample is analysed (e.g. by a laboratory, using hand-held devices or via automated in-line monitoring equipment) producing a numeric result
3. the licensee receives the sample monitoring results (e.g. from an analytical laboratory situated either on-site or off-site, or once the results are downloaded from a data storage unit connected to a remote monitor)
4. the monitoring results are standardised where required (e.g. to adjust for temperature, oxygen concentrations or other parameters in the gas stream that is being sampled) and/or otherwise analysed so that they are expressed in the form required by the monitoring condition.

It is acknowledged that completing the necessary steps above will take time to get the data in the form required by the licence. The 14 working day timeframe for publishing or providing the data commences from the completion of the last relevant step for the last sample for the period.

The meaningful summary must be published within 14 working days of the data being obtained for the last sample collected for the monthly period. For monitoring periods greater than monthly, meaningful summaries must be published within 14 working days of the date of the last sample collected for that particular monitoring period, for example, within 14 working days of the last sample collected for the quarter for quarterly monitoring periods. This allows 14 working days for all of the results to be collated into a meaningful summary where the information is to be published on a website. Data only needs to be published once per month or less frequently for monitoring periods greater than monthly (e.g. once per quarter).

Licensees without a website who have received a written request for monitoring data from a member of the public must prepare the requested data within 14 working days of:

- obtaining the data (if the request is received prior to the data being obtained), or
- the request (if the request is received after obtaining the data that is the subject of the request).

The same requirements for responding to requests apply to those licensees whose website does not currently display all of the obtained data available.

Records to demonstrate compliance:

- For monitoring samples that need to be analysed by a laboratory, licensees should keep records of the date of monitoring or sampling, the date the sample was supplied to the laboratory and the date the results were received from the laboratory. This will be especially important where there is a significant period of time involved in the analysis and receipt of the results. It will allow the licensee to demonstrate that apparent delays in results being made publicly available were unavoidable.
- For data that needs to be physically downloaded from remote monitoring locations, the data is not 'obtained' until it is downloaded from the location (and the other required steps outlined above are carried out). Licensees should keep records of the date the data was downloaded from the remote location.

3.4.1 Data quality

Monitoring data (obtained data points) must *not* be published or provided where a licensee *knows* that the obtained data points are incorrect. In these cases, licensees must include a note next to the sample date for the specific obtained data point (where a set of obtained data is provided) stating why the data point has not been included and take action to rectify the problem (where possible) whether it be a sampling issue or otherwise.

Where a licensee *suspects* that an obtained data point may be incorrect and is undertaking a review of that data or re-testing it, they must include a note that identifies the point and states that the data is under review and the reason why.

Correction logs (see 3.7.7) should be used in the case where a licensee only becomes aware that obtained data is incorrect after it has already been published (e.g. via notification from the laboratory that analysed the data or some other method).

3.5 How the data must be published

The data must be published or provided in tabular format that is easy for the general public to understand. Tables definitively display raw data values, while graphs and charts are useful for overviews and visualisation of long term trends. The data provided on the website must be exportable to common programs like Microsoft Excel or Word. Pdf formats may be used for the published data. Where data is published in one type of format, licensees are still required to provide data in other formats if they receive a 'reasonable' written request for it.

Examples of presenting data in tables are provided in section 3.8.

3.6 How long must the pollution monitoring data be publicly available?

Where available, up to four years of pollution monitoring data must be published or provided. This is consistent with licence conditions requiring monitoring and other data that is used to prepare annual returns be retained for four years. This does not apply to data obtained from monitoring conducted prior to 31 March 2012.

3.7 What other information must be published with the data?

The following information must also be published or provided with the pollution monitoring data to provide appropriate context and ensure the data can be understood and correctly interpreted by the general public. This information may be either included in the tables or provided in a separate document accompanying the data. Where a separate document is used, it should be clearly titled and referenced in such a way that members of the public can easily identify and access the additional supporting information.

The following information *must* accompany each data set (whether published or provided on request):

- environment protection licence number
- the licensee's name and address of premises and a link to the EPA's Public Register
- location of monitoring point/area
- pollutant
- unit of measure
- monitoring frequency required by the licence
- any other relevant requirements of the monitoring condition
- any relevant limit imposed by the licence
- relevant dates
- upfront notes regarding apparent missing data

More detail on some of this information is provided in the following subsections.

3.7.1 Environment protection licence number and licensee's details

The environment protection licence number of the facility, the licensee's name and address (as they appear on the licence) and a link to the EPA's Public Register must be published or provided with the pollution monitoring data.

3.7.2 Sampling or monitoring location

The location (or general description) of each sampling or monitoring point to which the pollution monitoring data applies (including the point numbers identified in the licence) must be published or provided with the data.

Where available and appropriate, a site map showing the location of the sampling/monitoring points should also be published or provided. A simple *Google Earth* style image with the relevant points identified could be used.

For privacy reasons, specific locations of monitoring undertaken at residential receivers should not be disclosed. In these cases, monitoring locations should be noted as 'Residential receiver X to the [insert compass direction with respect to site]' and licensees should keep internal records of these locations.

3.7.3 Licence condition limits

Conditions of an environment protection licence usually impose a discharge or emission limit for a pollutant, such as a pollutant concentration limit (e.g. in milligrams per litre, kilolitres per day or tonnes per year) or a noise or vibration limit (e.g. 15-minute equivalent continuous sound pressure level, decibels or millimetres per second).

Discharge or emission limits can also be imposed by statute, primarily the Protection of the Environment Operations (Clean Air) Regulation 2010 (or an approved exemption under that Regulation).

The limit conditions can be specified in a variety of ways (e.g. maximum value, minimum value or a percentile value).

The relevant pollutant limits imposed by statute or conditions of an environment protection licence must also be published with the meaningful summary or provided with the pollution monitoring data in the same form that it appears on the licence or in the statute. The format of that information must allow an easy-to-read direct comparison with the data being recorded. This must include the actual pollution limit specified in the licence as well as any further information that provides adequate context around its comparison with the pollution monitoring data. For example:

- a limit condition may be specified as a 90th percentile value over a year whereas the corresponding monitoring condition may require weekly monitoring. In this case, the monitoring results must not exceed the specified limit for only 90% of the specified period, not all the time. For weekly monitoring, this means that at most, five samples of the 52 samples taken over the year may be above the specified limit. The 47 remaining samples must have results below the limit.
- a limit condition may specify a noise level not to be exceeded, but this usually only applies under certain and specific meteorological conditions.

To avoid incorrect interpretation of data, the limit that is published or provided with the monitoring data must also be accompanied by additional information that explains how the limit relates to the monitoring data or vice versa including, where appropriate, why a particular apparent exceedance of the limit is not a breach of the condition if this is the case (e.g. unusual one-off events, sampling errors, etc).

Note: Comparisons should only be made when they are relevant. For example, annual limits comparisons with the published data only need to be made annually. In these cases a note should be provided alongside the data to indicate when a comparison can be made, for example, 'The limit applies annually'.

3.7.4 Units of measure

If a link to the EPA's Public Register is not provided, then the pollution monitoring data published or provided by a licensee must also include the units of measure, metric, scale or descriptor prescribed in the relevant licence condition. Any abbreviations used should be noted in full.

3.7.5 Applicable dates

The date when the pollution monitoring data was obtained by the licensee (where this differs from the sampling date) must be published or provided with the pollution monitoring data, where 'obtained' has the same meaning as described in sections 3.2.2 and 3.4. That is, the licensee has obtained the data once it is in the form required by the licence.

However, to allow compliance with section 66(6) of the POEO Act to be monitored, licensees will need to keep records of:

- dates when sampling was undertaken, and
- publishing dates.

These records will need to be kept for auditing purposes and provided upon written request.

3.7.6 Meteorological data

Weather conditions can be important when complaints are received about emissions from a facility (such as noise, odour and dust). Some holders of environment protection licences are required to collect and store meteorological data.

Meteorological data is not considered to be pollution data and therefore does not have to be published. However licensees may wish to include meteorological data and/or comments with published pollution monitoring data to provide additional context, for example 'High dust emissions (PM₁₀) were measured during wind conditions >5 m/s'.

3.7.7 Correction log

It's possible from time to time that incorrect data may get published in good faith.

As soon as practicable after the licensee becomes aware that the published pollution monitoring data is incorrect or misleading, licensees must then publish a correction log to correct this data that is incorrect or misleading.

3.7.8 Apparent missing data

An upfront note may be included on the licensee's website to explain why any data may appear to be missing because there is no discharge or the level of pollutant being below the detection level of the measurement instrument. The inclusion of such a note will avoid the need for licensees to keep updating their website every month. An example note is provided below:

Where no data has been published for point [x or list of points] for a particular month, it indicates that either:

- the level of pollutant was below the detection level of the measurement instrument, or
- there has been no discharge from that point/s for the month.

3.8 Examples of meaningful summaries and tables for publishing or providing obtained data

The following examples are intended to assist licensees develop tables that are best suited to their specific pollution monitoring data sets. This includes information the EPA expects to see in published summaries for various monitoring scenarios to ensure that the summary is meaningful. Note that the examples are not exhaustive and do not cover the full range of monitoring regimes in licences.

The examples below will need to be supplemented with additional information to ensure they comply with section 3.7.

3.8.1 Meaningful summaries

Summaries (as opposed to listing individual data points) are only meaningful for greater than four data points. Where there are less than four data points, licensees should list each data point.

Where no pollutant limit exists

The following header row (or something similar as applicable to the specific monitoring condition) can be used for monthly summaries where there is no limit associated with a specific pollutant and monitoring point.

Include a table for each point where monitoring requirements apply, and use the monitoring location numbering specified in the licence.

Pollutant	Units of measure	Monitoring frequency required by licence	No. of times measured during month	Min. value	Mean value	Median value	Max. value
Insert a new row for each pollutant required to be monitored at that monitoring location			Record 'continuous' if measured continuously (unusual for water discharges)				

If in doubt, licensees should speak with an officer from their relevant EPA office to discuss how best to provide meaningful context to their monitored data where no pollutant limit exists.

Where relevant limit conditions relate to the monitoring location

Some licences specify a number of different limit conditions (which generally relate to different monitoring periods) for a specific monitoring location, for example:

- an absolute pollutant concentration limit, which must be met at all times; these are normally expressed as 100 percentile limits (i.e. maximum values not to be exceeded), and/or
- percentile limits for a specified period (e.g. yearly, 50, 80 or 90 percentile limits).

Where limits relate to a monthly period or less, a column (or columns) should be included in the monthly summary table to record the relevant limit for the monitoring location and pollutant in question. Example header rows are provided below.

Pollutant	Units of measure	Monitoring frequency required by licence	No. of times measured during month	Min. value	Max. value	100 percentile limit	Exceedance (yes/no) *
Insert a new row for each pollutant required to be monitored at that monitoring point			Record 'continuous' if measured continuously (unusual for water discharges)				

* Where an exceedance occurs during the month, information regarding the monitoring point, the pollutant, when and to what extent the relevant limit was not met and why must be detailed in an exceedance table for the period.

Yearly tables (and other periods)

Where the limit relates to a period longer than a month (generally yearly percentile limits), an additional table that summarises the data relevant for that period (once it has been collected) must also be included to allow comparison with the performance limit. This is in addition to the monthly tables. Example header rows are shown below.

Include whichever of these tables is required, depending on what sort of limits are on the licence.

Pollutant	Units of measure	Monitoring frequency required by licence	No. of times measured during year	Min. value	Max. value	50 percentile value	50 percentile limit	Exceedance (yes/no)
------------------	-------------------------	---	--	-------------------	-------------------	----------------------------	----------------------------	----------------------------

Pollutant	Units of measure	Monitoring frequency required by licence	No. of times measured during year	Min. value	Max. value	80 percentile value	80 percentile limit	Exceedance (yes/no)
------------------	-------------------------	---	--	-------------------	-------------------	----------------------------	----------------------------	----------------------------

Pollutant	Units of measure	Monitoring frequency required by licence	No. of times measured during year	Min. value	Max. value	90 percentile value	90 percentile limit	Exceedance (yes/no)
------------------	-------------------------	---	--	-------------------	-------------------	----------------------------	----------------------------	----------------------------

Licences with occasional/intermittent discharge sampling conditions

Premises with stormwater controls or some other form of occasional discharge to water or air may have licence conditions requiring sampling only during a discharge or emission event. These licensees need to publish monthly and yearly summaries of monitoring data only for those times when discharge occurs. Licensees should consider the most meaningful way to present the data, for example, if there is only a limited number of discharges then publishing each discharge separately would be appropriate, however, if there are numerous discharges then it may be more meaningful to provide the number of discharges during the period as well as the mean, median, minimum and maximum levels.

For those months or years when no discharge occurs, a note stating that no discharge has occurred is sufficient. This should be included either at regular intervals (i.e. at the time of publishing other monitoring data for the premises or on a monthly basis if there is no other monitoring required) or in an upfront note as outlined in section 3.7.8.

4 Procedures for the publication or provision on request of obtained data collected continuously

There are special requirements regarding the publication or provision of obtained pollution monitoring data that has been collected continuously. Any relevant sampling and analysis methods are prescribed in the licence.

4.1 Instrument downtime

On-line instrumentation may be used to measure pollution continuously (or very frequently – e.g. every minute or 15 minutes). To ensure the required level of accuracy and precision, instrumentation may require cleaning, daily zero and span checks, or calibration at intervals. Short-term breakdowns may also be considered as instrument downtime.

During these downtime periods the position in the table where data would otherwise be recorded must be left blank – do not record zero (0) where there is no data, as this is misleading. Include the reason for each downtime as calibration, cleaning or breakdown.

A licence condition requiring continuous monitoring may specify a minimum percentage of time on-line (i.e. 90%) or procedures that require frequent manual sampling and testing if the instrument is off-line for a set minimum period.

4.2 Off-scale measurements

In some circumstances, on-line instruments are unable to measure the concentration of a pollutant or flow or other parameters because these are outside the standard operating range. Some instruments will display and record error messages when the data cannot be measured appropriately.

In these circumstances, the data must be reported as '<' (for low scale) or '>' (for high scale) along with the appropriate number of the low/high-scale limit of detection, coupled with the supporting explanatory text.

5 Monitoring data not required to be published

Under the new section 66(6) provision of the POEO Act, some specific data that is required to be gathered and held by the holder of an environment protection licence may not be required to be published. This includes data that may be used by EPA officers to establish baseline conditions, or when investigating noise, odour and dust issues (such as background, weather, complaint data or ambient data).

Other data or information collected by licensees that may not require publication is monitoring required by a Regulation or monitoring conducted by licensees as a matter of due diligence that is not required by a condition of their licence.

Other data or information that is not required to be published under the new provision includes:

- load-based licensing data
- data collected as part of a pollution reduction program
- National Pollutant Inventory (NPI) data
- national greenhouse and energy reporting data
- information that was collected for a premises that has had its licence surrendered and is no longer operational, unless the licence surrender approval includes a condition or conditions that specify that the information must still be made available and the period that the requirement applies for.

5.1 Load-based licensing

Environment protection licensees that are subject to load-based licensing pay licensing fees based on the quantity of pollution released to the environment and are required to demonstrate compliance with the load limits specified in their licence. These licensees provide data on production output (tonnes produced, kilolitres stored or gigawatt hours produced) as well as quantity of pollutants generated (kilograms per year) in each annual return.

The requirement to collect, store and report data regarding load-based licensing is set out in the Protection of the Environment Operations (General) Regulation 2009. Load-based licensing data does not have to be published or provided under section 66(6) as it is already published annually on EPA's public register at www.epa.nsw.gov.au/prpoeo/index.htm.

In accordance with the POEO Act, any pollution data that is collected solely for the purpose of calculating the actual load of assessable pollutants does not need to be published.

5.2 Pollution reduction programs

Any data required to be collected for the purpose of a pollution reduction program is not required to be published in accordance with section 66(6) of the POEO Act.

5.3 National Pollutant Inventory

Environment protection licensees may be required to collect and report annually on emissions of over 90 chemicals that are released to air, water or land, or disposed of as waste.

The requirement to collect, store and report data in the National Pollutant Inventory (NPI) is set out in the Protection of the Environment Operations (General) Regulation 2009 and other Commonwealth publications.

NPI data does not have to be published or provided. Data on emissions is published annually and can be accessed via the NPI website www.npi.gov.au.

5.4 National greenhouse and energy reporting

Any data required to be monitored and reported under the *National Greenhouse and Energy Reporting Act 2007* does not have to be provided or published.

5.5 Suspended, revoked or surrendered licences

Section 81(1) of the POEO Act states:

- (1) A licence may be suspended or revoked, or the surrender of a licence may be approved, unconditionally or subject to such conditions as the appropriate regulatory authority imposes.

The requirement to publish or provide monitoring data does not automatically apply to suspended, revoked or surrendered licences, but can be applied by conditions where appropriate. Such data would need to be published in accordance with these requirements.

6 More information

More information about the requirements and answers to frequently asked questions are available on the EPA website at www.epa.nsw.gov.au/legislation/faqs/pubpmdata.htm and these will be updated as needed.

The POEO Act may be accessed at www.legislation.nsw.gov.au/.

7 Definitions

For the purposes of these requirements, the following definitions apply:

Ambient data	Monitored pollutant level that captures both the background level plus pollution from the licensed premises.
Background data	Monitored pollutant level of the existing environment without pollution from the specific licensed premises. This may be measured either prior to the construction and operation of the development or while the premises is not operating.
Baseline data	Monitored pollutant level of the existing environment which may or may not include pollution from the premises. This is generally for the purpose of setting a baseline value against which future trends and increases will be compared. Monitoring for baseline levels will usually have a definite start date and end date.
Meaningful summary	<p>This is a summary of the 'obtained data' and may include:</p> <ul style="list-style-type: none">• the maximum, minimum, mean and median values for the summary period, for example, monthly, and• information about any exceedances of pollutant discharge limits that are relevant to the pollution monitoring requirement.
Obtained data	This is essentially the raw monitored data that has been converted into the form (e.g. unit, measure etc) required by the licence. Hence, it is the resulting value for each individually monitored sample following the relevant steps outlined in section 3.4. The timeframe for publishing or providing data commences once the data has been 'obtained' (i.e. at the completion of the steps in section 3.4).

-

Appendix

Licence conditions subject to data availability requirements

Some environment protection licences have monitoring conditions. These generally specify a sampling or monitoring point, location or area where pollutants have to be measured. Such conditions would generally be under 'M2 Requirement to monitor concentration of pollutants discharged' or 'Special conditions'.

If you do not have monitoring conditions in your licence or you do not have an active licence, take no further action unless you have a surrendered, revoked or suspended licence with a specific condition that requires you to publish data in accordance with section 66(6) of the POEO Act (see section 5.5).

Data collected as part of pollution reduction programs or for the Load-based Licensing Scheme, the National Pollutant Inventory, the Greenhouse Gas Reduction Scheme and the Energy Savings Scheme do not need to be published under the requirements.

If you do have monitoring conditions in your licence, apply the following to each condition:

- Does the condition require monitoring of any of the following types of pollution discharged or emitted from, or generated by, the licensed premises – air, surface water, groundwater, noise or land pollution (see section 3.3)?

If **not**, take no further action. If so:

- Does the condition relate to baseline, background, ambient or meteorological monitoring only (see sections 3.3.1, 3.7.6 and 5)?

If **so**, take no further action. If not:

- Does the condition relate to process control only such as pressure, flow rate, duration of reaction or temperature? Note that when temperature is a pollutant, e.g. a water pollutant, a temperature limit is set in the 'concentration limits' section of a licence, normally section L2, so the answer to this question would be 'no'.

If **so**, take no further action. If not:

- You **must** publish or provide the pollution monitoring data for this monitoring condition in accordance with the requirements in this report. Where there are special circumstances, contact your local EPA office.