

Fact Sheet - *Environmental Protection (Unauthorised Discharges) Regulations 2004*

The [Environmental Protection \(Unauthorised Discharges\) Regulations 2004](#) (the UDRs) apply throughout Western Australia. The UDRs are intended to ensure that all people engaged in a commercial activity take responsibility for preventing discharges of contaminants from their business into the environment.

What are the penalties?

Authorised officers employed by state and local government authorities may issue infringements or instigate legal action against any person or company who breaches the UDRs.

Penalties of \$250 (first infringement notice) and \$500 (subsequent infringement notices) apply. If dealt with in a court of law, the maximum penalty for an individual is \$5,000. Section 40 of the *Sentencing Act 1995* allows the penalty to be increased to \$25,000 for a body corporate convicted of the same offence.

Fortunately, the likelihood of unauthorised discharges can be greatly reduced through relatively minor changes to the workplace or work procedures. This could be as simple as moving a drum of liquid inside the building, reminding your employees that they must not wash paint brushes over stormwater drains, or preventing employees from burning rubbish onsite.

Offence 1: Discharging certain materials into the environment

Regulation 3(1) states:

A person who, in the course of or in connection with a business or a commercial activity, causes or allows a material listed in Schedule 1 to be discharged into the environment commits an offence.

Schedule 1 includes materials commonly found at a wide range of workplaces. For the purposes of the UDRs the environment includes:

- Soil, surface water, groundwater and air;
- All stormwater drains, vessels or receptacles which are connected to the environment; and
- Any other place that has direct connectivity to the environment (for example road surfaces, forecourts, carparks, or hardstands).



Schedule 1 – Materials that must not be discharged into the environment:

- Acid with a pH less than 4
- Alkali with pH more than 10
- Animal waste
- Animal oil, fat or grease
- Compounds or solutions of cyanide, chromium, cadmium, lead, arsenic, mercury, nickel, zinc or copper
- Degreaser
- Detergent
- Dust produced by a mechanical process including cutting, grinding, sawing, sanding or polishing a material
- Dye
- Engine coolant or engine corrosion inhibitor
- Food waste
- Laundry waste
- Mineral oil
- Organic solvent
- Paint
- Petrol, diesel or other hydrocarbon
- Pesticide

- Sediment
- Sewage
- Vegetable oil, fat or grease

Offence 2: Burning certain materials so as to discharge visible smoke

Regulation 4(1) states:

A person who, in the course of or in connection with a business or commercial activity, burns or allows a material listed in Schedule 2 to be burnt so as to cause or allow visible smoke to be discharged into the environment commits an offence.



Schedule 2 – Materials that must not be burnt so as to discharge visible smoke into the environment:

- Carpet
- Electrical cables
- Fabrics or textiles
- Organic solvent
- Paint
- Plastic, including polystyrene and the like
- Printed circuit boards
- Printing waste
- Rubber
- Timber that has been treated with preservatives
- Tyres
- Vehicles or vessels and their parts
- Waste oil, fats or grease

Offence 3: Discharging dark smoke

Regulation 4(2) states:

A person who, in the course of or in connection with a business or commercial activity, burns or allows a material to be burnt so as to cause or allow dark smoke to be discharged into the environment for more than 4 minutes in any hour commits an offence.

Related local laws

In addition to the above, the following local laws also apply within the City of Belmont.

Release of dust or liquid waste

Section 6.11 of the City of Belmont [Consolidated Local Law 2020](#) requires owners and occupiers of land and any person responsible for the release of dust or liquid waste to take effective measures to:

- ensure that no dust or liquid waste is released or escapes from the land whether by means of wind, water or any other cause; and ...*
- ensure that no dust or liquid waste enters a stormwater drain or stormwater soakwell, regardless of whether the stormwater drain or stormwater soakwell is located on the land.*

'Liquid waste' means:

waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser, solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land or water that are not otherwise authorised by a written law but does not without limiting the generality of the foregoing include uncontaminated stormwater.

Burning rubbish or refuse

Under section 48 of the City of Belmont [Health Local Laws 2002](#), it is prohibited to 'set fire to, or cause to be set on fire, any rubbish or refuse either ... in any incinerator; or ... on the ground', without prior written approval from the City. Such an approval is unlikely to be granted given the likelihood of smoke and odour nuisances from burning.

Further information

If you have any queries or would like advice on how to reduce the risk of discharges at your business premises, please contact the City's Environmental Officer Light Industry on (08) 9477 7138.