

The *Environmental Protection (Unauthorised Discharges) Regulations 2004* (the Regulations) apply throughout Western Australia. In terms of the Regulations it is an offence to cause or allow certain materials to enter the environment in connection with a business or commercial activity.

The Regulations 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 Authorities may issue infringements or instigate legal action against any person or company who breaches the Regulations.

Infringement 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.

Offence 1: Discharging certain materials into the environment



Regulation 3 states:

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

Schedule 1 includes materials which are routinely handled, stored, or generated at a wide range of workplaces across Western Australia. In the workplace, potential entry points into the environment include – for example - bare ground in yard areas and stormwater drains in parking areas.

Fortunately, the likelihood of unauthorised discharges can be greatly reduced through relatively minor changes to the workplace or to work procedures. This could be as simple as moving a drum of liquid inside the building or instructing your employees to cease washing paint brushes over stormwater drains.

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, fats or grease
- Compounds or solutions of cyanide, mercury, chromium, lead, arsenic, 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 solvents
- Paint
- Petrol, diesel or other hydrocarbon
- Pesticide
- Sediment
- Sewerage
- Vegetable oil, fats or grease

Offence 2: Burning certain materials and discharging 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, from Schedule 2 listed below, to be burnt and causes or allows a visible smoke to be discharged into the environment, commits an offence.”

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

- Carpet
- Electrical cables
- Fabrics or textiles
- Organic solvents
- Paint
- Plastic including polystyrene
- Printed circuit boards
- Printing waste
- Rubber
- Timber that has been treated
- 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, causing or allowing a dark smoke to be discharged into the environment for more than four minutes in any hour, commits an offence.”

The City of Belmont Health Local Laws 2002: Burning rubbish or refuse

In addition to Regulations 4(1) and 4(2) of the Regulations, under *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 on the ground or in any incinerator, unless you have 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 9477 7138.

Online resources

- *Environmental Protection (Unauthorised Discharges) Regulations 2004:*
https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1403_homepage.html.
- *The City of Belmont Health Local Laws 2002:*
<https://www.belmont.wa.gov.au/about-us/our-council/governance/local-laws>.

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