

RECENT DEVELOPMENTS

Victoria

Variations to Air SEPPs

Air quality and the pollution of the air consistently rank as priority environmental concerns for the community. In Victoria, the policy framework for managing these issues is established by two State Environment Protection Policies (SEPPs): the Ambient Air Quality SEPP and the Air Quality Management SEPP. The Environment Protection Authority (EPA) has announced that it will be varying the two SEPPs following an EPA review in June 1999.

The Air Quality Management SEPP will be reviewed in its entirety. Only parts of the Ambient Air Quality SEPP will be reviewed, namely those parts dealing with visibility reducing particles and 8-hour ozone. These air quality objectives have not been varied since first set in 1981. The remainder of the Ambient Air Quality SEPP was amended to reflect the provisions of the Ambient Air Quality National Environment Protection Measure (the air NEPM), adopted by the National Environment Protection Council in June 1998. As this NEPM was developed through a 2 year process involving extensive consultation, the EPA has argued there is no need to revisit these provisions at this time.

The aim of the variations will be to reflect improvements in scientific and technical information, changes in institutional arrangements and growing community expectations about air quality. In particular, the variations are intended to ensure the SEPPs:

are in accordance with the air NEPM;

reflect changes in policy and practice since they were first adopted, including the establishment of the Industrial Waste Management Policy (Waste Minimisation), which deals with a number of issues also dealt with in the Air Quality Management SEPP;

reflect the increasing use of Best Practice Environmental Management Guidelines as co-regulatory tools;

take into account better understanding of the health implications of some pollutants;

recognise new technologies and new methodologies, such as better risk assessment and modelling; and

include updated references and administrative details in the Air Quality Management SEPP.

The EPA sought comment on the scope, issues and any other matters relating to the proposed variations during July and has flagged further opportunities for community input throughout the variation process. Draft revised SEPPs, together with their Policy Impact Assessments, are expected to be released for public comment in 2000.

Variations to Water SEPP

The Environment Protection Authority (EPA) is currently working to vary the Waters of Victoria SEPP, established under the *Environment Protection Act 1970*, and related instruments. These set the policy framework for the protection of Victoria's surface water environments. The EPA has completed a review of the need to vary the SEPP, which determined that while the SEPP was an important development when first declared in 1988, it is now out of step with a number of policy and legislative developments that have occurred since. In particular, the review found that:

the prescriptive effluent standards set out in the Policy would now be more effectively addressed through improved industrial waste management and the application of Best Practice Environmental Management Guidelines;

the Policy does not include the principles of the Industrial Waste Management Policy (Waste Minimisation), which are now adopted as standard practice for environmental management;

the Policy does not reflect more recent institutional developments in catchment and coastal management;

the complex interaction between the Policy and other instruments, such as the Policy's Schedules and other regional water SEPPs, inhibits the effectiveness of the Policy;

the Policy needs to reflect the better understanding of environmental issues and improved monitoring tools that are available to assess environmental health; and

new technologies and methodologies now exist and need to be recognised, such as better local and regional risk assessment.

The EPA is undertaking a public consultation process with the aim of producing a draft SEPP and draft Policy Impact Assessment by mid-2000.

Help with Waste Requirements

The EPA has released a free information bulletin on the correct way to complete a waste transport certificate. Waste transport certificates are a requirement of the *Environment Protection (Prescribed Waste) Regulations 1998*. The information bulletin aims to provide guidance to waste producers, transporters and receivers, each of whom are required to complete the certificate before it is lodged with the EPA.

Poison Paint Regulations

The EPA has released a draft Notifiable Chemical Order for organotin anti-fouling paints. The Order will govern the sale, supply and application of organotin anti-fouling paints. Organotins (usually tributyltin, or TBT) are highly toxic compounds which potentially pose a serious threat to the marine environment.

The Order will replace the *Environment Protection (Organotin Antifouling Paints) Regulations* 1989, which had a sunset of 1 June 1999. In developing the new order, the EPA is responding to concerns that:

TBT sediment concentrations at some sites in Victoria are above recommended levels, suggesting they may be affecting marine biota;

- there is anecdotal evidence from paint suppliers that suggests some small boat operators continue to use TBT illegally; and

under the old regulations, there were few impediments to illegal application – TBT paints, for example, may still be legally sold.

The response to these concerns has been the proposal for organotin anti-fouling paints to be declared a Notifiable Chemical under the *Environment Protection Act* 1970.

Steven Münchenberg