



# Environmental Laws

## What should you know about environmental laws?

Be aware of your legal responsibilities as set out by various environmental laws, particularly the *Environmental Protection Act 1986* (EP Act). The EP Act provides for the prevention and control of environmental pollution and for the conservation and management of the environment.

You are responsible for the environmental management of your business operations and ignorance of the law is no defence against fines or prosecution. Even accidents can sometimes result in fines or prosecution. The main areas to be considered by cleaning businesses are summarised below.

## Unauthorised Discharge Regulations

The Environmental Protection (Unauthorised Discharge) Regulations make provisions for minor pollution offences. The regulations prohibit the discharge of certain harmful materials and wastes into the environment and the burning of certain materials to produce visible smoke. Currently, the regulations only apply to business and commercial activities. These regulations could have considerable implications for businesses that do not have suitable systems in place for managing wastewater, and who are disposing of liquid or solid wastes inappropriately.

### **Penalties**

Local Government Officers and Department of Environment and Conservation Officers have powers to enforce these regulations. Penalties range from on the spot fines of \$250 and \$500 through to a maximum penalty of \$5,000 if the matter proceeds to court.

## What should I be doing to help protect the environment?

- **Do not** dispose of any liquids, including wastewater (ie: buckets, floor cleaning machines), detergents, solvents and other chemical cleaning products, to the open ground, on-site sumps or stormwater drains.
- Ensure that all wastewater generated when cleaning, mopping, floor stripping /sealing or carpet cleaning is poured into sewer. If the wastewater contains industrial contaminants, such as oil or grease, it must either be collected for approved disposal or treated before discharge to sewer (for more information refer to Information Sheet 3: Wastewater Management).
- **Do not** store cleaning chemicals or other hazardous liquids in areas where there is potential that they may enter the environment if they were to spill or leak.

## Contaminated Sites Act

The *Contaminated Sites Act 2003* (CS Act) provides a means for the identification, recording, management and remediation of contaminated sites.

The CS Act introduces mandatory reporting of known or suspected contamination by either the owner / occupier, the person who caused the pollution or a contaminated sites auditor engaged to provide a report under the CS Act, and establishes a hierarchy of responsibility for remediation that begins with the polluter. Memorials are placed on the certificates of title of any land classified as 'contaminated – remediation required', 'contaminated for restricted use' or 'possibly contaminated - investigation required' and information will be placed on a publicly available database with regard to the three classifications. Site contamination is classified according to the risk it poses to human health and the environment.

### **Penalties**

If owners and occupiers of sites, people who know or suspect they caused contamination or contaminated sites auditors fail to report contamination, they could be fined up to \$250 000 for individuals and \$1.25

million for companies. Anyone who reports a site maliciously, or without reasonable grounds to suspect that it is contaminated, risks a fine of up to \$250 000 (for individuals).

### **What should I be doing to protect the environment?**

- Ensure that all hazardous substances including cleaning chemicals and wastewater are stored on sealed ground, in a bunded and undercover area.
- If you are in leased premises, inform your landlord of any infrastructure that might be required to prevent possible contamination of their site (eg. bunding or proper storage facilities, sewer points for wastewater disposal).
- If buying a property that you suspect may be polluted, ask for an environmental assessment confirming that the land is not contaminated. You could be buying the contamination along with any associated clean-up costs. Do not dispose of *any* liquids other than rainwater to open ground, on-site sumps or stormwater drains.
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### **Duty/responsibility to notify pollution incidents**

If a pollution incident occurs during the day-to-day activities of your business and threatens or harms the environment, you must notify the Department of Environment and Conservation, Emergency Pollution Response (on telephone 1800 018 800) as soon as you can after you become aware of it. This duty extends to the person undertaking the activity, employees, occupiers and contractors.

### **Licences and permits**

#### **Chemical Storage**

Certain substances are classified as Dangerous Goods and their use and storage is controlled by the *Explosives and Dangerous Goods Act* (these substances include corrosive substances such as sodium hydroxide, hydrochloric acid or anything with a pH exceeding 12). A licence may be required if storage exceeds 500 litres. For more information contact The Department of Industry and Resources on telephone (08) 9222 3333.

#### **Wastewater Disposal**

Anyone wanting to put processed water in the sewer system must have an industrial waste licence, which is issued by the Water Corporation. A permit to discharge industrial waste comes under the *Metropolitan Water Supply, Sewage and Drainage Act By-laws 1981*. It is an offence to discharge industrial waste to the sewer without a permit. For more information contact the Water Corporation on telephone 13 13 95.

### **Does your business have any defence against prosecution?**

'Due diligence' refers to an individual or organisations efforts to put in place systems that will prevent pollution from occurring. A due diligence defence against prosecution is identified in section 74 of the Environmental Protection Act 1986. In Brief, Section 74 simply states that if you have put all practicable measures in place to prevent any foreseeable pollution from entering the environment, it is possible that no further action will be taken against you if pollution does occur due to extraordinary circumstances.

If you are accused of causing a pollution incident and choose to use this as part of your defence, you must ensure that you notify the Department of Environment and Conservation's Chief Executive Officer of the particulars of the occurrence as soon as reasonably practicable.

If you don't have suitable measures such as adequate storage or containment facilities in place, you may not be able to use this as part of your defence.

*Disclaimer: This information sheet is intended to provide general information only and is not, or intended to be, a full statement of the law or your legal responsibilities. Professional legal advice should be sought before any reliance is made on this information.*