

Environmental Legislation

To protect the environment, businesses in NSW and the ACT must comply with various legislation. These laws aim to protect the environment by encouraging recycling, reducing noise and air pollution and preventing waterways and land from being polluted.

The main legislation that covers environmental management in NSW is the Protection of the Environment Operations Act 1997 NSW (POEO Act). The Waste Avoidance and Resource and Recovery Act NSW 2001 also addresses waste pollution. This legislation makes it clear that the potential to pollute is illegal.

The legislation that covers environmental management in the ACT is the Environment Protection Act ACT 1997 and the Environment Protection Regulation 2005.

Legal Responsibilities

▪ Water pollution

POEO Act – Section 120

EP Regulation – Division 4.2

Under the Act water pollution is introducing litter, sediment, oil, grease, wash water, debris or flammable liquids into waterways. It also includes leaving the above materials in places where they can be washed or find a way into waterways.

It is against the law to directly pollute, cause pollution or permit pollution of waters.

To prevent water pollution, businesses need to take active steps to ensure that all handling, storage and disposal of chemicals and wastes is carried out in ways that minimise the risk to the environment.

CONSIDER: Bunding, wastewater disposal, liquid waste disposal, spill management, positions of stormwater drains.

▪ Air pollution

POEO Act – Sections 124-126, 129

EPA Act – Part 15

Under the Act air pollution is releasing impurities into the air such as odours, dust, fumes and solid particles.

To prevent air pollution, businesses need to ensure that correct equipment is installed or used in the workshop to contain impurities. In addition, this equipment needs to be responsibly maintained as per the manufacturer's recommendations to ensure efficient operations.

CONSIDER: Spray booth equipment, spray gun cleaning stations, dust vacuum sanders, high volume low pressure spray guns, storing all liquids in sealed containers, correct air conditioning licenses and refrigerant disposal procedures.

▪ Land pollution

POEO Act – Sections 116, 142

EPA Act – Part 15

Under the Act land pollution is dumping or letting substances leak to land which harms or has the potential to harm the environment.

To prevent land pollution, automotive businesses need to make sure that all liquids are kept undercover in bunded areas on sealed ground. Correct disposal of waste (both solid and liquid) must also occur.

CONSIDER: Bunding, waste disposal, spill management, conducting all repair, painting and servicing inside the workshop.

- Hazardous materials and waste

POEO Act – Section 116

EP Regulation – Division 7.3

Under the Act hazardous materials and waste cannot be permitted to leak to land or water which harms or has the potential to harm the environment.

To prevent hazardous materials and waste from causing pollution, all materials need to be kept undercover in bunded areas on sealed ground. Correct disposal of waste (both solid and liquid) must also occur.

CONSIDER: Bunding, waste disposal, trackable wastes, storage, spill management, conducting all repair, painting and servicing inside the workshop, Material Safety Data Sheets (MSDS). If possible, try to minimise the amount that hazardous materials are used and use less toxic materials where possible.

- Noise pollution

POEO Act – Sections 139-140

EP Regulation – Division 3.4

Authorities can direct businesses to reduce or stop a certain noise if it is deemed “offensive”. Offensive noises are characterised by volume, nature, quality and the time it is being made. Noise from a business must not interfere with people outside of the premises.

One way that an “offensive” noise can be generated is by failing to maintain equipment, leading to a noisy malfunction.

To prevent noise pollution, all equipment needs to be responsibly maintained as per the manufacturer’s recommendations to ensure efficient operations. In addition, consideration needs to be taken of neighbours when purchasing and using equipment.

CONSIDER: Equipment maintenance, equipment upgrades, business opening hours, positioning of equipment.

- Waste disposal

POEO Act – Section 115

EP Regulation – Division 7.3

Under the Act waste cannot be permitted to leak or be dumped on land or in water which harms or has the potential to harm the environment.

To prevent improper waste disposal, businesses should aim to recycle or reuse as many materials as possible. Where recycling is not possible, businesses should dispose of all wastes properly.

CONSIDER: Waste disposal, trackable wastes, storage, recycling equipment, recycling contractors.

CONSIDER: Due to the responsibility of businesses to avoid and prevent pollution from occurring, there are a number of best practices that businesses should aim to undertake. When using best practices, businesses are best placed to avoid pollution and to demonstrate environmental responsibility.

Regulatory bodies

In NSW, the POEO Act gives authority to both the Department of Environment and Climate Change (DECC) and local councils. The DECC have responsibility for EPA licensed businesses. Local councils have responsibility for all other businesses. The majority of businesses in the motor industry would fall under the jurisdiction of its local council.

In the ACT, the EPA Act gives authority to the Territory and Municipal Services (TAMS).

The Acts give the regulatory bodies authority to enter and inspect businesses, issue clean-up notices, prevention notices, noise control notices, give on-the-spot fines, consider development proposals and prosecute.

Environmental offences

Environmental offences attract serious financial penalties, regardless of whether the pollution was intended (wilful) or not prevented by the business (negligent).

Wilful breaches can attract a penalty up to \$5 million for a business. Breaches caused by negligence can be penalised with a fine up to \$2 million.

CONSIDER: Fines cannot be covered by any insurance that your business has. Fines must always be paid outright by the company.

Key contacts

MTA NSW
02 9213 4222
www.greenstamp.mtansw.com.au

Department of Environment &
Climate Change (NSW)
131 555
www.environment.nsw.gov.au

Emergency Services
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Local Council Contacts (NSW)
www.dlg.nsw.gov.au

Territory & Municipal Services (ACT)
13 22 81
www.tams.act.gov.au

Important Disclaimer

These Information Guides have been developed to assist MTA NSW and MTA ACT members to better manage their environmental impacts. However it remains the responsibility of the individual business to determine the extent to which various laws and best practice guidelines apply to them and to take appropriate steps to achieve compliance. Though every possible effort has been made, MTA NSW accepts no responsibility for the accuracy of the information.