

South Australia

Environment Protection (Fees and Levy) Variation Regulations 2008

under the *Environment Protection Act 1993*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994*

- 4 Substitution of regulation 3
 - 3 Interpretation
 - 3A References in Schedule 1
- 5 Variation of regulation 4—Monetary value of fee unit
- 6 Substitution of regulations 5 to 11 and Part 2 and 3 headings

Part 2—Works approval fees

- 5 Application fee for grant of works approval
- 5A No authorisation fee on grant or renewal of works approval and no annual authorisation fee

Part 2A—Exemption fees

- 6 Application fee for grant of exemption
- 6A Authorisation fee on grant or renewal of exemption and annual authorisation fee
- 6B Annual authorisation fee payment date for exemption

Part 3—Licence fees

- 7 Application fee for grant of licence
- 8 Authorisation fee payable for grant or renewal of licence
- 9 Annual authorisation fee payment date for licence
- 10 Annual authorisation fee for licence
 - 10A Flat fee component
 - 10B Determining environment management component
 - 10C Determining pollutant load-based component
 - 10D Determining water reuse component
- 11 Adjustment of annual authorisation fee or projected annual authorisation fee at end of licence period or projected licence period
- 7 Variation of regulation 11A—Accredited licences
- 8 Variation of regulation 11C—Benefits of accreditation
- 9 Revocation of regulations 12 and 13
- 10 Insertion of regulation 17A
 - 17A Late fee for application for renewal of environmental authorisation
 - 17B Fee for renewal without application
- 11 Variation of regulation 19—Recovery of fee instalments
- 12 Variation of regulation 20—Additional charge on fee paid by instalments
- 13 Insertion of regulation 21
 - 21 Fee increase if instalment outstanding

14	Substitution of Schedules 1, 2 and 3
	Schedule 1—Environment management component
	Schedule 2—Descriptions and maps of areas
1	Interpretation
2	Adelaide airshed
3	Mount Gambier airshed
4	Port Pirie airshed
5	Port River region
6	Upper Spencer Gulf
7	Whyalla airshed
15	Variation of Schedule 5

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Environment Protection (Fees and Levy) Variation Regulations 2008*.

2—Commencement

These regulations will come into operation on 1 July 2008.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994*

4—Substitution of regulation 3

Regulation 3—delete the regulation and substitute:

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—
- accredited activity*** means a prescribed activity of environmental significance carried on by a licensee in respect of which accreditation is granted under regulation 11A;
- Act*** means the *Environment Protection Act 1993*;
- Adelaide airshed*** means the area described in Schedule 2 clause 2;
- approved estimation or monitoring technique*** for an activity means—
- an estimation technique set out in an EET manual for the activity; or
 - a technique or method approved by the Authority for the activity by condition of licence or otherwise;

assessable site—see subregulation (2);

assessable vehicle—each vehicle approved by the Authority for the transport of waste under a licence that authorises a waste transport business (category A) or (category B) is to be taken to be an assessable vehicle;

copper means copper and its compounds;

designated air pollutant means sulphur dioxide, nitrogen oxides, particulates, volatile organic compounds or lead, but does not include ethanol emitted in the course of a prescribed activity of environmental significance specified in Schedule 1 clause 6(2) or (11) of the Act (breweries, wineries and distilleries);

designated water pollutant means heat, suspended solids, nitrogen, phosphorus, organic matter, zinc, lead or copper;

dredging means the prescribed activity of environmental significance specified in Schedule 1 clause 7(4) of the Act;

earthworks drainage means the prescribed activity of environmental significance specified in Schedule 1 clause 7(6) of the Act;

EET manual for an activity means a manual setting out techniques for making estimates in relation to the activity published by the Commonwealth for the purposes of the National Pollutant Inventory—see www.npi.gov.au;

environment management component means the environment management component of an annual authorisation fee for a licence (see regulation 10B and Schedule 1);

EPA odour criteria means the criteria specified in *EPA Guideline 373/06 Odour assessment using odour source modelling* as issued by the Authority in April 2007;

flat fee component means the flat fee component of an annual authorisation fee for a licence (see regulation 10);

green waste means waste comprised of plants or plant matter, including leaves, twigs, branches, tree trunks, prunings, grass clippings, fruit, vegetables and fruit or vegetable scraps;

inert waste means solid waste that has no active chemical or biological properties and is not subject to biological or chemical breakdown;

lead means lead and its compounds;

licence period, in relation to a licence, means the period of 12 months from the first anniversary of the grant or renewal of the licence and each subsequent period of 12 months;

Note—

This is to be distinguished from the term of the licence (which is a period determined by the Authority under section 43 of the Act).

marine environment means—

- (a) marine waters; or
- (b) land that is covered with marine waters (whether permanently or from time to time);

metropolitan Adelaide has the same meaning as in the *Development Act 1993*;

metropolitan coastal waters means the body of waters extending 3 nautical miles seaward from the coastline forming the western boundary of metropolitan Adelaide;

Mount Gambier airshed means the area described in Schedule 2 clause 3;

Mount Lofty Ranges Water Protection Area means the Mount Lofty Ranges Water Protection Area as declared under Part 8 of the Act;

National Pollutant Inventory means the inventory established as a result of the *National Environment Protection (National Pollutant Inventory) Measure*;

nitrogen means total nitrogen;

organic matter—see subregulation (3);

particulates means particulate matter 10 micro metres or less in diameter, and includes red dust particulates;

phosphorous means total phosphorus;

pollutant load-based component means the pollutant load-based component of the resource efficiency component of an annual authorisation fee for a licence (see regulation 10C);

Port Pirie airshed means the area described in Schedule 2 clause 4;

Port River region means the area described in Schedule 2 clause 5;

prescribed activity of environmental significance—see regulation 3A;

prescribed environmental measure—see regulation 3A;

red dust particulates means haematite or goethite;

reporting period means—

- (a) for a licence authorising an activity in respect of which a report is provided to the Authority for the purposes of the National Pollutant Inventory—the period to which the report relates; or
- (b) for any other licence—the 12 month period approved by the Authority for the licence by condition of the licence or by notice in writing to the licensee;

resource efficiency component—the resource efficiency component of the annual authorisation fee for a licence is comprised of the pollutant load-based component and the water reuse component (see regulation 10);

resource recovery, in relation to waste, means—

- (a) reusing the waste; or
- (b) recycling the waste; or
- (c) recovering part of the waste for reuse;

South East Water Protection Area means the South East Water Protection Area as declared under Part 8 of the Act;

Upper Spencer Gulf means the waters described in Schedule 2 clause 6;

waste transport business (category A) means the prescribed activity of environmental significance specified in Schedule 1 clause 3(5) of the Act;

waste transport business (category B) means the prescribed activity of environmental significance specified in Schedule 1 clause 3(6) of the Act;

water reuse component means the water reuse component of the resource efficiency component of an annual authorisation fee for a licence (see regulation 10D);

Whyalla airshed means the area described in Schedule 2 clause 7;

zinc means zinc and its compounds.

- (2) For the purposes of these regulations, the following principles apply in relation to an **assessable site**:
- (a) each location specified in a licence at which a prescribed activity of environmental significance may be undertaken is to be taken to be an assessable site;
 - (b) if various places are specified in a licence as a single location, then the various premises are together to be taken to be an assessable site;
 - (c) if a licence authorises a prescribed activity of environmental significance to be undertaken by means of mobile works, then the various premises at which the mobile works are used are together to be taken to be an assessable site;
 - (d) the prescribed activities of dredging, earthworks drainage and a waste transport business (category A) or (category B) are not to be regarded as being undertaken at an assessable site.

- (3) A reference in these regulations to an amount of *organic matter* is a reference to the biochemical oxygen demand of the organic matter expressed in kilograms (determined in accordance with an approved estimation or monitoring technique for the activity that produces the organic matter).

3A—References in Schedule 1

- (1) A reference in Schedule 1 to a *prescribed activity of environmental significance* is to be taken to be a reference to the corresponding activity as set out in Schedule 1 of the Act.
- (2) A reference in Schedule 1 to a *prescribed environmental measure* means a reference to the following measures in place during the licence period:
- (a) for an activity specified in clause 1(6) of Schedule 1 of the Act (wood preservation works)—a system for the on-site containment of the preservatives used in the works and for monitoring whether groundwater is contaminated by a preservative used in the works;
 - (b) for an activity specified in clause 3(2) of Schedule 1 of the Act (sewage treatment works or septic tank effluent disposal scheme)—a system for the disposal of wastewater collected or otherwise managed in the works or scheme involving the sustainable reuse of the wastewater or disposal of the wastewater to an evaporation lagoon;
 - (c) for an activity specified in clause 3(3) of Schedule 1 of the Act (waste depot for solid waste)—a leachate and landfill gas management system that complies with the guidelines entitled *Environmental management of landfill facilities (municipal solid waste and commercial industrial general waste)* as issued by the Authority in January 2007;
 - (d) for an activity specified in clause 6(1) of Schedule 1 of the Act (abattoirs, slaughterhouses or poultry processing works)—measures that result in wastewater produced at the works complying with each of the following levels:
 - (i) less than 100 milligrams per litre of biochemical oxygen demand averaged over the licence period;
 - (ii) an oil and grease level that is at least 99 per cent less than that of the untreated wastewater;
 - (iii) less than 50 milligrams per litre of suspended solids averaged over the licence period,assessed in accordance with an approved estimation or monitoring technique for the activity;

- (e) for an activity specified in clause 6(3) of Schedule 1 of the Act (composting works)—a system for preventing the contamination of groundwater by chemical substances in the compost, by means, for example, of a suitable lining under the compost;
- (f) for an activity specified in clause 6(7) of Schedule 1 of the Act (rendering or fat extraction works)—measures that result in wastewater produced at the works complying with each of the following levels:
 - (i) less than 100 milligrams per litre of biochemical oxygen demand averaged over the licence period;
 - (ii) an oil and grease level that is at least 99 per cent less than that of the untreated wastewater;
 - (iii) less than 50 milligrams per litre of suspended solids averaged over the licence period,assessed in accordance with an approved estimation or monitoring technique for the activity;
- (g) for an activity specified in clause 6(11) of Schedule 1 of the Act (a winery or distillery)—measures that result in wastewater produced at the winery or distillery complying with each of the following levels:
 - (i) an electrical conductivity or total dissolved solids load that is at least 50 per cent lower than that of the untreated wastewater;
 - (ii) less than 100 milligrams per litre of biochemical oxygen demand averaged over the licence period;
 - (iii) less than 50 milligrams per litre of suspended solids averaged over the licence period,assessed in accordance with an approved estimation or monitoring technique for the activity.

5—Variation of regulation 4—Monetary value of fee unit

- (1) Regulation 4(b), (c) and (d)—delete paragraphs (b), (c) and (d)
- (2) Regulation 4(e)—delete "all other purposes" and substitute:

purposes not otherwise specified in this regulation
- (3) Regulation 4—before its present contents as amended by this regulation (now to be designated as subregulation (2)) insert:
 - (1) In these regulations, the monetary value of a fee unit on or after 1 July 2008 is, for the purposes of the annual authorisation fee for a licence (including a projected annual authorisation fee under regulation 8)—
 - (a) for the flat fee component—\$50.50;
 - (b) for the environment management component—\$529.00;

- (c) for the pollutant load-based component—\$4.95;
- (d) for the water reuse component—\$12.50.

6—Substitution of regulations 5 to 11 and Part 2 and 3 headings

Regulations 5 to 11 (inclusive) and headings to Part 2 and Part 3—delete the regulations and headings and substitute:

Part 2—Works approval fees

5—Application fee for grant of works approval

- (1) The application fee for a works approval payable under section 38(1) of the Act is the number of fee units determined according to the estimated cost of the proposed works as follows:

Estimated cost of proposed works	Fee units
Up to and including \$10 000	10
More than \$10 000 but not more than \$50 000	20
More than \$50 000 but not more than \$500 000	40
More than \$500 000 but not more than \$5 million	60
More than \$5 million but not more than \$50 million	100
More than \$50 million	200

- (2) However, if public notice is to be given under section 39(1) or 39(1) and (2) of the Act in respect of the application, the amount otherwise payable under subregulation (1) is increased by the amount determined by the Authority to be the cost of publication of the notice but not exceeding—
 - (a) if the notice and other similar notices are to be published together by the Authority—5 fee units;
 - (b) in any other case—20 fee units.
- (3) If a works approval is refused on an application, the Authority must refund to the applicant 50 per cent of the amount of the application fee under this regulation.
- (4) In this regulation, a reference to the estimated cost of proposed works is a reference to the amount estimated by the Authority to be the total cost of the works to which the application relates excluding any part of the costs determined by the Authority to be attributable to—
 - (a) the purchase of land; or
 - (b) building or other work that will not contribute directly or substantially to the prescribed activity of environmental significance to which the application relates.

5A—No authorisation fee on grant or renewal of works approval and no annual authorisation fee

No authorisation fee is payable under section 40 or 43 of the Act, and no annual authorisation fee is payable under section 48 of the Act, for a works approval.

Part 2A—Exemption fees

6—Application fee for grant of exemption

- (1) The application fee for an exemption payable under section 38(1) of the Act is 10 fee units.
- (2) However, if public notice is to be given under section 39(1) or 39(1) and (2) of the Act in respect of the application, the amount otherwise payable under subregulation (1) is increased by the amount determined by the Authority to be the cost of publication of the notice but not exceeding—
 - (a) if the notice and other similar notices are to be published together by the Authority—5 fee units;
 - (b) in any other case—20 fee units.

6A—Authorisation fee on grant or renewal of exemption and annual authorisation fee

- (1) The authorisation fee payable under section 40 or 43 of the Act, and the annual authorisation fee payable under section 48 of the Act, for an exemption will be at 1 of the following levels:
 - (a) 10 fee units;
 - (b) a multiple of 10 fee units up to 100 units;
 - (c) 100 fee units;
 - (d) a multiple of 100 fee units up to 2 500 units.
- (2) The level of the authorisation fee and annual authorisation fee for an exemption is to be determined by the Authority at its discretion having regard to the following:
 - (a) the factors specified in section 25(2) of the Act;
 - (b) any relevant environment protection policy;
 - (c) whether the applicant will be bound by an environment improvement program;
 - (d) the time of the day and the period for which the exemption will operate;
 - (e) the number of people affected by, or the extent of any other environmental impact of, the activity to which the exemption will relate;

- (f) any relevant matter arising under the *Development Act 1993* or a Development Plan or development authorisation under that Act in relation to the location of the activity to which the exemption will relate;
 - (g) any other matter considered relevant by the Authority.
- (3) The amount of the application fee paid for an exemption is to be credited towards the amount of the authorisation fee required to be paid under section 40 of the Act for the exemption.

6B—Annual authorisation fee payment date for exemption

- (1) For the purposes of section 48(2)(b) of the Act, the date in each year before which the holder of an exemption must pay the annual authorisation fee to the Authority is—
- (a) if a date is specified for the purpose in the exemption—that date; or
 - (b) in any other case—the date falling 1 month after each anniversary of the grant of the exemption.
- (2) For the purposes of section 48(4) of the Act, the penalty for failure to pay an annual authorisation fee is \$20.00 plus 1 per cent of the annual authorisation fee for the first month (or part of a month) for which the default continues and 2 per cent of the annual authorisation fee for each further month (or part of a month) for which the default continues.

Part 3—Licence fees

7—Application fee for grant of licence

- (1) The application fee for a licence payable under section 38(1) of the Act is the number of fee units determined according to the applicant's projected annual authorisation fee, calculated under regulation 8(1) by reference to the Authority's reasonable assumptions at the time of the application, as follows:

Projected annual authorisation fee	Fee units
Up to and including \$2 000	10
More than \$2 000 but not more than \$5 000	20
More than \$5 000 but not more than \$10 000	30
More than \$10 000 but not more than \$50 000	50
More than \$50 000	100

Note—

An applicant for a licence for which an annual authorisation fee will not be payable under section 48 of the Act will nevertheless have a projected annual authorisation fee under regulation 8 for the purposes of calculating the amount of the application fee payable by the applicant.

- (2) However, if public notice is to be given under section 39(1) or 39(1) and (2) of the Act in respect of the application, the amount otherwise payable under subregulation (1) is increased by the amount determined by the Authority to be the cost of publication of the notice but not exceeding—
 - (a) if the notice and other similar notices are to be published together by the Authority—5 fee units;
 - (b) in any other case—20 fee units.

8—Authorisation fee payable for grant or renewal of licence

- (1) The authorisation fee payable under section 40 of the Act for the grant of a licence is the amount determined by the Authority to be the *applicant's projected annual authorisation fee*, being the amount of the annual authorisation fee (excluding the resource efficiency component) that would be payable by the applicant if the applicant were the holder of a licence liable to pay an annual authorisation fee under section 48 of the Act in respect of the projected licence period, calculated by reference to the Authority's reasonable assumptions as to what would be the nature and level of the applicant's activities if carried on for the whole of the period to which the calculations relate.
- (2) The authorisation fee payable under section 43 of the Act for renewal of a licence is the amount determined by the Authority to be the *applicant's projected annual authorisation fee*, being the amount of the annual authorisation fee that would be payable by the applicant if the applicant were the holder of a licence liable to pay an annual authorisation fee under section 48 of the Act in respect of the projected licence period, calculated by reference to the Authority's reasonable assumptions as to what would be the nature and level of the applicant's activities if carried on for the whole of the periods to which the calculations relate.
- (3) For the purposes of determining the applicant's projected annual authorisation fee—
 - (a) a reference in regulation 10 to an annual authorisation fee is to be read as if it were a reference to the projected annual authorisation fee; and
 - (b) subject to subregulation (4), a reference in these regulations to the current licence period is to be read as if it were a reference to the projected licence period; and
 - (c) a reference in these regulations to activities authorised by the licence is to be read as if it were a reference to activities to be authorised by the licence.

- (4) If the projected licence period is less than or more than 12 months—
- (a) a pro rata adjustment is to be made to the amount of the environment management component, and, in the case of renewal, the resource efficiency component, by applying the proportion that the length of the projected licence period bears to 12 months; and
 - (b) the pro rata adjustment is to be made on the basis of months, parts of a month being counted as a full month; and
 - (c) for the purposes of determining the environment management component, if the number of fee units specified in Schedule 1 depends on an indicator of the level of activity during the licence period, the indicator is to be determined by the Authority on the basis of the Authority's estimates in relation to the activity during a period of 12 months rather than during the projected licence period.

Examples—

- 1 If the term of the licence is 3 months, the proportion that the length of the projected licence period bears to 12 months would be $\frac{1}{4}$.
 - 2 If the term of the licence is $3\frac{1}{2}$ months, the proportion that the length of the projected licence period bears to 12 months would be $\frac{1}{3}$.
- (5) The amount of the application fee paid for a licence is to be credited towards the amount of the authorisation fee required to be paid under section 40 of the Act for the licence.
- (6) In this regulation—

projected licence period means—

- (a) in the case of a licence for which the holder is not liable to pay an annual authorisation fee under section 48 of the Act (by reason of the fact that the term of the licence is less than 2 years or that it is an environmental authorisation of a prescribed class)—the term of the licence;
- (b) in the case of a licence for which the holder is liable to pay an annual authorisation fee under section 48 of the Act—the period between the grant or renewal of the licence and the commencement of the first licence period for which an annual authorisation fee will be payable.

9—Annual authorisation fee payment date for licence

- (1) For the purposes of section 48(2)(b) of the Act, the date in each year before which the licensee must pay the annual authorisation fee to the Authority is—
- (a) if a date is specified for the purpose in the licence—that date; or

- (b) in any other case—the date falling 1 month after each anniversary of the grant of the licence.
- (2) For the purposes of section 48(4) of the Act, the penalty for failure to pay an annual authorisation fee is \$20.00 plus 1 per cent of the annual authorisation fee for the first month (or part of a month) for which the default continues and 2 per cent of the annual authorisation fee for each further month (or part of a month) for which the default continues.

10—Annual authorisation fee for licence

- (1) The annual authorisation fee payable under section 48 of the Act for a licence is the sum of—
 - (a) the flat fee component determined in accordance with regulation 10A; and
 - (b) the environment management component determined for the current licence period in accordance with regulation 10B; and
 - (c) the resource efficiency component comprising—
 - (i) if the pollutant threshold is exceeded in the reporting period immediately preceding the current licence period—the pollutant load-based component determined in accordance with regulation 10C; and
 - (ii) if the low salinity water threshold is exceeded in the reporting period immediately preceding the current licence period—the water reuse component determined in accordance with regulation 10D.
- (2) However, if a licence is renewed under section 43(6) of the Act and the activity undertaken pursuant to the licence has ceased, no environment management component or flat fee component is payable.
- (3) The *pollutant threshold* is exceeded in a reporting period if—
 - (a) the amount of a designated air pollutant emitted to air during the period from an assessable site specified in the licence exceeds—
 - (i) in the case of sulphur dioxide or nitrogen oxides—10, 000 kilograms; or
 - (ii) in the case of particulates or volatile organic compounds—1 000 kilograms; or
 - (iii) in the case of lead—100 kilograms; or
 - (b) the amount of a designated water pollutant discharged to waters during the period from an assessable site specified in the licence exceeds—
 - (i) in the case of heat—10 megawatts; or

- (ii) in the case of suspended solids, nitrogen, phosphorus, organic matter or zinc—
1 000 kilograms; or
 - (iii) in the case of lead or copper—100 kilograms,

in each case, assessed in accordance with an approved estimation or monitoring technique for the activity that produces the pollutant.
- (4) The **low salinity water threshold** is exceeded in a reporting period if 10 megalitres or more of water is discharged to the marine environment during that period (whether directly or indirectly through pipes or channels) from an assessable site specified in the licence and the average salinity of water so discharged is less than 1 500 milligrams of total dissolved solids per litre (assessed in accordance with an approved estimation or monitoring technique for the activity that produces the water).
- (5) The pollutant threshold or low salinity water threshold is to be taken to have been exceeded in the reporting period immediately preceding the current licence period (the **relevant reporting period**) if—
 - (a) the Authority is satisfied that the threshold has been exceeded in the relevant reporting period on the basis of information reported to the Authority in relation to the activities authorised by the licence (for the purposes of the National Pollutant Inventory, conditions of licence or otherwise); or
 - (b) the Authority has not received information for the relevant reporting period or has not had an opportunity to determine whether it is satisfied as to the accuracy of information reported to the Authority for the relevant reporting period, but is satisfied that the threshold has been exceeded in the reporting period immediately preceding the relevant reporting period on the basis of information reported to the Authority in relation to the activities authorised by the licence (for the purposes of the National Pollutant Inventory, conditions of licence or otherwise); or
 - (c) the Authority is satisfied on the basis of its reasonable assumptions as to the nature and level of the activities authorised by the licence that the threshold would be exceeded if the activities were to be carried on over a 12 month period (whether or not they have in fact been carried on over such a period).
- (6) If discharges of liquid pollutants from 2 or more activities authorised by separate licences (whether or not held by the same person) are mixed by use of the same pipe or channel or otherwise so as to constitute a single discharge to waters, the Authority is to—
 - (a) determine the annual authorisation fee payable for the licence as if the discharge to waters were the result of activities authorised by a single licence; and

- (b) apportion the amount so determined between the separate licences concerned—
 - (i) on such basis as may be nominated by the holder of the licences, or, if there is more than 1 holder, on such basis as may be agreed by the holders; or
 - (ii) in the absence of such a nomination or agreement, on a basis determined by the Authority having regard to the respective environmental impacts of the discharges resulting from the activities authorised by the separate licences.

10A—Flat fee component

- (1) The flat fee component is 1 fee unit.
- (2) If no environment management component is payable for the licence, no flat fee component is payable.

10B—Determining environment management component

- (1) The environment management component is comprised of—
 - (a) a separate amount payable for each assessable site specified in the licence as follows:
 - (i) if the licence authorises only 1 prescribed activity of environmental significance to be carried on at the site during the licence period—the number of fee units specified in Schedule 1 for the activity;
 - (ii) if the licence authorises 2 or more prescribed activities of environmental significance to be carried on at the site during the licence period—the highest number of fee units specified in Schedule 1 for any of the activities (or the higher number, in the case of only 2 such activities); and
 - (b) if the licence authorises a waste transport business (category A) or a waste transport business (category B)—the number of fee units determined as follows:
 - (i) the number of fee units specified in Schedule 1 for the activity for each vehicle that is an assessable vehicle during the licence period adjusted, if the vehicle is not an assessable vehicle for the whole of the licence period, by applying the proportion that the number of months during the licence period for which the vehicle is an assessable vehicle bears to 12 months;
 - (ii) for the purposes of the adjustment, part of a month is to be counted as a full month;

- (iii) if the same vehicle is an assessable vehicle for the purposes of both a waste transport business (category A) and a waste transport business (category B) and a different number of fee units is specified in Schedule 1 for the vehicle in those different businesses, the number of fee units for the vehicle is the higher number of fee units so specified adjusted, if the vehicle is not an assessable vehicle for the whole of the licence period, as set out in subparagraph (i); and
 - (c) if the licence authorises dredging—the number of fee units specified in Schedule 1 for the activity for each day on which the activity is undertaken during the licence period; and
 - (d) if the licence authorises earthworks drainage—the number of fee units specified in Schedule 1 for the activity for each day on which the activity is undertaken during the licence period.
- (2) If the number of fee units specified in Schedule 1 depends on an indicator of the level of activity during the licence period, the indicator is to be determined by the Authority on the basis of the Authority's estimates in relation to the activity during the licence period.
- (3) Amounts determined under this regulation are subject to any necessary adjustment under regulation 11 after the end of the licence period.

10C—Determining pollutant load-based component

- (1) The pollutant load-based component is comprised of a separate amount payable for each assessable site specified in the licence.
- (2) The amount payable for an assessable site is the sum of—
 - (a) the fee units for each designated air pollutant emitted to air from the site in the course of a prescribed activity of environmental significance during the designated reporting period determined in accordance with subregulation (3); and
 - (b) the fee units for each designated water pollutant discharged to waters from the site (whether directly or indirectly through pipes or channels) in the course of a prescribed activity of environmental significance during the designated reporting period determined in accordance with subregulation (4).

- (3) The number of fee units for a designated air pollutant is to be determined in accordance with the following formula:

$$DAP = T \times N \times Z$$

where—

DAP is the number of fee units for the designated air pollutant;

T is the weight (in tonnes rounded to the nearest 0.1 tonne) of the pollutant emitted to air during the reporting period, assessed—

- (a) in accordance with an approved estimation or monitoring technique for the activity that resulted in the emission; or
- (b) if the pollutant threshold is taken to be exceeded under regulation 10(5)(c), on the basis of the Authority's own estimates and reasonable assumptions as to the nature and level of the licensee's activities;

N is the number of fee units for the pollutant specified in Table 1;

Z is the zone weighting determined in accordance with Table 1 by reference to the pollutant and the location of the assessable site from which the pollutant is emitted (and if the site is located in 2 areas listed in the table, the higher zone weighting applies).

Table 1—Fee units and zone weightings for designated air pollutants

Pollutant	Fee units	Location of assessable site	Zone weighting
sulphur dioxide	1	All areas	1
nitrogen oxides	1	Adelaide airshed	2
		Other areas	1
particulates	10	Mount Gambier airshed	2
		In the case of red dust particulates— Whyalla airshed	4
		Other areas	1
volatile organic compounds	10	Adelaide airshed	1.5
		Areas outside the Adelaide airshed that are within a council area	1
		Other areas	0.5
lead	100	Port Pirie airshed	15
		Other areas	1

- (4) The number of fee units for a designated water pollutant is to be determined in accordance with the following formula:

$$DWP = T \times N \times Z$$

where—

DWP is the number of fee units for the designated water pollutant;

T is—

- (a) the weight (in tonnes rounded to the nearest 0.1 tonne); or
- (b) in the case of heat—the number of megawatts (rounded to the nearest megawatt),

of the pollutant discharged to waters during the reporting period, assessed—

- (c) in accordance with an approved estimation or monitoring technique for the activity resulting in the discharge; or
- (d) if the pollutant threshold is taken to be exceeded under regulation 10(5)(c), on the basis of the Authority's own estimates and reasonable assumptions as to the nature and level of the licensee's activities;

N is the number of fee units for the pollutant specified in Table 2;

Z is the zone weighting determined in accordance with Table 2 by reference to the pollutant and the location of the waters into which the pollutant is discharged (and if the pollutant is discharged into 2 areas listed in the table, the higher zone weighting applies).

Table 2—Fee units and zone weightings for designated water pollutants

Pollutant	Fee units	Location of waters	Zone weighting
heat	1	All waters of the State	1
suspended solids	10	Metropolitan coastal waters	2
		All other waters of the State	1
nitrogen	10	Port River region or Metropolitan coastal waters	3
		All other waters of the State	1
phosphorus	10	Port River region	2
		All other waters of the State	1
organic matter	10	Lake Bonney (South East)	2
		All other waters of the State	1
zinc	10	Upper Spencer Gulf	2
		All other waters of the State	1
copper, lead	100	Upper Spencer Gulf	2
		All other waters of the State	1

- (5) If the pollutant threshold is taken to be exceeded under regulation 10(5)(b) or regulation 10(5)(c), the pollutant load-based component is subject to any necessary adjustment under regulation 11 after the end of the licence period.

- (6) In this regulation—

designated reporting period means—

- (a) if the pollutant threshold is taken to be exceeded under regulation 10(5)(a)—the reporting period immediately preceding the current licence period;
- (b) if the pollutant threshold is taken to be exceeded under regulation 10(5)(b)—the reporting period immediately preceding the reporting period referred to in paragraph (a);

- (c) if the pollutant threshold is taken to be exceeded under regulation 10(5)(c)—a hypothetical reporting period of 12 months.

10D—Determining water reuse component

- (1) The water reuse component is comprised of a separate amount payable for each assessable site specified in the licence.
- (2) The water reuse component is 1 fee unit for each megalitre (rounded to the nearest megalitre) of wastewater discharged to the marine environment (whether directly or indirectly through pipes or channels) in the course of a prescribed activity of environmental significance during the designated reporting period—
 - (a) measured in accordance with an approved estimation or monitoring technique for the activity; or
 - (b) if the low salinity water threshold is taken to be exceeded under regulation 10(5)(c)—estimated by the Authority on the basis of its reasonable assumptions as to the nature and level of the licensee's activities.
- (3) If the low salinity water threshold is taken to be exceeded under regulation 10(5)(b) or regulation 10(5)(c), the water reuse component is subject to any necessary adjustment under regulation 11 after the end of the licence period.
- (4) In this regulation—

designated reporting period means—

 - (a) if the low salinity water threshold is taken to be exceeded under regulation 10(5)(a)—the reporting period immediately preceding the current licence period;
 - (b) if the low salinity water threshold is taken to be exceeded under regulation 10(5)(b)—the reporting period immediately preceding the reporting period referred to in paragraph (a);
 - (c) if the low salinity water threshold is taken to be exceeded under regulation 10(5)(c)—a hypothetical reporting period of 12 months.

11—Adjustment of annual authorisation fee or projected annual authorisation fee at end of licence period or projected licence period

- (1) If the Authority is satisfied after the end of a licence period that the annual authorisation fee determined for the period (as based on estimates made by the Authority under this Part or regulation 10 of the substituted regulations) was an amount less than the amount calculated by reference to the activity as actually undertaken during the licence period or the reporting period immediately preceding the licence period, the Authority may, by notice in writing to the holder of the licence or by conditions of the licence, require the holder of the licence to pay to the Authority, within a specified period, the amount determined by the Authority to represent the difference between those 2 amounts.

Note—

If no resource efficiency component was payable because the pollutant threshold or low salinity water threshold was determined in accordance with regulation 10(5)(b) or (c) as not having been exceeded but information subsequently reported to the Authority shows that the threshold would have been exceeded under regulation 10(5)(a) if that information had then been available and the Authority had been satisfied as to its accuracy, this subregulation will apply and a resource efficiency component will become payable.

- (2) If the holder of a licence satisfies the Authority (by such evidence as the Authority may require) after the end of a licence period that the annual authorisation fee paid for the period (as based on estimates made by the Authority under this Part or regulation 10 of the substituted regulations) was more than the amount calculated by reference to the activity as actually undertaken during the licence period or the reporting period immediately preceding the licence period, the Authority must refund to the holder of the licence the amount determined by the Authority to represent the difference between those 2 amounts.
- (3) In this regulation—

annual authorisation fee includes a projected annual authorisation fee under regulation 8;

licence period includes a projected licence period under regulation 8;

substituted regulations means these regulations as in force immediately before the commencement of the *Environment Protection (Fees and Levy) Variation Regulations 2008*.

7—Variation of regulation 11A—Accredited licences

Regulation 11A(3)(b)—delete "licence period" and substitute:
term of the licence

8—Variation of regulation 11C—Benefits of accreditation

Regulation 11C(a)—delete paragraph (a) and substitute:

- (a) a 50 per cent reduction in the authorisation fee otherwise payable under section 40 or 43 of the Act, or the annual authorisation fee otherwise payable under section 48 of the Act, in relation to the accredited activity; and

9—Revocation of regulations 12 and 13

Regulations 12 and 13—delete the regulations

10—Insertion of regulation 17A

After regulation 17—insert:

17A—Late fee for application for renewal of environmental authorisation

For the purposes of section 43(4) of the Act, the fee for late application for renewal of an environmental authorisation is \$20.00 plus 1 per cent of the authorisation fee payable on renewal for the first month (or part of a month) for which the application is late and 2 per cent of that authorisation fee for each further month (or part of a month) for which the application is late.

17B—Fee for renewal without application

If an environmental authorisation under which activities continue to be undertaken is renewed under section 43(6) of the Act (without application), the holder of the authorisation must pay the Authority the authorisation fee that would have been payable under section 43(5) had the authorisation been renewed on application.

11—Variation of regulation 19—Recovery of fee instalments

- (1) Regulation 19—delete "these regulations" first occurring and substitute:
the regulations under the Act
- (2) Regulation 19—delete "these" second occurring

12—Variation of regulation 20—Additional charge on fee paid by instalments

- (1) Regulation 20—after "fee" insert:
under the Act or the regulations under the Act
- (2) Regulation 20—after "interest" insert:
, or an administrative fee,

13—Insertion of regulation 21

After regulation 20 insert:

21—Fee increase if instalment outstanding

If the Authority allows a fee to be paid by instalments, the fee is the amount that would be payable under the Act or the regulations under the Act apart from this regulation plus, for each instalment that is not paid by the date for payment, \$20 plus 1 per cent of the instalment for the first month for which the default continues and 2 per cent of the instalment for each further month for which the default continues.

14—Substitution of Schedules 1, 2 and 3

Schedules 1, 2 and 3—delete the Schedules and substitute:

Schedule 1—Environment management component

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
Clause 1	Petroleum and chemical	
cl 1(1)	Chemical storage and warehousing facilities	3
cl 1(2)(a)(i)	Chemical works (inorganic) comprising—	
	(a) a soda ash plant	80
	(b) works associated with a uranium plant (where the main or a significant product is uranium)	20
	(c) works of any other kind	8
cl 1(2)(a)(ii)	Chemical works (organic) comprising—	
	(a) works emitting less than 100 tonnes of volatile organic compounds during the licence period	8
	(b) works emitting 100 tonnes or more of volatile organic compounds during the licence period	12
cl 1(2)(b)	Chemical works (salt production)	3
cl 1(3)	Coke works	80
cl 1(4)	Oil refineries	80
cl 1(5)(a)	Petroleum production, storage or processing works or facilities (storage)	3
cl 1(5)(b)	Petroleum production, storage or processing works or facilities (production) comprising—	
	(a) works or facilities emitting less than 500 tonnes of volatile organic compounds during the licence period	8
	(b) works or facilities emitting 500 tonnes or more but less than 1 000 tonnes of volatile organic compounds during the licence period	50

Environment Protection (Fees and Levy) Variation Regulations 2008
Variation of Environment Protection (Fees and Levy) Regulations 1994—Part 2

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(c) works or facilities emitting 1 000 tonnes or more of volatile organic compounds during the licence period	80
cl 1(6)	Wood preservation works comprising—	
	(a) works using, during the licence period, boron or other light organic solvents approved by the Authority as preservatives presenting a low environmental risk	8
	(b) works using, during the licence period, other preservatives (eg preservatives containing heavy metals or creosote)—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	20
	(ii) in any other case	50
Clause 2	Manufacturing and mineral processing	
cl 2(1)	Abrasive blasting comprising—	
	(a) mobile works	3
	(b) works other than mobile works	2
cl 2(2)	Hot mix asphalt preparation comprising—	
	(a) mobile works	12
	(b) works other than mobile works	8
cl 2(3)	Cement works comprising—	
	(a) works emitting less than 100 tonnes of particulates during the licence period	20
	(b) works emitting 100 tonnes or more of particulates during the licence period	50
cl 2(4)	Ceramic works comprising—	
	(a) glass works emitting 25 tonnes or more of particulates during the licence period	50
	(b) brick works emitting 2 tonnes or more of fluorides during the licence period	12
	(c) other glass works or brick works	8
	(d) works of any other kind (eg pottery works)	2
cl 2(5)	Concrete batching works (whether or not mobile)	2
cl 2(6)	Drum reconditioning works	3
cl 2(7)	Ferrous and non-ferrous metal melting works comprising—	
	(a) works producing emissions of more than 2 500 kilograms of volatile organic compounds during the licence period in respect of which—	

Environment Protection (Fees and Levy) Variation Regulations 2008
 Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994*

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(i) the Authority is satisfied of compliance by the licensee with the EPA odour criteria	12
	(ii) the Authority is satisfied of non-compliance by the licensee with the EPA odour criteria	50
	(b) works producing emissions of 2 500 kilograms or less of volatile organic compounds during the licence period	4
cl 2(8)	Metallurgical works	80
cl 2(9)	Mineral works	12
cl 2(10)	Pulp or paper works	80
cl 2(11)	Scrap metal recovery works	3
cl 2(12)(a)	Surface coating works (metal finishing)	8
cl 2(12)(b)	Surface coating works (hot dip galvanizing) comprising—	
	(a) works producing emissions to air during the licence period of 1 000 kilograms or more of zinc	12
	(b) works producing emissions to air during the licence period of 100 kilograms or more but less than 1 000 kilograms of zinc	8
	(c) works producing emissions to air during the licence period of less than 100 kilograms of zinc	4
cl 2(12)(c)	Surface coating works (spray painting or powder coating)	3
cl 2(13)	Wood processing works comprising—	
	(a) works producing emissions to air during the licence period of 50 tonnes or more of particulates	12
	(b) works producing emissions to air during the licence period of less than 50 tonnes of particulates	3
cl 2(14)	Maritime construction works	3
cl 2(15)	Vehicle production works	20
Clause 3	Waste treatment and disposal	
cl 3(1)(a)	Incineration works (chemical wastes)	50
cl 3(1)(b)	Incineration works (medical wastes, cytotoxic wastes, quarantine wastes)	50
cl 3(1)(c)	Incineration works (cremation)	2
cl 3(1)(d)	Incineration works (solid municipal waste)	50

Environment Protection (Fees and Levy) Variation Regulations 2008
Variation of Environment Protection (Fees and Levy) Regulations 1994—Part 2

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
cl 3(1)(e)	Incineration works (solid trade waste)	50
cl 3(2)(a)	Sewage treatment works or septic tank effluent disposal schemes (discharge to marine waters) comprising—	
	(a) works or a scheme discharging 1 000 megalitres or more of wastewater during the licence period	80
	(b) works or a scheme discharging 500 megalitres or more but less than 1 000 megalitres of wastewater during the licence period	50
	(c) works or a scheme discharging 100 megalitres or more but less than 500 megalitres of wastewater during the licence period	12
	(d) works or a scheme discharging 50 megalitres or more but less than 100 megalitres of wastewater during the licence period	8
	(e) works or a scheme discharging 20 megalitres or more but less than 50 megalitres of wastewater during the licence period	4
	(f) works or a scheme discharging less than 20 megalitres of wastewater during the licence period	3
cl 3(2)(b)	Sewage treatment works or septic tank effluent disposal schemes (discharge to land or waters within the Mount Lofty Ranges Water Protection Area) comprising—	
	(a) works or a scheme discharging 500 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	50
	(ii) in any other case	80
	(b) works or a scheme discharging 100 megalitres or more but less than 500 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	20
	(ii) in any other case	50
	(c) works or a scheme discharging 50 megalitres or more but less than 100 megalitres of wastewater during the licence period—	

Environment Protection (Fees and Levy) Variation Regulations 2008
 Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994*

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	8
	(ii) in any other case	12
	(d) works or a scheme discharging 20 megalitres or more but less than 50 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	4
	(ii) in any other case	8
	(e) works or a scheme discharging less than 20 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	3
	(ii) in any other case	4
cl 3(2)(c)	Sewage treatment works or septic tank effluent disposal schemes (discharge to land or waters other than marine waters and other than within the Mount Lofty Ranges Water Protection Area) comprising—	
	(a) works or a scheme discharging 1 000 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	50
	(ii) in any other case	80
	(b) works or a scheme discharging 500 megalitres or more but less than 1 000 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	20
	(ii) in any other case	50
	(c) works or a scheme discharging 100 megalitres or more but less than 500 megalitres of wastewater during the licence period—	

Environment Protection (Fees and Levy) Variation Regulations 2008
Variation of Environment Protection (Fees and Levy) Regulations 1994—Part 2

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	8
	(ii) in any other case	12
	(d) works or a scheme discharging 50 megalitres or more but less than 100 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	4
	(ii) in any other case	8
	(e) works or a scheme discharging 20 megalitres or more but less than 50 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	3
	(ii) in any other case	4
	(f) works or a scheme discharging less than 20 megalitres of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or scheme	2
	(ii) in any other case	3
cl 3(3)	Waste or recycling depots (solid waste for on-site disposal) comprising—	
	(a) a depot receiving more than 200 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	50
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	80
	(b) a depot receiving more than 100 000 tonnes but not more than 200 000 tonnes of solid waste (other than waste fill) during the licence period—	

Environment Protection (Fees and Levy) Variation Regulations 2008
 Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994*

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(i) if—	20
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	50
	(c) a depot receiving more than 50 000 tonnes but not more than 100 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	12
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	20
	(d) a depot receiving more than 20 000 tonnes but not more than 50 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	8
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	12
	(e) a depot receiving more than 5 000 tonnes but not more than 20 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	4
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(i) in any other case	8

Environment Protection (Fees and Levy) Variation Regulations 2008
Variation of Environment Protection (Fees and Levy) Regulations 1994—Part 2

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(f) a depot receiving more than 2 000 tonnes but not more than 5 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	3
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	4
	(g) a depot receiving more than 1 000 tonnes but not more than 2 000 tonnes of solid waste (other than waste fill) during the licence period—	
	(i) if—	2
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	3
	(h) a depot receiving 1 000 tonnes or less of solid waste (other than waste fill) during the licence period—	
	(i) if—	1
	(A) the waste is inert waste; or	
	(B) the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the depot	
	(ii) in any other case	2
cl 3(3)	Waste or recycling depots comprising a winery wastewater treatment works—the fee units payable are those that would be payable if the depot were a sewage treatment works or a septic tank effluent disposal scheme under clause 3(2) of Schedule 1 of the Act.	
cl 3(3)	Waste or recycling depots (for disposal of liquid waste) (other than winery wastewater treatment works) comprising—	
	(a) a depot receiving more than 100 000 kilolitres of liquid waste during the licence period—	

Environment Protection (Fees and Levy) Variation Regulations 2008
 Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994*

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	50
	(ii) involving disposal other than to a sewer	80
(b)	a depot receiving more than 50 000 kilolitres but not more than 100 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	20
	(ii) involving disposal other than to a sewer	50
(c)	a depot receiving more than 20 000 kilolitres but not more than 50 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	12
	(ii) involving disposal other than to a sewer	20
(d)	a depot receiving more than 5 000 kilolitres but not more than 20 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	8
	(ii) involving disposal other than to a sewer	12
(e)	a depot receiving more than 2 000 kilolitres but not more than 5 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	4
	(ii) involving disposal other than to a sewer	8
(f)	a depot receiving more than 1 000 kilolitres but not more than 2 000 kilolitres of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	3
	(ii) involving disposal other than to a sewer	4
(g)	a depot receiving 1 000 kilolitres or less of liquid waste during the licence period—	
	(i) involving disposal to a sewer or other off-site wastewater treatment plant subject to a licence	2
	(ii) involving disposal other than to a sewer	3

Environment Protection (Fees and Levy) Variation Regulations 2008
Variation of Environment Protection (Fees and Levy) Regulations 1994—Part 2

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
cl 3(3)	Waste or recycling depots (waste for resource recovery or transfer) comprising—	
	(a) a depot receiving more than 200 000 tonnes of waste during the licence period for resource recovery or transfer to another location	50
	(b) a depot receiving more than 100 000 tonnes but not more than 200 000 tonnes of waste during the licence period for resource recovery or transfer to another location	20
	(c) a depot receiving more than 50 000 tonnes but not more than 100 000 tonnes of waste during the licence period for resource recovery or transfer to another location	12
	(d) a depot receiving more than 20 000 tonnes but not more than 50 000 tonnes of waste during the licence period for resource recovery or transfer to another location	8
	(e) a depot receiving more than 5 000 tonnes but not more than 20 000 tonnes of waste during the licence period for resource recovery or transfer to another location	4
	(f) a depot receiving more than 2 000 tonnes but not more than 5 000 tonnes of waste during the licence period for resource recovery or transfer to another location	3
	(g) a depot receiving more than 1 000 tonnes but not more than 2 000 tonnes of waste during the licence period for resource recovery or transfer to another location	2
	(h) a depot receiving 1 000 tonnes or less of waste during the licence period for resource recovery or transfer to another location	1
cl 3(3)	Waste or recycling depots (battery recycling)	1
cl 3(4)	Activities producing listed wastes comprising—	
	(a) an activity producing medical waste and no other listed waste during the licence period	1
	(b) in any other case—	
	(i) an activity producing more than 250 tonnes of listed waste during the licence period	8
	(ii) an activity producing more than 100 tonnes but not more than 250 tonnes of listed waste during the licence period	3
	(iii) an activity producing more than 5 tonnes but not more than 100 tonnes of listed waste during the licence period	2

Environment Protection (Fees and Levy) Variation Regulations 2008
 Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994*

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(iv) an activity producing 5 tonnes or less of listed waste during the licence period	1
cl 3(5)	Waste transport business (category A)—	
	(a) for each vehicle that is an assessable vehicle during the licence period and is not used other than to collect and transport medical waste not exceeding 40 litres at any 1 time	0.3
	(b) for each vehicle that is an assessable vehicle during the licence period other than a vehicle referred to in the preceding paragraph	0.9
cl 3(6)	Waste transport business (category B)—for each vehicle that is an assessable vehicle during the licence period	0.3
Clause 4	Activities in specified areas	
cl 4(1)	Brukung mine site and associated acid neutralisation plant	30
cl 4(2)(a)	Discharge during the licence period of stormwater to underground aquifers by means other than a stormwater drainage system from land or premises situated in the area of the City of Mount Gambier or the Western Industrial Zone of the area of the District Council of Mount Gambier (as defined in the relevant Development Plan under the <i>Development Act 1993</i>)	12
cl 4(2)(b)	Discharge during the licence period of stormwater to underground aquifers from a stormwater drainage system situated in the City of Mount Gambier or the Western Industrial Zone of the area of the District Council of Mount Gambier (as defined in the relevant Development Plan under the <i>Development Act 1993</i>)	12
cl 4(2)(c)	Discharge during the licence period of stormwater to underground aquifers from a stormwater drainage system situated in metropolitan Adelaide —	
	(a) if 50 megalitres or more is discharged during the licence period	4
	(b) if 10 megalitres or more but not more than 50 megalitres is discharged during the licence period	3
	(c) if less than 10 megalitres is discharged during the licence period	2
Clause 5	Animal husbandry, aquaculture and other activities	
cl 5(1)	Cattle feedlots	4
cl 5(3)	Saleyards comprising—	
	(a) a saleyard located within the South East Water Protection Area—	
	(i) if 20 megalitres or more of effluent is produced at the saleyard during the licence period	12

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(ii) if less than 20 megalitres is produced at the saleyard during the licence period	4
	(b) a saleyard located outside the South East Water Protection Area—	
	(i) if 20 megalitres or more of effluent is produced at the saleyard during the licence period	8
	(ii) if less than 20 megalitres is produced at the saleyard during the licence period	3
cl 5(4)	Piggeries comprising—	
	(a) a piggery producing more than 200 000 kilograms of nitrogen during the licence period	12
	(b) a piggery producing more than 100 000 kilograms but not more than 200 000 kilograms of nitrogen during the licence period	8
	(c) a piggery producing more than 50 000 kilograms but not more than 100 000 kilograms of nitrogen during the licence period	4
	(d) a piggery producing more than 20 000 kilograms but not more than 50 000 kilograms of nitrogen during the licence period	3
	(e) a piggery producing not more than 20 000 kilograms of nitrogen during the licence period	2
Clause 6	Food production and animal and plant product processing	
cl 6(1)	Abattoirs, slaughterhouses or poultry processing works comprising—	
	(a) an abattoir and rendering plant producing 100 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the plant or that all the wastewater is discharged to a sewer or to some other offsite wastewater treatment plant subject to a licence	12
	(ii) in any other case	20
	(b) an abattoir and rendering plant producing less than 100 megalitres of wastewater during the licence period	12

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(c) works not associated with a rendering plant producing 100 megalitres or more of wastewater during the licence period—	
	(i) if the licensee satisfies the Authority that all the wastewater is discharged to a sewer or to some other offsite wastewater treatment plant subject to a licence	3
	(ii) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	4
	(iii) in any other case	8
	(d) works not associated with a rendering plant producing less than 100 megalitres of wastewater during the licence period	3
cl 6(2)	Breweries comprising—	
	(a) a brewery producing 20 megalitres or more of wastewater during the licence period	20
	(b) a brewery producing less than 20 megalitres of wastewater during the licence period	4
	(c) a brewery disposing of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act during the licence period	3
cl 6(3)	Composting works comprising—	
	(a) works receiving, during the licence period, only green waste—	
	(i) in the case of works the floor of which is 15 metres or less above groundwater—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	2
	(B) in any other case	4
	(ii) in the case of works the floor of which is more than 15 metres above groundwater	2
	(b) works receiving, during the licence period, only animal manure or only animal manure and green waste—	
	(i) in the case of works the floor of which is 15 metres or less above groundwater—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	3
	(B) in any other case	8

Environment Protection (Fees and Levy) Variation Regulations 2008
 Variation of *Environment Protection (Fees and Levy) Regulations 1994*—Part 2

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(ii) in the case of works the floor of which is more than 15 metres above groundwater	3
	(c) works receiving, during the licence period, waste of any other kind (whether or not in addition to animal manure or green waste)—	
	(i) in the case of works the floor of which is 15 metres or less above groundwater—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	4
	(B) in any other case	12
	(ii) in the case of works the floor of which is more than 15 metres above groundwater	4
cl 6(4)	Fish processing works comprising—	
	(a) works disposing of wastewater to marine or inland waters during the licence period	8
	(b) works disposing of wastewater to land (and not to marine or inland waters) during the licence period	4
	(c) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act or not disposing of wastewater at all during the licence period	3
cl 6(5)	Milk processing works comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act	8
	(b) works of any other kind	12
cl 6(6)(a)	Produce processing works (deep fat frying, roasting or drying)	4
cl 6(6)(b)	Produce processing works (disposing, during the licence period, of wastewater otherwise than to sewer or septic tank effluent disposal system) comprising—	
	(a) olive processing works	12
	(b) works of any other kind	8
cl 6(7)	Rendering or fat extraction works comprising—	
	(a) works producing 100 megalitres or more of wastewater during the licence period	

Environment Protection (Fees and Levy) Variation Regulations 2008
 Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994*

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(i) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works or that all the wastewater is discharged to a sewer or to some other offsite wastewater treatment plant subject to a licence	12
	(ii) in any other case	20
	(b) works producing less than 100 megalitres of wastewater during the licence period	12
cl 6(8)	Curing or drying works	3
cl 6(9)	Tanneries or fellmongeries comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act	3
	(b) works of any other kind—	
	(i) if the works produce more than 10 megalitres of wastewater during the licence period	12
	(ii) if the works produce 10 megalitres or less of wastewater during the licence period	3
cl 6(10)	Woolscouring or wool carbonising works comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act	3
	(b) works of any other kind	8
cl 6(11)(a)	Wineries or distilleries (works outside the Mount Lofty Ranges Water Protection Area) comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act	3
	(b) works of any other kind (ie works not disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act)—	
	(i) in the case of works producing 20 megalitres or less of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	3
	(B) in any other case	4

Environment Protection (Fees and Levy) Variation Regulations 2008
 Variation of *Environment Protection (Fees and Levy) Regulations 1994*—Part 2

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(ii) in the case of works producing more than 20 megalitres but no more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	12
	(B) in any other case	20
	(iii) in the case of works producing more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	20
	(B) in any other case	50
cl 6(11)(b)	Wineries or distilleries (works within the Mount Lofty Ranges Water Protection Area) comprising—	
	(a) works disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act—	4
	(b) works not disposing, during the licence period, of all wastewater to a sewer or other off-site wastewater treatment plant licensed under the Act—	
	(i) in the case of works producing 10 megalitres or less of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	4
	(B) in any other case	8
	(ii) in the case of works producing more than 10 megalitres but no more than 60 megalitres of wastewater during the licence period—	
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	12
	(B) in any other case	20
	(iii) in the case of works producing more than 60 megalitres of wastewater during the licence period—	

Environment Protection (Fees and Levy) Variation Regulations 2008
 Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994*

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(A) if the licensee satisfies the Authority of the existence of an effective prescribed environmental measure for the works	20
	(B) in any other case	50
Clause 7	Materials handling and transportation	
cl 7(1)	Bulk shipping facilities	8
cl 7(2)	Railway operations	8
cl 7(3)(a)	Crushing, grinding or milling works (chemicals or rubber)	4
cl 7(3)(b)	Crushing, grinding or milling works (agricultural crop products) comprising—	
	(a) olive processing works (whether or not mobile)	12
	(b) mobile works other than olive processing works	8
	(c) works of any other kind	4
cl 7(3)(c)	Crushing, grinding or milling works (rock, ores or minerals)	4
cl 7(4)	Dredging—for each day on which dredging occurs during the licence period	1
cl 7(5)	Coal handling and storage	3
cl 7(6)	Earthworks drainage—for each day on which earthworks drainage takes place during the licence period	0.25
cl 7(7)	Extractive industries—	
	(a) within the Mount Lofty Ranges Water Protection Area	4
	(b) in any other area	3
Clause 8	Other	
cl 8(1)	Aerodromes	3
cl 8(2)(a)	Fuel burning comprising—	
	(a) the burning of coal or wood—	
	(i) at premises within the Adelaide airshed—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	80
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	50

Environment Protection (Fees and Levy) Variation Regulations 2008
Variation of Environment Protection (Fees and Levy) Regulations 1994—Part 2

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	12
	(ii) at premises in any other area—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	50
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	12
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	4
	(b) the burning of diesel in internal combustion engines for a total of less than 25 hours during the licence period	1
	(c) the burning of diesel in any other circumstances or for any other purpose or the burning of any fuel other than coal, wood or diesel—	
	(i) at premises within the Adelaide airshed—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	50
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	20
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	8
	(ii) at premises in any other area—	
	(A) resulting in the emission of 500 tonnes or more of nitrogen oxides during the licence period	20
	(B) resulting in the emission of 30 tonnes or more but less than 500 tonnes of nitrogen oxides during the licence period	8
	(C) resulting in the emission of less than 30 tonnes of nitrogen oxides during the licence period	3
cl 8(2)(b)	Fuel burning comprising the burning of fuel to stove enamel or to bake or dry substances releasing dust or air impurities	3

Schedule 1 of Act	Prescribed activity of environmental significance (including indicator of level of activity if applicable)	Fee units
cl 8(3)	Helicopter landing facilities	1
cl 8(4)(a)	Marinas and boating facilities (moorings or dry storage)	2
cl 8(4)(b)	Marinas and boating facilities (repair and maintenance facilities)	3
cl 8(5)	Motor racing or testing venues	3
cl 8(6)	Shooting ranges	1
cl 8(7)	Discharges to marine or inland waters (heat, or antibiotic or chemical water treatments)—	
	(a) for discharges of 100 megalitres or more during the licence period	20
	(b) for discharges of 10 megalitres or more but less than 100 megalitres during the licence period	8
	(c) for discharges of less than 10 megalitres during the licence period	4

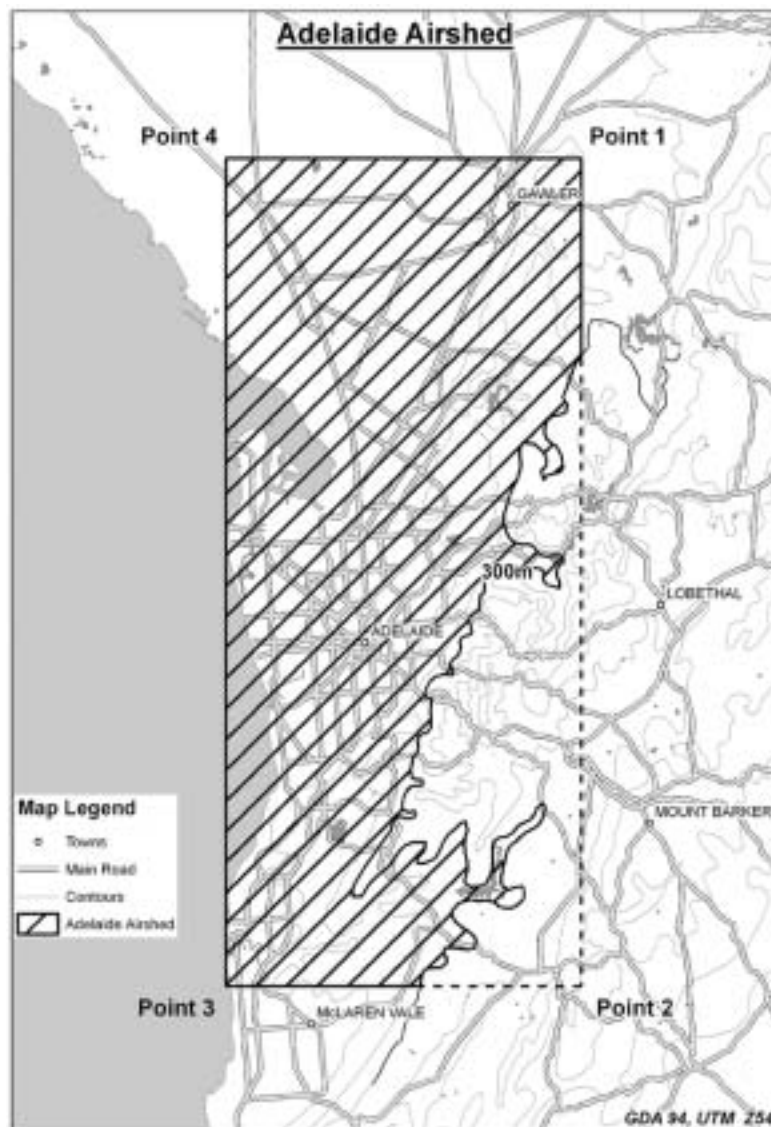
Schedule 2—Descriptions and maps of areas

1—Interpretation

- (1) For the purposes of the descriptions in this Schedule—
 - (a) all lines are geodesic lines based on the Geocentric Datum of Australia 1994 (GDA94) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995; and
 - (b) all coordinates are given according to the Map Grid of Australia 1994 (a projection of the geographical coordinate set (latitude and longitude) of GDA94 by Universal Transverse Mercator, using the GRS80 ellipsoid, according to the relevant zone).
- (2) The point references given in a description in this Schedule are references to the corresponding points in the map that follows the description.
- (3) The maps included in this Schedule are provided for convenience of reference only.

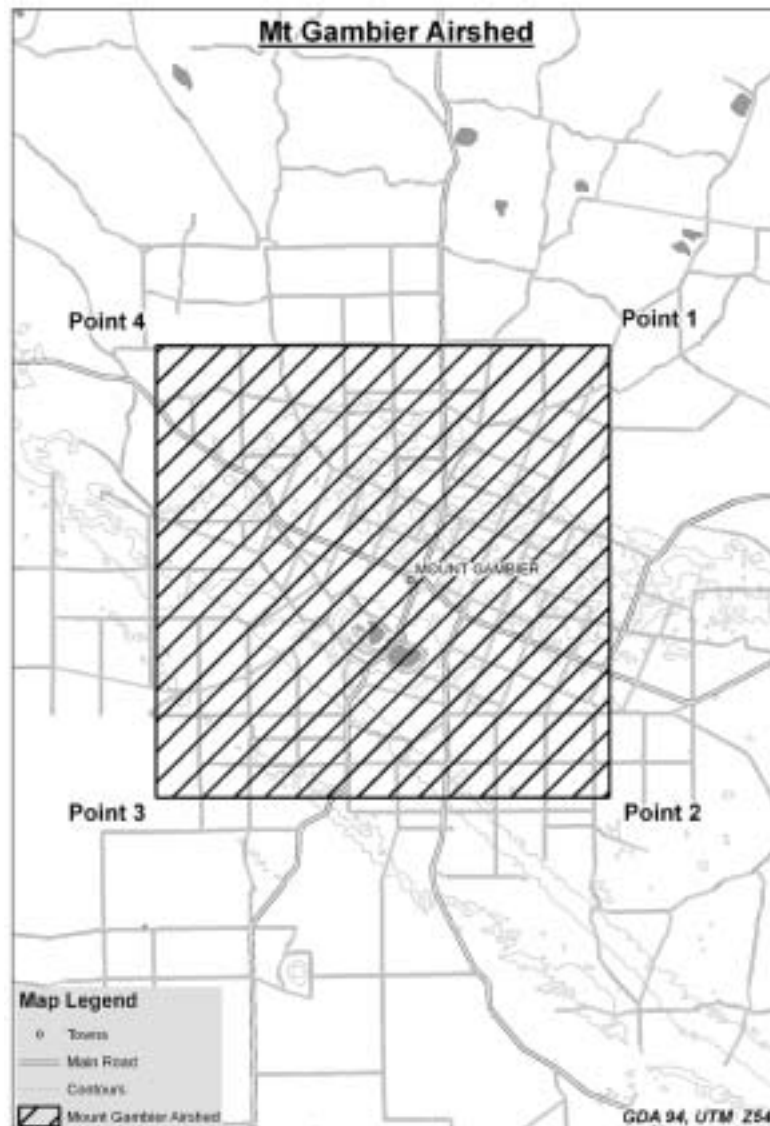
2—Adelaide airshed

The Adelaide airshed is comprised of the area contained within and bounded by a line commencing (in zone 54) at East 299000m, North 6173000m (point 1), then southerly to East 299000m, North 6103000m (point 2), then westerly to East 269000m, North 6103000m (point 3), then northerly to East 269000m, North 6173000m (point 4), then easterly to the point of commencement, but excluding that part of the area that is more than 300 metres above sea level.



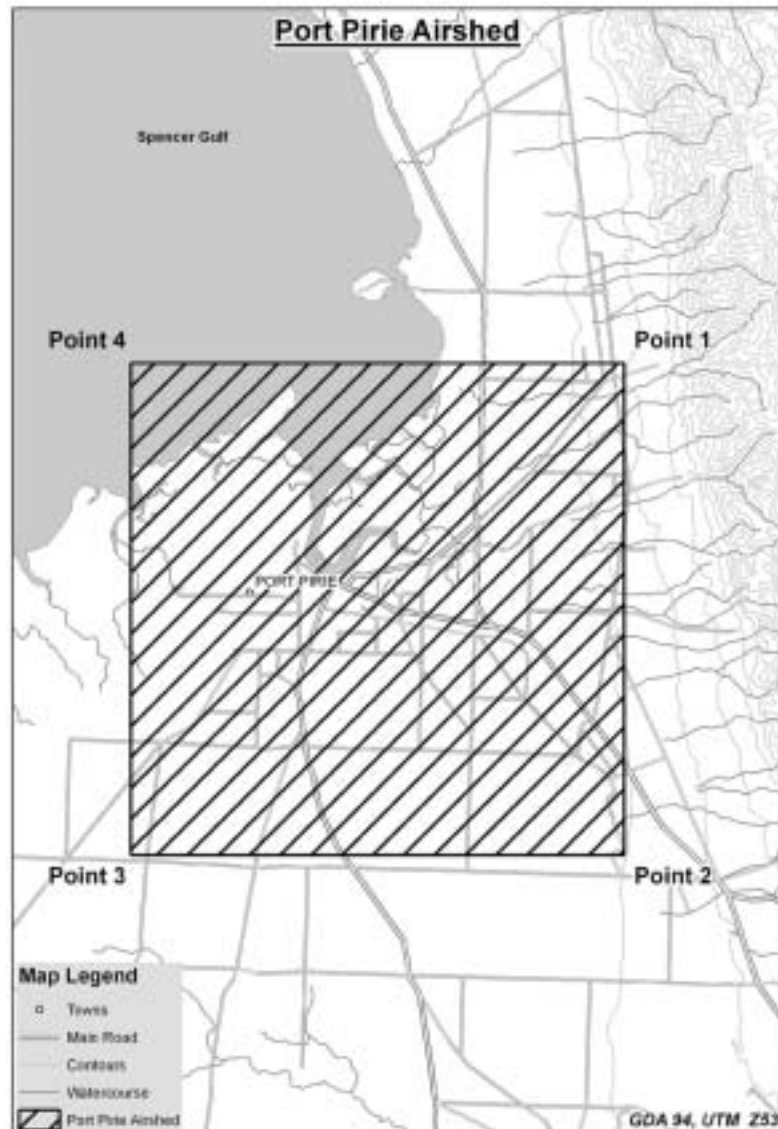
3—Mount Gambier airshed

The Mount Gambier airshed is comprised of the area contained within and bounded by a line commencing (in zone 54) at East 487100m, North 5821300m (point 1), then southerly to East 487100m, North 5806300m (point 2), then westerly to East 472100m, North 5806300m (point 3), then northerly to East 472100m, North 5821300m (point 4), then easterly to the point of commencement.



4—Port Pirie airshed

The Port Pirie airshed is comprised of the area contained within and bounded by a line commencing (in zone 53) at East 790400m, North 6330700m (point 1), then southerly to East 790400m, North 6315700m (point 2), then westerly to East 775400m, North 6315700m (point 3), then northerly to East 775400m, North 6330700m (point 4), then easterly to the point of commencement.



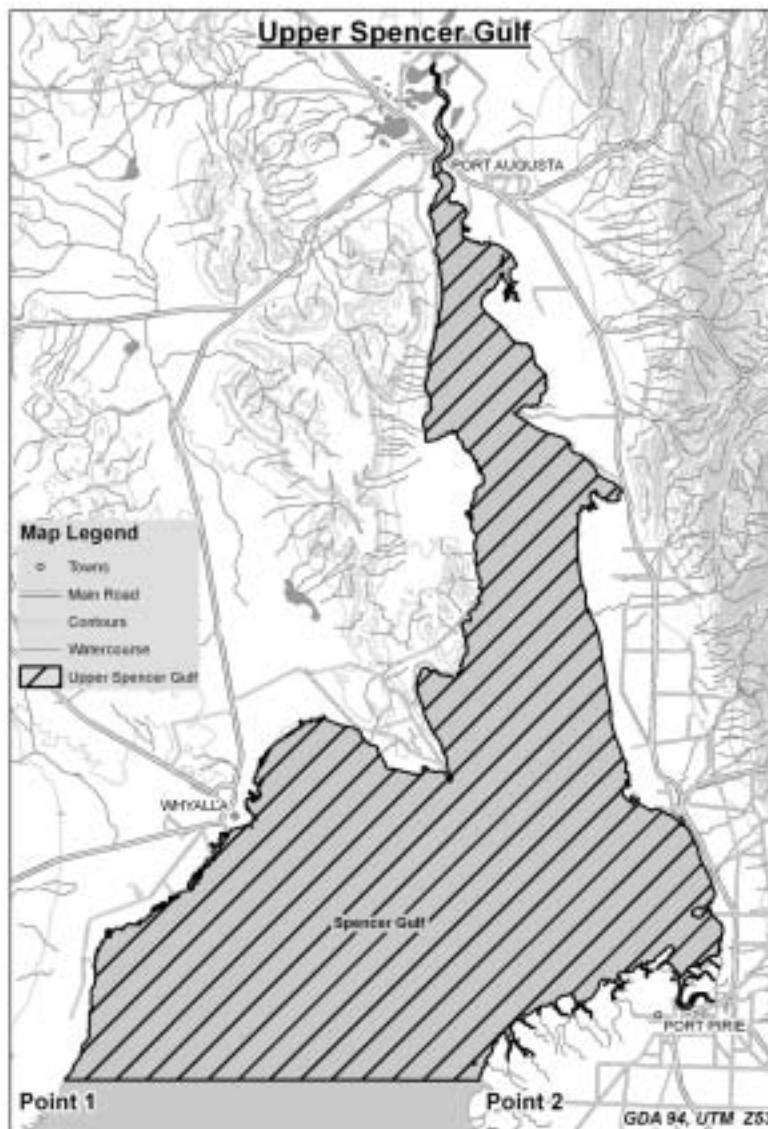
5—Port River region

The Port River region comprises the waters (within the limits of the State and vested in the Crown) of the Adelaide Dolphin Sanctuary established by the *Adelaide Dolphin Sanctuary Act 2005* as at the date of commencement of these regulations.



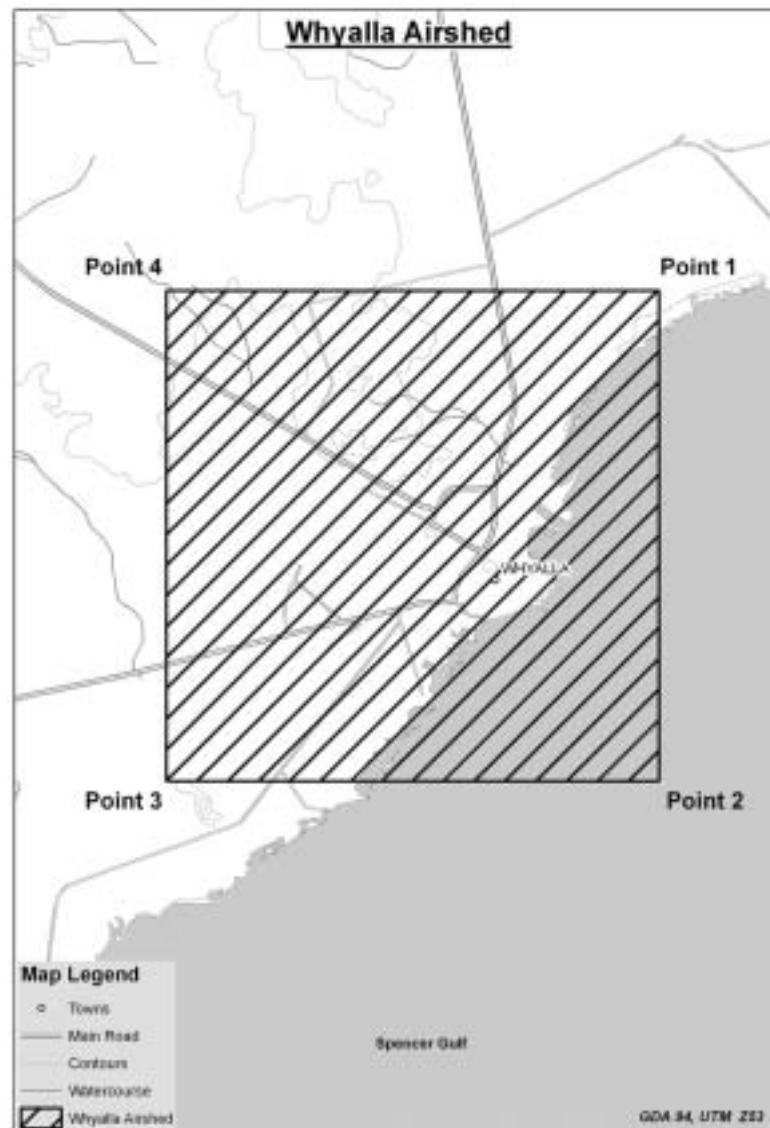
6—Upper Spencer Gulf

The Upper Spencer Gulf is comprised of the waters contained within and bounded by a line commencing (in zone 53) at the location on mean high waters springs closest to East 725057m, North 6317924m (point 1), then following the line of mean high water springs (initially proceeding northerly) to a location on that line closest to East 762853m, North 6317892m (point 2), then westerly to the point of commencement.



7—Whyalla airshed

The Whyalla airshed is comprised of the area contained within and bounded by a line commencing (in zone 53) at East 790400m, North 6330700m (point 1), then southerly to East 790400m, North 6315700m (point 2), then westerly to East 775400m, North 6315700m (point 3), then northerly to East 775400m, North 6330700m (point 4), then easterly to the point of commencement.



15—Variation of Schedule 5

Schedule 5, clause 1— after "authorisation fee" insert:
or annual authorisation fee

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 22 May 2008

No 49 of 2008

EPCS07/0008