

South Australia

Environment Protection (Air Quality) Policy 1994

under the *Environment Protection Act 1993*

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1—Short title

This policy may be cited as the *Environment Protection (Air Quality) Policy 1994*.

3—Interpretation

- (1) In this policy—

the Act means the *Environment Protection Act 1993*;

air pollution means the emission into the air of any pollutant;

boiler means any vessel in which water is heated for any purpose by any combustible materials with a total heat release of 100 or more megajoules per hour;

chimney means any structure designed or used for the purpose of emitting pollutants from any premises into the air;

control equipment means any device that controls, limits, measures, records or indicates air pollution;

cubic metre means that volume of dry gas which occupies a cubic metre at a temperature of zero degrees celsius and at an absolute pressure equivalent to one atmosphere;

domestic incinerator means an incinerator that—

- (a) has a capacity of less than 0.25 cubic metres; and
- (b) is used for burning the refuse from a private household or private households;

fuel-burning equipment means any machine, engine, apparatus or structure in which, or in the operation of which, combustible material is burned, but does not include a motor vehicle;

industrial plant means any plant used for the generation of power, or for any industrial use, or for the operation of vessels, dredges, locomotives, cranes or other machines using any combustible material for their operation;

Miniature Smoke Chart means a chart that conforms to a chart contained in British Standards publication BS2742M, as referred to in British Standard BS2742:1969 published on 31 December 1969;

motor vehicle means any machine, however propelled, that is designed or used for the purpose of transporting goods, materials or persons, but does not include a crane, vessel or railway locomotive;

occupier, in relation to premises, means a person who has, or is entitled to, possession or control of the premises;

premises means any land, building or structure, and includes a crane, vessel or railway locomotive;

Ringelmann Chart means a chart that conforms to a chart contained in British Standards publication BS272C, as referred to in British Standard BS2742:1969 published on 31 December 1969;

test means test pollution, either as emissions from a process or in the ambient environment, using—

- (a) continuous or automatic analysis; or
- (b) the collection and analysis of individual discrete samples; or
- (c) any other relevant observation, measurement or assessment;

vessel means any ship, boat or other water craft.

- (2) In this policy, the expression **Mandatory Provision** followed by a statement as to the category of an offence is to be taken to signify that contravention of the provision at whose foot the expression appears will be an offence of the category so stated for the purposes of Part 5 of the Act.

Note—

Unless the contrary intention appears, terms used in this policy that are defined in the Act have the respective meanings assigned to those terms by the Act.

4—Prevention of environmental harm

- (1) An occupier of premises at which a process referred to in Schedule 1 is carried out must not cause or permit air pollution from that process beyond the maximum pollution levels set out in Schedule 1 or otherwise in contravention of a requirement set out in that Schedule.

Mandatory Provision: Category B offence.

- (2) The Authority or another administering agency may, by notice in writing given to the occupier of premises at which a process referred to in Schedule 1 is carried out from which air pollution has occurred, is occurring or is likely to occur, fix a suitable testing point for those premises for ascertaining the level of the air pollution.

- (3) An occupier on whom a notice has been served under subclause (2) must ensure that the testing point is always in a suitable condition and available for use as a point at which the level of air pollution may be tested, and must provide reasonable means of access to the point.

Mandatory Provision: Category B offence.

- (4) The Authority or another administering agency may, by notice in writing given to the occupier of premises at which a process referred to in Schedule 1 is carried out from which air pollution has occurred, is occurring or is likely to occur, direct the occupier to—
- (a) carry out such tests relating to the level of air pollution as are specified in the notice; and
 - (b) maintain clear and accurate written records of each test so conducted, showing the nature of the test and the date and result of the test; and
 - (c) keep and maintain such accurate written records as are specified in the notice of the type and quantity of fuel or raw material used and likely to cause air pollution from the premises; and
 - (d) express the results of tests conducted on boilers and incinerators on such premises on the basis of flue gas containing 12 per cent by volume of carbon dioxide and adjust the actual results obtained accordingly.

- (5) An occupier on whom a notice has been served under subclause (4) must comply with the notice and must keep the records referred to in subclause (4) available for inspection by the Authority or other administering agency at all reasonable times.

Mandatory Provision: Category B offence.

- (6) The manner in which air pollution of a kind referred to in Schedule 1 is to be tested for the purposes of this policy must be as set out in the publication "Emission Testing Methodology for Air Pollution" issued by the Authority.

- (7) An occupier of premises must not cause or permit air pollution through any failure to take all reasonable and practicable measures to—

- (a) maintain fuel-burning equipment, control equipment or any other plant or equipment in an efficient condition; or
- (b) operate fuel-burning equipment, control equipment or any other plant or equipment in a proper and efficient manner; or
- (c) carry out maintenance of fuel-burning equipment, control equipment or any other plant or equipment in a proper and efficient manner; or
- (d) process, handle, move or store goods or materials in or on the premises in a proper and efficient manner.

Mandatory Provision: Category B offence.

- (8) Where a chimney has been provided for the purpose of dispersing the pollutants arising from a particular process, the person carrying out the process must not cause or permit the emission of those pollutants into the air otherwise than through that chimney unless the written approval of the Authority or another administering agency has first been obtained.

Mandatory Provision: Category B offence.

5—Dark Smoke Provisions

- (1) Subject to this clause, smoke emitted from a chimney forming part of fuel-burning equipment or industrial plant must not appear to be darker than Shade 1 on either the Ringelmann Chart or the Miniature Smoke Chart.
- (2) Except where the fuel used is coal or wood or where the chimney forms part of a vessel, the shade of smoke specified in subclause (1) may be exceeded for a total of not in excess of 10 minutes in any eight hour period, provided that:
 - (a) the smoke occurs as a result of lighting up or sootblowing; and
 - (b) the smoke does not appear to be darker than Shade 3 on either the Ringelmann Chart or the Miniature Smoke Chart; and
 - (c) all reasonable and practicable means are employed to prevent or minimise air pollution.
- (3) A person carrying out a process involving the operation of fuel-burning equipment or industrial plant where smoke is emitted must comply with the requirements of this clause.

Mandatory Provision: Category B offence.
- (4) This clause does not apply in relation to domestic incinerators, motor vehicles or any process or appliance used for preparing food or beverages in a private household.

6—Exemptions

- (1) If an exemption is to be granted by the Authority to a person in relation to mandatory provisions of this policy, it may only be granted on condition that the person granted an exemption is required to prepare and implement an environment improvement program to bring the person into compliance with this policy.
- (2) The time limit for preparation of an environment improvement program in relation to an exemption from this policy must be no longer than three months unless the Authority determines that a longer period is appropriate in view of the complexity of the investigations required.
- (3) The time limit for implementation of an environment improvement program in relation to an exemption from this policy must be no longer than 12 months unless the Authority determines that a longer period is appropriate in view of the expense or complexity of the changes required.

Schedule 1—Maximum pollution levels

- 1 Any process emitting solid particles (except a process using plant for the heating of metals or metal ores):

The maximum level of concentration at the testing points determined in accordance with this policy of solid particles in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is a total mass of 250mg.

For boilers or incinerators, the concentration must be referenced to 12% by volume of carbon dioxide.
- 2 Any process using plant for the heating of metals or metal ores (except cold blast foundry cupolas):

The maximum level of concentration at the testing points determined in accordance with this policy of solid particles in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is a total mass of 100mg.

- 3 Any process emitting lead, arsenic, antimony, cadmium, mercury or any of their compounds:

The maximum level of concentration at the testing points determined in accordance with this policy of lead, arsenic, antimony, cadmium, mercury or any of their compounds in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases, is a total mass of:

- (i) For all such elements or their compounds—10mg
- (ii) For Antimony or its compounds—10mg
- (iii) For Arsenic or its compounds—10mg
- (iv) For Cadmium or its compounds—3mg
- (v) For Lead or its compounds—10mg
- (vi) For Mercury or its compounds—3mg.

- 4 Any process emitting nitric acid or oxides of nitrogen (except a process for the manufacture of nitric acid, sulphuric acid, glass or cement):

The maximum level of concentration at the testing points determined in accordance with this policy of nitric acid or oxides of nitrogen in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is—

- (a) for fuel burning equipment (other than internal combustion engines) with a maximum heat input rate greater than 150 000 MJ/hr gross—a total mass of 0.35g for gaseous fuels or 0.5g for liquid or solid fuels referenced to 7% by volume of oxygen;
- (b) for power stations for electricity generation of rated output equal to or greater than 250MW—a total mass of 0.7g referenced to 7% by volume of oxygen;
- (c) for gas turbines for electricity generation—
 - (i) where the rated output is equal to or greater than 10MW—a total mass of 0.07g for gaseous fuels or 0.15g for other fuels; or
 - (ii) where the rated output is less than 10MW—a total mass of 0.09g for gaseous or other fuels,

referenced to 15% by volume of oxygen.

- 5 Any process for the manufacture of nitric acid or sulphuric acid:

The maximum level of concentration at the testing points determined in accordance with this policy of nitric acid or oxides of nitrogen in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is a total mass the equivalent of 2g of nitrogen dioxide, and the effluent gas must be colourless.

- 6 Any process emitting sulphuric acid mist or sulphur trioxide:

- The maximum level of concentration at the testing points determined in accordance with this policy of sulphuric acid and/or sulphur trioxide in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is a total mass the equivalent of 100mg of sulphur trioxide.
- 7 Any process for the manufacture of sulphuric acid:
The maximum level of concentration at the testing points determined in accordance with this policy of acid gases in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is a total mass the equivalent of 3.0g of sulphur trioxide, and the effluent gas must be free of persistent mist.
- 8 Any process emitting hydrogen sulphide gas from any source:
The maximum level of concentration at the testing points determined in accordance with this policy of hydrogen sulphide in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is a total mass of 5mg.
- 9 Any process emitting fluorine, hydrofluoric acid or inorganic fluorine compounds (except primary smelters for the manufacture of aluminium from alumina):
The maximum level of concentration at the testing points determined in accordance with this policy of fluorine, hydrofluoric acid or any inorganic fluorine compound in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is a total mass the equivalent of 50mg of hydrofluoric acid.
- 10 Any process using primary smelter for the manufacture of aluminium from alumina:
The maximum level of concentration at the testing points determined in accordance with this policy of fluorine, hydrofluoric acid or any inorganic fluorine compound in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is a total mass the equivalent of 20mg of hydrofluoric acid.
- 11 Any process emitting chlorine or chlorine compounds:
The maximum level of concentration at the testing points determined in accordance with this policy of chlorine or inorganic chlorine compounds in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is a total mass the equivalent of 200mg of chlorine.
- 13 Any process emitting carbon monoxide from any source:
The maximum level of concentration at the testing points determined in accordance with this policy of carbon monoxide in each cubic metre of residual gases after completion of the process and before admixture with air, smoke or other gases is a total mass of 1g.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of policy

The *Environment Protection (Air Quality) Policy 1994* was revoked by Sch 5 cl 1(a) of the *Environment Protection (Air Quality) Policy 2016* on 23.7.2016.

Principal policy and amendments

Notice	Provision under which notice is made	Publication of policy in Gazette	Commencement
Gazette 27.10.1994 p1352	Sch 2 cl 5	<i>Gazette 27.10.1994 p1353</i>	1.5.1995: cl 2
Gazette 3.11.2005 p3867	Act 21/2005	—	3.11.2005: cl 2

Provisions amended

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>cl 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>3.11.2005</i>
cl 4		
cl 4(2)	amended by 3.11.2005 p3867 cl 4(1)	3.11.2005
cl 4(4)	amended by 3.11.2005 p3867 cl 4(2)	3.11.2005
cl 4(5)	amended by 3.11.2005 p3867 cl 4(3)	3.11.2005
cl 4(8)	amended by 3.11.2005 p3867 cl 4(4)	3.11.2005