



Victoria Government Gazette

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Environment Protection Act 2017

DETERMINATION OF THE AUTHORITY UNDER SECTION 48

Exemption from requirement to hold permission – discharges to land or surface water from prescribed activities

1. Citation

This Section 48 determination is 03 of 2021 and may be cited as EPA Determination – discharges to land or surface water from prescribed activities.

2. Summary

This determination is made by the Environment Protection Authority (Authority) under Section 48(a) and (b) of the **Environment Protection Act 2017** (the Act). It specifies the requirements that a person must meet to comply with Section 44 or 45 of the Act if the person does not hold a development licence or operating licence in relation to certain prescribed activities involving discharges to land or surface water.

A person who meets the requirements set out in this determination may engage in a prescribed activity set out in clause 4 without a development licence or operating licence issued under the Act in relation to that activity.

3. Definitions

In this determination, words or phrases have the same meaning as in the Act or the Environment Protection Regulations 2021 (the Regulations), unless otherwise specified, and – *water corporation* has the same meaning as in the **Water Act 1989**.

4. Application

(1) For the purposes of Section 48(a) and (b) of the Act, a person engaging, or proposing to engage, in one or more of the activities set out in the following items of the Table in Schedule 1 to the Regulations does not have to comply with the requirement to hold a development licence under Section 44(1) or an operating licence under Section 45(1) of the Act in relation to those activities, provided the person meets the requirements set out in clause 5 –

- (a) item 38 (D01 – Abattoirs);
- (b) item 41 (D04 – Seafood processing);
- (c) item 42 (D05 – Pet food processing);
- (d) item 43 (D06 – Food processing);
- (e) item 44 (D07 – Milk processing);
- (f) item 46 (D09 – Beverage manufacturing).

(2) For the purposes of Section 48(a) of the Act, a person who holds a permission or licence exemption issued by the Authority to engage in one or more of the activities set out in the following items of the Table in Schedule 1 to the Regulations, does not have to comply with the requirement to hold a development licence under Section 44(1) of the Act if, in relation to those activities, the person is only engaging, or proposing to engage, in the modification of plant, equipment, processes or systems for the activity and meets the requirements set out in clause 5 –

- (a) item 48 (F01 – Timber preserving works);
- (b) item 49 (F02 – Fibreboard works);
- (c) item 50 (F03 – Paper pulp mills);

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- (d) item 51 (G01 – Chemical works);
- (e) item 54 (G04 – Bulk storage);
- (f) item 55 (G05 – Container washing).

5. Requirements

For the purposes of clause 4, the specified requirements are that the person referred to in that clause ensures the activity discharges waste solely to land or surface water from –

- (a) an enclosed drain connected to a sewer;
- (b) a council stormwater drainage system and the discharge is stormwater only;
- (c) an emergency relief structure or other installation in the sewers of a water corporation.

6. Duration

This determination commences on 1 July 2021 and remains in effect until the revocation of the Regulations, unless earlier revoked by the Authority.

7. Notes

- (1) For the purpose of clause 5, the *Liquid Storage and Handling Guidelines*, published by the Authority in June 2018 (as amended from time to time) and available on its website (publication 1698) is relevant guidance.
 - (2) The Authority may amend or repeal this determination by way of written notice published in the Government Gazette.
 - (3) This determination does not satisfy, alter or remove any requirement under the Act, except to the extent the determination expressly states otherwise.
 - (4) This determination and others can be found on the Authority’s website: www.epa.vic.gov.au
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