ORDERS IN COUNCIL

Environment Protection Act 1970

VARIATION TO THE STATE ENVIRONMENT PROTECTION POLICY
(AMBIENT AIR QUALITY)

Order in Council


1. In clause 1 for ‘state environment protection policy’ substitute ‘State Environment Protection Policy’.

2. In clause 2(1):
   (a) omit ‘Council’;
   (b) for ‘as the State environment protection policy (Ambient Air Quality)’ substitute ‘but with a more stringent environmental quality objective for particles as PM\textsubscript{10}’.

3. In clause 2(2) for ‘the State environment protection policy (Ambient Air Quality)’ substitute ‘this policy’.

4. In the definition of ‘environmental quality objective’ in clause 5(2) for ‘is exactly equivalent to’ substitute ‘has the same meaning as’.

5. In clause 5(2), the definition of ‘national ambient air quality measure’ is revoked.

6. In clause 5(2) insert the following definitions:
   (a) ‘exceptional event’ means a fire or dust occurrence that adversely affects air quality at a particular location, and causes an exceedance of 1 day average standards in excess of normal historical fluctuations and background levels, and is directly related to:
      (a) bushfire;
      (b) authorised hazard reduction burning; or
      (c) continental scale windblown dust;
   (b) ‘national ambient air quality measure’ means the National Environment Protection (Ambient Air Quality) Measure as in force on 3 March 2016;

Notes:

For a compilation of the National Environment Protection (Ambient Air Quality) Measure as in force on 3 March 2016, see F2016C00215 on the Federal Register of Legislation maintained under the Legislation Act 2003 (Cwlth), which can be accessed on the internet at: https://www.legislation.gov.au/.

National Environment Protection Measures are made by the National Environment Protection Council operating under complementary legislation of the Commonwealth and each State and Territory, namely the:

- National Environment Protection Council Act 1994 (Cwlth),
- National Environment Protection Council (New South Wales) Act 1995 (NSW),
- National Environment Protection Council (Victoria) Act 1995 (Vic),
- National Environment Protection Council (Queensland) Act 1994 (Qld),
- National Environment Protection Council (Western Australia) Act 1996 (WA),
- National Environment Protection Council (South Australia) Act 1995 (SA),
7. For clause 6(2) substitute:
‘(2) The Goal of this policy is–
(a) for carbon monoxide, nitrogen dioxide, photochemical oxidants (as ozone),
sulphur dioxide, lead, particles as PM\textsubscript{10}, particles as PM\textsubscript{2.5}, and visibility
reducing particles, to achieve the environmental quality objectives as assessed
in accordance with clause 10, to the extent specified in Table 1 of Schedule 2; and
(b) for particles as PM\textsubscript{2.5}, to achieve by 2025 further reductions in maximum
concentrations to the extent specified in Table 2 of Schedule 2.’.

8. In clause 9 –
(a) for subclause (3) substitute:
‘(3) For carbon monoxide, nitrogen dioxide, photochemical oxidants (as ozone),
sulphur dioxide, lead, particles as PM\textsubscript{10}, and particles as PM\textsubscript{2.5}, the environmental
quality objective for an averaging period mentioned in Column 3 of Table 1
of Schedule 2 is the corresponding concentration in Column 4 of Table 1 of
Schedule 2.’; and
(b) after subclause (3) insert:
‘(4) For visibility reducing particles, the environmental quality objective for an
averaging period mentioned in Column 3 of Table 1 of Schedule 2 is the
distance in Column 4 of Table 1 of Schedule 2.’.

9. For clause 14(1), substitute:
‘(1) To the extent practicable, performance monitoring stations should be sited in accordance
with the requirements of Australian Standard AS/NZS 3580.1.1:2007 (Methods for
sampling and analysis of ambient air – Guide to air monitoring equipment). Any
variations must be notified to the Council for use in assessing reports.’.

10. In clause 18(2)(b) after ‘policy’ insert ‘, other than in relation to Table 2 of Schedule 2,’.

11. After clause 18(2) insert:
‘(2A) The Authority must evaluate and report population exposures to particles as PM\textsubscript{2.5}
annually from June 2018.

Note: To ensure national consistency, evaluation and reporting shall be undertaken in
accordance with any procedures or methods agreed by participating jurisdictions.’.

12. For clause 19 substitute:
‘19. Reporting
(1) The Authority must ensure that a report on Victoria’s compliance with this
policy, other than in relation to Table 2 of Schedule 2, is prepared in an
approved form and the Victorian member of Council must submit it to Council
by the 30 June next following each reporting year.
(2) In this clause ‘reporting year’ means a year ending on 31 December.'
(3) The report must include:
   (a) the evaluations and assessments mentioned in clause 18; and
   (b) an analysis of the extent to which the environmental quality objectives of this policy are, or are not, met in the State of Victoria; and
   (c) a statement of the progress made towards achieving the goal.

(4) The report is not required to include information regarding environmental quality objectives for visibility reducing particles.

(5) The description of the circumstances which led to exceedances, including the influence of natural events and fire management, must be reported to the extent that such information can be determined.

(6) When reporting against particles as PM$_{10}$ and particles as PM$_{2.5}$ 1 day average standards the Authority must report all measured data, including monitoring data that is directly associated with an exceptional event, and identify and describe any exceptional event.

(7) The Authority must maintain and make available records relating to the determination of exceptional events.

(8) For the purpose of reporting compliance against particles as PM$_{10}$ and particles as PM$_{2.5}$ 1 day average standards, the Authority must exclude monitoring data that has been determined as being directly associated with an exceptional event.

(9) For the purpose of reporting compliance against particles as PM$_{10}$ and particles as PM$_{2.5}$ 1 year average standards, the Authority must include all measured data, including monitoring data that is directly associated with an exceptional event.

Note: To ensure national consistency, all reporting or record-keeping referred to in subclauses 19(6), (7), (8) or (9) must be undertaken in accordance with any procedures or methods agreed by participating jurisdictions.

(10) A report for a pollutant must include the percentage of data available in the reporting period.’.

13. In Schedule 1 for ‘as PM$_{10}$’ substitute ‘(as PM$_{10}$ and PM$_{2.5}$)’.

14. In Schedule 2 above the table insert the heading ‘Table 1: Environmental quality objectives for environmental indicators’.

15. In Table 1 of Schedule 2:
   (a) In the title row of Column 5 for ‘Goal within 10 years maximum allowable exceedences’ substitute ‘Maximum allowable exceedences’;
   (b) In Columns 3, 4 and 5 of Item 6 Particles as PM$_{10}$ (maximum concentration), for:

   | 1 day | 50 µg/m$^3$ | 5 days a year |

   substitute:

   | 1 day  | 20 µg/m$^3$ | none |
   | 1 year | none |

   (c) After item 6 of the Table, insert the following item:

   | Particles as PM$_{2.5}$ (maximum concentration) | 1 day | 25 µg/m$^3$ | none |
   | 1 year | none | 8 µg/m$^3$ | none |
16. After Table 1 of Schedule 2 insert the following table:

`Table 2: Environmental quality objectives for particles as PM$_{2.5}$ by 2025`

<table>
<thead>
<tr>
<th>Column 1 Environmental Indicator (Pollutant)</th>
<th>Column 2 Averaging period</th>
<th>Column 3 Environmental quality objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Particles as PM$_{2.5}$ (maximum concentration)</td>
<td>1 day</td>
<td>20 µg/m$^3$ by 2025</td>
</tr>
<tr>
<td></td>
<td>1 year</td>
<td>7 µg/m$^3$ by 2025</td>
</tr>
</tbody>
</table>

17. In Schedule 2:

(a) In paragraph (3), after ‘Column 3’ insert ‘of Table 1 and Column 2 of Table 2 of Schedule 2’.

(b) In paragraph (4), after ‘Column 5’ insert ‘of Table 1 of Schedule 2’.

(c) In paragraph (4), for ‘standard’ substitute ‘environmental quality objective’.

(d) In paragraph (7), after ‘Column 4’ insert ‘of Table 1 and Column 3 of Table 2 of Schedule 2’.

(e) In paragraph (8), before ‘objective’, insert ‘environmental quality’.

18. For Schedule 3 substitute:

`SCHEDULE 3 – AUSTRALIAN STANDARDS METHODS FOR ENVIRONMENTAL INDICATOR MONITORING`

<table>
<thead>
<tr>
<th>Environmental indicator</th>
<th>Method title</th>
<th>Method number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon monoxide</td>
<td>Determination of Carbon Monoxide – Direct Reading Instrumental Method</td>
<td>AS 3580.7.1-2011 (as amended by Amdt 1-2012)</td>
</tr>
<tr>
<td>Nitrogen dioxide</td>
<td>Determination of Oxides of Nitrogen – Direct Reading Instrumental Method</td>
<td>AS 3580.5.1-2011</td>
</tr>
<tr>
<td>Photochemical oxidants (as ozone)</td>
<td>Determination of Ozone – Direct Reading Instrumental Method</td>
<td>AS 3580.6.1-2011</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>Determination of Sulfur Dioxide – Direct Reading Instrumental Method</td>
<td>AS 3580.4.1-2008</td>
</tr>
<tr>
<td>Environmental indicator</td>
<td>Method title</td>
<td>Method number</td>
</tr>
<tr>
<td>-------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Particles as PM$_{10}$</td>
<td>Determination of Suspended Particulate Matter – PM$_{10}$ High Volume Sampler with Size Selective Inlet – Gravimetric Method</td>
<td>AS/NZS 3580.9.7:2009</td>
</tr>
<tr>
<td></td>
<td>Determination of Suspended Particulate Matter – Dichotomous Sampler (PM$<em>{10}$, course PM and PM$</em>{2.5}$) – Gravimetric Method</td>
<td>AS 3580.9.8-2008</td>
</tr>
<tr>
<td></td>
<td>Determination of Suspended Particulate Matter – PM$_{10}$ continuous direct mass method using tapered element oscillating microbalance analyser</td>
<td>AS/NZS 3580.9.9:2006</td>
</tr>
<tr>
<td></td>
<td>Determination of Suspended Particulate Matter – PM$_{10}$ beta attenuation monitors</td>
<td></td>
</tr>
<tr>
<td>Particles as PM$_{2.5}$</td>
<td>Determination of Suspended Particulate Matter – PM$_{2.5}$ low volume sampler – Gravimetric Method</td>
<td>AS/NZS 3580.9.10:2006</td>
</tr>
<tr>
<td></td>
<td>Determination of Suspended Particulate Matter – PM$_{2.5}$ beta attenuation monitors</td>
<td>AS/NZS 3580.9:12:2013</td>
</tr>
<tr>
<td></td>
<td>Determination of Suspended Particulate Matter – PM$_{2.5}$ continuous direct mass method using a tapered element oscillating microbalance monitor</td>
<td>AS/NZS 3580.9.13:2013</td>
</tr>
<tr>
<td></td>
<td>Determination of Suspended Particulate Matter – PM$_{2.5}$ high volume sampler with size selective inlet – Gravimetric Method</td>
<td>AS/NZS 3580.9.14:2013’</td>
</tr>
</tbody>
</table>

This Order is effective from the date it is published in the Government Gazette.

Dated 26 July 2016

Responsible Minister:
THE HON. LILY D’AMBROSIO
Minister for Energy, Environment and Climate Change

ANDREW ROBINSON
Clerk of the Executive Council