



New South Wales

Protection of the Environment Operations (General) Amendment (Load-based Licensing) Regulation 2003

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,
Minister for the Environment

Explanatory note

Division 5 of Part 2.1 of the *Protection of the Environment Operations (General) Regulation 1998* provides for load reduction agreements as a means for holders of environment protection licences to make savings on load-based licence fees in exchange for future reductions on the discharge of pollutants.

The object of this Regulation is to provide for the following matters to be determined by reference to the actual or weighted load for an assessable pollutant that a licensee reports to the EPA (rather than by reference to the reported actual load only):

- (a) the load limits for pollutants to be imposed on termination or expiration of load reduction agreements,
- (b) whether savings on fees are to be paid to the EPA on the termination or expiration of such agreements and, if they are to be paid, the calculation of those savings.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power) and clause 9 of Schedule 2.

2003 No 518

Clause 1

Protection of the Environment Operations (General) Amendment (Load-based Licensing) Regulation 2003

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under the

Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (General) Amendment (Load-based Licensing) Regulation 2003*.

2 Amendment of Protection of the Environment Operations (General) Regulation 1998

The *Protection of the Environment Operations (General) Regulation 1998* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 24A Definitions

Omit the definition of *reported actual load*. Insert instead:

reported load means:

- (a) the actual load that is reported to the EPA by a licensee for an assessable pollutant for a licence fee period (unless paragraph (b) applies), or
- (b) if a weighted load is reported to the EPA by the licensee for the assessable pollutant for the licence fee period—the weighted load.

[2] Clause 26 Content of load reduction agreements

Omit “reported actual load” wherever occurring in clause 26 (1) (e).

Insert instead “reported load”.

[3] Clause 28 Termination of agreement

Omit “reported actual load” wherever occurring in clause 28 (4) and (5).

Insert instead “reported load”.

[4] Clause 28A Liability of licensee on expiration of agreement

Omit “reported actual load” from clause 28A (2) and (3).

Insert instead “reported load”.

[5] Clause 28B Amounts payable on termination or expiration

Omit “reported actual load” wherever occurring in clause 28B (1).

Insert instead “reported load”.