



New South Wales

Clean Air (Plant and Equipment) Amendment (Hydrogen Sulphide Emissions) Regulation 2001

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

The object of this Regulation is to allow occupiers of premises on which a scheduled activity is carried on to seek the approval of the Environment Protection Authority with respect to the maximum standard of concentration of hydrogen sulphide that may be emitted from the premises. If such an approval is granted, and the standard of concentration and any other conditions specified in the approval are complied with, the occupier is exempt from the prescribed standard of concentration for hydrogen sulphide that would otherwise apply.

This Regulation also prescribes any such approval as a matter that must be recorded on the register maintained under section 308 of the *Protection of the Environment Operations Act 1997*.

This Regulation refers to the document entitled *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* prepared by the Environment Protection Authority.

2001 No 630

Clean Air (Plant and Equipment) Amendment (Hydrogen Sulphide Emissions) Regulation 2001

Explanatory note

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 286 (Exemptions by regulation), 308 (Public register) and 323 (the general regulation-making power).

Clean Air (Plant and Equipment) Amendment (Hydrogen Sulphide Emissions) Regulation 2001

1 Name of Regulation

This Regulation is the *Clean Air (Plant and Equipment) Amendment (Hydrogen Sulphide Emissions) Regulation 2001*.

2 Amendment of Clean Air (Plant and Equipment) Regulation 1997

The *Clean Air (Plant and Equipment) Regulation 1997* is amended as set out in Schedule 1.

3 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 2.

4 Notes

The explanatory note does not form part of this Regulation.

2001 No 630

Clean Air (Plant and Equipment) Amendment (Hydrogen Sulphide Emissions) Regulation 2001

Schedule 1

Amendment of Clean Air (Plant and Equipment) Regulation 1997

Schedule 1 Amendment of Clean Air (Plant and Equipment) Regulation 1997

(Clause 2)

Clause 7A

Insert after clause 7:

7A Authority may approve alternative restrictions on hydrogen sulphide emissions

- (1) The Authority may grant an approval to an occupier of premises for an alternative standard of concentration for hydrogen sulphide emissions.
- (2) If an occupier has been granted such an approval, and the occupier complies with the alternative standard of concentration and any other conditions specified in the approval, the occupier is exempt from clause 7 in relation to hydrogen sulphide emissions only.
- (3) Before granting an approval under this clause the Authority must:
 - (a) take into consideration the impact of the approval on local and regional air quality and amenity, and
 - (b) be satisfied that it is not practicable for the occupier to comply with clause 7 by implementing operational changes to plant or practices, and
 - (c) be satisfied that the alternative standard of concentration for hydrogen sulphide emissions has been calculated in accordance with the document entitled *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales*, prepared by the Authority and published in the Gazette, as in force from time to time.
- (4) The Authority is to grant an approval under this clause by means of a written notice given to the occupier.

Clean Air (Plant and Equipment) Amendment (Hydrogen Sulphide Emissions) Regulation 2001

Amendment of Clean Air (Plant and Equipment) Regulation 1997

Schedule 1

(5) An approval:

- (a) is subject to any conditions that may be specified in the approval (including the method of measuring the concentration of hydrogen sulphide emissions), and
- (b) may be amended or revoked by the Authority by means of a written notice given to the occupier.

2001 No 630

Clean Air (Plant and Equipment) Amendment (Hydrogen Sulphide Emissions) Regulation 2001

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

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

(Clause 3)

**Clause 63 Additional matters to be included in public register:
sec 308**

Insert after clause 63 (c):

- (d) any approval granted under clause 7A of the *Clean Air (Plant and Equipment) Regulation 1997*.

BY AUTHORITY