



New South Wales

# Protection of the Environment Operations (Clean Air) Amendment (Vapour Recovery) Regulation 2009

under the

Protection of the Environment Operations Act 1997

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

JOHN ROBERTSON, MLC  
Minister for Climate Change and the Environment

## Explanatory note

The object of this Regulation is to amend the *Protection of the Environment Operations (Clean Air) Regulation 2002* to make further provision to minimise the discharge of petrol vapours that cause damage to the environment by a staged extension of the prescribed control equipment requirements.

This Regulation:

- (a) extends the regulatory controls for the stage one recovery of petrol vapours during the process of unloading petrol from trucks to petrol service station storage tanks by including a greater range of prescribed control equipment to be fitted to the storage tanks at petrol service stations and by extending the application of the provisions from Sydney to the Central Coast, Illawarra and Lower Hunter Regions, and
- (b) regulates the stage two recovery of petrol vapours during the refuelling process when petrol is dispensed to vehicle fuel tanks at petrol service stations in the Sydney, Central Coast, Newcastle and Wollongong regions by specifying a vapour recovery system as prescribed control equipment to be fitted to petrol dispensers, and
- (c) provides for the certification by manufacturers or suppliers of matters relating to prescribed control equipment, and
- (d) requires the periodic testing of prescribed control equipment, the ongoing monitoring of vapour recovery systems, and the keeping of log books as to prescribed control equipment and related activities, and

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- (e) requires reports to be made to the Environment Protection Authority of the commissioning of prescribed control equipment and as to failures of that prescribed control equipment, and
- (f) requires public notification by petrol service station occupiers of compliance with stage two recovery of petrol vapours, such as by sticker or sign, and
- (g) enables the Environment Protection Authority to exempt a person or class of persons from certain log book and public notification requirements, and
- (h) provides for the issue of penalty notices for certain offences, and
- (i) contains other provisions of a consequential or ancillary nature.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 222, 286 and 323 (the general regulation-making power) and clauses 6A and 15 of Schedule 2.

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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 (Clean Air) Amendment (Vapour Recovery) Regulation 2009*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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**Schedule 1      Amendment of Protection of the Environment Operations (Clean Air) Regulation 2002**

**[1]    Clause 3 Definitions**

Omit paragraph (c) from the definition of *Greater Metropolitan Area* in clause 3 (1).

Insert instead:

- (c) the Sydney Metropolitan Area—B, and

**[2]    Clause 3 (1), definition of “Greater Metropolitan Area”**

Omit paragraph (e). Insert instead:

- (e) the local government areas of Cessnock City, Kiama, City of Lithgow, Maitland City, Mid-Western Regional, Muswellbrook, Port Stephens, Shoalhaven City and Singleton.

**[3]    Clause 3 (1), definition of “Sydney Metropolitan Area”**

Omit “Baulkham Hills,”. Insert in alphabetical order “The Hills Shire,”.

**[4]    Clause 3 (1)**

Insert in alphabetical order:

*Sydney Metropolitan Area—B* means the local government areas of Ashfield, Auburn, Bankstown City, Blacktown City, Blue Mountains City, Botany Bay City, Burwood, Camden, Campbelltown City, Canada Bay, Canterbury City, Fairfield City, Hawkesbury City, Holroyd City, Hornsby, Hunter’s Hill, Hurstville City, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool City, Manly, Marrickville, Mosman, North Sydney, Parramatta City, Penrith City, Pittwater, Randwick City, Rockdale City, Ryde City, Strathfield, Sutherland Shire, City of Sydney, The Hills Shire, Warringah, Waverley, Willoughby City, Wingecarribee, Wollondilly and Woollahra.

**[5]    Clause 19F Vapour pressure of petrol**

Insert after clause 19F (7):

- (8) In this clause, *petrol service station* has the same meaning as in Part 5.

**[6] Part 5, Division 1, heading**

Insert after the heading to the Part:

**Division 1 Preliminary****[7] Clause 47 Definitions**

Insert in alphabetical order:

***commission*** a storage tank, petrol dispenser or any prescribed control equipment set out in clause 54A (2) or 54D (2) means to bring it into operation for the first time following installation or modification.

***decommission*** a storage tank, petrol dispenser or any prescribed control equipment set out in clause 54A (2) or 54D (2) means to permanently abandon its operation or render it permanently inoperable.

**Note.** Other legislation may require the cessation of the use of certain storage systems, for example a system to which clause 174ZF of the *Occupational Health and Safety Regulation 2001* applies.

***duly qualified person***, in relation to any activity, means a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate to carry out that activity.

***existing petrol service station*** means any petrol service station:

- (a) for which development consent was obtained under the *Environmental Planning and Assessment Act 1979* before the commencement of Division 5 of this Part, or
- (b) the installation of which was lawfully commenced before the commencement of Division 5 of this Part, or
- (c) from which petrol had been dispensed before the commencement of Division 5 of this Part.

***Illawarra Region*** means:

- (a) the Wollongong Metropolitan Area, and
- (b) the local government areas of Kiama and Shoalhaven City.

***installation*** of a storage tank or petrol dispenser on a petrol service station means the original installation of the storage tank or petrol dispenser and includes any work in the vicinity of the petrol service station necessary for the installation, and anything done to the storage tank or petrol dispenser before it is commissioned.

***log book*** means the log book required to be kept under clause 54I.

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***Lower Hunter Region*** means:

- (a) the Newcastle Metropolitan Area, and
- (b) the local government areas of Cessnock City, Maitland City and Port Stephens.

***modification*** of a storage tank or a petrol dispenser on a petrol service station includes any upgrade, extension, alteration or replacement of the storage tank or petrol dispenser, or any component of the storage tank or petrol dispenser (including prescribed control equipment), but does not include:

- (a) anything done to the storage tank or petrol dispenser before it is first commissioned or after it is decommissioned, or
- (b) anything done to the storage tank or petrol dispenser as part of routine maintenance that does not involve the removal or replacement of any component essential to petrol containment, or
- (c) anything done to the storage tank or petrol dispenser before the commencement of Division 5 of this Part.

***modified petrol service station*** means an existing petrol service station from which petrol was dispensed before the commencement of Division 5 of this Part and on which works are carried out on or after that commencement that:

- (a) involve the breaking up of any forecourt of the petrol service station, and
- (b) involve the opening up of petrol product lines and the modification of the storage tanks, tank vents, petrol dispensers, petrol product lines or tanker connection points of the service station, and
- (c) require development consent under the *Environmental Planning and Assessment Act 1979*.

***new petrol service station*** means any petrol service station that is not an existing petrol service station.

***operate*** means:

- (a) in relation to a storage tank, to allow petrol to remain in the storage tank, or
- (b) in relation to a petrol dispenser, to pass fuel from the storage tank, through the petrol dispenser, to the tank of a vehicle.

***petrol*** has the same meaning as in section 154 (1) of the Act.

**Note.** This definition does not include automotive diesel fuel, marine diesel fuel, aviation fuel or liquid petroleum gas (LPG).

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***petrol dispenser*** means a dispenser fitted to a pump that is operated to dispense petrol into the fuel tank of a vehicle.

***petrol service station*** means premises from which petrol is dispensed, using a petrol dispenser, from a storage tank.

***petrol vapour*** means any gaseous compound that evaporates from petrol.

***routine maintenance*** includes any repairs that are done in the course of routine maintenance.

***stage one zone*** means:

- (a) the Central Coast Metropolitan Area, and
- (b) the Illawarra Region, and
- (c) the Lower Hunter Region, and
- (d) the Sydney Metropolitan Area—B.

***stage two zone*** means:

- (a) the Central Coast Metropolitan Area, and
- (b) the Newcastle Metropolitan Area, and
- (c) the Sydney Metropolitan Area—B, and
- (d) the Wollongong Metropolitan Area.

***standards and guidelines*** means the *Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations* published in the Gazette and as in force from time to time.

***throughput*** means:

- (a) for a petrol service station that is not yet operating or has been operating for less than one year, the amount of petrol the occupier of the petrol service station estimates will be unloaded from large tank vehicles to storage tanks situated on the service station in the service station's first year of operation, or
- (b) for any other petrol service station, the greatest amount of petrol unloaded, on or after 1 January 2007, from large tank vehicles to storage tanks situated on the petrol service station in any year commencing on 1 January.

***vapour system recovery performance*** means the ratio of the volume of re-circulated vapour and air mixture to the volume of liquid dispensed into the tank of a vehicle.

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**[8] Clause 47, definition of “storage tank”**

Omit the definition. Insert instead:

*storage tank* means a storage tank situated on any premises (other than a vehicle or vessel).

**[9] Clause 47 (2)**

Insert at the end of clause 47:

(2) In this Part:

- (a) a reference to industrial plant includes plant operated on a petrol service station to store or dispense petrol, and
- (b) a reference to premises includes a petrol service station.

**[10] Part 5, Division 2, heading**

Insert before clause 48:

**Division 2      Requirements to fit prescribed control equipment**

**[11] Clause 48 Equipment and plant to be fitted with prescribed control equipment**

Insert “and that complies with any specifications prescribed by this Part relating to installation” after “Part” in clause 48 (1).

**[12] Clause 48 (2)**

Omit “maintenance or operation”.

Insert instead “commissioning, operation, maintenance or decommissioning”.

**[13] Clause 49 Exemptions from requirement for prescribed control equipment**

Omit “maintained and operated” from clause 49 (1) (b).

Insert instead “commissioned, operated, maintained or decommissioned”.



**[14] Part 5, Division 3**

Insert after clause 49:

**Division 3 Prescribed control equipment for storage tanks and loading plants**

**49A Application**

This Division does not apply to any storage tank to which clause 54A applies.

**[15] Part 5, Division 4, heading**

Insert after clause 52:

**Division 4 Prescribed control equipment for tank vehicles**

**[16] Clause 53 Prescribed control equipment for large tank vehicles**

Omit clause 53 (1). Insert instead:

- (1) This clause applies to:
  - (a) the loading of a large tank vehicle from large loading plant anywhere within the Sydney Metropolitan Area, and
  - (b) the unloading of a large tank vehicle into a small storage tank anywhere within the Sydney Metropolitan Area—B, and
  - (c) the unloading of a large tank vehicle into any storage tank to which clause 54A applies.

**[17] Clause 54 Loading and unloading large tank vehicles**

Omit clause 54 (1). Insert instead:

- (1) This clause applies to:
  - (a) the loading of a large tank vehicle from large loading plant anywhere within the Sydney Metropolitan Area, and
  - (b) the unloading of a large tank vehicle into a small storage tank anywhere within the Sydney Metropolitan Area—B, and
  - (c) the unloading of a large tank vehicle into any storage tank to which clause 54A applies.

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**[18] Part 5, Division 5**

Insert after clause 54:

**Division 5      Prescribed control equipment for petrol service stations**

**Subdivision 1      Stage one vapour recovery**

**54A      Stage one vapour recovery prescribed control equipment for storage tanks situated on petrol service stations**

- (1) This clause applies:
  - (a) from 1 July 2010—to any storage tank operated for storing petrol on a new or modified petrol service station within the stage one zone, from the first time the petrol service station has a throughput of more than 0.5 million litres of petrol, and
  - (b) from 1 January 2014—to any storage tank operated for storing petrol on an existing petrol service station (other than a modified petrol service station) within the stage one zone, from the first time the petrol service station has a throughput of more than 0.5 million litres of petrol.
- (2) For the purposes of clause 48, the prescribed control equipment that is to be fitted to a storage tank is the following:
  - (a) a vapour transfer system by which all vapour displaced by the transfer of petrol into the storage tank is returned to the delivery tank being unloaded by means of a vapour return line,
  - (b) a coupling on the vapour return line that makes a vapour-tight connection with the vapour return hose on the delivery tank and that closes automatically when disconnected,
  - (c) a submerged fill pipe that terminates below the lowest point of any suction inlet used for the pumping of petrol out of the storage tank,
  - (d) for a new petrol service station, an overfill prevention device installed in the tank fill piping or a supply system:
    - (i) that slows delivery of petrol into the storage tank to prevent overfilling, and

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- (ii) if electrically powered or containing electronic components, that meets the standards specified in the standards and guidelines for the purposes of this subclause,
  - (e) storage tank overflow protection, comprising a float vent valve positioned:
    - (i) above the highest point of any overflow prevention device when in the closed position, and
    - (ii) so that the valve shuts off the flow into the storage tank at the level advised by the manufacturer of the storage tank or, if no level is advised, at 95% of the storage tank's capacity,
  - (f) spill containment enclosures for all storage tank fill connection points,
  - (g) a coupling on the storage tank's fill pipe that makes a liquid-tight connection with the delivery tank's liquid transfer hose,
  - (h) secure seals on connection points of tank filling pipes and vapour return pipes that minimise vapour leaks when those pipes are not in active use,
  - (i) secure seals for the apertures for the use of a dipstick, if dip hatches are provided on the storage tank,
  - (j) fittings on the petrol delivery lines and hoses that are incompatible with the fittings on the vapour return lines and hoses so as to prevent misconnection or the accidental discharge of liquid petrol into the vapour return lines or pipes,
  - (k) a storage tank vent pipe that is fitted with a pressure vacuum valve, or other similar device:
    - (i) that meets the pressure vacuum settings criteria specified in the standards and guidelines for the purposes of this subclause, and
    - (ii) that on the advice of a duly qualified person, is of a suitable size and type and possesses suitable safety features, and
    - (iii) that has been installed as advised by a duly qualified person,and a 10 millimetre orifice, or other similar device that meets the criteria for retaining vapour specified in the standards and guidelines for the purposes of this subclause, in parallel,
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- (1) in the case of a storage tank fitted with a vapour processing unit, a unit that, before commissioning, has been certified by the manufacturer or supplier as being of a type that is specified in the standards and guidelines as meeting the hydrocarbon capture efficiency criteria specified in the standards and guidelines for the purposes of this subclause.
- (3) The occupier of a petrol service station must ensure that a storage tank is tested in the manner specified in the standards and guidelines for the purposes of this subclause before any prescribed control equipment is fitted.
- (4) The occupier of a petrol service station must ensure that a storage tank with fitted prescribed control equipment is tested before commissioning in the manner specified in the standards and guidelines for the purposes of this subclause.

Maximum penalty (subclauses (3) and (4)): 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

### **54B Stage one vapour recovery specifications regarding covers**

A storage tank fitted with the prescribed control equipment referred to in clause 54A (2) must not be operated while a hatch, manhole or other cover on or associated with the storage tank is open if, in so doing, petrol vapour would be likely to be emitted to the atmosphere, other than:

- (a) during an emergency, or
- (b) while tank gauging or sampling by way of the relevant opening (when no liquid transfer hoses are connected to the storage tank or when any connected hoses are closed) is being carried out, or
- (c) while routine maintenance is being carried out.

### **54C Stage one vapour recovery specifications regarding periodic testing**

- (1) The occupier of a petrol service station must ensure that the prescribed control equipment referred to in clause 54A (2) and the storage tank to which the prescribed control equipment is fitted are tested at the times and in the manner set out in the standards and guidelines.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

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- (2) The prescribed control equipment referred to in clause 54A (2) and the storage tank to which the prescribed control equipment is fitted must not be operated unless the most recent results of tests under subclause (1) meet the standards specified in the standards and guidelines for the purposes of this clause.

## **Subdivision 2 Stage two vapour recovery**

### **54D Stage two vapour recovery prescribed control equipment for petrol dispensers situated on petrol service stations**

- (1) This clause applies to any petrol dispenser:
- (a) from 1 July 2010—on a new petrol service station or modified petrol service station within the stage two zone, from the first time the petrol service station has a throughput of more than 0.5 million litres of petrol, and
  - (b) from 1 January 2014—on an existing petrol service station (other than a modified petrol service station) within the stage two zone, from the first time the petrol service station has a throughput of more than 12 million litres of petrol, and
  - (c) from 1 January 2017—on an existing petrol service station (other than a modified petrol service station) within the Sydney Metropolitan Area—B, from the first time the petrol service station has a throughput of more than 3.5 million litres of petrol.
- (2) For the purposes of clause 48, the prescribed control equipment that is to be fitted to a petrol dispenser is a vapour recovery system that:
- (a) before commissioning, has been certified by the manufacturer or supplier as being of a type that is specified in the standards and guidelines as meeting the hydrocarbon capture efficiency criteria specified in the standards and guidelines for the purposes of this subclause, and
  - (b) is installed in accordance with the manufacturer's specifications by a duly qualified person, and
  - (c) before commissioning, is tested by a duly qualified person in the manner specified in the standards and guidelines for the purposes of this subclause.

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### **54E    Stage two vapour recovery specifications regarding testing**

- (1) The occupier of a petrol service station must ensure that the prescribed control equipment referred to in clause 54D (2) is tested for vapour containment integrity and vapour system recovery performance at the times and in the manner set out in the standards and guidelines.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

- (2) The petrol dispenser to which the prescribed control equipment referred to in clause 54D (2) is fitted must not be operated unless the most recent results of tests under subclause (1) meet the standards specified in the standards and guidelines for the purposes of this clause.

### **54F    Stage two vapour recovery specifications regarding monitoring**

- (1) For the purposes of clause 48, a petrol dispenser fitted with the prescribed control equipment referred to in clause 54D (2) must not be operated unless it is also fitted with an automatic monitoring system that:

- (a) is capable of detecting faults in the functioning of the prescribed control equipment, and
- (b) is capable of detecting faults in its own functioning, and
- (c) provides a warning or alarm when a fault is detected, and
- (d) automatically cuts off the flow of fuel from the petrol dispenser if the fault which is the subject of a warning or alarm is not rectified within 7 days, and
- (e) is capable of recording the last:
  - (i) 1 year of data, and
  - (ii) 100 faults in the functioning of the prescribed control equipment, and
- (f) has been certified in the manner specified in the standards and guidelines as meeting the criteria set out in paragraphs (a)–(e).

- (2) Subclause (1) does not apply to a petrol dispenser at a petrol service station that has not had a throughput of 7 million litres or more of petrol at any time since being required to fit the prescribed control equipment, if an adequately trained person on a weekly basis:

- (a) carries out a manual test of the functionality of the prescribed control equipment in the manner specified in

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- the standards and guidelines for the purposes of this subclause, and
- (b) inspects the vapour return lines for any torn, flattened or kinked hoses or any damaged seals, and
  - (c) records the test and the inspection in a log book.
- (3) A petrol dispenser must not be operated after 7 days after a fault in the prescribed control equipment or in the automatic monitoring system is identified until the fault has been rectified by a duly qualified person.
- (4) For the purposes of subclause (3), a fault exists:
- (a) in the functioning of the prescribed control equipment if it ceases to meet the test of functionality specified in the standards and guidelines for the purposes of this clause, and
  - (b) in the automatic monitoring system if it fails to detect a fault in prescribed control equipment that it is monitoring.
- (5) In this clause:
- adequately trained person*** means a person who has been trained to perform the check of the relevant prescribed control equipment:
- (a) in accordance with the instructions of the manufacturer or supplier of that equipment, or
  - (b) in a manner specified in the standards and guidelines for the purposes of this subclause.

### Subdivision 3 Miscellaneous

#### 54G Reporting to EPA

- (1) The occupier of a petrol service station must give the EPA, in the form and within the period set out in the standards and guidelines, notice of the commissioning of any:
  - (a) storage tank fitted with any prescribed control equipment under clause 54A (2), or
  - (b) petrol dispenser fitted with any prescribed control equipment under clause 54D (2).
- (2) The occupier of a petrol service station must give the EPA, in the form and within the period set out in the standards and guidelines, a report for the year ending on 30 June each year, if during that period there was a significant failure in any prescribed control equipment at a petrol service station.

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- (3) For the purposes of subclause (2), a significant failure is any one or more of the following occurrences:
  - (a) a failure of the vapour containment system that requires the opening of the forecourt to repair the system,
  - (b) a test result of below 85% for vapour system recovery performance of a manually monitored petrol dispenser and prescribed control equipment, or
  - (c) a number of warnings by an automatic monitoring system fitted to a petrol dispenser and prescribed control equipment that is greater than the number specified in the standards and guidelines for the purposes of this subclause.
- (4) A person must not provide any information to the EPA in a report under this clause that the person knows is false or misleading in a material particular.  
Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in the case of an individual).

### 54H Compliance notification

- (1) The occupier of a petrol service station must display, or cause to be displayed, a sign, sticker or other notification:
  - (a) on each petrol dispenser fitted with the prescribed control equipment referred to in clause 54D (2) to the effect that the petrol dispenser is fitted with stage two vapour recovery equipment, and
  - (b) on the petrol service station premises to the effect that the petrol service station is fitted with stage two vapour recovery equipment, if all of the petrol dispensers situated on the petrol service station are fitted with the prescribed control equipment referred to in clause 54D (2).
- (2) The occupier of a petrol service station must not display, or cause to be displayed, a sign, sticker or other notification referred to in subclause (1) except in accordance with that subclause.  
Maximum penalty: 300 penalty units (in the case of a corporation) or 150 penalty units (in the case of an individual).

### 54I Log books

- (1) The occupier of a petrol service station to which clause 54A (1) or 54D (1) applies must keep a log book in accordance with this clause.



- (2) A log book may include information kept in compliance with other requirements imposed by or under the Act.

**Note.** For example, an incident log kept in accordance with clause 24 of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008* could also include the information required to be kept under this Regulation.

- (3) The following must be entered in a log book in relation to prescribed control equipment referred to in clause 54A (2) and 54D (2):
- (a) the type of prescribed control equipment installed, the serial number (if any) of the prescribed control equipment, or any part of the prescribed control equipment, and the name and address of:
    - (i) the manufacturer of the prescribed control equipment, and
    - (ii) the supplier of the prescribed control equipment, and
    - (iii) the person or body that carried out the installation of the prescribed control equipment or any part of the prescribed control equipment,
  - (b) a description of any modification carried out on the prescribed control equipment, including the type of any part of the prescribed control equipment replaced, removed or added, the serial number (if any) of any such part and the name and address of the person or body that carried out the modification work,
  - (c) a description of any routine maintenance carried out on the prescribed control equipment,
  - (d) details of any rectification work carried out on the prescribed control equipment and the name and address of the person or body that carried out the rectification work,
  - (e) details of any manual monitoring undertaken of prescribed control equipment,
  - (f) a description of any testing of the operation of the prescribed control equipment, whether carried out in compliance with this Regulation or otherwise, including the type of test carried out, the results of the test and the name and address of the person or body that carried out the test,
  - (g) a description of any incident, including a reportable significant failure under clause 54G, that indicated that the prescribed control equipment was not, or may not have

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been, operating in a proper and efficient manner and the measures taken to investigate and respond to the incident.

- (4) A record required to be kept in a log book must be retained for 3 years from the date of creation of the record.
- (5) A certificate from a supplier or manufacturer that is required by clause 54A (2) (1) or 54D (2) (a) must be retained with the log book for 3 years or until the prescribed control equipment to which it relates is decommissioned, whichever is the longer.
- (6) The log book must be kept:
  - (a) in accordance with the environment protection plan, if all or part of the prescribed control equipment is included in a storage system that is regulated by the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*, or
  - (b) in any other case, at the petrol service station at which the prescribed control equipment is being operated.
- (7) If the petrol service station permanently ceases to operate during the 3-year period referred to in subclause (4) or (5), the record or certificate must be kept at the principal place of business of the person who, immediately before the petrol service station ceased to operate, was the occupier of the petrol service station.
- (8) This clause does not require the recording of anything done before the date of commencement of this Division.
- (9) A person must not contravene this clause.  
Maximum penalty: 400 penalty units (in the case of a corporation) or 200 penalty units (in the case of an individual).

### 54J Exemptions from stage two vapour recovery requirements

- (1) The EPA may, by order in writing, exempt a person or a class of persons specified in the order from the operation of clause 54H or 54I (4), (5) or (7).
- (2) The EPA may grant an exemption on application or of its own motion.
- (3) An application for an exemption must be accompanied by such fee (if any) as the EPA may determine.
- (4) An order under this clause:
  - (a) has effect in such circumstances (if any), and subject to such conditions (if any), as are specified in the order, and

- (b) must specify a person to be served with the order and must be served on that person, and
- (c) has effect on and from service of the order or such later date as may be specified in the order, and
- (d) is subject to the condition that the exempted person complies with all of the provisions of the Act and the other provisions of this Regulation that apply to the person, and
- (e) may be revoked by the EPA at any time by order in writing served on the person referred to in paragraph (b).

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**Schedule 2 Amendment of Protection of the Environment Operations (General) Regulation 2009****[1] Schedule 6 Penalty notice offences**

Omit the matter relating to clause 48 (1) and clause 48 (2) under the heading "*Protection of the Environment Operations (Clean Air) Regulation 2002*".

**[2] Schedule 6**

Insert in numerical order of clause number in Columns 1–4, respectively, under the heading "*Protection of the Environment Operations (Clean Air) Regulation 2002*":

Clause 48 (1)	2	\$600	\$1,200
Clause 48 (2)	2	\$600	\$1,200
Clause 54A (3)	2	\$600	\$1,200
Clause 54A (4)	2	\$600	\$1,200
Clause 54C (1)	2	\$600	\$1,200
Clause 54E (1)	2	\$600	\$1,200
Clause 54G (1)	2	\$600	\$1,200
Clause 54G (2)	2	\$600	\$1,200
Clause 54G (4)	2	\$600	\$1,200
Clause 54H (2)	2	\$600	\$1,200
Clause 54I (9)	2	\$600	\$1,200