

Department of Primary Industries, Parks, Water and Environment

EPA TASMANIA

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Our Ref: AW-SM-LS-RG-253910, H876776

11 July 2018

Mr Clive Stott
Cleanairtas

Email: cleanair@cleanairtas.com

Dear Mr Clive Stott

INVITATION TO COMMENT ON THE DRAFT ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (SMOKE) REGULATIONS 2018

Thank you for the submission you made last year on the *Draft Environmental Management and Pollution Control (Smoke) Regulations 2017*, which were intended to replace the *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007*.

As an interim measure, the Government remade the 2007 Regulations in January 2018 for a period of one year, with updates to include the most recent (2014) Australian Standards for wood heater emissions and efficiency. These Regulations took effect in January 2018 as the *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2018*.

Following further consideration, the Government has issued a revised draft of the Smoke Regulations for additional consultation, with a view to replacing the 2018 Regulations before they expire in January 2019. The draft contains some changes to the version of the Smoke Regulations on which you commented. Please note that many of the changes suggested in the submissions have not been adopted because they lie outside the scope of the Regulations. However this does not mean that they have been discarded; rather they will be of great assistance in the Government's consideration of any future changes to air quality policy.

You are invited to comment on the changes in the Draft if you feel there are any issues that were not covered in your original submission. The most significant changes are summarised in the following Attachment. A reference copy of the *Draft Environmental Management and Pollution Control (Smoke) Regulations 2018* may be downloaded from <http://epa.tas.gov.au/epa/news/draft-smoke-regulations-2018-released-for-public-comment>

Please email any additional comments to enquiries@epa.tas.gov.au, noting that your comments, once considered, will be made publically available on the EPA Tasmania website.

Submissions must be received by 5.00 p.m., Friday 17 August 2018.

Thank you once again for contributing to the Regulation review process.

Yours sincerely

Wes Ford
DEPUTY SECRETARY

Attachment - Summary of Changes to Draft Smoke Regulations 2017

<p>Regulation 3 (Interpretation)</p>	<p>The definitions of 'domestic waste' and 'green waste' have been removed because they were causing confusion. Revised regulations 7 and 9 now refer to 'vegetation or vegetative waste'.</p>
<p>Regulation 6 (Interference with heating appliances)</p>	<p>Subregulation 6(2) has been combined with 6(2) to improve clarity. The new subregulation 6(2) now refers to 'the temporary modification of a heating appliance...' instead of 'a person temporarily modifying a heating appliance...'</p>
<p>Regulation 7 (Emission of Smoke from Heating Appliances and the like)</p>	<p>Clause 7(3) has been added to clarify that only dry material should be burnt in such appliances.</p>
<p>Regulation 9 (Burning of vegetation or vegetative waste on land with an area of less than 4,000m²)</p>	<p>Regulation 9 has been restructured and reworded to make it easier to understand and implement, and to prevent the erroneous conclusion that backyard burning on small blocks is banned <u>unless</u> the burner has some form of approval or permit. In particular:</p> <ul style="list-style-type: none"> • 9(1)(a) states the general duty not to cause 'nuisance'. • 9(1)(b) – (d) list the approval mechanisms that <u>may</u> apply and remind burners that they also have to comply with any of these that may exist in their particular situation. • 9(2) has been expanded to include the explanatory material that was formerly in Regulation 10; i.e. the various means of minimising or preventing air pollution.
<p>Regulation 10 (Burning on land >4,000 m²)</p>	<p>Reg 10 has been deleted because:</p> <ol style="list-style-type: none"> 1) It was in essence restating the existing requirement in section 53 of the Environmental Management and Pollution Control Act 1994 (EMPCA) that burners must not commit an 'environmental nuisance' as defined under that section; and 2) It was leading to a misunderstanding that burning on larger blocks would be banned.
<p>Part 5 (Miscellaneous)</p>	<p>The penalties in Schedule I have been updated to match the changes to individual regulations, as described above.</p>