

4 March 2020

Dear EPA licence holder,

There are new Victorian environmental protection laws coming into effect on 1 July 2020. The laws introduce a new permissions framework to replace current EPA licences. Current licences and existing conditions will automatically transition to operating licences.

## Licence transition

Operating licences are not anticipated to be substantially different to existing licences. On commencement of the new permissions framework on 1 July 2020, there will be no immediate changes to licences or conditions, except waste codes.

## Waste codes

Waste acceptance and treatment codes for waste receivers and transporters will change to reflect the new waste classification scheme. Over the coming months, we will notify and support licensed waste receivers and permitted transporters to prepare for these changes.

## In-progress or new applications

Until 1 July 2020, you may apply for licences or other approvals under the current legislation. If the application carries over 1 July 2020, it will be assessed as a permission under the new Act.

## Compliance

As a licence holder you must continue to comply with your existing licence until your licence is reviewed and amended.

## Review and amendment of licences and conditions

From 1 July 2020 there will be no immediate change to your licence. All existing 'legacy' conditions will be retained. We will, however, review and amend your licence conditions over time to bring them in line with the new Act. Licence amendments will be carried out over a 12-month period on a sector by sector basis to:

- Update the Preamble
  - The purpose and scope of your licence will reflect the contextual information on which the licence is issued. It provides information regarding EPA's power to issue the licence, and a reminder to licence holders to understand and apply the duties and other requirements of the new legislative framework.
- Replace and update general conditions
  - Risk management & monitoring – requiring a Risk Management and Monitoring Program (RMMP) to be developed.
  - Reporting – a Permission Information and Performance Statement (PIPS) will replace the current Annual Performance Statement (APS), which becomes publicly available on EPA's website (whether wholly or in part).
  - Record keeping – retain information and monitoring records.
  - Notifications (i) – notifiable incidents must be communicated to EPA immediately.
  - Notifications (ii) – notify EPA of any changes to business that affect permission details within

## Permissions in the context of the general environmental duty

The new general environmental duty (GED) is now the primary obligation on duty holders. It provides grounds for compliance and enforcement without imposing every obligation through a permission condition. Permissions complement the GED by providing additional assurance that activities with a high risk to human health or the environment are managed.

## The new permissions framework

The new permissions framework includes a three-tiered risk management framework:

- **Licences** – a category of permission for targeting activities of the highest risk and complexity.
- **Permits** – applied to moderate risk activities or high-risk activities of low complexity.
- **Registrations** – automatically granted permissions containing standard conditions for moderate risk activities.

Permissions are only applied in situations where there is a need for:

- greater certainty of control around high risk activities for both EPA and the community
- targeting risks of mismanagement and illegal behaviour
- providing certainty for business on how to comply with their obligations
- EPA involvement during the design stage of a development
- gaining insights on industries or emerging environmental and health risks.

Most existing permissions under the *Environment Protection Act 1970* will automatically transition to their new equivalent permission.

The basis for the new permissions framework is provided under the *Environment Protection Act 2017* (the new Act) as amended by the *Environment Protection Amendment Act 2018*.

Further information about permissions can be found in [the Permissions scheme draft policy available on the EPA website](#) (EPA publication 1799).

48 hours.

- Decommissioning – a decommissioning plan must be developed and maintained for the duration of the scheduled activity.
- Hardcopy licence – a hardcopy of the licence must be retained onsite and available to persons during site induction and training.
- Amend sectorial or site-specific conditions (where necessary).
- Apply any consequential amendments, including revoking redundant conditions.

## Annual Performance Statement

Licence holders must submit an Annual Performance Statement (APS) by 30 September 2020 for the 19/20 financial year. The new Permission Information and Performance Statement (PIPS) will replace the APS for subsequent reporting.

## Where to go for more information

EPA will host a [webinar on 'Changes to Operating Licences'](#) on Wednesday 25 March 2020 at 11 am – 12 pm. We will provide details on the draft general conditions and supporting guidance around this time.

Subscribe to our [Business Bulletin newsletter](#) for quarterly updates.

Contact us on 1300 372 842 or [contact@epa.vic.gov.au](mailto:contact@epa.vic.gov.au) for any questions you might have.