

Sustainable Business Program

Environmental Management

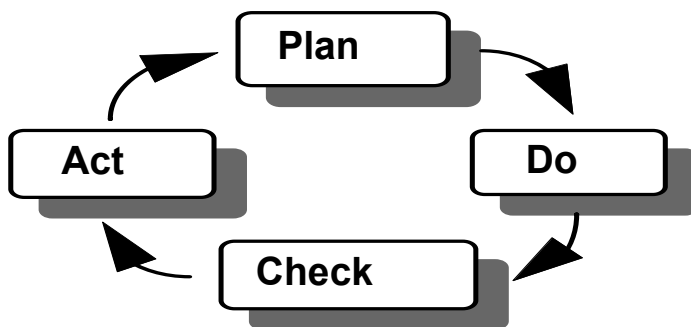
What is an Environmental Management System (EMS)?

- A **structured, documented approach** to managing a business's environmental performance and responsibilities.
- The **international standard** for EMSs (ISO 14001) specifies the requirements necessary for organisations to implement an EMS.
- Businesses can choose to be **certified** that they meet the requirements using either internal (in-house) mechanisms or external certification organisations.

What are the benefits of implementing an EMS?

- **Cost savings** can be achieved through more efficient use of materials and energy.
- **Independent certification** of the system to a recognised standard may improve the public image of the business and community relations.
- It can also **enhance competitiveness**. Many businesses, as part of their own EMS, require suppliers and contractors to have an accredited EMS.
- An **improvement in relations** with Environmental Regulators, and potential to avoid enforcement action and associated liability costs.

What's involved in establishing an EMS?



PLAN - Decide what needs to be done

DO - Put in place a means of achieving it

CHECK - Confirm that implementation is achieving the plan

ACT - Re-examine progress and realign the plan

Legislation

The Protection of the Environment Operations Act 1997 (POEO Act)

- Is the **major piece of legislation** that deals with protection of the environment and prosecution of polluters.
- Is administered by the NSW Department of Environment and Climate Change (DECC). The Act is **enforced by the DECC and local Councils**.

The POEO Act makes it an offence to:

- pollute **waters**;
- pollute the **air** beyond the conditions of a licence or the regulation limit;
- cause **noise** from plant or equipment due to failure to maintain or operate the plant in an efficient manner;
- cause offensive **odours** to be emitted from a scheduled activity;
- **contaminate land**;
- transport **waste** to a place not licensed as a waste facility; and
- allow land to be used as a **waste dump where not authorised**.

Licenses and Permits

Environment protection licence

- The DECC licenses emissions and wastes from "**scheduled**" premises or activities as listed under the POEO Act.
- A license may also be required for **non-scheduled activities** that have the potential to cause pollution.

Trade wastewater permit

- Sydney Water requires a **permit to discharge** commercial and industrial type wastewater to the sewer system.
- Trade wastewater may be generated from canteens, food preparation areas, automotive workshops, engineering and manufacturing trades, as well as arts courses such as ceramics, painting and photography.

Dangerous goods licence

- Certain substances are classified as dangerous goods and their **use, storage and transport is controlled** by legislation.
- A **Dangerous Goods Licence** may be required if you **store** flammable, toxic or corrosive materials such as petrol, solvents, LPG, pesticides, ammonia, acids or chlorine.



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- A licence is also required for the **transportation of dangerous goods**. Check with WorkCover NSW to find out if you need to notify them of the dangerous goods you store in your premises.
- For **storing and handling flammable liquids** see AS 1940-1993: Storage and Handling of Flammable and Combustible Liquids.

Contractor licences

- Contractors need to have **appropriate licences** to conduct their activities for example: liquid waste and sludge removal contractors should have a licence from DECC to transport wastes or technicians who service the building air conditioning systems should have appropriate licences for handling ozone depleting substances.

Council development application approval

- A development application (or development consent) will list your **hours of operation**.

Liquor license

- The **Liquor Administration Board** manages noise from licensed premises such as pubs and clubs.
- When the board licenses these premises, it places **environmental noise conditions** on the licences. These conditions typically include a requirement that pub and club noise should not be heard in any home between midnight and 7 am on any night.

Environment Protection Notices

Environment protection notices are used to ensure compliance with the POEO Act. They include:

- **Clean up notices** (provide a quick response to pollution incidents)
- **Prevention notices** (address more systemic pollution problems)
- **Prohibition notices** (used to cease a polluting activity)

Who can be fined for environmental pollution or incidents?

- Pollution incidents may lead to **financial penalties** (fines, compensation costs, clean-up costs and court costs) as well as **loss of licence or restriction of activities**. Pollution incidents may also lead to **imprisonment** as it is a criminal offence to pollute (Tier 1 offences are criminal offences).
- **Individuals, supervisors, managers and organisations** can be fined for incidents that cause pollution to the environment.
- The **DECC** regulates large industries through licences, notices and prosecutions. **Council** regulates smaller businesses through planning controls, notices and prosecutions.



	Individuals	Organisations	Max Penalty	Continuing per day
Polluting waters	\$750	\$1500	\$250,000	\$120,000
Waste Dumping	\$750	\$1500	\$1,000,000	
Air Pollution	\$750	\$1500	\$250,000	\$120,000
Failure to comply (clean up / prevention)	\$750	\$1500	\$250,000	\$120,000
Noise Pollution	\$200	\$400	\$60,000	\$120,000
Littering (from vehicle)	\$200	\$400		

Table 1 Environmental notices and fines

Individuals

- If you cause or contribute to pollution, **you can be fined**, as well as your employer. Just because you work for an organisation, this does not mean that the organisation will take the blame for your actions.

Organisations

- An organisation can be fined for its direct actions in causing pollution or for having the **potential to cause pollution**.
- An organisation can also be fined for the **actions of its contractors**. The authorities do not have to prove that actual harm to the environment has occurred to impose a fine.

For further advice on how your business can save money and save the environment please contact The Watershed Business Liaison Officer and receive a free consultation. Simply visit The Watershed at 218 King Street, Newtown, or phone 9519 6366 or email watershedbiz@marrickville.nsw.gov.au.

Contacts

Marrickville Council tel: 9335 2222 www.marrickville.nsw.gov.au
City of Sydney Council tel: 9265 9333 www.cityofsydney.nsw.gov.au
Sydney Water tel: 132 092 www.sydneywater.com.au
NSW Department of Environment and Climate Change tel: 131 555 or 9995 500 www.epa.nsw.gov.au
Liquor Administration Board tel: 9995 0300 www.olgr.nsw.gov.au
WorkCover tel: 131 050 www.workcover.nsw.gov.au

References

Australian Legal Information Institute www.austlii.edu.au
www.environment.nsw.gov.au/noise/neighbourhoodnoise.htm
Parliamentary Counsel's Office legislation www.legislation.nsw.gov.au



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Free environmental advice for local businesses
 Visit The Watershed and learn how **your** business can save money and the environment