

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

Environment Protection Amendment Regulation 2007 (No 2)

SUBORDINATE LAW NO SL2007–35

EXPLANATORY STATEMENT

**Circulated with the authority of
Mr Jon Stanhope MLA
Minister for the Environment, Water and Climate Change**

Overview

The purpose of the Regulation is to amend Schedule 1, Item 32 of the *Environment Protection Act 1997* which deals with petroleum product storage facility. The Regulation will amend Schedule 1, Item 32 from 500m³ (500,000L) to 50m³(50,000L).

There are a significant number of businesses, including service stations, industrial premises and government depots, in the ACT that have underground petroleum storage tanks and piping. Over time, these components become subject to corrosion, which create holes in the tanks or piping.

The release of petroleum through leaks and spills can contaminate the soil, groundwater, surface water and air. Some of the components are extremely toxic and are highly soluble in water and often result in significant impacts on groundwater and surface water ecosystems and make the groundwater unsuitable for use.

In February 2002 the Environment Protection Authority (EPA) developed the ACT Environment Guidelines for Service Station Sites and Hydrocarbon Storage (the Guidelines). The Guidelines were designed to achieve appropriate pollution controls for underground and above ground petroleum storage in service stations within the ACT. These requirements mandate the highest level of protection detailed in the Australian Institute of Petroleum Code of Practice (Code of Practice).

Currently, there are approximately 70 active service station sites that have underground fuel storage tanks. The *Environment Protection Act 1997* currently requires storage facilities with the capacity to store >500m³ to be authorised, which would not include the above sites.

By lowering the criteria for an authorised activity to 50m³ (50,000L), the EPA will be able to authorise service stations. An authorisation provides a legal framework by which the EPA will be able to apply a minimum standard to all new and existing underground hydrocarbon storage tanks, including minimum leak detection systems and environmental monitoring programs. This will reduce the potential adverse impacts that the leakage of petroleum products can have on human health, land and water resources in the ACT. The requirements will be aimed at the prevention and early identification of leakages from underground fuel systems and establishment of a consistent standard of environmental management for all service stations in the ACT.

Revenue/Cost Implications

Environmental authorisations are subjected to an annual fee which is payable to consolidated revenue. The current application and subsequent annual fees for 2006/07 are \$1833.10 and \$885.05 respectively. It is estimated that in the first year this will result in revenue to the Territory of approximately \$125,000 and \$62,000 each subsequent year.

Clauses

Clause 1 – Name of regulation

This clause provides that the name of the regulation is the *Environment Protection Amendment Regulation 2007 (No 2)*.

Clause 2 – Commencement

The regulation commences on the day after its notification day.

Clause 3- Legislation amended

This clause provides that this regulation amends the *Environment Protection Act 1997*.

Clause 4 – Schedule 1, table 1.2, item 32

This clause provides a table (see below) which substitutes Schedule 1, Item 32 of the *Environment Protection Regulation 2005* to include ‘50m3’.

32	the operation of a facility designed to store more than 50m3 of petroleum products
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