



NEPC Report on the Implementation of the  
**Air Toxics NEPM**

2004 – 2005

*'The monitoring investigation levels set by the NEPM provide a nationally-consistent benchmark for assessing and comparing the levels of ambient air toxics from different sources.'*

# NEPC Report on the Implementation of the Air Toxics NEPM

## PART 1 — GENERAL INFORMATION

### NEPM details

**Title:** National Environment Protection (Air Toxics) Measure

**Made by Council:** 3 December 2004

**Commencement Date:** 20 December 2004  
(advertised in *Commonwealth of Australia Special Gazette* no. S 52904, 20 December 2004)

### NEPM goal (or purpose)

The goal of the National Environment Protection (Air Toxics) Measure is set out in clause 5 of the Measure as follows:

5. National environment protection goal  
The national environment protection goal of this Measure is to improve the information base regarding ambient air toxics within the Australian environment in order to facilitate the development of standards following a review of the Measure within eight years of its making.

### Desired environmental outcomes

The desired environmental outcome of the National Environment Protection (Air Toxics) Measure is set out in clause 6 of the Measure as follows:

6. Desired environmental outcome  
The desired environmental outcome of this Measure is to facilitate management of air toxics in ambient air that will allow for the equivalent protection of human health and well-being, by:
  - (1) providing for the generation of comparable, reliable information on the levels of toxic air pollutants (air toxics) at sites where significantly elevated concentrations of one or more of these air toxics are likely to occur (Stage 1 sites) and where the potential for significant population exposure to air toxics exists (Stage 2 sites),

- (2) establishing a consistent approach to the identification of such sites for use by jurisdictions,
- (3) establishing a consistent frame of reference (monitoring investigation levels) for use by jurisdictions in assessing the likely significance of levels of air toxics measured at Stage 2 sites,
- (4) adopting a nationally consistent approach to monitoring air toxics at a range of locations (e.g. near major industrial sites, major roads, areas affected by wood smoke).

### Evaluation criteria

The assessment of the effectiveness of the National Environment Protection (Air Toxics) Measure is based on the following criteria.

#### General criteria (specified in the NEPC Implementation Reporting Protocol)

- progress in implementing the NEPM
- compliance by parties bound by the NEPM with NEPM protocols and/or other NEPM reporting requirements
- progress toward achievement of the NEPM goal, the desired environmental outcomes and any NEPM standards
- issues arising that reflect on the efficiency and simplicity of NEPM administration.



## PART 2 — IMPLEMENTATION OF THE NEPM, AND ANY SIGNIFICANT ISSUES

This part provides a summary of jurisdictional reports on implementation, discussion of any issues of concern raised by jurisdictions, and Council's overall assessment of the implementation of the NEPM.

### Legislative, regulatory and administrative framework

*Table 15: Summary of implementation frameworks*

Jurisdiction	Summary of implementation frameworks
Commonwealth	<ul style="list-style-type: none"><li>The NEPM is being implemented administratively.</li></ul>
New South Wales	<ul style="list-style-type: none"><li>The NEPM is given effect through the Protection of the Environment Operations (General) Regulation 1998 and the Protection of the Environment Operations (Clean Air) Regulation 2002.</li></ul>
Victoria	<ul style="list-style-type: none"><li>The key legislative instrument is the State Environment Protection Policy (Air Quality Management). A State Environment Protection Policy (Air Toxics) is being developed.</li></ul>
Queensland	<ul style="list-style-type: none"><li>The NEPM is implemented under the <i>Environmental Protection Act 1994</i> and Environmental Protection (Air) Policy 1997.</li></ul>
Western Australia	<ul style="list-style-type: none"><li>The NEPM is implemented through the <i>National Environment Protection Council (Western Australia) Act 1996</i> and the Environmental Protection Regulations 1987.</li></ul>
South Australia	<ul style="list-style-type: none"><li>The NEPM operates as an Environment Protection Policy under the <i>Environment Protection Act 1993</i>.</li></ul>
Tasmania	<ul style="list-style-type: none"><li>The NEPM is a state policy under the <i>State Policies and Projects Act 1993</i> and is given effect under the <i>Environment Management and Pollution Control Act 1994</i>.</li></ul>
Australian Capital Territory	<ul style="list-style-type: none"><li>The NEPM is implemented under the <i>Environment Protection Act 1997</i>.</li></ul>
Northern Territory	<ul style="list-style-type: none"><li>The key legislative instruments are the <i>Waste Management and Pollution Control Act 1998</i> and the <i>National Environment Protection Council (Northern Territory) Act 1994</i>.</li></ul>

### Council assessment of implementation frameworks

All jurisdictions have administrative or legislative instruments in place or in development for the implementation of the NEPM.

## Implementation activities

*Table 16: Summary of implementation activities*

Jurisdiction	Summary of implementation activities
Commonwealth	<ul style="list-style-type: none"> <li>• A desktop analysis to identify and prioritise Stage 1 and Stage 2 sites was initiated, including information on any Commonwealth activities resulting in emissions of air toxics.</li> <li>• The Commonwealth has continued the Fine Particle Composition Study which includes measurement of air toxics in four major Australian cities.</li> </ul>
New South Wales	<ul style="list-style-type: none"> <li>• The Department of Environment and Conservation focused on identifying Stage 1 sites and potential Stage 2 sites. It is anticipated that Stage 2 sites will be identified during the next reporting period.</li> </ul>
Victoria	<ul style="list-style-type: none"> <li>• Environment Protection Authority Victoria focused on:               <ul style="list-style-type: none"> <li>– preliminary monitoring for air toxics in the Port Phillip airshed</li> <li>– identifying Stage 1 and Stage 2 sites</li> <li>– upgrading the Mobile Air Monitoring Laboratory to include monitoring capability for air toxics.</li> </ul> </li> </ul>
Queensland	<ul style="list-style-type: none"> <li>• Queensland Environmental Protection Agency focused on:               <ul style="list-style-type: none"> <li>– identifying and prioritising Stage 1 and Stage 2 sites</li> <li>– conducting preliminary monitoring in the Brisbane and Gladstone regions.</li> </ul> </li> </ul>
Western Australia	<ul style="list-style-type: none"> <li>• Department of Environment focused on:               <ul style="list-style-type: none"> <li>– identifying Stage 1 sites. It is anticipated that Stage 2 sites will be identified in the next reporting period</li> <li>– continued monitoring for air toxics in the Perth metropolitan region.</li> </ul> </li> </ul>
South Australia	<ul style="list-style-type: none"> <li>• Environment Protection Authority South Australia focused on:               <ul style="list-style-type: none"> <li>– conducting a review of the Environment Protection (Air Quality) Policy and Environment Protection (Burning) Policy</li> <li>– completing a desktop study identifying and prioritising Stage 1 and Stage 2 sites.</li> </ul> </li> </ul>
Tasmania	<ul style="list-style-type: none"> <li>• Department of Primary Industries, Water and Environment focused on:               <ul style="list-style-type: none"> <li>– identifying and prioritising Stage 1 and Stage 2 sites</li> <li>– conducting a desktop study for the Tamar and Derwent Valley airsheds</li> <li>– conducting ambient air monitoring in Launceston.</li> </ul> </li> </ul>
Australian Capital Territory	<ul style="list-style-type: none"> <li>• Chief Minister's Department (Arts, Heritage and Environment) completed a desktop analysis for identification of Stage 1 and Stage 2 sites.</li> </ul>
Northern Territory	<ul style="list-style-type: none"> <li>• Department of Natural Resources, Environment and the Arts focused on:               <ul style="list-style-type: none"> <li>– conducting a desktop study</li> <li>– commencing a sampling program in partnership with CSIRO to determine baseline air toxics concentrations.</li> </ul> </li> </ul>



### **Council evaluation and assessment of jurisdictional implementation activities**

This is the first reporting year for the Air Toxics NEPM. All jurisdictions commenced or completed the identification of Stage 1 and Stage 2 sites as required by the NEPM. Most jurisdictions have conducted preliminary air toxics monitoring and modelling to support the desktop analyses and establish baseline data.

Jurisdictions worked together to ensure that the methods used in the identification of Stage 1 and Stage 2 sites are consistent nationally and that the data generated through monitoring at Stage 2 sites are comparable.

### **PART 3 — ASSESSMENT OF NEPM EFFECTIVENESS**

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The Air Toxics NEPM provides a framework to assess the significance of ambient air toxics in Australia. The monitoring investigation levels set by the NEPM provide a nationally-consistent benchmark for assessing and comparing the levels of ambient air toxics from different sources. The criteria and guidance set out in the NEPM enable jurisdictions to assess the likelihood of significant population exposure.

The first year of the NEPM required the identification and prioritisation of Stage 1 and Stage 2 sites for monitoring of air toxics. While this has generally been accomplished, the effectiveness of the NEPM in relation to protecting human health and well being will become more evident in future reporting years.

### **PART 4 — REPORTING REQUIRED BY THE NEPM**

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Jurisdictions are required to submit a report in accordance with clause 13 of the NEPM. For the report ended 31 December 2004, these reports include the results of desktop analyses identifying sites and any monitoring that has been undertaken. As the NEPM commenced on 20 December 2004, data for a full calendar year were not available for this report.

### **PART 5 — REPORTS ON IMPLEMENTATION BY JURISDICTIONS**

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The Annexes to this report are in Appendix 6:

Annex 1: Commonwealth	page 275
Annex 2: New South Wales	page 277
Annex 3: Victoria	page 282
Annex 4: Queensland	page 287
Annex 5: Western Australia	page 290
Annex 6: South Australia	page 293
Annex 7: Tasmania	page 295
Annex 8: Australian Capital Territory	page 298
Annex 9: Northern Territory	page 299

