



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

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*'The Air Toxics NEPM provides  
a useful framework to assess the  
significance of ambient air toxics  
in Australia.'*

# 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 woodsmoke).

### 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 implemented administratively.</li></ul>
New South Wales	<ul style="list-style-type: none"><li>• The NEPM is implemented by the Protection of the Environment Operations (Clean Air) Regulation 2002 and Protection of the Environment Operations (General) Regulation 1998 under the <i>Protection of the Environment Operations Act 1997</i>.</li></ul>
Victoria	<ul style="list-style-type: none"><li>• The key legislative instrument is the State Environment Protection Policy (Air Quality Management).</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 under the <i>National Environment Protection Council (Western Australia) Act 1996</i> and by programs in the Perth Air Quality Management Plan.</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 to implement the NEPM.

**Table 16: Summary of implementation activities**

<b>Jurisdiction</b>	<b>Summary of implementation activities</b>
Commonwealth	<p>The Commonwealth focused on:</p> <ul style="list-style-type: none"> <li>– completing a desktop analysis to identify and prioritise Stage 1 and Stage 2 sites</li> <li>– research projects to collect data on air toxics and assist with management actions</li> <li>– the Air Toxic Tier 2 Working Group.</li> </ul>
New South Wales	<ul style="list-style-type: none"> <li>• New South Wales focused on identifying Stage 1 sites and potential Stage 2 sites.</li> </ul>
Victoria	<ul style="list-style-type: none"> <li>• Victoria focused on: <ul style="list-style-type: none"> <li>– monitoring of all five air toxics at a residential site</li> <li>– identifying and prioritising Stage 1 and Stage 2 sites, with monitoring commencing at four of these sites</li> <li>– achieving NATA accreditation</li> <li>– participating in the working group to develop a method for prioritising air toxics.</li> </ul> </li> </ul>
Queensland	<ul style="list-style-type: none"> <li>• Queensland focused on: <ul style="list-style-type: none"> <li>– identifying and prioritising Stage 1 and Stage 2 sites</li> <li>– improving understanding of ambient air toxics through monitoring.</li> </ul> </li> </ul>
Western Australia	<ul style="list-style-type: none"> <li>• Western Australia focused on: <ul style="list-style-type: none"> <li>– the Background Air Quality (Air Toxics) Study</li> <li>– studies to identify sites with elevated levels of air toxics</li> <li>– completing a desktop analysis and commencing monitoring at Stage 2 sites.</li> </ul> </li> </ul>
South Australia	<ul style="list-style-type: none"> <li>• South Australia focused on: <ul style="list-style-type: none"> <li>– amending the monitoring plan</li> <li>– modelling air toxics for the Adelaide airshed</li> <li>– seeking funding to upgrade the air monitoring network.</li> </ul> </li> </ul>
Tasmania	<ul style="list-style-type: none"> <li>• Tasmania focused on: <ul style="list-style-type: none"> <li>– releasing the Tasmanian Air Quality Strategy</li> <li>– developing new regulations to reduce emissions from woodheaters and backyard burning</li> <li>– monitoring air toxics that has commenced at some sites.</li> </ul> </li> </ul>
Australian Capital Territory	<ul style="list-style-type: none"> <li>• The Australian Capital Territory focused on a desktop analysis to identify Stage 1 and Stage 2 sites.</li> </ul>
Northern Territory	<ul style="list-style-type: none"> <li>• The Northern Territory focused on a monitoring program to establish baseline data on air toxics.</li> </ul>



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

This is the second reporting year for the Air Toxics NEPM. As required by the NEPM, all jurisdictions commenced or completed studies to identify Stage 1 and Stage 2 sites. 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 identifying Stage 1 and Stage 2 sites are nationally consistent and that the data collected through monitoring at Stage 2 sites are comparable.

Some jurisdictions raised concerns about the funding and resources available for upgrading monitoring networks and complying with the NEPM.

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

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The Air Toxics NEPM provides a useful framework to assess the significance of ambient air toxics in Australia. The criteria and guidance set out in the NEPM enable jurisdictions to assess the likelihood of significant population exposure.

In the second year of the NEPM, jurisdictions continued to identify and prioritise Stage 1 and Stage 2 sites, with monitoring commencing at some of these sites. Some jurisdictions report difficulty in capturing baseline information due to a lack of funding.

The effectiveness of the NEPM in 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 reporting year ended 31 December 2005, these reports included the results of desktop analyses identifying sites and any monitoring that had been undertaken.

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

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The Annexes to this report are in Appendix 6:

- Annex 1: Commonwealth
- Annex 2: New South Wales
- Annex 3: Victoria
- Annex 4: Queensland
- Annex 5: Western Australia
- Annex 6: South Australia
- Annex 7: Tasmania
- Annex 8: Australian Capital Territory
- Annex 9: Northern Territory.