Queensland

Environmental Protection Act 1994

Environmental Protection (Air) Policy 2008

Current as at 9 November 2012

Queensland

Environmental Protection (Air) Policy 2008

Contents

Environmental Protection (Air) Policy 2008

Part 1 Preliminary

1 Short title

This environmental protection policy may be cited as the *Environmental Protection (Air) Policy 2008*.

2 Commencement

This policy commences on 1 January 2009.

3 Definitions

The dictionary in schedule 2 defines particular words used in this policy.

Part 2 Application and purpose of policy

4 Application of policy

This policy applies to the air environment.

5 Purpose of policy

The purpose of this policy is to achieve the object of the Act in relation to the air environment.

Note—

See section 3 of the Act.

6 How purpose of policy is achieved

The purpose of this policy is achieved by—

(a) identifying environmental values to be enhanced or protected; and

(b) stating indicators and air quality objectives for enhancing or protecting the environmental values; and

(c) providing a framework for making consistent, equitable and informed decisions about the air environment.

Part 3 Environmental values and air quality objectives

7 Environmental values for the air environment

The environmental values to be enhanced or protected under this policy are—

(a) the qualities of the air environment that are conducive to protecting the health and biodiversity of ecosystems; and

(b) the qualities of the air environment that are conducive to human health and wellbeing; and

(c) the qualities of the air environment that are conducive to protecting the aesthetics of the environment, including the appearance of buildings, structures and other property; and

(d) the qualities of the air environment that are conducive to protecting agricultural use of the environment.

8 Air quality objectives for indicators

(1) An air quality objective stated in schedule 1, column 3 for an indicator stated in column 1 and for a period stated in column

4, is prescribed for enhancing or protecting the environmental value stated in column 2 of the schedule for the objective.

(2) An air quality objective stated in schedule 1, column 3 must be worked out as an average over the period stated in column 4 for the objective.

(3) Despite subsection (1), an environmental value may be enhanced or protected in an area or place if the amount of an indicator in the air environment in the area or place is more than the amount of the air quality objective stated in schedule 1, column 3 for the indicator for not more than the number of days stated in column 5 of the schedule for the indicator.

(4) It is intended that the air quality objectives be progressively achieved as part of achieving the purpose of this policy over the long term.

(5) This section does not apply to an air emission that may be experienced within a dwelling or workplace if the air emission is released within the dwelling or workplace.

(6) In this section—

workplace see the *Work Health and Safety Act 2011*, section 8.

Part 4 Avoiding, recycling, minimising or managing air emissions

9 Management hierarchy for air emissions

(1) This section states the management hierarchy for an activity involving air emissions.

Note—

See section 51 of the *Environmental Protection Regulation 2008*.

(2) To the extent that it is reasonable to do so, air emissions must be dealt with in the following order of preference—

(a) firstly—avoid;

Example for paragraph (a)—

using technology that avoids air emissions

(b) secondly—recycle;

Example for paragraph (b)——

re-using air emissions in another industrial process

(c) thirdly—minimise;

Example for paragraph (c)—

treating air emissions before disposal

(d) fourthly—manage.

Example for paragraph (d)—

locating a thing that releases air emissions in a suitable area to minimise the impact of the air emissions

Part 5 Miscellaneous

10 Repeal

The Environmental Protection (Air) Policy 1997, SL No. 468 is repealed.

Schedule 1 Air quality objectives

section 8

Column 1	Column 2	Column 3		Column 4	Column 5
Indicator	**Environmental value**	**Air quality objectives**		**Period**	**Days**
		µg/m³at 0 degrees C (except where noted)	**ppm (volume/ volume)**		
1.2-dichlorethane	health and wellbeing	750	0.17	24 hours	
1.3-butadiene	health and wellbeing	2.4	0.001	1 year	
arsenic and compounds (measured as the total metal content in PM_{10})	health and wellbeing	6ng/m³		1 year	
benzene	health and wellbeing	10	0.003	1 year	
benzo(a)pyrene (as a marker for polycyclic aromatic hydrocrabons)	health and wellbeing	0.3ng/m³		1 year	
cadmium and compounds (measured as the total metal content in PM_{10})	health and wellbeing	5ng/m³		1 year	

Column 1	Column 2	Column 3		Column 4	Column 5
Indicator	**Environmental value**	**Air quality objectives**		**Period**	**Days**
		µg/m³at 0 degrees C (except where noted)	**ppm (volume/ volume)**		
carbon disulfide	health and wellbeing	110	0.032	24 hours	
	protecting aesthetic environment	21	0.0063	30 minutes	
carbon monoxide	health and wellbeing	11mg/m³	9	8 hours	1 day each year
dichloromethane	health and wellbeing	3.2mg/m³	0.85	24 hours	
		0.48mg/ m³	0.13	1 week	

Column 1	Column 2	Column 3		Column 4	Column 5
Indicator	**Environmental value**	**Air quality objectives**		**Period**	**Days**
		µg/m³at 0 degrees C (except where noted)	**ppm (volume/ volume)**		
fluoride	health and biodiversity of ecosystems (other than protected areas)	2.9		24 hours	
		0.84		30 days	
		0.5		90 days	
	health and biodiversity of ecosystems (for protected areas)	0.1		90 days	
	protecting agriculture	1.5		24 hours	
		0.4		30 days	
		0.25		90 days	
formaldehyde	health and wellbeing	54	0.04	24 hours	
	protecting aesthetic environment	110	0.08	30 minutes	
hydrogen sulfide	health and wellbeing	160	0.11	24 hours	
	protecting aesthetic environment	7.5	0.0049	30 minutes	

Column 1	Column 2	Column 3		Column 4	Column 5
Indicator	**Environmental value**	**Air quality objectives**		**Period**	**Days**
		µg/m³at 0 degrees C (except where noted)	**ppm (volume/ volume)**		
inorganic mercury vapour	health and wellbeing	1.1		1 year	
lead and compounds (measured as the total metal content in total suspended particles)	health and wellbeing	0.5		1 year	
manganese and compounds (measured as the total metal content in PM_{10})	health and wellbeing	0.16		1 year	
nickel and compounds (measured as the total metal content in PM_{10})	health and wellbeing	20ng/m³		1 year	
nitrogen dioxide	health and wellbeing	250	0.12	1 hr	1 day each year
		62	0.03	1 year	
	health and biodiversity of ecosystems	33	0.016	1 year	

Column 1	Column 2	Column 3		Column 4	Column 5
Indicator	**Environmental value**	**Air quality objectives**		**Period**	**Days**
		µg/m³at 0 degrees C (except where noted)	**ppm (volume/ volume)**		
ozone	health and wellbeing	210	0.10	1 hr	1 day each year
		160	0.08	4 hours	1 day each year
ozone (measured as accumulated exposure over a threshold of 40 ppb during daylight hours)	protecting agriculture		0.2 ppm-hr	5 days	
			3 ppm-hr	3 months	
	health and biodiversity of ecosystems (for semi-natural vegetation)		3 ppm-hr	3 months	
	health and biodiversity of ecosystems (for natural or uncultivated areas)		10 ppm-hr	6 months	
$PM_{2.5}$	health and wellbeing	25		24 hours	
		8		1 year	

Column 1	Column 2	Column 3		Column 4	Column 5
Indicator	**Environmental value**	**Air quality objectives**		**Period**	**Days**
		µg/m³at 0 degrees C (except where noted)	**ppm (volume/ volume)**		
PM_{10}	health and wellbeing	50		24 hours	5 days each year
styrene	health and wellbeing	280	0.06	1 week	
	protecting aesthetic environment	75	0.016	30 minutes	
sulfate	health and wellbeing	27		24 hours	
sulfur dioxide	health and wellbeing	570	0.2	1 hr	1 day each year
		230	0.08	1 day	1 day each year
		57	0.02	1 year	
	protecting agriculture	32	0.011	1 year	
	health and biodiversity of ecosystems (for forests and natural vegetation)	22	0.0075	1 year	

Column 1	Column 2	Column 3		Column 4	Column 5
Indicator	**Environmental value**	**Air quality objectives**		**Period**	**Days**
		µg/m³at 0 degrees C (except where noted)	**ppm (volume/ volume)**		
tetrachloroethylene	health and wellbeing	0.27mg/m³	0.036	1 year	
	protecting aesthetic environment	8.6mg/m³	1.16	30 minutes	
toluene	health and wellbeing	4.1mg/m³	1	24 hours	
		410	0.1	1 year	
	protecting aesthetic environment	1.1mg/m³	0.26	30 minutes	
total suspended particles	health and wellbeing	90		1 year	
vanadium and compounds (measured as the total metal content in PM_{10})	health and wellbeing	1.1		24 hours	
vinyl chloride monomer	health and wellbeing	28	0.010	24 hours	
visibility reducing particles	protecting aesthetic environment	20km visibility in the air environment		1 hr	

Column 1	Column 2	Column 3		Column 4	Column 5
Indicator	**Environmental value**	**Air quality objectives**		**Period**	**Days**
		µg/m³at 0 degrees C (except where noted)	**ppm (volume/ volume)**		
xylenes (as a total of ortho, meta and para isomers)	health and wellbeing	1.2mg/m³	0.25	24 hours	
		950	0.2	1 year	

Schedule 2 Dictionary

section 3

air emission means a substance released into the air.

air environment means the part of the environment of an area or place characterised by the air emissions that may be experienced there.

air quality objective, for an area or place, means—

(a) for an air quality objective for an indicator that is the amount of the visibility in the air environment—the minimum amount of visibility that should be in the air environment of the area or place despite the presence of the indicator; or

(b) otherwise—the maximum level that an indicator should be in the air environment of the area or place.

dwelling means a part of a building used or capable of being used as a residence.

equivalent aerodynamic diameter, in relation to a particle (a ***measured particle***), means a length equivalent to the diameter of a spherical particle with a density of $1g/cm^3$ that has the same settling velocity as the measured particle.

health and biodiversity of ecosystems means the environmental value mentioned in section 7(a).

health and wellbeing means the environmental value mentioned in section 7(b).

indicator means a contaminant that may be present in the air environment.

$PM_{2.5}$ means particles in the air environment with an equivalent aerodynamic diameter of not more than 2.5 microns.

PM_{10} means particles in the air environment with an equivalent aerodynamic diameter of not more than 10 microns.

ppb means parts for each billion.

ppm means parts for each million.

ppm-hr, for an indicator, means the average concentration of the indicator measured in parts for each million, multiplied by the length of time in hours to which the average applies.

protected area see the *Nature Conservation Act 1992*, section 14.

protecting agriculture means the environmental value mentioned in section 7(d).

protecting aesthetic environment means the environmental value mentioned in section 7(c).

total suspended particles means particles in the air environment with an equivalent aerodynamic diameter of not more than 50 microns.

1 Index to endnotes

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 9 November 2012. Future amendments of the **Environmental Protection (Air) Policy 2008** may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key		Explanation	Key		Explanation
AIA	=	**Acts Interpretation Act 1954**	**(prev)**	=	**previously**
amd	=	**amended**	**proc**	=	**proclamation**
amdt	=	**amendment**	**prov**	=	**provision**
ch	=	**chapter**	**pt**	=	**part**
def	=	**definition**	**pubd**	=	**published**
div	=	**division**	**R[X]**	=	**Reprint No. [X]**
exp	=	**expires/expired**	**RA**	=	**Reprints Act 1992**
gaz	=	**gazette**	**reloc**	=	**relocated**
hdg	=	**heading**	**renum**	=	**renumbered**

Key		Explanation	Key		Explanation
ins	=	**inserted**	**rep**	=	**repealed**
lap	=	**lapsed**	**(retro)**	=	**retrospectively**
notfd	=	**notified**	**rv**	=	**revised edition**
num	=	**numbered**	**s**	=	**section**
o in c	=	**order in council**	**sch**	=	**schedule**
om	=	**omitted**	**sdiv**	=	**subdivision**
orig	=	**original**	**SIA**	=	**Statutory Instruments Act 1992**
p	=	**page**	**SIR**	=	**Statutory Instruments Regulation 2002**
para	=	**paragraph**	**SL**	=	**subordinate legislation**
prec	=	**preceding**	**sub**	=	**substituted**
pres	=	**present**	**unnum**	=	**unnumbered**
prev	=	**previous**			

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1 rv	none	1 January 2009	Revision notice issued for R1

Reprint No.	Amendments included	Effective	Notes
1A	2011 Act No. 18	1 January 2012	
1B	2012 SL No. 196	9 November 2012	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Environmental Protection (Air) Policy 2008 SL No. 441
made by the Minister for Sustainability, Climate Change and Innovation on 26 November 2008
notfd gaz 12 December 2008 pp 2044–53
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2009 (see s 2)
exp 1 September 2019 (see SIA s 54)
Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
(2) An explanatory note was prepared.
amending legislation—

Work Health and Safety Act 2011 No. 18 ss 1–2, 404 sch 4 pt 1
date of assent 6 June 2011
ss 1–2 commenced on date of assent
remaining provisions commenced 1 January 2012 (2011 SL No. 238)

Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 196 pts 1–2
notfd gaz 9 November 2012 pp 319–20
commenced on date of notification

6 List of annotations

Air quality objectives for indicators
s 8 amd 2011 Act No. 18 s 404 sch 4 pt 1

SCHEDULE 1—AIR QUALITY OBJECTIVES

amd 2012 SL No. 196 s 3