

## APA Technical Note - Western Outer Ring Main - Environment Effects Statement

**TECHNICAL NOTE NUMBER:** TN06

**DATE:** 13 September 2021

**SUBJECT:** Specialist Area: Greenhouse Gas  
An update for the purposes of the *Environment Protection Act 2017 (Vic)*

**SUMMARY** This Technical Note outlines the implications of the *Environment Protection Act 2017 (Vic)* (as amended by the Environment Protection Amendment Act 2018) which came into effect on 1 July 2021, specific to Technical Report H *Greenhouse Gas* of the Western Outer Ring Main (WORM) Environment Effects Statement (EES).

**ATTACHMENTS:** Changes to EMM GG1 and GG2

**NOTE:**

**Background**

- 1 EES Technical Report H *Greenhouse Gas* and Chapter 10 of the WORM EES foreshadowed that the *Environment Protection Act 2017 (Vic)* (new Act) would come into effect on 1 July 2021 and that this would introduce the new General Environmental Duty (GED).
- 2 This note outlines the key implications of the new Act and regulations, guidelines or standards that will be relevant to the assessment of the environmental effects of the WORM Project during construction and/or operation.
- 3 This note also sets out changes recommended to the exhibited version of the Environmental Management Measures (EMMs) to account for the new Act, regulations, guidelines or standards.

**Implications of new GED**

- 4 The new Act contains a **GED** that will be applicable to APA and all contractors carrying out the construction and operation of the WORM Project.
- 5 The GED (as defined in Section 25 of the new Act) requires a person or entity to:
  - Identify risks and hazards that may impact the environment or human health that arise from its operations; and
  - Eliminate or minimise those risks as far as reasonably practicable.
- 6 The Environmental Management Framework and Construction Environment Management Plan (CEMP) developed as part of the EES and Pipeline Licence Application responds to the identified risks to the environment and human health that may arise from the construction and operation of the WORM Project, responding to the first requirement of the GED. It is considered that the risk assessment undertaken and documented in EES Technical Report H *Greenhouse Gas* does not need to be updated as it adequately identifies risks to the environment and human health from the Project.

- 7 The EMMs relevant to greenhouse gas as identified in EES Technical Report H *Greenhouse Gas* have been developed to manage the identified risks to human health and the environment. In this Technical Note, consideration has been given to whether the EMMs require updating to comply with the GED or to ensure that the EMMs either eliminate or minimise the risks as far as reasonably practicable, as discussed in paragraphs 12 - 14.

### **Other relevant provisions of the new Act and Environmental Protection Regulations 2021 (regulations)**

- 8 Relevant provisions in the new Act and Regulations relating to Greenhouse Gas include:
- Section 25 of the new Act places a risk-based duty on a person to manage their activities to minimise the risk of harm to human health or the environment from pollution or waste so far as reasonably practicable;<sup>1</sup>
  - Under section 3 of the new Act, the definition of 'waste' includes "*a greenhouse gas substance emitted or discharged into the environment*".
  - Clause 8 of Schedule 1 to the new Act which provides that regulations may be made for:
    - Regulating or prohibiting the emission or discharge of greenhouse gas substances, including for the purposes of contributing to the State's long-term emissions reduction target and interim emissions reduction targets under the *Climate Change Act 2017*;
    - Prescribing standards for the emission or discharge of greenhouse gas substances, including emission intensity standards and maximum levels of emissions of greenhouse gas substances; and
    - Prescribing the conditions under which greenhouse gas substances may be emitted or discharged.
- 9 As at the date of this Technical Note, there have been no regulations made in relation to greenhouse gas. At this point in time, there are no practical changes required for the Project.

### **Relevant Standards or Guidelines**

- 10 Technical Report H *Greenhouse Gas* and Chapter 10 refers to the *Protocol for Environmental Management: Greenhouses Gas Emissions and Energy Efficiency in Industry 2001* (EPA publication 824) (PEM), an incorporated document of the State Environment Protection Policy (Air Quality Management) (SEPP (AQM)).
- 11 Although the SEPP AQM is no longer in force, the PEM still provides the most up to date guidance on greenhouse gas emissions and efficiency from EPA. The Project's compliance with the PEM demonstrates best practice and reasonably practicable risk reduction through the application of EPA's current guidance around greenhouse gas emissions. Therefore, there are no practical changes required for the Project and the EMMs have not been amended to remove reference to the PEM.

### **Changes to EMMs**

- 12 The following EMMs relating to greenhouse gas require amendment to meet the GED and incorporate changes associated with the new Act:
- GG1 - Construction emissions; and

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<sup>1</sup> The GED replaces the clean water framework that existed under Part 5 of the *Environment Protection Act 1970*.

- GG2 - Normal operation of Wollert Compressor Station.

- 13 Attached is a mark-up of the relevant EMMs showing the changes needed to include the updated requirements of the new Act.
- 14 Consideration has also been given to whether the EMMs reduce the risk of harm to human health and the environment to the extent reasonably practicable and therefore meet the GED. The attached mark-up of the relevant EMMs are proposed to reflect the language of GED but do not impose additional requirements on the Project to further reduce risk.

#### **Currency of Technical Report and Chapter**

- 15 The new standards and guidance material associated with the new EP Act 2017, was foreshadowed in the EES. For example, section 4.4 of the Greenhouse Gas Technical Report provided that:

*'The Environment Protection Act 1970 and Environment Protection Act 2017 (the EP Act) establish the legislative framework for protecting the environment in Victoria. The Environment Protection Act 2017 (as amended by the Environment Protection Amendment Act 2018) introduces the concept of general environmental duty (GED), which requires Victorians to understand and minimise their risks of harm to human health and the environment, from pollution and waste. Commencement of the Environment Protection Amendment Act 2018 has been postponed until 1 July 2021.'*

- 16 Having considered the new provisions discussed above and within Part 5 of the Environment Reference Standard, the conclusions presented in EES Technical Report H *Greenhouse Gas* and Chapter 10 of the WORM EES do not need to be altered. All conclusions remain relevant, and the assessment does not need to be supplemented by any additional analysis.

## Annexure 1

### Changes to Greenhouse Gas EMMs

GREENHOUSE GAS		
Ref.	Environmental controls	Project phase
GG1	<p><b>Construction emissions</b></p> <p>Reduce greenhouse gas emissions during construction <a href="#">so far as reasonably practicable including</a> by:</p> <ul style="list-style-type: none"> <li>(a) Using low embodied energy materials where they are of comparable quality, utility, availability and cost.</li> <li>(b) Using fuel efficient plant and equipment and used where practicable during construction</li> <li>(c) Using locally sourced materials, including those provided by suppliers, where they are of comparable quality, utility, availability and cost.</li> <li>(d) Reducing the amount of vegetation removal along the pipeline alignment as far as reasonably practicable.</li> <li>(e) Monitoring construction greenhouse gas emissions via audit/monitoring processes.</li> <li>(f) Mulching trees for recycling</li> <li>(g) Minimising the amount of fossil fuel based explosives required during the construction phase.</li> </ul> <p>Performance monitoring of these requirements are described in Section 12.2. of the CEMP.</p>	Construction
GG2	<p><b>Normal operation of Wollert Compressor Station</b></p> <p><a href="#">Minimise greenhouse gas emissions so far as reasonably practicable through implementation of</a> <del>implement</del> the Protocol for Environmental Management (PEM): Greenhouses Gas Emissions and Energy Efficiency in Industry 2001 during operation of the Wollert compressor including consideration of energy efficiency best practice in the selection of the compressor type (greenhouse gas emissions and energy efficiency in industry).</p> <p>Comply with the conditions associated with the Pipeline Licence.</p> <p>Monitor operation greenhouse gas emissions via audit/monitoring processes.</p> <p>Performance monitoring of these requirements are described in Section 12.2. of the CEMP.</p>	Design / Operation