

EPA Guidelines

Environment improvement programs (EIPs) —a drafting guide for licensees

Re-issued September 2004

EPA 420/04— This guideline has been provided to help licensees draft an EIP that meets the standard acceptable to the Environment Protection Authority.

Introduction

Environment improvement programs (EIPs) are regulatory tools provided for under section 54 of the *Environment Protection Act 1993* (the Act) and are attached to environmental authorisations issued under the Act. An EIP provides clear and demonstrable scheduling of the improvements to be undertaken by a licensee to enable them to meet the general environmental duty or other provisions of the Act.

Using a standard template

The Environment Protection Authority (the EPA) recommends that licensees use the EPA template to help with structure and wording when drafting their EIPs. An example EIP is attached to this guideline; a blank template in Microsoft Word format is available by e-mail from the EPA — epainfo@epa.sa.gov.au, or call 8204 2004.

Nature of a standard EIP

A standard EIP is based on specified compliance actions that the licensee undertakes to complete within an agreed timeframe so that they comply with the Act. These specified actions are listed in Section 4 of the EIP.

Once approved by the EPA, the EIP will be used as the basis to demonstrate the ongoing improvements in environmental performance at a site that are necessary to comply with the Act. To ensure that there is no ambiguity, the EPA requires EIP documents to be clear and concise, each requirement of the EIP to be defined and compliance to be demonstrated.



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What to include in an EIP document

In the EIP, include only information specifically related to the tasks needed to achieve the goals. Do not include details of:

- monitoring plans that are required under other conditions of licence
- contingency or monitoring plans
- the background history of the site
- the company history or operations

or any other superfluous information.

Reference other relevant documents, if any, in the EIP but don't include them in the EIP document.

Allowing for both planning and implementation stages

In straightforward cases or when all the relevant information is available, licensees can commit to a course of action for meeting the intent of an EIP.

However, in complex environmental or operational situations when not all relevant information is available, the licensee can negotiate with the EPA to include a planning phase in the EIP document. During this phase, the licensee would gain the necessary information and then commit to an investment decision. The EIP document would also then include the implementation stages once a decision by the licensee has been made.

The EIP template allows for a planning and implementation phase.

Drafting an EIP document using the template

The EIP template allows for the inclusion of information considered relevant to an EIP and encourages the use of clear and unambiguous wording. The template has five main sections, each of which must be included in an EIP.

1. Tracking and reference information

Complete the information for document tracking and licence reference for the EIP in the table on the first page.

- **Document number:** the unique number that identifies the document version. Usually, several alterations are made to a document before it is approved by the EPA and each version must have a unique document number. For ease of reference it is recommended that the licence number prefix the document number.
- **Document date:** the date when the document was completed/printed.
- **Licensee:** the name of the licensee as it appears on the environmental authorisation granted under the Act.
- **EPA authorisation number:** the environmental authorisation number under which the EIP is required.
- **Site to which this EIP applies:** the legal parcel identifiers of the land (as listed on the current certificate(s) of title) to which the environmental authorisation has been issued. A sub-reference such as street address may be included in brackets.

- **Document produced by:** the author of the EIP document may be the licensee or an external consultancy company.

2. General description

In this section, outline the requirements of the EIP, other relevant information and the general approach to be adopted by the licensee in order to meet the EIP requirements. It provides the setting for the EIP and allows the remainder of the document to be interpreted within context and understanding of the site. The subsections are as follows:

- **Brief:** a brief description of the company, the site, and the activities being undertaken at the site that relate to the EIP. It provides some context to the document but should not exceed three or four sentences.
- **Licence compliance:** an EIP will be required where it has been shown that a licensee does not comply with the Act. Describe briefly the requirements of the EIP and the nature of the non-compliance. Include verbatim the condition of licence or exemption that requires an EIP. Reference compliance dates and exemptions granted under the Act, if relevant.
- **Referenced documentation:** refer here to other documentation related to the environmental impact that required the development of an EIP. They may include monitoring reports, other consultancy reports or relevant correspondence between the EPA and the licensee. The EPA will probably require access to these referenced reports when reviewing the proposed EIP.
- **Intent:** describe how the EIP will be implemented. If you wish, include general descriptions of the approach to be taken, any actions that are not included in the EIP and some discussion about process and/or timing.
- **Site map:** include a suitable site map in the document covering the location to which the EIP refers. Label the map appropriately, especially with particular locations or areas at the site referenced in the EIP.

3. Table of intended approach

The time-line chart for activities to be undertaken in implementing the EIP includes activities relating to planning, seeking appropriate approvals, construction, commissioning and de-commissioning works.

4. EIP compliance actions

Outline the actual tasks that you will be undertaking in order to meet the intent of the EIP. In assessing compliance and ongoing performance, the EPA will assess the actions outlined in this section.

Ensure that the actions are unambiguous and clearly demonstrable. The licensee, the EPA and any other person¹ must be able to clearly understand and observe compliance and non-compliance with these actions. At the outset of an EIP, it must be clear what will be required to implement each compliance action.

- Begin all compliance actions with the wording 'By (date), (licensee) will ...'.
- Refer to an individual action or task for each compliance action.

¹ Licensees should be aware of the provisions of the Environment Protection Act and Freedom of Information legislation in respect to the public availability of documents submitted to the EPA. The licensee should make the EPA aware under section 121 of the Environment Protection Act of any submitted information that may be considered as confidential.

- Use positive or directive words – for example, ‘will’ rather than ‘may’, ‘must’ rather than ‘should’.
- Include only compliance actions that you have control over (e.g. if development approval is needed for constructing or altering equipment, include a compliance action of ‘submitting a development application’ rather than ‘securing development approval’.
- Wherever possible, balance compliance actions throughout the term of the EIP. The number of compliance actions included in an EIP document will vary, depending on the requirements of the EIP and the nature of the environmental issues. More than six compliance actions per year could burden you with onerous reporting requirements; balanced actions allow both the EPA and the community to review compliance over the term of the EIP to ensure that action and implementation are on schedule.
- Try to draft compliance actions that can clearly show that the task has been completed; this is a good measure as to whether the action is demonstrable or appropriately drafted.

5. Submission

The final part of the EIP document is the signature by an officer authorised on behalf of the licensee, and the signed approval by a delegate of the EPA. The EPA recommends that the licensee liaise with their licence coordinator throughout the EIP drafting process to help provide appropriate focus to the document.

What happens once an EIP is lodged

Once an EIP document has been lodged with the EPA, a number of assessment and administrative steps need to be undertaken in the process of approval. In the normal situation, the licensee will liaise with their licence coordinator before submitting the document; this will help to ensure that the EIP document has been drafted appropriately. The EPA will:

- assess the EIP on technical grounds to ensure that the actions proposed by the licensee will achieve the intent of the EIP, that is, to enable compliance with the Act
- assess the EIP against administrative criteria, such as this guideline, to ensure that the document and the EIP compliance actions are unambiguous and clearly demonstrable
- decide whether to approve the proposed document or require amendments
- depending on the nature of the environmental authorisation issued to the licensee, proceed with an amendment to the licence or exemption to require implementation of the approved EIP
- schedule, through the licence coordinator, ongoing assessment of the EIP implementation and particularly the achievement of the EIP compliance actions².

Currency of these guidelines

These guidelines offer advice to assist in compliance with the general environmental duty and specific environmental policies. They are subject to amendment and people relying on the information should check with the EPA to ensure that it is current at any given time.

² If, through the term of an EIP, the EPA becomes aware of changes in circumstances that warrant a revision of an approved EIP, it may allow the licensee to propose a variation to the EIP. In such an instance, the EPA would re-assess the proposal, and consider the need for public consultation. Failure to comply with the requirements of an approved EIP may result in fines of up to \$120,000.

FURTHER INFORMATION

Legislation

Legislation may be viewed on the Internet at: www.parliament.sa.gov.au/dbsearch/legsearch.htm

Copies of legislation are available for purchase from:

Government Information Centre
Lands Titles Office, 101 Grenfell Street
Adelaide SA 5000

Telephone: 12 23 24
Internet: shop.service.sa.gov.au

For general information please contact:

Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Telephone: (08) 8204 2004
Facsimile: (08) 8204 9393
Freecall (country): 1800 623 445
Internet: www.epa.sa.gov.au/

ENVIRONMENT IMPROVEMENT PROGRAM

Pursuant to requirements under the Environment Protection Act 1993

This attachment contains sample text to help licensees complete their own EIP documents. (Sample text is shown in grey.) A [Word version](#) is available from the EPA website.

1 Tracking and reference information

Document number	9879.2.1
Document date	15 May 2002
Licensee	MRH Pty Ltd
EPA authorisation number	9879
Site to which this EIP applies	Allotment 121 in Filed Plan 15481 & Allotment 7 in Deposited Plan 5613. (132 North East Terrace, Norwood)
Document produced by	MRH Pty Ltd

2 General description

Brief

(Sample text)

MRH Pty Ltd is licensed under the *Environment Protection Act 1993* to operate a medium-sized timber processing facility at the site. The main activities at the site are: sawing green logs, kiln drying the sawn timber, and packaging and loading this product onto trucks. The kilns at the site are heated using steam generated by an oil-fired boiler at the site.

Environmental authorisation compliance

The licensee is required to develop an EIP to address the:

(Sample text)

1. non-compliance of the oil-fired boiler with the mandatory provisions of the *Environment Protection (Air Quality) Policy 1994*, namely clauses 4(1) and 5(1).

The condition of the licence issued to MRH Pty Ltd requiring the development of and compliance with an EIP states:

The licensee must:

2. *prepare and submit in writing to the EPA for its assessment and approval, by the date indicated in the compliance column, an EIP acceptable to the EPA, which must identify all reasonable and practicable measures to be taken by the licensee and the time within which each measure will be implemented so that the oil-fired boiler at the site complies with clauses 4(1) and clauses 5(1) of the Environment Protection (Air Quality) Policy 1994*
3. *in the event that the EIP is not acceptable to the EPA, re-prepare and resubmit an EIP which is acceptable to the EPA for its approval*
4. *implement the EIP by 1 August 2004 and report to the EPA each time a measure identified in the EIP is implemented.*

Compliance date: 1 June 2002

An exemption has been issued under the provisions of *Environment Protection (Air Quality) Policy 1994* for the period till 1 August 2004 to allow MRH Pty Ltd to continue operating the oil-fired boiler at the site until this EIP is implemented.

Submitted by: Approved by:

Referenced documentation

(Sample text)

In developing this EIP, MRH Pty Ltd has considered these other relevant documents:

- correspondence from the Environment Protection Authority to MRH Pty Ltd dated 14 June 2001 outlining issues needing consideration in the draft EIP
- AB Consulting, September 2001, *Assessment of Air Emissions from the Steam Generation Facility at MRH Pty Ltd Norwood*
- AB Consulting, June 2001, *Meteorology and Existing Air Quality at MRH Pty Ltd, Norwood.*

Intent

(Sample text)

In order to ensure compliance with the *Environment Protection (Air Quality) Policy 1994*, MRH Pty Ltd intends to replace the current oil-fired boiler with a new steam generation facility which will be located adjacent to the existing plant.

The new steam plant will need to produce approximately 2000 kg of steam per hour to meet current production requirements at the site. The type of steam generation plant will be determined through the term of the EIP; however, at this stage MRH Pty Ltd's preferred option is a gas-fired system.

The existing oil-fired boiler will be operated with current management practices until the new steam generation plant is commissioned and operating. There are no provisions for capital expenditure on the existing oil-fired boiler, and compliance will be achieved through its decommissioning once the new steam generation facility is built.

Submitted by: Approved by:

Site map

Submitted by: Approved by:

3 Table of intended approach

(Sample timeline)

Intended stages for implementing EIP	August 2002	September 2002	October 2002	November 2002	December 2002	January 2003	February 2003	March 2003	April 2003	May 2003	June 2003	July 2003	August 2003	September 2003	October 2003	November 2003	December 2003	January 2004	February 2004	March 2004	April 2004	May 2004	June 2004	July 2004	August 2004
MRH Pty Ltd determines requirements for facility	■	■																							
Do cost-benefit of steam generation options	■	■	■																						
Board decides on steam option & approves funding				■																					
Gain necessary approvals from authorities					■	■	■																		
Negotiate construction and delivery of facility			■	■	■	■	■																		
Planning for construction								■	■	■	■														
Construction of steam generation facility														■	■	■	■	■	■	■	■	■			
Trialing of steam generation facility																							■		
Decommission existing boiler																								■	

This table of stages provides a general indication of the focus of activities at the site during the period of the EIP. This table is intended as a guide, and therefore does not include the compliance actions required to be completed by MRH Pty Ltd. These compliance actions are included in the following section.

Submitted by: Approved by:

4 EIP compliance actions

(Sample text)

MRH Pty Ltd has committed to undertake the following specific actions to demonstrate that it will achieve compliance with the requirements of the *Environment Protection (Air Quality) Policy 1994*. The compliance actions listed below are the tasks through which MRH Pty Ltd will demonstrate compliance with the condition of Licence 34-02.

(Sample compliance actions)

Compliance action 1

By 1 November 2003, MRH Pty Ltd will complete the cost-benefit analysis and technical assessments to allow for a commitment on the type and model of the new steam generation facility.

Compliance action 2

By 1 December 2003, MRH Pty Ltd will commit to an option for replacing the oil-fired boiler, and approve all necessary expenditure for implementing the EIP at the site.

Compliance action 3

By 1 January 2003, MRH Pty Ltd will submit a development application to the relevant planning authority for constructing the new steam generation facility.

Compliance action 4

By 1 April 2003, MRH Pty Ltd will confirm to the Environment Protection Authority that the steam generation facility has been ordered for production and delivery.

Compliance action 5

By 1 July 2003, MRH Pty Ltd will provide copies of supply and construction documents to the Environment Protection Authority detailing the agreement for constructing and installing the new steam generation facility.

Compliance action 6

By 1 January 2004, MRH Pty Ltd will begin construction and installation of the new steam generation facility at the site.

Compliance action 7

By 1 June 2004, MRH Pty Ltd will ensure that the steam generation plant has been constructed in a manner that allows trialing and commissioning of the new steam generation plant.

Compliance action 8

By 1 July 2004, MRH Pty Ltd will ensure that any compliance reports required before the new steam generation plant is commissioned are provided to the relevant authorities.

Compliance action 9

By 1 August 2004, MRH Pty Ltd will permanently cease operating the oil-fired boiler at the site.

Submitted by: Approved by:

5 Submission

Submitted by:

John A Smith
Managing Director MRH Pty
Authorised on behalf of MRH Pty Ltd

Signed: Dated:

Approved by:

Name:
Position:

Delegate of the Environment Protection Authority

Signed: Dated: