

V I C T O R I A   G O V E R N M E N T

# G A Z E T T E

No. S 57 Thursday 29 November 1990  
By Authority L. V. North, Government Printer Melbourne

**SPECIAL**

*Environment Protection Act 1970*

**INDUSTRIAL WASTE MANAGEMENT POLICY (CONTROL OF OZONE-DEPLETING SUBSTANCES) No. IW-1B**

The Governor in Council, under section 16 (1A) of the *Environment Protection Act 1970*, declares the following Industrial Waste Management Policy (Control of Ozone-depleting Substances) No. IW-1B.

Dated: 27 November 1990

Responsible Minister:

A. McCUTCHEON

Minister for Planning and Urban Growth

JILL BRENNAN

Acting Clerk of the Executive Council

1. This order may be cited as the Industrial Waste Management Policy (Control of Ozone-depleting Substances) No. IW-1B referred to below as the policy, and will come into operation upon publication in the *Government Gazette*.

2. This policy is divided into parts as follows:

- |            |   |
|------------|---|
| Part I     | – Preliminary   |
| Part II    | – Objectives  |
| Part III   | – Attainment Program  |
| Part IV    | – Definitions   |
| Schedule A | – List of Chlorofluorocarbons   |
| Schedule B | – List of Halons  |
| Schedule C | – List of Industries and Activities   |
| Schedule D | – Essential Use Criteria for use of Halon Portable<br>Fire Extinguishers and Halon Fire Suppression Systems |

**PART I—PRELIMINARY**

*Application of the Policy*

3. The policy applies to chlorofluorocarbons, halons and equipment that contains or uses these substances.

4. This policy applies to commercial, industrial, municipal, trade, laboratory and domestic activities and to State Government departments, instrumentalities and agencies and statutory authorities in the State of Victoria.

5. The policy covers the sale, consumption, use, distribution, management, allocation of responsibility for waste management operations, handling, storage, reclamation, recycling, reprocessing, transport and destruction of chlorofluorocarbons and halons, and designing, servicing and decommissioning of equipment that contains or uses these substances in Victoria.

*Implementation of the Policy*

6. Reduction in emissions of chlorofluorocarbons and halons to the atmosphere will be achieved through codes of practice or through licence provisions, pollution abatement notices and minor works orders, under the Act.

7. The Authority will implement this policy through the exercise of its statutory responsibilities and will develop and implement programs as declared in this policy. The Authority may initiate, participate in and co-ordinate other programs to attain and maintain policy objectives.

*Sunset Provision*

8. This policy will remain in force for ten years from the date of declaration.

PART II—OBJECTIVES

9. The purpose of this policy is to reduce hazards to health and the environment from depletion of stratospheric ozone by minimising the release of chlorofluorocarbons and halons into the atmosphere.

10. This policy establishes a framework and mechanisms for the management and destruction of chlorofluorocarbons and halons, to reduce consumption of these ozone-depleting substances and minimise their emission to the atmosphere.

11. Chlorofluorocarbons and halons will be sold, consumed, used, distributed, managed, handled, stored, reclaimed, recycled, reprocessed, transported, destroyed, and associated equipment that contains or uses these substances will be designed and serviced, in a way which minimises the potential for their emission into the environment.

12. Access to and use of any ozone-depleting substance, for or with respect to any industry or activity listed in Schedule C, will be limited to persons who have the expertise and facilities to handle these substances with no or minimum discharge to the atmosphere.

13. Wherever practicable chlorofluorocarbons should be reclaimed and returned to the distributor for re-use or recycled on-site. The distributor will be responsible for returning the used chlorofluorocarbons to the manufacturer for reprocessing, wherever practicable.

PART III—ATTAINMENT PROGRAM

*Sale of Ozone-depleting Substances*

14. Any distributor or wholesaler selling chlorofluorocarbons or halons must keep written records of sales.

15. Any distributor or wholesaler of chlorofluorocarbons must—

- (1) accept, wherever practicable, all reclaimed chlorofluorocarbons returned for reprocessing; and
- (2) keep written records of quantities of chlorofluorocarbons returned for reprocessing.

16. Accurate information on chlorofluorocarbon and halon consumption will be achieved as follows—

(1) All records must include the name and address of the purchaser, the end use category, the quantity of ozone-depleting substances supplied and the quantity of ozone-depleting substances returned. The end use categories which must be recorded are—

- foam production
- solvents use
- dry cleaning
- aerosols
- vehicle air conditioning
- commercial/industrial air conditioning and refrigeration
- domestic refrigeration
- domestic air conditioning
- portable fire extinguishers

- halon fire suppression systems
- miscellaneous (if none of the above, specify the application or activity).

(2) Written records must be sent to the Authority no later than 14 days after each of the quarters ending 31 March, 30 June, 30 September and 31 December and must be available for inspection at any time by an authorised officer upon request.

*Registration*

17. On and from 1 January 1991, any person who purchases any ozone-depleting substance for or with respect to any industry or activity listed in Schedule C must be registered by—

- (1) an appropriate Industry Board; or
- (2) by the Authority:
  - (a) where there is no appropriate Industry Board; or
  - (b) following a successful application for registration made under Clause 20.

18. Registration shall only be granted where the appropriate Industry Board or the Authority, as the case requires, is satisfied that—

- (1) any ozone-depleting substance purchased will only be supplied for use by an accredited person; and
- (2) the person applying for registration has access to the necessary equipment to minimise the emissions of any ozone-depleting substance.

19. Where an appropriate Industry Board receives any application for registration, the appropriate Industry Board must, not later than 60 days after receiving the application—

- (1) refuse to grant registration; or
- (2) grant registration subject to such conditions, if any, as the appropriate Industry Board considers appropriate.

20. A person who has been refused registration by the appropriate Industry Board may apply to the Authority for registration.

21. Where the Authority receives any application for registration, the Authority must, not later than 60 days after receiving the application—

- (1) refuse to grant registration; or
- (2) grant registration subject to such conditions, if any, as the Authority considers appropriate.

22. Any person who purchases any ozone-depleting substance must maintain, in respect of each purchase, written records which must—

- (1) contain the following details:
  - (a) the quantity of the ozone-depleting substance;
  - (b) the name of the ozone-depleting substance; and
  - (c) the name and address of the person from whom the ozone-depleting substance was purchased.

(2) be made available for inspection upon request at any time by an authorised officer.

*Accreditation*

23. On and from 1 January 1991 any person who uses any ozone-depleting substance for or with respect to any industry or activity listed in Schedule C must be accredited by—

- (1) an appropriate Industry Board; or
- (2) by the Authority:
  - (a) where there is no appropriate Industry Board; or
  - (b) following a successful application for accreditation made under clause 26.

24. Accreditation shall be granted where the appropriate Industry Board or the Authority, as the case requires, is satisfied that the applicant has—

- (1) an adequate appreciation of—
  - (a) the role of ozone-depleting substances in depleting stratospheric ozone; and
  - (b) the consequences of the depletion of stratospheric ozone; and
- (2) a proven ability to take effective measures to minimise emissions of any ozone-depleting substances.

25. Where the appropriate Industry Board receives an application for accreditation, the appropriate Industry Board must, not later than 60 days after receiving the application—

- (1) refuse to grant accreditation; or
- (2) grant accreditation subject to such conditions, if any, as the appropriate Industry Board considers appropriate.

26. A person who has been refused accreditation by the Industry Board may apply to the Authority for accreditation.

27. Where the Authority receives an application for accreditation, the Authority must, not later than 60 days after receiving the application—

- (1) refuse to grant accreditation; or
- (2) grant accreditation subject to such conditions, if any, as the Authority considers appropriate.

#### *Handling of Chlorofluorocarbons and Halons*

28. Any vessel containing chlorofluorocarbon or halon must be clearly identified with the name of the substance contained in that vessel. A person must not fill or partially fill any vessel with any substances other than the ozone-depleting substance identified on the vessel.

29. Transferral of chlorofluorocarbons or halons between vessels must be achieved with no or minimal emission of ozone-depleting substances to the atmosphere.

#### *Dry Cleaning*

30. From the date of declaration of this policy, any person who operates or maintains chlorofluorocarbon based dry cleaning equipment must comply with the "Code of Practice for the Dry Cleaning Industry" endorsed by the Authority.

#### *Solvents*

31. To reduce the emission of chlorofluorocarbons from electronic cleaning systems and degreasing systems—

- (1) on and from the date of declaration of this policy, any person who operates or maintains electronic cleaning systems or degreasing systems must comply with the "Code of Practice for the Solvent Cleaning of Electronics Systems and Degreasing of Mechanical Parts" endorsed by the Authority; and
- (2) on and from the date of declaration of this policy, any person who operates such systems must recover chlorofluorocarbon from the cleaning operation for re-use or for return to the distributor or wholesaler for reprocessing or for secure storage pending destruction.

#### *Domestic Refrigeration*

32. From the date of declaration of this policy, any person who designs or services domestic refrigeration units must comply with the "Code of Practice for the Design and Service of Domestic Refrigeration Units" endorsed by the Authority.

#### *Motor Vehicle Air Conditioning*

33. To reduce the emission of chlorofluorocarbons from motor vehicle air conditioning units—

- (1) on and from the date of declaration of this policy, any person who designs or services motor vehicle air conditioning units must comply with the "Code of Practice for the Design and Service of Motor Vehicle Air Conditioning Units" endorsed by the Authority; and

- (2) on and from 1 January 1991, any person who services or maintains motor vehicle air conditioning units must reclaim chlorofluorocarbons whenever units are being serviced and maintained; and
- (3) any chlorofluorocarbons reclaimed must be returned to the distributor or wholesaler for reprocessing, or recycled on-site or securely stored pending destruction.

*Industrial/Commercial Air Conditioning and Refrigeration*

34. To reduce the emission of chlorofluorocarbons from industrial and commercial air conditioning and refrigeration units—

- (1) on and from the date of declaration of this policy, any person who designs or services industrial and commercial air conditioning and refrigeration units must comply with the "Code of Practice for the Design and Service of Industrial and Commercial Air Conditioning and Refrigeration Units" endorsed by the Authority;
- (2) on and from 1 January 1991, any person who services or maintains industrial and commercial air conditioning and refrigeration units must reclaim chlorofluorocarbons whenever units are being serviced, maintained and decommissioned; and
- (3) Any chlorofluorocarbon that is reclaimed must be returned to the distributor or wholesaler for reprocessing, or recycled on-site or securely stored pending destruction.

35. On and from the date of declaration of this policy refrigeration and air conditioning units containing chlorofluorocarbons must be labelled in such a manner that the refrigerant can be identified by service personnel at all times.

*Domestic Air Conditioning*

36. To reduce the emission of chlorofluorocarbons from domestic air conditioners —

- (1) on and from the date of declaration of this policy, any person who services or maintains domestic air conditioners must reclaim chlorofluorocarbons whenever units are being serviced and maintained at a central service premises; and
- (2) any chlorofluorocarbon that is reclaimed must be returned to the distributor or wholesaler for reprocessing, or recycled on-site or securely stored pending destruction.

*Portable Halon Fire Extinguishers*

37. On and from the date of declaration of this policy, any person who owns or controls a portable halon extinguisher, which requires refilling, must ensure that it is decommissioned and the halon held in storage pending destruction, unless—

- (1) the Authority is satisfied that the use of the halon portable fire extinguisher complies with the essential use criteria specified in Schedule D; and
- (2) the person requests and obtains the written consent of the Authority to retain use of the halon portable fire extinguisher.

38. On and from 1 January 1991, any person who owns or controls a portable halon extinguisher, which is due for hydrostatic testing, must ensure that it is decommissioned and the halon held in storage pending destruction, unless—

- (1) the Authority is satisfied that the use of the halon portable fire extinguisher complies with the essential use criteria specified in Schedule D; and
- (2) the person requests and obtains the written consent of the Authority to retain use of the halon portable fire extinguisher.

39. To reduce the emissions of halons from portable extinguishers—

- (1) on and from the date of declaration of this policy, discharge testing of portable halon extinguishers is banned;
- (2) on and from the date of declaration of this policy, the use of a portable halon extinguisher for training purposes is banned; and

- (3) by 1 January 1996, any person who owns or controls a portable halon fire extinguisher must ensure that it is decommissioned and the halons held in storage pending destruction, unless—
- (a) the Authority is satisfied that the use of the halon portable fire extinguisher complies with the essential use criteria specified in Schedule D; and
  - (b) the person requests and obtains the written consent of the Authority to retain use of the halon portable fire extinguisher.

#### *Halon Fire Suppression Systems*

40. On and from the date of declaration of this policy, a person must not use halons for testing halon fire suppression systems except with the prior written consent of the Authority. The Authority may—

- (1) include in its consent such conditions as the Authority considers appropriate;
- (2) revoke or vary any condition as the Authority considers appropriate; and
- (3) revoke its consent if the person fails to comply with any condition of the consent.

41. On and from 1 January 1991, a person must not test a halon fire suppression system if such testing will result in a release of halon to the atmosphere.

42. On and from the date of declaration of this policy, a person must not install any halon fire suppression system unless—

- (1) the Authority is satisfied that the use of the halon fire suppression system complies with the essential use criteria specified in Schedule D; and
- (2) the person requests and obtains the written consent of the Authority to install the halon fire suppression system.

43. Where the Authority receives a request for consent to install a halon fire suppression system under Clause 42 (2) of this policy, the Authority must, not later than 60 days after receiving the request—

- (1) refuse to provide the consent; or
- (2) provide the consent subject to such conditions, if any, the Authority considers appropriate.

44. The Authority may revoke or vary any condition in the consent given under Clause 43 (2), as the Authority considers appropriate.

45. The Authority may revoke its consent given under Clause 43 (2) if the person to whom consent has been granted fails to comply with a condition of the consent.

46. By 31 March 1991, any occupier of premises at which there is a halon fire suppression system installed must notify the Authority of the location and capacity of the halon fire suppression system.

47. On and from the date of declaration of this policy, any occupier of premises at which there is a halon fire suppression system installed must notify the Authority, within 30 days, of any discharge of halon from the halon fire suppression system and the cause.

48. To reduce the emission of halons from fire suppression systems—

- (1) on and from the date of declaration of this policy, any person who designs halon fire suppression systems must comply with the "Code of Practice for the Installation and Design of Halon Fire Suppression Systems" endorsed by the Authority;
- (2) on and from the date of declaration of this policy, any person who services or maintains fixed halon flooding systems must comply with the "Code of Practice for the Service and Maintenance of Halon Fire Suppression Systems" endorsed by the Authority; and
- (3) on and from the date of declaration of this policy, any person who owns or controls a halon fixed flooding system must reclaim and re-use or hold in storage pending destruction halons whenever that system is being serviced, maintained or decommissioned.

49. By 1 January 1996 any person who owns or controls a halon fire suppression system must ensure that it is decommissioned and the halons held in storage pending destruction, unless—

- (1) the Authority is satisfied that the use of the halon fire suppression system complies with the essential use criteria specified in Schedule D; and
- (2) the person requests and obtains the written consent of the Authority to maintain possession or control of the halon fire suppression system.

*Monitoring*

50. To determine rates of re-use of ozone-depleting substances and decreases in their consumption, the Authority may monitor consumption and return of chlorofluorocarbons and halons.

*Education*

51. The Authority, in conjunction with industry, may promote industry awareness of the means of reducing emissions of ozone-depleting substances to the atmosphere.

52. The Authority may promote research into reducing emissions, safe secure storage and destruction of ozone-depleting substances

Part IV—Definitions

53. In this policy, unless inconsistent with the context or subject matter, the following definitions must apply:

“Act” means the *Environment Protection Act 1970*.

“Authority” means the Environment Protection Authority constituted under the Act.

“Authorised officer” means a person appointed under the Act as an authorised officer for the purposes of the Act.

“Chlorofluorocarbon” means a substance listed in Schedule A, whether existing alone or as a mixture.

“Code of practice” means standards, prescriptions, procedures or other specifications developed or approved by the Authority for the purposes of this policy.

“Decommissioning” means the retirement of equipment from service, prior to it being scrapped or used for some other purpose.

“Halon” means a substance listed in Schedule B, whether existing alone or as a mixture.

“Halon portable fire extinguisher” means a portable fire extinguisher containing halon.

“Halon fire suppression system” means a fire extinguishing system consisting of a supply of halon arranged to discharge into an enclosure(s).

“Industry Board” means an industry board which—

- (1) represents people working in the particular industry or using a particular type of equipment;
- (2) Consists of representatives of the industry or persons with expertise in the particular industry, or both;
- (3) uses criteria endorsed by the Authority to assess applications for registration and accreditation; and
- (4) is approved by the Authority in writing, either generally or specifically.

“Ozone-depleting substance” means a substance listed in Schedule A or Schedule B, whether alone or as a mixture.

“Reclamation” means recovery of chlorofluorocarbon or halon from a unit for re-use, recycling, reprocessing or disposal.

“Recycling” means recovery of chlorofluorocarbon or halon from a unit for re-use after passing it through some on-site or non-production factory form of purification.

“Regulation” means a regulation made under the Act.

“Reprocessing” means recovery of chlorofluorocarbon or halon from a unit for return to a producing plant and reformulation before being available for re-use.

“Servicing” means any repair, maintenance or adjustments of equipment which may result in release of chlorofluorocarbon or halon.

## SCHEDULE A: LIST OF CHLOROFLUOROCARBONS

<i>Substance</i>	<i>Chemical Formula</i>	<i>Common Name</i>
Trichlorofluoromethane	CFCl <sub>3</sub>	CFC 11
Dichlorodifluoromethane	CF <sub>2</sub> Cl <sub>2</sub>	CFC 12
Trichlorotrifluoroethane	C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	CFC 113
Dichlorotetrafluoroethane	C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	CFC 114
Monochloropentafluoroethane	C <sub>2</sub> F <sub>5</sub> Cl	CFC 115

## SCHEDULE B: LIST OF HALONS

<i>Substance</i>	<i>Chemical Formula</i>	<i>Common Name</i>
Bromochlorodifluoromethane	CBrClF <sub>2</sub>	Halon 1211
Bromotrifluoromethane	CBrF <sub>3</sub>	Halon 1301

## SCHEDULE C: LIST OF INDUSTRIES AND ACTIVITIES

<i>Industry</i>	<i>Activity</i>
Dry cleaning using CFC 113	Service, maintenance, operation, installation and decommissioning
Motor vehicle air conditioning	Service, maintenance and installation
Commercial and industrial refrigeration and air conditioning	Service, maintenance, installation and decommissioning
Domestic refrigeration	Service and maintenance
Fixed flooding halon fire protection systems	Service, maintenance, design, installation, commissioning and decommissioning
Portable halon fire extinguisher	Service, maintenance and decommissioning

## SCHEDULE D: ESSENTIAL USE CRITERIA FOR USE OF HALON PORTABLE FIRE EXTINGUISHERS AND HALON FIRE SUPPRESSION SYSTEMS

An essential use is where—

- (1) There is a state of danger, imminent or otherwise, to human life, either
  - (a) in an installation where human occupancy is critical and evacuation is not possible; or
  - (b) where the continued operation of the installation is necessary to protect human life; and an acceptable alternative means of fire protection does not exist; or
- (2) in an installation critical to the community, a fire-caused loss of equipment or fire-caused loss of the operation of the equipment or to the services from the operation of the equipment, may have far reaching consequences; and an acceptable alternative means of fire protection does not exist.





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