

**ENVIRONMENT MANAGEMENT (WASTE DISPOSAL AND RECYCLING)
REGULATIONS 2007**

Table of Contents

PART 1 – PRELIMINARY

1. Citation and commencement
2. Definitions
3. Requirements for permits

DIVISION A – WASTE DISPOSAL

PART 2 – SOLID AND LIQUID WASTE PERMITS

4. Requirement for a solid waste permit
5. Requirement for a liquid waste permit
6. Criteria for issue of a liquid waste permit
7. Testing for water quality
8. Categories of solid or liquid waste permit
9. Sensitive ecological zones
10. Standard and significant disposers and dischargers
11. Hazardous waste endorsement

PART 3 – LIVESTOCK WASTE PERMITS

12. Livestock facilities
13. Requirement for a livestock waste permit

PART 4 – AIR POLLUTION PERMITS

14. Requirement for an air pollution permit
15. Exemption from air pollution permit
16. Air quality standards
17. Monitoring of air quality
18. Compliance with standards
19. Conditions of air pollution permits
20. Air pollution management plans

PART 5 – CONTROL OF AIR POLLUTION

21. Emissions to air from certain activities
22. Incineration of waste

DIVISION B – WASTE RECYCLING

PART 6 – LEAD ACID BATTERIES

23. Requirement for a batteries handling permit
24. Conditions of batteries handling permits
25. Customs clearance of batteries
26. Duties of sellers of batteries

27. Duties of handlers of batteries
28. Disposal of batteries by handlers
29. Disposal of batteries by consumers

PART 7 – PLASTIC BOTTLES

30. Requirement for a plastic bottle permit
31. Conditions of plastic bottle permits

PART 8 – LANDFILLS AND RECYCLING

32. Requirement for a landfill permit
33. Conditions of landfill permits
34. Requirement for a recycling facility permit
35. Conditions of recycling facility permits

PART 9 – WASTE COLLECTION

36. Requirement for a waste transport permit
37. Conditions of waste transport permits
38. Requirement for a solid waste dump permit
39. Conditions of a solid waste dump permit
40. Waste collection centres
41. Solid waste collection generally

DIVISION C – ADMINISTRATION

PART 10 – CONDITIONS OF PERMITS

42. General conditions of a permit
43. Optional conditions
44. Environmental waste bond
45. Waste management plans

PART 11 – PERMITS SYSTEM

46. Application for a permit
47. Issue of a permit
48. Variation of a permit
49. Amendment of permit application
50. Identity of corporate body or permit holder
51. Renewal of a permit
52. Suspension of a permit
53. Appeals
54. Register of permits

PART 12 - INSPECTION AND COMPLIANCE

55. Waste returns
56. Recycling monitoring
57. Compliance inspections
58. Taking of samples

- 59. Records of inspections
- 60. Non-compliance notice
- 61. Fixed penalty and remedial notice

PART 13 – MISCELLANEOUS

- 62. Confidentiality of information
- 63. Notices
- 64. Forms
- 65. Fees
- 66. Recovery of moneys
- 67. Amendment of Schedules
- 68. Prosecution of offences/Penalties
- 69. Best practice guidelines

Schedule 1 – Forms

- Form 1 – Non-compliance notice
- Form 2 – Application for waste disposal permit
- Form 3 – Waste disposal permit
- Form 4 – Waste disposal return
- Form 5 – Application to renew a waste disposal permit
- Form 6 – Application for waste recycling permit
- Form 7 – Waste recycling permit
- Form 8 – Batteries handling return
- Form 9 – Undertaking by importer of batteries
- Form 10 – Plastic bottle return
- Form 11 – Landfill return
- Form 12 – Recycling facility return
- Form 13 – Waste transport return
- Form 14 – Solid waste dump return
- Form 15 – Application to renew a recycling permit
- Form 16 – Fixed penalty and remedial notice
- Form 17 – Stop order

Schedule 2 – Fees

Schedule 3 – National liquid waste standards

Schedule 4 – Criteria for significant disposals/discharges

Schedule 5 – National air quality standards

Schedule 6 – Rules for incineration at landfills

ENVIRONMENT MANAGEMENT ACT 2005
(No. 1 of 2005)

**Environment Management (Waste Disposal and Recycling)
Regulations 2007**

IN exercise of the powers conferred on me by Part 5 and sections 61(1) (and (3) of the Environment Management Act 2005, and after consulting the Ministers respectively responsible for Fijian Affairs, land, mineral resources, agriculture, fisheries and forests, I make these Regulations –

PART 1 - PRELIMINARY

Citation and commencement

1. – (1) These Regulations may be cited as the Environment Management (Waste Disposal and Recycling) Regulations 2007.

(2) These Regulations come into force on date on which the Act comes into force.

Definitions

2. – (1) In these Regulations, unless the context otherwise requires –
“acceptance standard” means an aesthetic standard or a concentration standard;

“Act” means the Environment Management Act 2005;

“aesthetic standard” means an aesthetic standard for liquid waste discharges as set out Part A of Schedule 3;

“air pollution management plan” means a plan submitted as a condition of an air pollution permit, pursuant to regulation [20];

“air pollution permit” means a permit to make emissions issued under regulation [14];

“air quality standard” means an ambient air quality standard or an emission standard;

“ambient air” means the air immediately above or surrounding any place or premises;

“applicant” means a person who is applying for a permit;

“application inspection” means an inspection of premises or vehicles or both under regulation [46];

- “authorised person”, in relation to an application for a permit for a facility, means an individual duly authorised by the owner of the facility to make the application;
- “batteries handling permit” means a permit to handle batteries issued under regulation [23];
- “battery” means a lead acid battery;
- “best practice guidelines” means guidelines issued by the Director under regulation [69] for disposals of solid waste or discharges of liquid waste from a facility;
- “bottle”, as a noun, means a small portable container for liquid;
- “bottle”, as a verb, means to manufacture or fill bottles with liquid for purposes of sale;
- “bulk consumer”, in relation to batteries, means a government WPC Administrator or other organization that purchases batteries through contracts centrally placed on behalf of individual units under its jurisdiction;
- “Central Board of Health” means the Central Board of Health constituted under section 3 of the Public Health Act (Cap. 111);
- “CEO” means the chief executive officer of the Ministry as defined in the Titles of Offices Order 2007 (Legal Notice 9/07);
- “commercial or industrial process” means a commercial or industrial activity as described in the definition of ‘commercial or industrial facility’ in the Act;
- “compliance inspection” means an inspection of premises or vehicles or both under regulation [57];
- “compliance inspection notice” means a written notice of an intention to inspect a facility or undertaking given under regulation [57];
- “component” means a lead-bearing component of a battery;
- “consumer”, in relation to batteries, means a person who uses a battery;
- “concentration standard” means a concentration standard for liquid waste discharges as set out in Part B of Schedule 3;
- “day”, in relation to a period of days less than 10, means a working day;
- “designated waste collection centre” means a waste collection centre designated by the Director under regulation [40];

“discharge”, in relation to liquid waste, means a discharge of the waste to a sewer or drain, to surface water, to a septic tank, or to the ground;

“disposal”, in relation to solid waste, means disposal of the waste to a solid waste receptacle, to a landfill, to a recycling facility or to the ground;

“distribute”, in relation to batteries, means to purchase batteries in bulk from a manufacturer or importer and –

- (a) sell them to wholesalers or retailers; or
- (b) provide them as a service to consumers;

“distributor” includes a bulk consumer;

“export” means to send out of the Fiji Islands;

“emission” means an emission of gas, smoke, steam or dust from premises to the environment;

“environmental waste bond” means a bond given by the proponent in accordance with regulation [44];

“film” means a cinematograph film, and any other material record of visual moving images that is capable of being used for the subsequent display of those images, but excludes –

- (a) anything that was not created primarily for showing at a cinema, or for broadcasting on television, or for educational purposes; and
- (b) home movies;

“handle”, in relation to batteries, means to import, manufacture, sell by wholesale, or distribute batteries;

“hazardous waste” means –

- (a) hazardous waste as defined in the Act;
- (b) any waste containing a hazardous substance as defined in the Act;

“hazardous waste endorsement” means an endorsement on a permit issued pursuant to regulation [11];

“high-temperature hazardous waste incinerator” means an incinerator designed and operated principally for burning hazardous waste at a temperature greater than 800°C as measured -

- (a) near the inner wall of the incinerator; or
- (b) at another point in the combustion chamber where the temperature is likely to represent the temperature in the incinerator;

- “import” means to bring into the Fiji Islands with a view to resale;
- “incineration” means burning of solid waste in a container designed for the purpose;
- “landfill” means an area of land where solid waste is placed on land or on top of other waste and disposed of by being incinerated or buried;
- “landfill permit” means a permit to operate a landfill issued under regulation [32];
- “lead acid battery” means a portable source of stored electrical energy that contains lead metal;
- “liquid waste permit” means a permit to discharge liquid waste issued under regulation [5];
- “livestock” includes (but is not limited to) pigs, cows, sheep, goats, hens and ducks;
- “livestock waste” means solid or liquid waste or pollutants generated by a livestock facility;
- “livestock waste permit” means a permit to dispose of or discharge livestock waste issued under regulation [13];
- “local authority” has the meaning given to that term by section 2 of the Public Health Act (Cap. 111);
- “manufacturer”, in relation to batteries, means a person in charge of a facility manufacturing lead acid batteries or components;
- “Ministry” means the Ministry responsible for the administration of the Act;
- “municipality” means a town or district constituted under the Local Government Act (Cap. 125);
- “national air quality standard” means the air quality standard applicable throughout the Fiji Islands as set out in Schedule [5];
- “national liquid waste standards” means the standards for liquid waste discharges set out in Schedule [3];
- “occupier” means the person who occupies premises that are the subject of a permit application, not being the owner;
- “oil” means petroleum in any form other than gas, and includes crude oil, fuel oil sludge, oil refuse, and refined oil products such as diesel fuel, kerosene, and motor gasoline;

“permit” means a waste disposal permit or a recycling permit;

“permit holder” means the person to whom a permit in respect of a facility is issued, being the owner of the facility or an authorised person;

“PET bottle” means a bottle made of polyethylene terephthalate;

“plastic bottle” means –

- (a) a PET bottle; and
- (b) any other bottle or container made of plastic that the Minister may, by order in the *Gazette*, declare to be a plastic bottle for the purpose of these Regulations;

“plastic bottle permit” means a permit to import or manufacture plastic bottles issued under regulation [30];

“PM10” (particulate matter) means an air pollutant that consists of tiny solid or liquid particles of soot, dust, smoke, fumes and aerosols, with an aerodynamic diameter of less than or equal to 10 micrometers.

“premises” include any open space from which waste or pollutant is discharged or emissions are made;

“receiving waters” means the waters that will receive liquid waste from a facility, and includes (but is not limited to) the sea, rivers, streams, natural waterways, lakes and man-made pools;

“recycle” means to receive waste and –

- (a) process it, or cause it to be processed, for reuse;
- (b) convert it into power; or
- (c) export it;

“recycling facility” means a facility, other than a landfill, where solid or liquid waste is recycled;

“recycling facility permit” means a permit for a facility to recycle waste issued under regulation [34];

“recycling permit” means –

- (a) a batteries handling permit;
- (b) a plastic bottle permit;
- (c) a landfill permit;
- (d) a recycling facility permit;
- (e) a waste transport permit; or
- (f) a solid waste dump permit;

“regulated activity”, in relation to a facility or any premises or vehicle under its control, means –

- (a) the disposal of solid waste or pollutants to the environment;
- (b) the discharge or liquid waste or pollutants to the environment;
- (c) the disposal or discharge of livestock waste;
- (d) the emission of exhaust gases, smoke, steam or dust to the environment;
- (e) handling, storing, processing or controlling any hazardous substance;
- (f) producing or generating any waste, pollutant or hazardous substance;

“semi-annual return” in respect of a regulated activity means a return sent to the WPC Administrator every 6 months from the date of issue of the permit;

“sensitive ecological zone” means a zone declared under regulation [9] as requiring higher acceptance standards for disposal or discharge of waste and pollutants;

“significant discharger” means a facility that makes significant discharges of liquid waste;

“significant disposer” means a facility that makes significant disposals of solid waste;

“solid waste” means waste other than liquid waste and includes white goods discarded as waste;

“solid waste dump” means open ground where solid waste is deposited and that is not a sanitary landfill;

“solid waste dump permit” means a permit to operate a solid waste dump issued under regulation [38];

“solid waste permit” means a permit to dispose of solid waste issued under regulation [4];

“waste collection centre” means an area of land or premises, other than a landfill or a recycling facility, where waste is collected and sorted for transport to a solid waste dump, a recycling facility or a landfill;

“waste disposal permit” means –

- (a) a solid waste permit;
- (b) a liquid waste permit;
- (c) a livestock waste permit; or
- (d) an air pollution permit;

“waste disposal return” means a return from a facility sent pursuant to regulation [55(1)];

“waste management authority”, in relation to any facility or premises, means –

- (a) the local authority that has responsibility under the Public Health Act (Cap. 111) for waste disposal in the area where the facility or premises are located;
- (b) if there is no such authority, the Central Board of Health established under that Act;

“waste management plan” means a plan submitted as a condition of a permit, pursuant to regulation [45];

“waste recycling return” means a return from a facility sent pursuant to Division B;

“waste return” means a waste disposal return or a waste recycling return;

“waste transport business” means the transport of waste on a public road, as a commercial undertaking, or incidentally to the operation of a facility –

- (a) between facilities;
- (b) from a facility to a permitted solid waste dump, recycling facility or landfill; or
- (c) to a port or airport for export;.

“waste transport permit” means a permit to conduct a waste transport business issued under regulation [36];

“wholesaler”, in relation to batteries, means a person who buys batteries wholesale from an importer or manufacturer and sells them at retail;

“written” and “in writing” include a record or communication in any electronic form that is readily retrievable.

(2) In these Regulations, the terms “significant” and “standard” in relation to amounts of waste disposed of or discharged by a facility refer to the criteria for significant disposals or discharges set out in Schedule [4], as provided by regulation [10].

Requirements for permits

- 3. –** (1) A facility is liable to prosecution for an offence under Part 6 of the Act if –
- (a) it requires a permit under these Regulations and undertakes any regulated activity on or from its premises or a vehicle under its control without a permit;
 - (b) it holds a permit under these Regulations but undertakes a regulated activity from its premises or a vehicle under its control in breach of the conditions of the permit;
 - (c) it is exempted from the requirement for a permit under these Regulations but undertakes a regulated activity from its premises

or a vehicle under its control in breach of the conditions of the exemption.

- (2) If a facility fails to comply with any condition of a permit –
- (a) the permit may be suspended under regulation [52] for a period determined by the WPC Administrator;
 - (b) the facility is liable to prosecution for an offence under Part 6 of the Act if it continues to undertake a regulated activity from its premises or a vehicle under its control during the period of suspension.

(3) The requirement for a waste disposal permit under Division A of these regulations is in addition to a requirement for a waste recycling permit under Division B, but a single permit may be issued in respect of each Division.

(4) The requirement for a permit under these Regulations is in addition to any other requirement for a permit under the Act or any other written law.

PART 2 – SOLID AND LIQUID WASTE PERMITS

Need for a solid waste permit

4. – (1) Subject to this regulation, every commercial or industrial facility that disposes of solid waste or pollutant from any of its premises must hold a solid waste permit in respect of the disposal.

(2) A separate solid waste permit is required for each site from which disposals are made, but the permit may cover more than one disposal point on the site.

- (3) A solid waste permit is not required for –
- (a) the disposal of solid waste from premises in a bag, bin or other container that is –
 - (i) of a type approved by the waste management authority;
 - (ii) placed at the premises by or for the use of the waste management authority; and
 - (iii) used in accordance with the instructions of the authority;
 - (b) the disposal of solid waste from a unit of a building or premises for collection and disposal by the management of the building or premises in a manner approved by the waste management authority;
 - (c) disposal of solid waste to a permitted recycler;

(d) solid waste disposal by a permitted waste transport operator in relation to the waste disposed of in the course of waste transport operations.

(4) The exemption in subregulation (3) does not apply to a facility that is -

(a) classified as a significant disposer of solid waste; or

(b) situated in a sensitive ecological zone.

(5) In this regulation, decisions of the waste management authority refer to decisions taken in accordance with Part X of the Public Health Regulations (Cap. 111 sub. leg.)

Need for a liquid waste permit

5. – (1) Subject to this regulation, every commercial or industrial facility that discharges liquid waste or pollutant from any of its premises must hold a liquid waste permit in respect of the discharge.

(2) A separate liquid waste permit is required for each site from which a discharge is made, but the permit may cover more than one discharge point on the site.

(3) A liquid waste permit is not required for the discharge of liquid waste to a septic tank at the site of the facility if –

(a) the structure of the tank is approved by the Central Board of Health under Part VIII of the Public Health Regulations (Cap. 111 sub. leg.);

(b) the tank is maintained to the satisfaction of the waste management authority; and

(c) the contents of the tank are disposed of as and when required by the waste management authority.

(4) A liquid waste permit is not required for the discharge of liquid waste to a sewer that serves the facility if –

(a) the sewer is under the control of the Water and Sewerage Department; and

(b) the discharges comply with the requirements of that Department in respect of the facility.

(5) A liquid waste permit is not required for the discharge of uncontaminated mains water, rainwater or stormwater from premises in compliance with the relevant aesthetic standard.

(6) The exemptions in subregulations (3) and (4) do not apply to a facility

that is –

- (a) classified as a significant discharger; or
- (b) situated in a sensitive ecological zone.

(7) In this regulation, decisions of the waste management authority refer to decisions taken in accordance with Part IX of the Public Health Regulations (Cap. 111 sub. leg.).

Criteria for issue of a liquid waste permit

- 6. –** (1) Before issuing a liquid waste permit to any facility, the WPC Administrator must, at the expense of the facility –
- (a) inspect the facility, the surrounding area and the receiving waters;
 - (b) assess the capacity of the receiving waters to accept a discharge without detrimental effect on the local ecosystem.

(2) The WPC Administrator may delegate the inspection and assessment function under subregulation (1) to the local authority for the area in which the premises are located and may (but is not obliged to) base the decision whether to issue a permit on the written advice of that authority.

(3) The inspection under subregulation (1) is in addition to any inspection under regulation [46(2)] and is governed by the same rules.

(4) In the light of the inspection and assessment carried out under subregulation (1), the WPC Administrator may issue a permit to the facility if satisfied –

- (a) that it is appropriate to do so, having regard to the national liquid waste standards; and
- (b) that the facility maintains pre-treatment equipment in accordance with any best practice guidelines on the subject.

(5) The conditions attached to a liquid waste permit must –

- (a) set a timetable for the discharges from the facility to comply with the national liquid waste standards;
- (b) include a table for each discharge point, specifying the amount of each substance to be monitored for that point, the monitoring timeframe and any improvements required;
- (c) include for each discharge point a sketch drawing showing its location, and an estimate of volume, specifying the anticipated daily discharge volume and average rate of discharge;

- (d) if the daily discharge volume from an individual discharge point exceeds 10,000 litres – specify the flow measurement instrumentation that is to be used.

(6) The conditions attached to a permit under this regulation are in addition to any conditions imposed or attached under Part 10.

Testing for water quality

7. – (1) The frequency of taking of samples of liquid waste from the premises of a facility should be –
- (a) a facility that complies with best practice guidelines – 1 sample per year;
 - (b) a facility that discharges less than 1 mL/day – 4 samples per year;
 - (c) a facility that discharges 1 mL/ day or more – 12 samples per year.

(2) For a facility that discharges more than 10 kL/day and that has flow measurement, the samples should be composites taken over a production day, with compliance measured by an 80% compliance and no exceedance greater than 110% of the acceptance standard.

(3) The quality of discharges from a facility is to be measured at the property boundary by concentrations of liquid samples taken at each point of discharge to a receiving water.

(4) A waste management plan for a facility that discharges liquid waste must show that all discharges from the premises will, within 3 years from the issue of the permit, or such other time as the WPC Administrator decides, comply with the national liquid waste standards, or any other standards that are agreed by the WPC Administrator in writing in respect of the facility.

Categories of solid or liquid waste permit

8. – (1) A solid or liquid waste permit may relate to either construction or operation of a facility or any premises.
- (2) A construction waste permit –
 - (a) relates to solid or liquid waste and pollutants generated during construction or demolition of premises of a facility; and
 - (b) lapses upon completion of the construction or demolition work.
 - (3) An operational waste permit relates to the specified type of waste and pollutants generated by the commercial or industrial processes of a facility once the facility is in operation.

- (4) A solid or liquid waste permit may be issued –
- (a) for a single disposal or discharge of waste and pollutant;
 - (b) for multiple disposals or discharges of specified types of waste and pollutant during a specified period; or
 - (c) for disposal or discharge of all wastes and pollutants during the life of the permit under conditions specified in the permit.

Sensitive ecological zones

9. – (1) If the WPC Administrator is satisfied that any area of land or receiving waters would be particularly harmed by the disposal of solid waste into the area or discharge of liquid waste into the waters, the WPC Administrator may, with the approval of the Minister and by order in the *Gazette*, declare the area or waters to be a sensitive ecological zone.

(2) A facility that discharges liquid waste to a sensitive ecological zone must comply with –

- (a) the higher acceptance standards applicable to the zone set out in Part B of Schedule 3; and
- (b) any other special conditions relevant to the zone published by the WPC Administrator from time to time.

(3) The obligation under subregulation (2) is in addition to any conditions attached to a permit and a breach of it is a breach of the conditions of the permit.

(4) A declaration of a sensitive ecological zone and the special conditions applicable to the zone must be –

- (a) publicised in the zone by all appropriate means;
- (b) brought to the notice of facilities in the zone that hold or require permits.

Standard and significant disposers and dischargers

10. – (1) A facility that applies for a solid or liquid waste permit must be classified into one of the following types, by reference to the criteria set out in Schedule 4 –

- (a) “standard solid waste disposer” disposing of standard amounts of solid waste;
- (b) “significant solid waste disposer” disposing of significant amounts of solid waste;
- (c) “standard liquid waste discharger” discharging standard amounts of liquid waste;

- (d) “significant liquid waste discharger” discharging significant amounts of liquid waste.

(2) The Director may, by order in the *Gazette*, declare any type of facility to be a significant solid waste disposer or significant liquid waste discharger by virtue of the potential impact on the environment of that type of facility.

- (3) A standard discharger is any discharger that is not a significant discharger.

Hazardous waste endorsement

11. – (1) A facility that disposes of or discharges hazardous waste requires a hazardous waste endorsement to the waste disposal permit.

(2) If any hazardous waste is involved in any of the processes at a facility that requires a waste disposal permit –

- (a) the facility must give details of the hazardous wastes when applying for the permit;
- (b) the permit, if issued, must be endorsed with conditions relating to the handling, transportation and disposal of hazardous wastes.

PART 3 – LIVESTOCK WASTE PERMITS

Livestock facilities

12. (1) This regulation applies to every facility that keeps livestock in a confined area and is or includes in total –

- (a) a piggery with 10 sows or more;
- (b) a dairy milking shed with 10 cows or more;
- (c) a cattle feedlot of 5 head or more;
- (d) a commercial meat producing unit;
- (e) a commercial poultry farm.

(2) The WPC Administrator may in writing direct a livestock facility that does not come within subregulation (1) to obtain a livestock waste permit if the Administrator considers that the impact of the facility on receiving waters requires control by means of a permit.

Need for a livestock waste permit

13. – (1) Every livestock facility to which regulation [12] applies must hold a livestock waste permit in respect of disposals or discharges of waste and pollutants from the facility.

(2) A permit is required in respect of each site operated by the facility from which disposals or discharges occur.

PART 4 – AIR POLLUTION PERMITS

Need for an air pollution permit

14. – (1) Subject to this regulation, every commercial or industrial facility that emits exhaust gases, smoke, steam or dust from any of its premises, must hold an air pollution permit in respect of the emission.

(2) A separate air pollution permit is required for each site from which an emission occurs, but the permit may cover more than one emission point on the site.

- (3) An air pollution permit may be issued –
- (a) for a single emission;
 - (b) for multiple emissions during a specified period; or
 - (c) for emission of specified amounts of gas, smoke, steam or dust during the life of the permit under conditions specified in the permit.

Exemption from air pollution permit

15. – (1) A facility does not require an air pollution permit if the emissions from the facility comply with the national air quality standards for such emissions, taking into account -

- (a) the type of substance emitted;
- (b) the quantity and frequency of the emissions; and
- (c) the surrounding environmental factors.

(2) Notwithstanding any other provision, a facility that burns solid fuel on its premises requires a permit under these regulations.

(3) If the WPC Administrator has reason to suspect that the emissions from premises occupied by a facility do not comply with the national emissions standards, the WPC Administrator may conduct a compliance inspection of those premises to ascertain whether the facility requires a permit.

(4) If the WPC Administrator considers that the ambient air quality standard in any place does not comply with the national ambient air quality standard for that place, the WPC Administrator may conduct an air pollution inspection of premises occupied by facilities in that place to ascertain whether any facility requires a permit.

(5) Regulations [57], [58] and [59] apply to an inspection under subregulation (3) or (4) to the extent appropriate, and references to a permit holder or applicant in those regulations are to be construed as references to the owner of a facility.

(6) If, following an inspection under subregulation (3) or (4) or otherwise, the WPC Administrator considers that the emissions from a facility do not comply with the national air quality standards, the WPC Administrator may issue a non-compliance notice to the facility pursuant to regulation [60].

Air quality standards

16. – (1) The standards set out in Part A of Schedule [5] are the ambient air quality standards that apply throughout the Fiji Islands.

(2) The standards set out in Part B of Schedule [5] are the air quality standards for emissions that apply throughout the Fiji Islands.

(3) The air quality standards for a facility that holds a permit are those set out in the permit.

(4) If the emission of a pollutant is permitted by a permit, the relevant ambient air quality standard for the pollutant still applies to the premises or place that the permit applies to.

(5) An ambient air quality standard applies at any place where people are likely to be exposed to the pollutant, including the open air.

(6) If the WPC Administrator considers that the national air quality standards are inappropriate in any part of the country, the WPC Administrator may by order in the *Gazette* establish different air quality standards for that part.

Monitoring of air quality

17. – (1) The monitoring of ambient air quality standards must be conducted –

(a) in the case of national air quality standards - in accordance with the relevant method listed in Part A of Schedule [5];

(b) in all cases - at a place where there are one or more people and the standard is breached by the greatest margin or the most frequently, whichever is most likely.

(2) Monitoring of emissions must be conducted at the exhaust emission point of a substance, or at an inspection point that accurately records the quality of emissions.

(3) In order to meet the emissions standards, the concentration of a point source of a substance must not exceed the concentration (mg/Nm^3) specified in Part B of Schedule [5], calculated by using any of the methods specified in paragraph 2 of that Part.

(4) Facilities that make emissions must regularly monitor exhaust emission points, and for this purpose must use the monitoring protocols specified by, where appropriate -

- (a) the Department of Environment;
- (b) the facility's Code of Environmental Practice (if any); or
- (c) these Regulations.

Compliance with standards

18. – (1) Compliance with the air quality standards under these Regulations or any permit issued under them does not affect the obligation of facilities to comply with standards for workplace emissions under the Health and Safety at Work Act 1996.

(2) If more than one facility is responsible for emissions that cause the ambient air quality around premises used primarily for residential purposes to fall below the national air quality standards –

- (a) the facilities may agree among themselves on methods to reduce emissions so as to meet the standards;
- (b) if they cannot agree among themselves within a reasonable time, the WPC Administrator may require a reduction to be achieved by each facility based on what the Administrator considers reasonable in the circumstances.

(3) The best practicable means should be used to reduce the exhaust of polluting substances from a facility. For this purpose –

- (a) reducing the effects of the exhaust to an acceptable level by dispersion may be necessary in cases where the exhaust concentrations are high; but
- (b) raising a chimney to meet the standards will only be allowed in cases where the costs of any appropriate alternative measures are unreasonably high.

Conditions of air pollution permits

19. – (1) It is a condition of any air pollution permit held by a facility –

- (a) that all emissions from premises occupied by the facility will comply with the air quality standards specified in the permit;
- (b) that any emission control equipment installed at the facility will be correctly used;
- (c) that the facility will not make emissions at times or in a manner contrary to the permit.

- (2) The WPC Administrator may, when issuing an air pollution permit for a facility, attach additional conditions, including, but not limited to -
- (a) requirements for the maintenance of equipment that is likely to produce air pollution;
 - (b) the type of fuel that can be used in boilers and furnaces;
 - (c) the provision of emission control equipment to minimise emissions of pollutants from the premises;
 - (d) directing emissions to the air by a stack, chimney, or exhaust pipe;
 - (e) any pre-treatment or recycling requirements for emissions from the premises of the facility.
- (4) An air pollution permit must not be issued for an emission from an activity specified in Part 5, except with conditions attached that are calculated to reduce or eliminate the emission as soon as practicable.
- (5) The conditions attached to a permit under this regulation are in addition to any conditions imposed or attached under Part 10.

Air pollution management plans

- 20.** – (1) The WPC Administrator may attach as a condition of an air pollution permit a requirement for the facility to submit to the WPC Administrator an air pollution plan for approval.
- (2) An air pollution management plan is a plan to minimise and mitigate the impact on the environment of emissions from the premises of the facility.
- (3) An air pollution management plan must show that all emissions from the premises will, within 3 years from the issue of the permit, or such other period as the WPC Administrator decides, comply with the national air quality standards, or any other standards that are agreed by the WPC Administrator in writing in respect of the facility.
- (4) Regulation [45(3) to (6)] apply to air pollution management plans and emissions as they apply to waste management plans and disposals or discharges.

PART 5 – CONTROL OF AIR POLLUTION

Emissions to air from certain activities

- 21.** – (1) A person who burns tyres commits an offence, unless the burning is done at the premises of a facility that has a permit that covers the resulting emission.
Penalty: \$10,000

(2) A person who intentionally burns household garbage in a municipality area commits an offence, unless the local authority has a permit that covers the resulting emission.

Penalty: \$10,000

(3) A person who burns wire coated with any material commits an offence, unless the wire is burnt at the premises of a facility that has a permit that covers the emission.

Penalty: \$10,000

(4) A person who burns, on a road or elsewhere, the bitumen or tarmac used as surfacing for roads commits an offence.

Penalty: \$10,000

(5) A person who burns oil in the open air commits an offence.

Penalty: \$10,000

(6) It is a defence to a charge under subregulation (5) to show that the burning was supervised by qualified firefighters and done only –

- (a) to create smoke and fire effects for the purposes of producing a commercial film;
- (b) for the purpose of training in the extinguishing of fires; or
- (c) as part of health and safety procedures in the petroleum exploration and production industry or petrochemical industry.

(7) The defence under subregulation (6) is only available if written notice of the burning is given to the WPC Administrator at least 7 days beforehand.

Incineration of waste

22. – (1) Subject to subregulation (3), a person who operates an incinerator in any place commits an offence unless the incinerator is –

- (a) located at a place in respect of which there is a permit which covers the resulting emission;
- (b) operated in accordance with the conditions of the permit.

Penalty: \$5,000

(2) A person who operates a high-temperature hazardous waste incinerator commits an offence unless the incinerator is –

- (a) located at a facility that holds a permit for the resulting emission;
- (b) operated in accordance with the conditions of the permit.

Penalty: \$10,000

(3) This regulation does not apply to the use of traditional cooking fires (*lovos*) or traditional funeral pyres in village areas.

PART 2 – LEAD ACID BATTERIES

Need for a batteries handling permit

23. – (1) A facility that imports, manufactures, distributes or sells by wholesale batteries must hold a batteries handling permit issued by the WPC Administrator.

- (2) An application for a batteries handling permit must –
- (a) be made on Form [6] as set out in Schedule 1;
 - (b) comply with regulation [46];
 - (c) specify the type of handling for which the permit is required;
 - (d) include a site plan of the premises where batteries will be stored;
 - (e) state how many batteries are proposed to be imported, manufactured and sold or distributed during a year;
 - (f) set out proposals for recycling of batteries sold or distributed.

(3) Before issuing a batteries handling permit, the WPC Administrator must, in addition to the matters set out in regulation [47], be satisfied –

- (a) that the premises are suitable for the importing, manufacture, distribution or wholesale of batteries;
- (b) that the facility operates, directly or in conjunction with another facility, a system for disposal and recycling of batteries that conforms to these Regulations.

(4) A batteries handling permit is issued in Form [7] as set out in Schedule 1.

Conditions of batteries handling permits

- 24.** – (1) It is a condition of every batteries handling permit that the holder will –
- (a) adequately train staff in handling batteries in an environmentally sound manner;
 - (b) if an importer or manufacturer - sell batteries only to permitted distributors or wholesalers;
 - (c) if a distributor or wholesaler - purchase batteries only from permitted importers or manufacturers;

- (d) keep all premises to be used safe and clear of debris;
- (e) separately or jointly with other holders of plastic bottle permits, maintain one or more batteries collection centres for collection of used batteries from consumers or retailers. Such centres may be part of general waste collection centres, but must be designated under regulation [40];
- (f) if an importer or manufacturer - send to the WPC Administrator a semi-annual return of imports or manufactures, as the case may be, in Form [8] as set out in Schedule 1;
- (g) if a distributor or wholesaler - send to the WPC Administrator a semi-annual return of sales, buy-backs and disposal of batteries in Form [8] as set out in Schedule 1.

(2) It is a condition of every batteries handling permit issued to a bulk consumer that the holder will -

- (a) ensure that any used battery that it acquires is disposed of by depositing it with a permitted recycler;
- (b) send to the WPC Administrator a semi-annual return of the distribution, return and disposal of batteries in Form [8] as set out in Schedule 1.

(3) The conditions set out in subregulation (1) and (2) are in addition to the conditions set out in regulations [26] and [27] and conditions imposed or attached under Part 10.

Buy-back of batteries

- 25. –** (1) It is a condition of every batteries handling permit that the facility will, in respect of every battery that it sells or distributes, take steps to ensure –
- (a) that a used battery is collected back against the new battery in accordance with the implementation timetable in subregulation (2);
 - (b) that the used battery collected back is of a similar type and specification to the new battery;
 - (c) that the used battery collected back is sent only to a designated battery collection centre or permitted recycler;
 - (d) that no damage to the environment occurs during transportation of the used battery.
- (2) The timetable for implementation of this regulation is –

- (a) up to 2 years after commencement - 50% of new batteries sold must be collected back when used;
- (b) thereafter – 80% of new batteries sold must be collected back when used.

Disposal of batteries by handlers

26. – (1) It is a condition of every batteries handling permit that the facility will not dispose of used batteries except by -

- (a) deposit at a designated battery collection centre;
 - (b) deposit at a permitted recycling centre; or
 - (c) subject to subregulation (2), deposit at a permitted landfill.
- (2) The following rules apply to ultimate disposal of batteries –
- (a) plastic casings of batteries can be landfilled provided that they are free of any acid or lead;
 - (b) the lead should be recycled;
 - (c) the acid should be neutralized so that the water from the neutralization process can be safely disposed of;
 - (d) the salt should be landfilled;
 - (e) there must be no lead oxide in any of the residues of the battery.

Customs clearance of batteries

27. – (1) A person wishing to obtain import customs clearance of a consignment of batteries at a port or airport must –

- (a) be or represent the holder of a batteries handling permit;
- (b) submit to the customs officer an undertaking in Form [9] as set out in Schedule 1;
- (c) provide to the customs officer a copy of the latest return of imports prepared pursuant to regulation [25];
- (d) have available a means of transport that will ensure that no damage is done to the environment by the removal of the consignment from the port or airport.

(2) A customs officer must refuse import clearance of a consignment of batteries to any person that does not meet the requirements of subregulation (1).

Duties of handlers of batteries

28. – (1) Handlers of batteries should cooperate to create public awareness through advertisements, publications, posters and other means with regard to -

- (a) the hazards of lead;
- (b) the responsibility of consumers to return any used battery only to a permitted wholesaler, or distributor, a designated battery collection centre or a permitted recycler;
- (c) addresses of wholesalers, distributors, designated battery collection centres and recyclers.

(3) Handlers of batteries should, in conjunction with the WPC Administrator, endeavour to establish a system of cash payments for the return of batteries for recycling.

(4) Every importer or manufacturer of batteries should notify the WPC Administrator in writing of any breach of the obligations under this Part by a seller of batteries that comes to the attention of the manufacturer.

(5) A facility that sells batteries should make appropriate arrangements with other handlers of batteries for safe transportation of used batteries from designated battery collection centres to the premises of permitted recyclers.

Disposal of batteries by consumers

29. – (1) It is an offence for a person (other than a unit of a bulk consumer) to dispose of a used battery other than by depositing it at a designated battery collection centre or with a permitted recycler.

Penalty: \$5,000

(2) It is an offence for a person who receives a battery from a bulk consumer to dispose of it other than by depositing it at a designated battery collection centre or with a permitted recycler, or by returning it to the bulk consumer.

Penalty: \$5,000

PART 3 – PLASTIC BOTTLES

Need for a plastic bottle permit

30. – (1) A facility that imports or manufactures plastic bottles must hold a plastic bottle permit issued by the WPC Administrator.

- (2) An application for a plastic bottle permit must –
 - (a) be made on Form [6] as set out in Schedule 1;
 - (b) comply with regulation [4];
 - (c) describe the collection and recycling system for bottles to be adopted by the applicant;

(d) set out the name and distinguishing marks to be used on bottles.

(3) Before issuing a plastic bottle permit, the WPC Administrator must, in addition to the matters set out in regulation [46], be satisfied –

(a) that the premises are suitable for the importing and/or manufacture of plastic bottles;

(b) that the facility operates, directly or in conjunction with another facility, a system for collection and recycling of bottles.

(4) A plastic bottle permit is issued in Form [7] as set out in Schedule 1.

Conditions of plastic bottle permits

31. – (1) It is a condition of every plastic bottle permit that –

(a) the permit holder will adequately train staff in the environmentally sound handling of plastic bottles;

(b) the name and distinguishing marks on bottles set out in the application for the permit will not be changed without the written consent of the WPC Administrator;

(c) the premises to be used will be kept safe and clear of debris;

(d) the permit holder will, separately or jointly with other holders of plastic bottle permits, maintain one or more plastic bottle collection centres for collection of used plastic bottles from consumers or retailers. Such centres may be part of general waste collection centres, but must be designated under regulation [40].

(2) Conditions must be attached to a plastic bottle permit as to –

(a) the quantity of bottles that can be imported or manufactured;

(b) the labelling of bottles;

(c) the disposal of waste products from the manufacture of bottles;

(d) the collection and recycling of used bottles, including the percentage of bottles that must be recycled.

(3) Every holder of a plastic bottle permit must send to the WPC Administrator a semi-annual return of the import, manufacture, distribution, return and disposal of bottles in Form [10] as set out in Schedule 1.

(4) Holders of plastic bottle permits should, in conjunction with the WPC Administrator, endeavour to establish a system of cash payments for the return of bottles for recycling.

(5) The conditions set out in this regulation are in addition to the conditions imposed or attached under Part 10.

PART 4 – LANDFILLS AND RECYCLING

Need for a landfill permit

32. – (1) A facility that is or operates a landfill must hold a landfill permit issued by the WPC Administrator.

- (2) An application for a landfill permit must –
- (a) be made on Form [6] as set out in Schedule 1;
 - (b) comply with regulation [46];
 - (c) describe the location and size and nature of the landfill;
 - (d) set out the type and amounts of material that will be deposited at the landfill;
 - (e) describe the management arrangements for the landfill;
 - (f) state the type and frequency of incineration at the landfill;
 - (f) describe any other forms of disposal of material to be used at the landfill.

(3) Before issuing a landfill permit, the WPC Administrator must, in addition to the matters set out in regulation [47], be satisfied –

- (a) that the premises are suitable for use as a landfill;
- (b) that the applicant has an environmentally sound management practice for acceptance of items;
- (c) that an adequate system is in place to ensure the security of the landfill;
- (d) that the incineration programme at the landfill complies with Schedule 6;
- (e) that the training of staff and the proposed use of incineration are appropriate.

- (4) A landfill permit is issued in Form [7] as set out in Schedule 1.

Conditions of landfill permits

- 33.** – (1) It is a condition of every landfill permit that the operator will -
- (a) have sufficient and adequately trained staff on the landfill site at all times;
 - (b) keep the landfill site safe and secure and clear of incidental debris;
 - (c) monitor gas emissions from the site;
 - (d) have a system for washing tyres of waste transport vehicles;
 - (e) accept waste only from the public, or from permitted facilities or permitted waste transport operators;
 - (f) dispose of material at the landfill in accordance with any regulations as to burning and other conditions of the permit;
 - (g) send a semi-annual return of use of the landfill to the WPC Administrator in Form [11] as set out in Schedule 1.

(2) The rules for incineration set out in Schedule [6] are conditions of every landfill permit

(3) The conditions set out in this regulation are in addition to the general conditions imposed or attached under Part 10.

Need for a recycling facility permit

- 34.** – (1) A facility that is or operates a recycling facility must hold a recycling facility permit issued by the WPC Administrator.
- (2) An application for a recycling facility permit must –
- (a) be made on Form [6] as set out in Schedule 1;
 - (b) comply with regulation [46];
 - (c) describe the location and size and nature of the recycling facility;
 - (d) set out the type and amounts of material that will be recycled at the facility;
 - (e) describe the recycling methods at the facility;
 - (f) describe the final form of disposal of material to be used at the facility.

- (3) Before issuing a recycling facility permit, the WPC Administrator must, in addition to the matters set out in regulation [47], be satisfied –
- (a) that the premises are suitable for use as a recycling facility;
 - (b) that the applicant has an environmentally sound management practice for recycling of items;
 - (c) that the proposals for training of staff and maintenance of equipment are adequate;
 - (d) that the recycling and final disposal of material will be environmentally sound.

(4) A recycling facility permit is issued in Form [7] as set out in Schedule 1.

Conditions of recycling facility permits

- 35.** – (1) It is a condition of a recycling facility permit that the holder will -
- (a) have sufficient and adequately trained staff at all times;
 - (b) keep the permitted premises safe and clear of debris;
 - (c) receive waste and items for recycling only from villages, households, facilities, or permitted waste transport operators and dispose of them in accordance with the conditions of the permit;
 - (d) send a semi-annual return of recycled material to the WPC Administrator, in Form [12] as set out in Schedule 1.

(2) The conditions set out in this subregulation (1) are in addition to the general conditions imposed or attached under Part 10.

PART 5 – WASTE COLLECTION

Need for a waste transport permit

- 36.** – (1) A facility that is or operates a waste transport business must hold a waste transport permit issued by the WPC Administrator.
- (2) An application for a waste transport permit must –
- (a) be made on Form [6] as set out in Schedule 1;
 - (b) comply with regulation [46];
 - (c) describe the location and size and nature of the waste transport operation;

- (d) set out the type and amounts of material that will be transported, and the number and type of vehicles;
 - (e) describe the destination of the vehicles when loaded.
- (3) Before issuing a waste transport permit, the WPC Administrator must, in addition to the matters set out in regulation [47], be satisfied –
- (a) that the vehicles are suitable for use for transporting waste;
 - (b) that all vehicle drivers are or will be adequately trained in environmental matters;
 - (c) that the proposals for final disposal of waste are appropriate.
- (4) A waste transport permit is issued in Form [7] as set out in Schedule 1.

Conditions of waste transport operators' permits

- 37. –** (1) It is a condition of every waste transport permit that the operator will –
- (a) have sufficient and adequately trained staff to conduct the business at all times;
 - (b) keep all vehicles roadworthy and secure from leaks and spills;
 - (c) accept waste only from villages, households, facilities, permitted solid waste dumps, or designated waste collection centres;
 - (d) transport waste only between facilities, to a permitted solid waste dump, recycling facility or landfill, to a designated waste collection centre, or to a port or airport for export;
 - (e) send a semi-annual return of transported waste to the WPC Administrator in Form [13] as set out in Schedule 1.
- (2) The number of vehicles permitted to carry waste must be stated in the permit.
- (3) The permit conditions should impose requirements with regard to safe handling, loading and unloading, cleanliness of the vehicles and emergency spill response procedures.
- (4) The conditions set out in this regulation are in addition to the general conditions imposed or attached under Part 10.

Need for a solid waste dump permit

- 38.** – (1) A facility that is or operates a solid waste dump must hold a solid waste dump permit issued by the WPC Administrator.
- (2) An application for a solid waste dump permit must –
- (a) be made on Form [6] as set out in Schedule 1;
 - (b) comply with regulation [46];
 - (c) describe the location and size and nature of the dump;
 - (d) set out the type and amounts of material that will be received at the dump;
 - (e) describe the recycling or other disposal procedures at the dump.
- (3) Before issuing a solid waste dump permit, the WPC Administrator must, in addition to the matters set out in regulation [47], be satisfied –
- (a) that the proposed site is suitable for use as a solid waste dump facility;
 - (b) that the applicant has an environmentally sound management practice for recycling or other disposal of waste;
 - (c) that the training of staff and the proposals for final disposal of materials are appropriate;
 - (d) that there is an adequate security system in place to prevent the unlawful dumping or removal of material.
- (4) A solid waste dump permit is issued in Form [7] as set out in Schedule 1.

Conditions of solid waste dump permits

- 39.** – (1) It is a condition of a solid waste dump permit that the holder will -
- (a) have sufficient and adequately trained staff at all times;
 - (b) keep the permitted premises safe and secure and clear of debris;
 - (c) accept waste only from the public, or from permitted facilities or permitted waste transport operators;
 - (d) not use or permit incineration as a method of disposal at the dump, unless permitted by the permit;
 - (e) dispose of material only in accordance with the conditions of the permit;

- (f) send a semi-annual return of all material deposited at and removed from the dump to the WPC Administrator, in Form [14] as set out in Schedule 1.

(2) The conditions set out in this subregulation (1) are in addition to the general conditions imposed or attached under Part 10.

Waste collection centres

40. – (1) The Director may, by notice in the *Gazette*, designate waste collection centres in any part of the Fiji Islands.

(2) Designation under subregulation (1) may be on the Director's initiative or at the request of a facility or group of facilities.

(3) A waste collection centre may be designated for collection of all waste, or for particular types of waste.

(4) When designating a waste collection centre, the Director must also designate a facility or person to manage the centre and to be responsible for its cleanliness and repair.

- (5) The Director must ensure, in respect of waste collection centres, that –
 - (a) they are clearly marked with appropriate signs;
 - (b) their boundaries are clearly defined.;
 - (c) due publicity is given to their location and purpose.

(7) The Director may issue instructions to managers of waste collection centres as to the disposal of waste deposited in a waste collection centre.

(6) If a waste collection centre is designated and signed for a particular type or types of waste, it is an offence for any person to deposit other types of waste in or at the centre.

Penalty: \$5,000

Waste disposal generally

41. – (1) It is an offence for any facility, whether holding a permit or not, to dispose of solid waste except –

- (a) in a manner approved by the waste management authority for the facility;
- (b) to a designated waste collection centre;
- (c) to a permitted recycling facility;

(d) to a permitted landfill or solid waste dump;

(e) to a permitted waste transport operator.

Penalty: \$10,000

(2) Subregulation (1) does not apply if waste is disposed of by a facility in accordance with the terms of a waste disposal permit issued to the facility under Division A.

(3) Nothing in these Regulations limits the effect of the Litter Decree, the Land Transport Act and regulations made under it, the Marine Act and regulations made under it, or any requirement as to disposal of waste material imposed by any other written law.

PART 6 – CONDITIONS OF PERMITS

General conditions of a permit

42. – (1) The WPC Administrator must, before issuing a permit for a facility, attach conditions relating to -

(a) the nature of the regulated activity to be permitted and the manner in which it is to be permitted;

(b) the nature and amount of any waste or pollutant or hazardous material covered by the permit;

(c) the maintenance of all equipment and transport that will deal with the regulated activity;

(e) reporting requirements in respect of the regulated activity by the facility;

(f) the timetable for compliance with the requirements of the permit;

(g) whether the facility ought to be required to establish an environmental management unit or committee as provided by section 15 or 16 respectively of the Act;

(h) whether a waste management plan should be prepared, in which case regulation [45] applies;

(i) whether an environmental waste bond should be taken;

(j) the duration of the permit.

(2) The following conditions are deemed to be attached to every permit issued

in respect of a facility under these Regulations –

- (a) the permit holder will enable the WPC Administrator or an inspector to have access to the premises of the facility at any reasonable time, with or without notice, in order to inspect them for compliance with the permit conditions;
- (b) an inspection under paragraph (a) includes the taking of photographs and films, the making of drawings and the taking of samples in accordance with these Regulations;
- (c) the facility will not undertake any regulated activity at any time except as permitted by the permit;
- (d) a register will be -
 - (i) maintained at the facility in respect of all regulated activity to which the permit relates; and
 - (ii) made available to the WPC Administrator and an inspector at any reasonable time;
- (e) the permit holder will make returns to the WPC Administrator on regulated activity to which the permit relates at times and in the manner specified in these Regulations and in the permit;
- (f) the requirements of any waste management plan that is a condition of approval under the Environment Management (EIA Process) Regulations or of the permit will be complied with;
- (g) the facility will take all reasonable steps to ensure that the Safety and Health at Work Act is complied with by all persons on the premises, both as regards personal safety and the handling of hazardous substances;
- (h) the facility will pay any relevant prescribed fee.

Optional conditions

43. – (1) The WPC Administrator may attach to a permit such other conditions, consistent with the Act and these Regulations, as the Administrator thinks fit, including, but not limited to -

- (a) a timetable for reduction or elimination of any disposal or discharge of waste or pollutant;
- (b) requirements as to equipment to be provided and used at the facility for dealing with any waste or pollutant;

- (c) requirements for pre-treatment or recycling of waste and pollutants disposed of, discharged or emitted from the facility;
 - (d) requirements as to incentive schemes to encourage recycling of material by consumers;
 - (e) requirements as to training of staff in environmentally safe handling of wastes and pollutants.
- (2) Conditions attached to a permit under this regulation and regulation [42] -
- (a) must so far as possible be similar as between facilities applying for a permit of the same category, taking into account -
 - (i) the size and location of the facility;
 - (ii) the potential for environmental damage of the regulated activity by the facility;
 - (b) are in addition to any specific conditions prescribed for a particular type of permit by these Regulations.

Environmental waste bond

- 44.** – (1) An environmental waste bond is a bond against the cost of rehabilitation of land or the environment necessitated by the discharge of waste or pollutants or other regulated activity by a facility, and may be made a condition of a permit for that activity.
- (2) Subject to subregulation (3), an environmental waste bond -
- (a) is a requirement of a waste disposal permit for a significant disposer or discharger;
 - (b) may be required in other cases if the WPC Administrator considers it appropriate;
 - (c) if required, must be given by or on behalf of the owner of a facility before a permit is issued;
 - (d) subsists for as long as the permit and any renewal of it;
 - (e) must be cancelled upon expiry of the permit, unless forfeited under subregulation (9).
- (3) An environmental waste bond does not need to be taken from a facility if –
- (a) a bond has already been taken from the facility under a mining lease, a lease issued by the Native Land Trust Board, other regulations made under the Act, or any similar provision; and

- (b) the WPC Administrator considers that the bond so taken adequately covers the cost of rehabilitation as described in subregulation (1).

(4) An environmental waste bond may be in cash, as contemplated by section 31(2) of the Act, or as indemnity insurance, or as a guarantee, or in any other form approved by the Director in any particular case with the consent of the Minister of Finance.

(5) The nature and amount of an environmental waste bond are as agreed between the WPC Administrator and the facility or, in the absence of agreement, determined by the CEO. The wording is as settled in each case by the Department.

- (6) The amount of the bond –
 - (a) should be sufficient to cover the probable cost of rehabilitation as described in subregulation (1);
 - (b) may be varied upon renewal of the permit.

(7) Money payable under a cash bond must be paid to the Environmental Trust Fund as provided by section 55(1) of the Act.

(8) If the WPC Administrator is satisfied that there has been a significant breach of the conditions of the permit to which an environmental waste bond relates, the Administrator may in writing –

- (a) notify the holder of the permit that it is intended to forfeit the whole or a specified part of the bond;
- (b) invite the holder of the permit to state in writing, within 10 days of receipt of the notice under paragraph (a), why the whole or part of the bond should not be forfeited.

(9) Upon receipt of a statement under subregulation (9)(b), or at the end of 15 working days after sending the notice under subregulation (9)(a), whichever is the earlier, the WPC Administrator must –

- (a) decide whether to forfeit the whole or part of the bond;
- (b) give written notice of the decision to the holder of the bond, with reasons.

Waste management plans

- 45. –** (1) A waste management plan (“WMP”) –
- (a) is a plan to minimise and mitigate the impact on the environment of the disposal or discharge of waste and pollutants from, or other regulated activity by, a facility;

- (b) must set out a timetable for the facility to comply with the standards and requirements set out in it.
- (2) A WMP –
- (a) is a requirement for the issue of a solid or liquid waste permit to any facility that is classified as a significant disposer or discharger;
 - (c) may be made a requirement for the issue of any permit, other than an air pollution permit, as to which regulation [20] applies.
- (3) If a WMP is a requirement for the issue of a permit –
- (a) the facility must within 21 days of the issue of the permit submit the plan to the WPC Administrator for approval;
 - (b) the permit does not take effect until the WMP has been approved in writing by the WPC Administrator;
 - (c) compliance with the WMP is a condition of the permit.
- (4) If an environmental management plan for a facility has been approved as part of an EIA report in respect of the facility under the Environment Management (EIA Process) Regulations 2007, that plan, with any necessary modifications, should form the basis of the WMP for the facility.
- (5) The WPC Administrator may in writing require amendments to be made to a WMP submitted under subregulation (1) in order to achieve speedy disposal or discharge improvements while maintaining the economic viability of the facility.
- (6) The WPC Administrator may employ suitably qualified persons from outside the WPC Administrator to advise on approving a WMP, at the cost of the facility.

PART 7 – PERMITS SYSTEM

Application for a permit

- 46. –** (1) An application for a permit for a facility must –
- (a) be made in writing to the WPC Administrator;
 - (b) be made by the owner of the facility or, if it is a body corporate, by an authorised person;
 - (c) be submitted in triplicate on the appropriate form as set out in Schedule 1;
 - (d) include all relevant particulars required by the form;
 - (e) specify the category or categories of permit applied for;

- (f) include a description of the business conducted by the facility, with a site plan of the premises to which the permit will relate;
 - (g) include details of any previous or other application for a permit under the Act;
 - (h) contain or have attached any other information or document that the WPC Administrator indicates is needed to enable the WPC Administrator to decide whether to issue a permit to the facility in the category applied for and what conditions to attach, if any;
 - (i) be accompanied by the appropriate fee shown in Schedule 2.
- (2) A separate permit is required for each site but a single application may be made in respect of the facility.
- (3) On receipt of an application for a permit, the WPC Administrator –
- (a) may require the applicant to provide further information relating to the facility;
 - (b) must as soon as practicable inspect the premises to which the application relates, including any vehicles kept at the premises, and all equipment that will deal with the regulated activity;
 - (c) may take samples from, and make photographs, films and drawings of the site and any equipment or vehicles on the site;
 - (d) may interview any employee of the applicant and make enquiries generally about matters connected with the application.
- (4) Regulations [57], [58] and [59] apply to an inspection under this regulation to the extent appropriate, except that –
- (a) the inspection is known as an application inspection;
 - (b) references to the permit holder are to be read as references to the applicant;
 - (c) no fee or other charge is payable for an application inspection;
 - (d) if an application inspection notice is not complied with, no offence is committed, but the permit will not be issued.

Issue of a permit

- 47.** – (1) Upon receipt of an application for a permit under these Regulations, the WPC Administrator must, if satisfied –

- (a) of the matters in the application form;
- (b) of the results of any enquiries or inspection under regulation [46 (3)];
- (c) that the applicant facility is fit to hold a permit; and
- (d) that the relevant fee has been paid,

issue a permit to the facility in Form [3] or Form [7] as set out in Schedule 1.

(2) A decision on the issue or refusal of a permit must be made within 28 days of receipt of the application and the conclusion of any further enquiries or site inspection, whichever is the later.

(3) Unless otherwise provided in these Regulations, a permit is valid for the period stated in it, which may not be longer than 3 years, in accordance with section 36(2) of the Act.

- (4) If a permit is refused –
 - (a) the WPC Administrator must within 10 days give written reasons to the applicant;
 - (b) the application fee is not refunded.

Variation of a permit

- 48. –** (1) If the WPC Administrator considers in respect of a permit -
- (a) that the environmental circumstances in which the permit was issued have changed;
 - (b) that the commercial or industrial activity or other circumstances of the facility or operation to which the permit relates have changed;
or
 - (c) that it is in the public interest to do so for environmental reasons,

the WPC Administrator may, after giving 28 days' notice in writing, vary the conditions of the permit in a manner consistent with these Regulations.

(2) Action under subsection (1) may be taken either at the request of the permit holder or on the initiative of the WPC Administrator.

(3) If a permit is varied under this regulation, the WPC Administrator must within 10 days give written reasons to the holder of the permit.

Amendment of permit application

49. – (1) Upon receipt of an application for a permit, the WPC Administrator may, within 5 days after receiving the application, by notice in writing to the applicant, suggest minor amendments to the application instead of rejecting it for errors or omissions.

(2) The applicant, in response to a suggestion made under subregulation (1), may –

- (a) submit an amended application; or
- (b) notify the WPC Administrator in writing that no amendments will be made.

(3) The adoption by the applicant of amendments suggested under subregulation (1) does not imply that a permit will be issued.

(4) An applicant may, before a final decision has been made on an application, in writing request the WPC Administrator to amend the application, both as to matters of substance and as to errors and omissions.

(5) If the WPC Administrator regards an amendment requested under subregulation (4) as significantly altering the nature of the application, the WPC Administrator may require the applicant to make a fresh application, paying any relevant fee and submitting all necessary documentation.

(6) An agreement by the WPC Administrator to accept amendments requested under subregulation (4) does not imply that a permit will be issued.

(7) If an application is amended under this regulation, the timetable for processing of applications begins afresh from the receipt of the amended application.

Identity of corporate body or permit holder

50. – (1) If a facility that holds a permit is a corporate body and its corporate identity changes, it must as soon as reasonably practicable notify the WPC Administrator in writing and apply for a change in the details of the body recorded in relation to the permit.

(2) If satisfied that the nature of the facility will not be affected by the change of identity, and on receipt of the prescribed fee, if any, the WPC Administrator must –

- (a) issue a permit in the new name of the facility; and
- (b) record in the register the amended details of the facility.

(3) The WPC Administrator may request any appropriate information or document from the facility for the purposes of determining whether the amendment should be made.

(4) Any change in control of a facility that is a body corporate renders a permit in relation to that facility invalid, unless an amendment has been made under this regulation.

(5) If the identity of the permit holder for a facility changes, the provisions of this regulation apply to the change, with necessary modifications, except that it is not necessary to issue a new permit to the facility.

Renewal of a permit

51. – (1) A permit may be renewed for a period of up to 3 years at a time, on application on Form [5] or [15] as set out in Schedule 1 and on payment of the fee prescribed in Schedule [2].

(2) An application for renewal of a permit must be made not less than 28 days before the permit is due to expire, failing which, at the discretion of the WPC Administrator –

- (a) renewal may be refused; or
- (b) renewal may be granted, if all other conditions for renewal are met, on payment of an additional fee equal to the renewal fee.

(3) On renewal, the terms of the permit may be varied consistently with these Regulations.

- (4) Renewal may be refused if the WPC Administrator is satisfied that –
- (a) there has been a significant breach of the conditions of the permit or of any requirement of the Act or these Regulations relating to the facility; or
 - (b) renewal would not be in the public interest for environmental reasons.

(5) If a renewal is refused, the WPC Administrator must within 10 days give written reasons to the applicant.

Suspension of a permit

- 52.** – (1) If the WPC Administrator considers in respect of a permit –
- (a) that there has been a significant breach of the conditions of the permit; or
 - (b) that it is in the public interest to do so for environmental reasons,

the WPC Administrator may, after giving 28 days notice in writing, suspend the permit for a period not exceeding 3 years, or until any breach has been remedied to the satisfaction of the WPC Administrator.

(2) Before suspending a permit under this regulation, the WPC Administrator must give the holder of the permit an opportunity to be heard, either orally or in writing.

(3) If a permit is suspended under this regulation, the WPC Administrator must within 10 days give written reasons to the holder of the permit.

(4) If a permit is suspended for a period which ends on or after the date on which the permit would expire, but for the suspension, the permit holder must apply for renewal of the permit at the end of the suspension.

Appeals

53. – (1) A permit holder who is dissatisfied with a decision of the WPC Administrator under these Regulations relating to the issue, variation, suspension or renewal of a permit, or the conditions attached to a permit, may, within 10 days of being notified of the decision, appeal in writing to the CEO.

(2) The lodging of an appeal in respect of a permit does not prevent inspection and compliance measures being taken in respect of the permitted activity.

(3) The CEO when deciding an appeal must give the appellant and the WPC Administrator the opportunity to be heard, in writing or in person, and to produce evidence and call witnesses, and must give reasons for the decision on the appeal.

(4) If an appeal involves a technical issue, the CEO must obtain appropriate technical advice from a person, other than the WPC Administrator or staff of the Department.

(5) The CEO may, instead of adjudicating on any matter, on the application of either party, or of the CEO's own motion, refer any matter that is the subject of an appeal to the Environmental Tribunal, in accordance with the rules of the Tribunal.

Register of permits

54. – (1) The environmental register maintained under section 17 of the Act must include information about –

- (a) all permits issued under these Regulations and the conditions attached to them;
- (b) any variation of a permit;
- (c) any suspension or cancellation of a permit;
- (d) any amendment of the identity of a corporate body or permit holder accepted under regulation [50].

(2) The register or a copy of it must be –

- (a) kept at the offices of the Director;

- (b) made available for inspection and copying by the public during normal office hours on payment of the prescribed fee; and
- (c) made available for inspection and copying by any Ministry or government WPC Administrator or local authority without payment of a fee.

(3) The register may be kept in an electronic form, but copies of extracts from it must be made available on paper if requested, on payment of the prescribed fee.

PART 12 – INSPECTION AND COMPLIANCE

Waste returns

55. – (1) A facility that holds a waste disposal permit under Division A must send to the WPC Administrator regular waste disposal returns on all disposals, discharges or emissions by the facility.

(2) Waste disposal returns must be in writing and sent every 12 months from the issue of the permit, except that in the case of a significant disposer or discharger the return must be sent every 6 months from the issue of the permit.

(3) Waste disposal returns must be in Form [4] as set out in Schedule 1 and must relate to each site or premises occupied by the facility.

(4) Details of any pollution incident that occurs at the premises of a facility and of any complaint made to the facility about disposals, discharges or emissions from the facility must be included in the next waste disposal return relating to the premises.

(5) A facility that holds a waste recycling permit under Division B must send to the WPC Administrator waste recycling returns as required under that Division.

(6) Waste recycling returns must be in the form respectively specified in Division B as set out in Schedule 1 and must relate to each site or premises occupied by the facility.

(7) On receipt of a waste return from a facility, the WPC Administrator may in writing require the facility to provide in writing by a specified date any additional information that the WPC Administrator considers appropriate.

(8) If a facility fails to send a waste return by the due date, or to provide other information required under subregulation (5) by the specified date -

- (a) the facility is liable to prosecution under section 44 of the Act;
- (b) the permit may be suspended under regulation [52] until the return or information is provided.

Recycling monitoring

56. – (1) The Department must to the extent possible and within its resources ensure compliance with these Regulations by every person involved in the manufacture, importation, sale, purchase, handling and use of –

- (a) batteries or components;
 - (b) plastic bottles;
 - (c) hazardous materials;
 - (c) other potentially polluting items.
- (2) Without limiting subregulation (1), the WPC Administrator must –
- (a) periodically review the extent of compliance with these Regulations in order to improve the collection and recycling of used batteries, plastic bottles, hazardous materials and other potentially polluting items;
 - (b) monitor the returns that it receives from manufacturers, importers and recyclers of batteries and plastic bottles;
 - (c) each year compile and publish the data about batteries, plastic bottles, hazardous materials and other potentially polluting items that it receives during the year.

Compliance inspections

57. – (1) At any time after a permit has been issued to a facility in respect of a regulated activity, the WPC Administrator may -

- (a) inspect the premises to which the permit relates, including any vehicles kept at the premises, and all equipment that deals with the regulated activity, as provided by section 20 of the Act;
- (b) take samples from and make photographs, films and drawings of the site and any equipment or vehicles on the site;
- (c) interview any employee of the facility and make enquiries generally about matters connected with the regulated activity.

(2) The date and time for a compliance inspection will normally be as agreed between the WPC Administrator and the permit holder, but if a date and time cannot be agreed, subregulations (3) to (5) apply.

(3) The WPC Administrator must give the permit holder a written notice stating -

- (a) the date and time of a proposed inspection, which must be not less than 7 days after the notice is served;
 - (b) whether the permit holder needs to be at the site at the time of the inspection;
 - (c) whether the WPC Administrator intends to take samples of any material from the site or any vehicle.
- (4) If the date or time stated in the inspection notice are not acceptable -
- (a) the permit holder must, at least 2 days before the proposed date, inform the WPC Administrator and state a date or time that would be acceptable;
 - (b) once the WPC Administrator and permit holder have agreed a date and time for the inspection, the inspection notice is deemed to be varied accordingly.
- (5) If the permit holder fails -
- (a) to respond to an inspection notice within 7 days or agree a date and time for the inspection;
 - (b) to make the site or any vehicle available for inspection at the date and time agreed or stated in a site inspection notice;
 - (c) if attendance is required by the notice, to attend the site at the time of the inspection; or
 - (d) to provide samples or permit the taking of samples as required by the WPC Administrator in writing,

subregulation (6) applies.

- (6) The consequences of non-compliance with an inspection notice are –
- (a) the facility is liable to prosecution under section 44 of the Act;
 - (b) the permit may be suspended under regulation [52] until the inspection notice has been complied with.

(7) Compliance inspections may only be conducted by persons appointed or designated under section 18 of the Act, but specialist personnel from other line Ministries or the private sector may be included in a compliance inspection as advisers and for the taking of samples.

(8) The WPC Administrator may require the permit holder to reimburse all reasonable costs incurred by the Administrator in a compliance inspection, including

transport and out-of-hours pay for inspectors and other staff of the Ministry or other specialist personnel. Any dispute as to the reasonable cost of an inspection is to be resolved by the CEO.

Taking of samples

- 58.** – (1) If samples of any material are to be taken from the premises of a facility or from any equipment or vehicle for the purpose of these Regulations –
- (a) written notice of the intention to take a sample, and the purpose, must be given to the permit holder and to the site owner or occupier (if different), or the vehicle owner, as the case may be;
 - (b) the consent of the permit holder and site owner or occupier (if different) or owner of the vehicle must be obtained;
 - (c) the permit holder or a representative of the permit holder must be invited to observe the taking of the sample, and to take a separate sample if the permit holder wishes;
 - (d) the sample must be divided into 3 parts, with one part going to the permit holder, or the permit holder's representative, one part being sent in a sealed container for analysis and one part being kept by the WPC Administrator.
- (2) The permit holder or the permit holder's representative must give a receipt for any sample given under subregulation (1)(d), and the receipt must be kept with the records kept under regulation [59].
- (3) Analysis of samples must be performed by a laboratory or other person or institution with relevant qualifications and experience, as determined by the Director.
- (4) A written report on a sample analysis must be -
- (a) sent to the WPC Administrator and copied to the permit holder;
 - (b) produced as soon as reasonably practicable after the sample is sent for analysis.
- (5) The WPC Administrator may require the permit holder to reimburse all reasonable costs incurred by the Administrator in taking and analyzing samples from a facility. Any dispute as to the reasonable cost is to be resolved by the CEO.
- (6) If the permit holder or the owner or occupier of the site (if different) or a vehicle owner fails to facilitate the taking of samples in accordance with this regulation -
- (a) the facility or site owner or occupier (if different) or vehicle owner is liable to prosecution under section 44 of the Act;

- (b) the permit may be suspended under regulation [52] until samples can be taken.

Record of inspections

- 59.** – (1) The WPC Administrator must in respect of every inspection of a facility keep -
- (a) written records containing all relevant details of the premises and of any equipment or vehicle inspected;
 - (b) records of any samples taken at the premises or from any equipment or vehicle, and of the results of analysis of the samples.
- (2) An inspector may take photographs and film or make drawings of any disposal, discharge or emission of waste or pollutant from premises or a vehicle, but must first -
- (a) obtain the written consent of the permit holder and site owner or occupier (if different);
 - (b) if such consent is not given, give notice of intention to make the record in the compliance inspection notice given under regulation [56(3)], in which case consent is deemed to have been given upon entry to the site.
- (3) The permit holder and site owner or occupier (if different) must allow access to the site and to all buildings and equipment and vehicles on the site for the purpose of taking or making film or photographs. If the permit holder or site owner or occupier (if different) fails to do so –
- (a) the facility or site owner or occupier (if different) is liable to prosecution under section 44 of the Act;
 - (b) the permit may be suspended under regulation [51] until access is allowed.

Non-compliance notice

- 60.** – (1) A notice issued by the WPC Administrator under section 37(2) of the Act to a facility that is operating without a permit must be in Form [1] as set out in Schedule 1.
- (2) A facility that fails to comply with a non-compliance notice is liable to prosecution under section 37(3) of the Act.
- (3) A non-compliance notice in respect of a facility must be –
- (a) sent by registered post to the address of the facility if known; or
 - (b) affixed on the premises of the facility.

Fixed penalty and remedial notice

- 61.** – (1) A fixed penalty and remedial notice for the purposes of section 38(2)(b) of the Act must be in Form [16] as set out in Schedule 1.

- (2) The form must indicate –
 - (a) what remedial action is to be taken;
 - (b) whether a fixed penalty is payable in addition;
 - (c) the time limit for the action or the payment or both.
- (3) A fixed penalty is payable –
 - (a) if the breach is a serious one; or
 - (b) if the facility fails to remedy a minor breach in the time specified in the notice.
- (4) The amount to be paid for clearance of a fixed penalty notice is \$1,000.
- (5) If the fixed penalty is not paid by the date specified, the facility is liable to prosecution for a pollution offence under the Act.
- (6) A fixed penalty and remedial notice in respect of a facility must be sent by registered post to the address of the facility shown on the form of application for the permit.

PART 8 - MISCELLANEOUS

Confidentiality of information

- 62.** – (1) Documents and information provided to an authority or the WPC Administrator for purposes of Part 5 of the Act or these Regulations are public documents and information unless a certificate of confidentiality is issued by the Director in respect of any particular document or item of information.
- (2) An applicant for a permit who wishes any document or item of information relating to the permit or application to remain confidential must in writing apply to the Director for a certificate of confidentiality in respect of the document or item, stating the reason why the certificate should be issued.
 - (3) The Director may only issue a certificate of confidentiality in respect of a particular document or item of information if satisfied that –
 - (a) it contains or is scientific data that could be compromised by its publication;
 - (b) the commercial interests of the proponent would be harmed by its publication; or
 - (c) publication would in other respects be against the public interest.

- (4) If a certificate of confidentiality is issued in respect of a document or item of information relating to a permit or an application for a permit, the document or item -
- (a) does not need to be revealed in public discussions of the permit or application;
 - (b) must not be entered in the register maintained under section 17 of the Act.
- (5) A certificate of confidentiality must be kept under review by the WPC Administrator and must be cancelled once the circumstances giving rise to it no longer exist.
- (6) This subregulation does not affect the intellectual property status of any document or item of information relating to a permit or application.

Notices

- 63.** – (1) Unless otherwise provided, and subject to subregulation (2), notice required by these Regulations may be given electronically –
- (a) by a facility to the WPC Administrator;
 - (b) by the WPC Administrator to a facility, if the facility has given an electronic address for receipt of such notices.
- (2) Service of notice by the WPC Administrator, if not effected electronically, may be -
- (a) by personal service on the authorised person for a facility;
 - (b) by affixing a notice on the premises of the facility; or
 - (c) by registered post to the address of the facility shown on the form of application for the permit, in which case service is presumed to have been effected 2 days after posting.

Forms

- 64.** – (1) The forms set out in Schedule 1 are prescribed for use in connection with the matters to which they respectively relate.
- (2) A deviation from a prescribed form does not invalidate an application, permit or notice if the matters contained in the form are sufficiently clearly stated.
- (3) The Director may in any particular case or for general purposes amalgamate 2 or more forms in order to facilitate the making of an application, the issue of a permit or the sending of a return.

Fees

65. – (1) The fees set out in Schedule [2] are prescribed in respect of the matters to which they respectively relate.

(2) If a facility applies for more than one permit at the same time, the amount payable for each permit is one-half of the full fee.

Recovery of moneys

66. – (1) Fees, costs and expenses payable under these Regulations (other than a fixed penalty payable under regulation [61]) are recoverable as a civil debt owing to the Government, if the service to which they relate has been provided.

(2) Fees, costs and expenses paid or recovered under these Regulations, and any fixed penalty paid under regulation [61], must be paid into the Environment Trust Fund established by section 55 of the Act in accordance with procedures established under the Public Finance Management Act.

Amendment of Schedules

67. – (1) The Director may by order in the *Gazette* amend Schedule [1], [3], [4], [5] or [6].

(2) An amendment under this section is subject to the negative resolution procedure of Parliament and must be –

- (a) displayed at the main offices of the Ministry;
- (b) made available to the public for purchase at a reasonable price; and
- (c) given due publicity in areas affected by the amendment.

(3) An amendment under this regulation comes into force on the date stated in it, not being earlier than the date of its publication in the *Gazette*.

Prosecution of offences/Penalties

68. – (1) An officer of the Ministry duly authorised in writing by the WPC Administrator may initiate and prosecute an offence under these Regulations or the Act, subject to the right of the Director of Public Prosecutions to take over or terminate any such prosecution.

(2) A statement of a penalty after a regulation is the maximum fine for the offence to which it relates upon conviction for the offence by a court of competent jurisdiction.

Best practice guidelines

69. – (1) The WPC Administrator may, with the approval of the Minister, issue guidelines as to the practice recommended for –

- (a) the environmentally safe disposal, discharge or emission of waste and pollutants from facilities;
- (b) regulated activities.

(2) Guidelines issued under subregulation (1) must be published in the *Gazette* and at the main offices of the Ministry and made available to the public for purchase at a reasonable price.

SCHEDULE 1

FORMS

[Reg. 64]

Form: EMA/WDR 1

NON-COMPLIANCE NOTICE UNDER SECTION 37(2) OF THE ENVIRONMENT MANAGEMENT ACT 2005)

(Reg. 60)

Facility name

Location

Owner (if known)

Commercial or industrial process

Nature of regulated activity

Type of permit required:

Waste Disposal

- Solid waste
- Liquid waste
- Livestock
- Air pollution

Category (For solid or liquid waste only)

- Construction Operational

Nature of the construction/operation

Type of disposal (Solid or liquid waste only)

- Standard Significant

Waste Recycling

- Batteries handling
- Plastic bottles
- Landfill
- Recycling
- Waste transport
- Solid waste dump

Date for compliance

TAKE NOTICE that, pursuant to section 37(2) of the Environment Management Act 2005, the Waste and Pollution Control Administrator has reason to believe that this facility requires a waste disposal/waste recycling permit in respect of the regulated activity described above.

Failure to apply for a permit by the date for compliance is an offence under section 37(3) of the Act for which the penalty is a fine of up to \$100,000.

Operating the facility without a necessary permit is also a pollution offence under Part 5 of the Act for which the maximum penalty is a fine of \$250,000 and imprisonment for 3 years for a first offence. For a second or subsequent offence the maximum penalty is \$750,000 and 10 years imprisonment. Where the facility is a body corporate, the maximum fine is increased fivefold.

Application for a permit should be made in accordance with Reg. 14 of the Environment Management (Waste Disposal and Recycling) Regulations 2007. Forms can be obtained from the Department of Environment
P.O. Box 2131, Government Buildings,
Suva

Date:**Signed:**

(for WPC Administrator)

Name**Contact details**

Waste & Pollution Control Administrator
c/- Department of Environment,
P.O. Box 2131,
Government Buildings,
Suva

[Note: You have a right to appeal from this notice to the Environmental Tribunal in accordance with the Rules of the Tribunal.]

Form: EMA/WDR 2

APPLICATION FOR WASTE DISPOSAL PERMIT
(Reg. 46)

Legal background:

1. *A commercial or industrial facility must not dispose of any solid waste, discharge liquid waste, dispose or discharge of livestock waste, or make any emission of gas, smoke, steam or dust to the environment from its premises unless it holds a permit under Part 5 of the Environment Management Act 2005 or is exempted under the Environment Management (Waste Disposal and Recycling) Regulations 2007. A person who without lawful authority or reasonable excuse does any of these things commits an offence and is liable on conviction to a maximum fine of \$250,000 and to imprisonment not exceeding 3 years for a first offence. For a second or subsequent offence the maximum penalty is \$750,000 and 10 years imprisonment. Where a body corporate is the offender, the maximum penalty is 5 times the fine.*
2. *A person who fails to comply with a condition of a permit commits an offence and is liable on conviction to a maximum fine of \$10,000 and to imprisonment for 2 years.*
3. *In addition, the WPC Administrator may apply to the court for an order to stop the work or operation.*

Guidance notes:

1. *This form sets out the information on an application for a permit that the WPC Administrator needs to make a decision on whether to issue a permit and if so what conditions to attach.*
2. *The applicant should follow the format of this form as far as possible and should provide detailed and accurate descriptions of the facility location and operation and of the existing and anticipated discharges. If details are not available, reasons must be given.*
3. *A fee of \$75 is payable to the WPC Administrator on submission of this form and should accompany it. The fee for the permit, if issued, will depend on the nature of the permit issued. Fees are payable by cash or cheque to the Department of Environment.*

Part A – General information**A1 Facility**

Name and address of the facility

*[State if an individual or firm or body corporate]**[A company or firm must apply through an individual in accordance with its Articles of Association or partnership agreement]*

Trading name if a business

Business licence no: *[If applicable]*

VAT no:

A2 Owner or authorised person for purposes of holding a permit

Name

Status

[Owner or authorised person. If latter, state nature of authorisation]

Position (in firm or body corporate)

Address

Telephone:

Facsimile:

Mobile:

E-mail:

A3 Premises to which the permit will relate

[A separate permit is required for each site but a single application may be made in respect of the facility]

Existing New

A4 Type of permit required (may be more than one)

- Solid waste
- Liquid waste
- Livestock
- Air pollution

A5 Category (For solid or liquid waste only)

- Construction
 - Operational
- Nature of the construction/operation

State proposed date of commencement of construction/operation

A6 Type of disposal (Solid or liquid waste only)

- Standard
- Significant

[See Schedule 4 to the Regulations]

A7 Previous applications

- No previous application under the Regulations for a permit for the facility
- Previous decision on a permit (Give details)

A8 Other applications

- No other application pending under the Regulations for a permit for the facility
- Other application pending (Give details)

A9 Occupier

Full name of occupier of premises, if other than applicant

Postal Address:

Telephone:

Facsimile:

Mobile:

E-mail:

A10 Local authority

Council

Contact person:

Postal Address:

Telephone:

Facsimile:

Mobile:

E-mail:

A11 Landowner

Full name of landowner/land owning unit, if other than applicant

Postal Address:

Telephone:

Facsimile:

Mobile:

E-mail:

State whether the landowner (if not the applicant) has consented to –

(a) the proposed activity;

(b) site inspection being carried out for purposes of this application

If the land is native land, state the view of the NLTB on the application

Part B – Nature of the solid waste disposal/liquid waste discharge/emission

(For solid or liquid wastes)

B1 Processes generating solid waste disposals/liquid waste discharges

[Note: A description of the nature of the business including details of solid waste/liquid waste characteristics must be attached as Appendix D]

B2 Nature and amount of the waste**B3 Location of existing or proposed waste disposal/discharge points****B4 Methods of disposal of solid waste/liquid waste****B5 Existing and proposed pre-treatment equipment and processes****B6 Existing and proposed recycling processes**

(For a livestock facility)**B1 Nature of the livestock facility**

- Piggery with 10 sows or more
- Dairy milking shed with 10 cows or more
- Cattle feedlot of 5 head or more
- Commercial meat producing unit
- Commercial poultry farm

B2 Types and amounts of livestock waste generated (volume and frequency)**B3 Method of disposal of livestock waste****(For an air pollution permit)****B1 Processes generating exhaust gases, smoke, steam or dust****B2 Location of existing or proposed emission points****B3 Nature and amount of the emission of gas, smoke, steam or dust****B4 Existing and proposed pre-treatment equipment and processes****B6 Existing and proposed recycling processes****Part C – Additional information**

1. How many people are (or will be) employed at the premises? _____
2. Does the facility have a waste management unit (in the case if a government entity) or a waste management committee? YES/NO
If Yes, give details
3. Is there a waste management plan/air pollution management plan for the facility ?
YES/NO If Yes, attach a copy
4. Does the facility have a waste inventory ? YES/NO
If yes, attach a copy

(For a solid waste permit)

5. Are the premises within a waste collection area covered by a Waste Management Authority ? YES/NO If Yes, specify
6. Does the facility currently incinerate solid waste ?
YES/ NO If Yes, give details

7. Estimate the *maximum* daily volume of solid waste disposal from the premises:
_____ cu. metres
8. Estimate the *average* daily volume of solid waste disposal:
_____ cu.metres

(For a liquid waste permit)

9. Are the premises within a sewerage area covered by the Water and Sewerage Department ? YES/NO
10. Does the facility have a Trade Waste licence from the Water and Sewerage Authority ? YES/NO If Yes, give details
11. Does the property currently discharge to a sewer ? YES/ NO
12. Is a water meter fitted to the premises? YES/NO
If Yes – the number of the meter
If No, a water meter will need to be fitted before a permit can be issued.
13. If the answer to question 4 was ‘Yes’, does the meter supply your business only?
YES/NO
If Yes, how many meters ?
If No, how many other businesses/residences?
14. Is/Will water other than from the Water & Sewerage Department supply being/be used on the premises? YES/NO
If Yes, give details
15. Estimate the *maximum* daily volume of liquid waste discharge from the premises:
_____ litres
16. Estimate the *average* daily volume of liquid waste discharge: _____
litres

Notes for assistance with questions 14 and 15:

- (a) A fully open tap will supply around 0.3 litres per second (or 1000 litres per hour)
- (b) The *maximum* daily discharge is likely to be 20% more than the *average* daily discharge
17. Are there any liquid waste discharges mixed with rainwater? YES/NO
If Yes, give details

(For an air pollution permit)

18. Does the facility currently incinerate solid waste ?
YES/ NO
19. Does the facility burn solid fuel in its boilers/furnaces ? (Specify)

20. Estimate the *maximum* daily volume of gas, smoke, steam or dust emitted from the premises:

_____ cu. metres

(For a new development)

21. Have you lodged a Development Application with your Local Council / Local Authority ? YES/NO
If 'Yes', the Development Application Number: _____

(For solid and liquid wastes only)

22. Are any hazardous wastes involved in any of the processes at the facility ?
YES/NO If 'Yes', give full details.

[Note: A hazardous waste endorsement will be required, on payment of an additional fee.]

Part C – Declaration

As owner/authorised person of the facility described above –

- (a) I certify that the particulars set out above are true to the best of my knowledge and belief;
- (b) I hereby apply for a waste disposal permit/waste disposal permits for the facility in accordance with the Environment Management Act 2005;
- (b) *[If required]* I apply for a hazardous waste endorsement on the permit.
- (c) I agree to abide by the conditions imposed by the Waste & Pollution Control Administrator in the permit, including -
- to provide access to the facility premises by environmental inspectors for the purpose of determining compliance with the permit conditions;
 - not to dispose of solid waste/discharge liquid waste/emit waste and pollutants to the environment except as permitted by the permit;
 - to pay applicable fees;
- (d) I understand that failure to comply with the permit conditions may result in an immediate Fixed Penalty of \$1,000 and other penalties under the Environment Management Act 2005.

Signature of applicant

Name in print

Date

Signature of witness

Name in print

Date

Send this form in triplicate, with the \$75 application fee, to:
 Waste & Pollution Control Administrator
 c/- Department of Environment,
 P.O. Box 2131, Government Buildings,
 Suva

For further information or advice on solid or liquid waste disposals or discharges, or on emission of waste and pollutants, contact your Local Authority or Municipal Council Environmental Health Officer or:

*Administrator, Waste & Pollution Control Unit,
 Department of Environment*

Appendices A, B, C, D & any other relevant information must be attached to this application

Appendix A Site plan of the premises of the facility showing every solid waste disposal/liquid waste discharge/emission point

Appendix B Particulars of existing/proposed arrangements for solid waste disposals/liquid waste discharges/emissions
(for liquid waste) A plan of existing/proposed drainage (a drainage plan certified by a registered plumber is recommended as it may be required for the issue of a permit)

Appendix C Details of existing and/or proposed recycling or pre-treatment equipment.
 (For liquid wastes include pH correction, oil separator, grease arrestor, settling of solids etc. If grease arrestor or oil separators are used give details of the contractor that picks up sludge)

Appendix D Nature of industrial processes of the business including solid waste/wastewater/air pollution characteristics
Description of industrial processes

Description of processes/activities that produce solid waste/liquid waste/emissions

Characteristics of the solid waste disposal/liquid waste discharge/emissions
 Indicate presence of all substances expected to be present in the solid waste disposal/liquid waste discharge/emissions and average amounts (and concentration in mg/L for liquid wastes) if known.

<u>Substance</u>	<u>Unit</u>	<u>Amount</u>
------------------	-------------	---------------

For office use:

Application ID No:

Date received

Form: EMA/WDR 3

WASTE DISPOSAL PERMIT

(Reg. 47)

1. Name of Facility
 Existing New
2. Address of the facility
3. Location of premises of the facility
4. Name and contact details of owner
5. Name, status and contact details of applicant (if not the owner)
6. **Type of permit** (may be more than one)
 Solid waste
 Liquid waste
 Livestock
 Air pollution
7. **Category** (Solid or liquid waste only)
 Construction Operational
 Nature of the construction/operation

 Date of commencement of construction/operation
8. **Type of disposal** (Solid or liquid waste only)
 Standard Significant
9. Kind of disposal/discharge/emission permitted
10. Amount of disposal/discharge/emission permitted
11. Period of permit
 [] months/years
 Per discharge basis
 Other (specify)

12. Attachments (tick if attached)
- Waste inventory
 - Waste management plan
 - Any emergency procedures in place in case of environmental incidents
13. Environment Management Unit or Committee set up in facility ?
- Yes (state details)
 - No (specify why)
14. Reporting method (from date of issue)
- Semi-annually (for significant discharger)
 - Annually (for standard discharger, livestock, air pollution)
15. Fee paid:
- | | |
|--|--------------------------|
| Solid or liquid waste permit – significant disposer/discharger | <input type="checkbox"/> |
| - standard disposer/discharger | <input type="checkbox"/> |
| Hazardous waste endorsement | <input type="checkbox"/> |
| Air pollution permit | <input type="checkbox"/> |
| Livestock waste permit | <input type="checkbox"/> |
16. General Conditions:
- (a) This permit is only valid for the term specified in it. The facility must apply for renewal of a permit a month prior to the expiry date.
 - (b) The Department of Environment has the right to refuse an application for a permit or for a renewal with written reasons.
 - (c) The Department of Environment through the environment inspectors has powers to inspect a facility at any time for compliance with the permit, with or without notice, at a cost to the facility.
16. Special conditions
[Specify in respect of each type of permit]
17. Hazardous waste endorsement (if required)

Date:

Signed:

(for WPC Administrator)

Name

Contact details

Waste & Pollution Control Administrator

c/- Department of Environment,
 P.O. Box 2131,
 Government Buildings,
 Suva

Permit No.
 Issued on:
 Fee paid \$.....

Form: EMA/WDR 4

WASTE DISPOSAL RETURN

(Reg. 55)

[Note : A facility that holds a waste disposal permit must send returns to the Department of Environment of all disposals, discharges or emissions to which the permit relates. Returns must be in writing and sent every 12 months from the issue of the permit, except that in the case of a significant disposer or discharger the return must be sent every 6 months from the issue of the permit.

Waste disposal returns must relate to each site or premises occupied by the facility. Failure to send a return by the due date is an offence under section 44 of the Act and can lead to suspension of the permit.]

Permit Number:

Period covered by return

6 months/12 months commencing [date of issue of the permit, or date of last return]

Particulars of the facility

Name

Address

Tel no.

Location of premises covered by the permit

Nature of premises

Nature of commercial or industrial activity

Particulars of authorized person

Name

Position (if firm or body corporate)

Address

Telephone:

Facsimile:

Mobile:

E-mail:

Type of permit (may be more than one)

- Solid waste
- Liquid waste
- Livestock
- Air pollution

Category (Solid or liquid waste only)

- Construction Operational

Nature of the construction/operation

Date of commencement of construction/operation

Type of disposal (Solid or liquid waste only)

- Standard Significant

Kind of disposal/discharge/emission permitted

Amount of disposal/discharge/emission permitted

Particulars of disposal of solid waste/discharge of liquid waste/emissions of waste and pollutant

(Solid and liquid waste)

Method of removal of waste

Waste operator

Amounts removed

Final disposal of waste

Landfill and/or recycling facility used

Amounts deposited

(Air pollution)

Fuel consumption – name of fuel, quantity per day

Stack emission monitoring results in relation to ambient air quality standards

Recycling of disposals/discharges/emissions

Recycling equipment or facility used

Amounts recycled

Treatment of hazardous wastes (if any)

Pollution incidents at the premises (if any)

Complaints made to the facility about disposals, discharges or emissions from the facility (if any)

Declaration

As owner/authorised person of the facility described above I certify that the particulars set out above are true to the best of my knowledge and belief.

Signature of owner/authorized person

Date

Send this return in triplicate to:
Waste & Pollution Control Administrator
c/- Department of Environment,
P.O. Box 2131,
Government Buildings,
Suva

Form: EMA/WDR 5

APPLICATION TO RENEW WASTE DISPOSAL PERMIT
(Reg. 51)

Permit Number:

Particulars of the facility

Name

Address

Tel no.

Nature of premises

Particulars of authorized person

Name

Position (if firm or body corporate)

Address

Telephone: Facsimile:
 Mobile: E-mail:

Location of premises covered by the permit

Nature of commercial or industrial activity

Type of permit (may be more than one)

- Solid waste
 Liquid waste
 Livestock
 Air pollution

Category (Solid or liquid waste only)

- Construction Operational
 Nature of the construction/operation
 Date of commencement of construction/operation

Type of disposal (Solid or liquid waste only)

- Standard Significant

Kind of disposal/discharge/emission permitted

Amount of disposal/discharge/emission permitted

Period of permit

- [] months/years
 Per discharge basis
 Other (specify)

Expiry date of permit -

Period of renewal applied for -

Declaration

As owner/authorised person of the facility described above I wish to apply for renewal of the waste disposal permit/s held by the facility as required by the Environment Management Act 2005.

I declare that there have been no changes to the facility or the industrial processes carried on there since the permit was issued

OR

There have been the following changes to the facility and the industrial processes carried on there –

The following waste disposal returns have been sent to the WPC Administrator since the issue/last renewal of the permit –

[List of waste disposal returns sent under Reg. 55(1), with dates]

Signature of owner/authorised person

Name in print

Date

Signature of witness

Name in print

Date

Send this form in triplicate, with the renewal fee to:

Waste & Pollution Control Administrator

c/- Department of Environment,

P.O. Box 2131,

Government Buildings,

Suva

Form: EMA/WDR 6

APPLICATION FOR RECYCLING PERMIT

(Reg. 46)

Notes

1. *A commercial or industrial facility must not handle, store, process or control any hazardous substance, or produce or generate any waste, pollutant or hazardous substance, without a permit under Part 5 of the Environment Management Act 2005. A person who breaches this requirement commits an offence and is liable on conviction to a fine of \$250,000 and to imprisonment for 3 years for a first offence. For a second or subsequent offence the maximum penalty is £750,000 and 10 years imprisonment. Where a body corporate is the offender, the maximum penalty is 5 times the fine.*
2. *A person who fails to comply with a condition of a permit commits an offence and is liable on conviction to a maximum fine of \$10,000 and to imprisonment for 2 years.*
3. *In addition, the WPC Administrator may apply to the court for an order to stop the work or operation.*
4. *This form sets out information on an application for a permit that the WPC Administrator needs to make a decision on whether to issue a permit and if so what conditions to attach.*
5. *The applicant should follow the format of this form as far as possible and should provide detailed and accurate descriptions of the facility location and operation and of the proposed activity. If details are not available, reasons must be given.*

3. A fee of \$75 is payable to the WPC Administrator on submission of this form and should accompany it. The fee for the permit, if issued, will depend on the nature of the permit issued. Fees are payable by cash or cheque to the Department of Environment.

Part A – General information

A1 Facility

Name and address of the facility

[State if an individual or firm or body corporate]

[A company or firm must apply through an individual in accordance with its Articles of Association or partnership agreement]

Trading name if a business

Business licence no: *[If applicable]*

VAT no:

A2 Owner or authorised person for purposes of holding a permit

Name

Status

[Owner or authorised person. If latter, state nature of authorisation]

Position (in firm or body corporate)

Address

Telephone:

Facsimile:

Mobile:

E-mail:

A3 Premises to which the permit will relate

[A separate permit is required for each site but a single application may be made in respect of the facility]

Existing New

A4 Type of permit required (may be more than one)

Batteries handling

Plastic bottles

Landfill

Recycling

Waste transport

Solid waste dump

A5 Previous applications

- No previous application under the Regulations for a permit for the facility
- Previous decision on a permit (Give details)

A6 Other applications

- No other application pending under the Regulations for a permit for the facility
- Other application pending (Give details)

A7 Occupier

Full name of occupier of premises, if other than applicant

Postal Address:

Telephone:

Facsimile:

Mobile:

E-mail:

A8 Local authority

Council

Contact person:

Postal Address:

Telephone:

Facsimile:

Mobile:

E-mail:

A9 Landowner

Full name of landowner/land owning unit, if other than applicant

Postal Address:

Telephone:

Facsimile:

Mobile:

E-mail:

State whether the landowner (if not the applicant) has consented to –

(a) the proposed activity;

(b) site inspection being carried out for purposes of this application

If the land is native land, state the view of the NLTB on the application

Part B – Details of the regulated activity

Batteries handling permit

Nature of handling activity (import/manufacture/distribution/wholesale)

Number of batteries to be imported/manufactured/distributed/bought wholesale
during a year (in tonnes or units)

Source of batteries

Nature of premises where batteries will be manufactured/stored (Appendix A)

Destination of batteries after import/manufacture/distribution/wholesale

Arrangements for collection of used batteries
 Location and capacity of collection points
 Name of operator
 Proposals for notifying consumers of the collection points
 How batteries will be taken from collection points to recycling plant
 Proposals for encouraging use of battery collection centres
 Final disposal of batteries
 No. and type of staff employed in batteries handling
 Training arrangements in place (Appendix B)

Plastic bottles permit

Nature of bottling activity (import or manufacture of plastic bottles)
 Quantity of bottles proposed to be imported/manufactured each year (in Kgs or units)
 Source of bottles/materials
 Nature of premises where bottles will be manufactured/stored (Appendix A)
 Distribution of bottles after import/manufacture
 Arrangements for collection of used bottles
 Locations and capacity of collection points
 Name of operator
 Location of collection points
 Proposals for notifying users of bottles of the collection points
 How bottles will be taken from collection points to recycling plant
 Proposals for encouraging use of bottle collection centres
 Proposed name and distinguishing marks on bottles

 No. and type of staff employed in bottles import/manufacture
 Training arrangements in place (Appendix B)

Landfill permit

Size and nature of premises (Appendix A)
 Nature and amount of material to be received
 Security arrangements at the premises
 Nature and frequency of incineration, if any (Appendix C)
 Nature of recycling processes
 Waste water
 Water consumption in m³/day
 (a) industrial (b) domestic
 Waste water treatment
 Provide a flow diagram for the treatment scheme
 Waste water discharge in m³/day
 State the location of the discharge
 Analysis of treated waste water -
 pH, BOD, COD, SS, O & G
 Other (indicate the corresponding standards applicable).

Air Pollution

- (a) Provide a flow diagram for the emission control system for each process
- (b) Details of facilities provided for control of fugitive emissions due to material handling, process, utilities etc.
- (c) Fuel consumption – name of fuel, quantity per day
- (d) Stack emission monitoring results in relation to ambient air quality standards

Hazardous Waste Management

- (a) Nature of waste to be generated
- (b) Details of disposal (including point of final discharge)
- (c) Attach analysis report of characteristics of hazardous waste generated (including leachate test if applicable).
- (d) Details of waste proposed to be taken in auction or import, as the case may be, for use as raw material.
(Name, quantity, Basel Convention list position)

No. and type of staff employed at the landfill

Training arrangements in place (Appendix B)

Cost of operating the landfill

Cost of pollution control equipment including environmental safeguard measures

(i) Capital (ii) Recurring

Recycling permit

Size and nature of premises (Appendix A)

Nature and amount of material to be received

Nature and amount of recycling

Nature of recycling equipment

Installed capacity

Products manufactured

Manufacturing process

Disposal of recycled product

Raw material consumed (tonnes /year)

(Provide a manufacturing process flow diagram for each product)

Maintenance arrangements for recycling equipment

Final disposal of material

Proposed quantity of waste material exported each year

Proposed destination country/countries

Method of dealing with hazardous wastes

No. and type of staff employed in recycling

Training arrangements in place (Appendix B)

Cost of recycling

Cost of pollution control equipment including environmental safeguard measures

(i) Capital (ii) Recurring

Waste transport permit

Details of transport business
 Nature of garage premises (Appendix A)
 Number and type of vehicles
 Schedule of maintenance
 Nature of material to be transported
 Amount of material to be transported
 Origin of loads
 Destination of loads
 Handling arrangements for wastes and pollutants
 Arrangements for hazardous materials
 Number of drivers
 Other staff employed
 Training arrangements (Appendix B)
 Location of garage premises
 Size and nature of premises

Solid waste dump permit

Location of solid waste dump
 Size and nature of premises (Appendix A)
 Nature of material to be dumped
 Amounts of material to be dumped
 Particulars of disposal of material
 Use of incineration (if any) (Appendix C)
 Use of scavengers (individual recyclers)
 Use of permitted recyclers
 Hazardous waste collection system
 Treatment, storage and disposal facility (TSDF)
 Pollution control system equipment
 No. of staff employed
 Distribution of tasks
 Training arrangements in place (Appendix B)
 Cost of operating the dump
 Cost of recycling

Part C – Declaration

As [owner][authorised person] of the facility described above –

- (a) I certify that the particulars set out above are true to the best of my knowledge and belief;
- (b) I hereby apply for a waste recycling permit/waste recycling permits for the facility in accordance with the Environment Management (Waste Disposal and Recycling) Regulations 2007;
- (c) I agree to abide by the conditions imposed by the Waste & Pollution Control Administrator, including:

- to provide access to the facility premises by environmental inspectors for the purpose of determining compliance with the permit conditions;
 - to engage in the regulated activity only as permitted by the permit;
 - to send returns to the WPC Administrator as required under Division B of the Regulations;
 - to pay applicable fees;
- (d) I understand that failure to comply with the permit conditions may result in an immediate Fixed Penalty of \$1,000 and other penalties under the Environment Management Act 2005.

Signature of applicant
Name in print
Date

Signature of witness
Name in print
Date

Appendix A Site plan of the premises to which the permit will apply

Appendix B Staffing and training arrangements of the facility

Appendix C Particulars of incineration facilities (if any)

Send this form in triplicate, with the \$75 application fee, to:
Waste & Pollution Control Administrator
c/- Department of Environment,
P.O. Box 2131, Government Buildings,
Suva

For office use:
Application ID No:
Date received

Form: EMA/WDR 7

WASTE RECYCLING PERMIT
(Reg. 47)

1. Name of Facility
 Existing New
2. Address of the facility

3. Location of premises of the facility
4. Name and contact details of owner
5. Name, status and contact details of applicant (if not the owner)
6. Recycling activity permitted (may be more than one)
 - Batteries handling
 - Plastic bottles
 - Landfill
 - Recycling
 - Waste transport
 - Solid waste dump
7. Period of permit
 - [] months/years
 - Per discharge basis
 - Other (specify)
8. Attachments (tick if attached)
 - Waste inventory
 - Waste management plan
 - Any emergency procedures in place in case of environmental incidents
9. Environment Management Unit or Committee set up in facility ?
 - Yes (state details)
 - No (specify why)
10. Reporting method (from date of issue)
 - Semi-annually (for significant discharger)
 - Annually (for standard discharger, livestock, air pollution)
11. Fee paid:

Batteries handling permit	<input type="checkbox"/>
Plastic bottles permit	<input type="checkbox"/>
Landfill permit	<input type="checkbox"/>
Recycling facility permit	<input type="checkbox"/>
Waste transport permit	<input type="checkbox"/>
Solid waste dump permit	<input type="checkbox"/>
12. General Conditions:
 - (a) This permit is only valid for the term specified in it. The facility must apply for renewal of a permit a month prior to the expiry date.

- (b) The Department of Environment has the right to refuse an application for a permit or for a renewal with written reasons.
 - (c) The Department of Environment through the environment inspectors has powers to inspect a facility at any time for compliance with the permit, with or without notice, at a cost to the facility.
 - (d) The premises must be kept safe and clear of debris at all times.
13. Special conditions
[Specify in respect of each type of permit]
14. Hazardous waste endorsement (if required)

Date:

Signed:

(for WPC Administrator)

Name

Contact details

Waste & Pollution Control Administrator
c/- Department of Environment,
P.O. Box 2131,
Government Buildings,
Suva

Permit No.

Issued on:

Fee paid \$...

Form: EMA/WDR 8

BATTERIES HANDLING RETURN

(Reg. [24])

*[Note : A facility that imports or manufactures lead acid batteries must send returns to the Department of Environment of all imports and manufacture of batteries.
A facility that distributes batteries or sells batteries wholesale must send returns to the Department of Environment of all sales, buy-backs and disposal of batteries.
A bulk consumer of batteries must send returns to the Department of Environment of the distribution, return and disposal of batteries.
Returns must be in writing and sent every 6 months from the issue of the permit.
Returns must relate to each site or premises occupied by the facility.]*

Failure to send a return by the due date is an offence under section 44 of the Act and can lead to suspension of the permit.]

Permit No.

Period covered by return

6 months commencing [date of issue of the permit, or date of last return]

Particulars of the facility

Name

Address

Tel no.

Nature of premises

Particulars of authorized person

Name

Position (if firm or body corporate)

Address

Telephone:

Facsimile:

Mobile:

E-mail:

Particulars of imports/manufactures

<u>Category</u>	<u>No of batteries</u>	<u>Approx. weight in tonnes</u>	<u>Source</u>
-----------------	------------------------	---------------------------------	---------------

(a) Automotive

(b) Industrial

(c) Other (specify)

Particulars of sales/distribution of batteries

<u>Category</u>	<u>No of batteries</u>	<u>Approx. weight in tonnes</u>	<u>Destination</u>
-----------------	------------------------	---------------------------------	--------------------

(a) Automotive

(b) Industrial

(c) Other (specify)

Particulars of collection/buy back of batteries

<u>Category</u>	<u>No of batteries</u>	<u>Approx. weight in tonnes</u>	<u>Collected/bought back</u>
-----------------	------------------------	---------------------------------	------------------------------

(a) Automotive

(b) Industrial

(c) Other (specify)

Particulars of disposal/recycling of batteries

<u>Category</u>	<u>No of batteries</u>	<u>Approx. weight in tonnes</u>	<u>Disposed/Recycled</u>
-----------------	------------------------	---------------------------------	--------------------------

(a) Automotive

(b) Industrial

(c) Other (specify)

Specify the designated waste collection centre or permitted recycling facility:

Name

Address

Declaration

As owner/authorised person of the facility described above I certify that the particulars set out above are true to the best of my knowledge and belief.

Signature of owner/authorized person

Date

Send this return in triplicate to:
 Waste & Pollution Control Administrator
 c/- Department of Environment,
 P.O. Box 2131,
 Government Buildings,
 Suva

**ENVIRONMENT MANAGEMENT (WASTE DISPOSAL AND RECYCLING)
 REGULATIONS 2007**

Form: EMA/WDR 9

UNDERTAKING BY IMPORTER OF BATTERIES

(Reg. [25])

To the Director of Environment
 Suva

and to FIRCA

Name and address of facility

Permit No.

Name and address of authorised person

Relationship to facility

The facility is in the process of importing tonnes of new lead acid batteries from

It undertakes to collect back the used batteries in accordance with Part 2 of the Environment (waste recycling) Regulations 2007 in place of the new batteries imported and sold, and to send these only to a permitted recycler.

It further undertakes to submit quarterly returns of all disposals of batteries in accordance with the Regulations to the WPC Administrator and to abide by its directions, if any.

Signature of authorised person

Date

Send this undertaking in triplicate to:
Waste & Pollution Control Administrator
c/- Department of Environment,
P.O. Box 2131, Government Buildings,
Suva

and to the Chief Executive
Fiji Islands Revenue & Customs Authority

Form: EMA/WDR 10

PLASTIC BOTTLES RETURN

(Reg. 31)

[Note : A facility that imports or manufactures plastic bottles must send returns to the Department of Environment of all import, manufacture, distribution, return and disposal of bottles.

Returns must be in writing and sent every 6 months from the issue of the permit.

Returns must relate to each site or premises occupied by the facility.

Failure to send a return by the due date is an offence under section 44 of the Act and can lead to suspension of the permit.]

Permit No.**Period covered by return**

6 months commencing [date of issue of the permit, or date of last return]

Particulars of the facility

Name

Address

Tel no.

Nature of facility business

Particulars of authorized person

Name

Position (if firm or body corporate)

Address

Telephone:

Facsimile:

Mobile:

E-mail:

Plastic bottles imported or manufactured

<u>Category</u>	<u>No of bottles</u>	<u>Approx. weight in kgs.</u>	<u>Source</u>
-----------------	----------------------	-------------------------------	---------------

(a) PET

(b) Other (specify)

Plastic bottles sold or distributed

<u>Category</u>	<u>No of bottles</u>	<u>Approx. weight in kgs.</u>	<u>Destination</u>
-----------------	----------------------	-------------------------------	--------------------

(a) PET

(b) Other (specify)

Plastic bottles returned or collected

<u>Category</u>	<u>No of bottles</u>	<u>Approx. weight in kgs.</u>	<u>Returned/collected</u>
-----------------	----------------------	-------------------------------	---------------------------

(a) PET

(b) Other (specify)

Plastic bottles disposed of

<u>Category</u>	<u>No of bottles</u>	<u>Approx. weight in kgs.</u>	<u>Recycled/dumped</u>
-----------------	----------------------	-------------------------------	------------------------

(a) PET

(b) Other (specify)

Specify the designated battery collection centre or permitted recycling facility:

Name

Address

Declaration

As owner/authorised person of the facility described above I certify that the particulars set out above are true to the best of my knowledge and belief.

Signature of owner/authorized person

Date

Send this return in triplicate to:
Waste & Pollution Control Administrator
c/- Department of Environment,
P.O. Box 2131, Government Buildings,
Suva

Form: EMA/WDR 11

LANDFILL RETURN
(Reg. [33])

[Note : Every landfill operator must send returns to the Department of Environment of all use of the landfill.

Returns must be in writing and sent every 6 months from the issue of the permit.

Returns must relate to each site or premises occupied by the facility.

Failure to send a return by the due date is an offence under section 44 of the Act and can lead to suspension of the permit.]

Permit No.

Period covered by return

6 months commencing [date of issue of the permit, or date of last return]

Particulars of the facility

Name

Address

Tel no.

E-mail

Location of landfill

Particulars of authorized person

Name

Address

Tel. no.

Amount of material deposited at the landfill

Category _____ Approximate weight in tonnes

(a) Domestic

(b) Industrial

(c) Other (specify)

Amount of material incinerated

Category _____ Approx. weight in tonnes _____ Timing and duration

(a) Domestic

(b) Industrial

(c) Other (specify)

Amount of material removed

Category _____ Approx. weight in tonnes _____ Destination

(a) Domestic

(b) Industrial

(c) Other (specify)

How much liquid waste generated

Declaration

As owner/authorised person of the facility described above I certify that the particulars set out above are true to the best of my knowledge and belief.

Signature of owner/authorized person

Date

Send this return in triplicate to:
 Waste & Pollution Control Administrator
 c/- Department of Environment,
 P.O. Box 2131, Government Buildings,
 Suva

Form: EMA/WDR 12

RECYCLING FACILITY RETURN
 (Reg. [35])

*[Note : Every recycling facility must send returns to the Department of Environment of all recycling done at the facility.
 Returns must be in writing and sent every 6 months from the issue of the permit.
 Returns must relate to each site or premises occupied by the facility.
 Failure to send a return by the due date is an offence under section 44 of the Act and can lead to suspension of the permit.]*

Permit No.

Period covered by return

6 months commencing [date of issue of the permit, or date of last return]

Particulars of the facility

Name

Address

Tel no.

Particulars of authorized person

Name

Position (if firm or body corporate)

Address

Telephone:

Facsimile:

Mobile:

E-mail:

Particulars of recycled material (including exports)

Category	Raw material	Approx. weight in tonne	Product and destination
(a) Domestic			

(b) Industrial

(c) Other (specify)

Particulars of disposal of waste material not recycled

Declaration

As owner/authorised person of the facility described above I certify that the particulars set out above are true to the best of my knowledge and belief.

Signature of owner/authorized person

Date

Send this return in triplicate to:
Waste & Pollution Control Administrator
c/- Department of Environment,
P.O. Box 2131, Government Buildings,
Suva

Form: EMA/WDR [13]

WASTE TRANSPORT RETURN

(Reg. [37])

*[Note : Every waste transport operator must send returns to the Department of Environment of all waste transported by the facility.
Returns must be in writing and sent every 6 months from the issue of the permit.
Returns must relate to each vehicle operated by the facility.
Failure to send a return by the due date is an offence under section 44 of the Act and can lead to suspension of the permit.]*

Permit No.

Period covered by return

6 months commencing [date of issue of the permit, or date of last return]

Particulars of the facility

Name

Address

Tel no.

E-mail

Number of vehicles

Particulars of authorized person

Name

Position (if firm or body corporate)

Address

Telephone:

Facsimile:

Mobile:

E-mail:

Particulars of vehicle movements

Particulars of material collected

<u>Category</u>	<u>Approximate weight in tonnes</u>	<u>Source</u>
-----------------	-------------------------------------	---------------

(a) Solid

(b) Liquid

(c) Livestock

Particulars of material deposited

<u>Category</u>	<u>Approximate weight in tonnes</u>	<u>Destination</u>
-----------------	-------------------------------------	--------------------

(a) Solid

(b) Liquid

(c) Livestock

Declaration

I certify that the particulars set out above are true to the best of my knowledge and belief.

Signature of authorized person

Date

Send this return in triplicate to:
Waste & Pollution Control Administrator
c/- Department of Environment,

P.O. Box 2131, Government Buildings,
Suva

Form: EMA/WDR [14]

SOLID WASTE DUMP RETURN
(Reg. [39])

[Note : Every facility that operates a solid waste dump must send returns to the Department of Environment of all material deposited at and removed from the dump. Returns must be in writing and sent every 6 months from the issue of the permit. Returns must relate to each site or premises occupied by the facility. Failure to send a return by the due date is an offence under section 44 of the Act and can lead to suspension of the permit.]

Permit No.

Period covered by return

6 months commencing [date of issue of the permit, or date of last return]

Particulars of the facility

Name

Address

Tel no.

E-mail

Location of dump

Particulars of authorized person

Name

Address

Tel. no.

Amount of material deposited at the dump

Category Approx. weight (tonnes) Type Source (facility, vehicle etc.)

(a) Domestic

(b) Industrial

(c) Other (specify)

Amount of material disposed of

Category	Approx. weight (tonnes)	Type	Method of disposal
----------	-------------------------	------	--------------------

(a) Domestic

(b) Industrial

(c) Other (specify)

Particulars of any incineration, with reasons

Declaration

I certify that the particulars set out above are true to the best of my knowledge and belief.

Signature of authorized person

Date

Send this return in triplicate to:
 Waste & Pollution Control Administrator
 c/- Department of Environment,
 P.O. Box 2131, Government Buildings,
 Suva

Form: EMA/WDR 15

APPLICATION TO RENEW WASTE RECYCLING PERMIT
 (Reg. 51)

Permit No.

Particulars of facility

Name
 Address

Tel no.
 E-mail

Location of facility covered by the permit

Nature of commercial or industrial activity

Particulars of owner or authorized person

Name
 Status
 Address

Tel. no.

Category of permit:

- Batteries handling
- Plastic bottles
- Landfill
- Recycling
- Waste transport
- Solid waste dump

Expiry date of permit -

Period of renewal applied for -

Declaration

As owner/authorised person of the facility described above I wish to apply for renewal of the waste recycling permit, as required by the Environment Management Act 2005.

I declare that there have been no changes to the facility or the industrial processes carried on there since the permit was issued

OR

There have been the following changes to the facility and the industrial processes carried on there –

The following waste recycling returns have been sent to the WPC Administrator since the issue/last renewal of the permit –

[List of waste recycling returns sent under Division B, with dates]

Signature of owner/authorised person

Name in print
 Date

Signature of witness

Name in print
 Date

Send this form in triplicate, with the renewal fee (one-half of the permit fee) to:
 Waste & Pollution Control Administrator
 c/- Department of Environment,
 P.O. Box 2131,
 Government Buildings,

Suva

Form: EMA/WDR 16

**FIXED PENALTY AND REMEDIAL NOTICE UNDER SECTION 38(2)(b) OF
THE ENVIRONMENT MANAGEMENT ACT 2005
(Reg. 61)**

TO –

Name and address of facility**Name and contact details of permit holder****Category of permit:****Waste Disposal**

- Solid waste
- Liquid waste
- Livestock
- Air pollution

Waste Recycling

- Batteries handling
- Plastic bottles
- Landfill
- Recycling
- Waste transport
- Solid waste dump

TAKE NOTICE that –

1. Under section 38(1) of the Environment Management Act, the WPC Administrator, after an inspection of a facility, and if satisfied that the permit or a condition of the permit has been breached, may-
 - (a) issue a remedial notice setting out steps necessary to remedy the breach; or.
 - (b) if the breach is a serious one, issue a fixed penalty notice in addition to a remedial notice.
2. The WPS Administrator has determined that there is a breach of the conditions of the above permit which requires remedial work to be done and which justifies the imposition of a fixed penalty [*Delete if not applicable*].

YOU ARE THEREFORE HERBY ORDERED –

- (a) to remedy the breach as soon as possible and in any event within
[]days of receiving this notice;

- (b) to pay a fixed penalty of F\$1,000 within [] days of receiving this notice. *[Delete if not applicable].*

Nature of the breach/breaches and date/s

Remedial action to be taken

Issued on behalf of the WPC Administrator by –

Name
 Position
 c/- Department of Environment,
 P.O. Box 2131,
 Government Buildings,
 Suva

Signed

Date of notice

NOTES:

1. *If the remedial action is not carried out to the satisfaction of the WPC Administrator within the time specified –*
 - (a) *the fixed penalty of F\$1,000 becomes payable, whether or not it was payable in the first place; (a further notice will be sent if the fixed penalty becomes payable in these circumstances);*
 - (b) *the remedial action will be undertaken by the Department of Environment and the cost will be a debt from the facility, recoverable in court.*

 2. *If the Administrator is unable to do the remedial work, the Administrator may apply to the court for an order compelling the facility to carry out the remedial work at its own cost.*

 4. *If any fixed penalty payable is paid within the time mentioned, the facility has no further liability for the specified breach except for the cost of remedial work. If any fixed penalty is not paid by the date specified, the facility is liable to prosecution for a pollution offence under the Act.*

 5. *Fixed penalties are payable by cash or cheque to the Department of Environment.*

 6. *A facility that disputes any remedial action required to be carried out under Part 5 of the Act may appeal to the Environmental Tribunal.*
-

Form: EMA/WDR 17

**STOP ORDER UNDER SECTION 39(1)(a) OF THE ENVIRONMENT
MANAGEMENT ACT 2005**

TO -

Name and address of facility**Name and contact details of permit holder****Permit No.****Category of permit:****Category of permit:****Waste Disposal**

- Solid waste
- Liquid waste
- Livestock
- Air pollution

Waste Recycling

- Batteries handling
- Plastic bottles
- Landfill
- Recycling
- Waste transport
- Solid waste dump

TAKE NOTICE that –

1. Under section 39(1) of the Environment Management Act, the WPC Administrator may in an emergency situation, issue to a facility an order to stop work or operations for up to 72 hours.
2. The WPC Administrator has determined that there is an emergency situation at the above facility which requires work or operations to be stopped for [] hours.

YOU ARE THEREFORE HERBY ORDERED –

- (a) to stop the work or operations described below for a period of [] hours after receiving this notice;
- (b) to remedy the breach as soon as possible, and in any event within [] hours after receiving this notice.

If the breach is remedied within the period stated, this order will cease to have effect. If not, this order will be continued for a total of 72 hours, and the WPC Administrator will apply to the Court for a permanent order to stop work or operations.

The effect of this notice is that the permit (including conditions attached to it) is

suspended until reinstated by a further notice or by order of the Court.

Nature or work or operations

Nature of the breach/es and date/s

Remedial work to be done

Issued on behalf of the WPC Administrator by -

Name
Position
c/- Department of Environment,
P.O. Box 2131,
Government Buildings,
Suva

Signed

Date of notice

NOTES:

1. *You may apply to the court to remove this order, but the court will only grant the application if it is satisfied that-*
 - (a) *the emergency or breach has ceased;*
 - (b) *the facility has remedied the emergency or breach; or*
 - (c) *the WPC Administrator certifies that the emergency or breach has been adequately controlled.*

 2. *"Emergency situation" means any uncontrolled, unplanned or accidental release of waste or pollutant into the environment or any reasonable likelihood of release of waste or pollutant that may affect the environment, human life or health or the environment on which human health depends. See section 39(6) of the Act for a list of examples.*

 3. *A facility that disputes any remedial action required to be carried out under Part 5 of the Act may appeal to the Environmental Tribunal.*
-

pH	7-9
Oil and Grease	No visible oil and grease
Flammable substances:	None present
Immiscible liquids	None present
Sawdust and timber shavings and off-cuts	None present
Solid refuse and garbage	None present
Solid animal waste	None present

B. Concentration Standard

Substance	Unit	General	Significant Ecological Zone
BOD5	mg/L	40	20
Suspended Solids	mg/L	60	30
Total Dissolved Solids	mg/L	1000	1000
Grease	mg/L	5	2
Coliform–Faecal	c/100mL	400	200
Total Petroleum			
Hydrocarbons	mg/L	2	0.1
BTEX	mg/L	0.1	0.05
Sulphate	mg/L	500	300
Sulphide	mg/L	0.1	0.1
Total Nitrogen	mg/L	25	10
Ammonia	mg/L	10	5
Total Phosphorous	mg/L	5	2
Anionic Surfactants	mg/L	20	5
Chlorine	mg/L	1	0.5
Labile Cyanide	mg/L	0.1	0.1
Formaldehyde	mg/L	0.2	0.1
Metals			
Iron	mg/L	5	2
Arsenic	mg/L	0.05	0.05
Boron	mg/L	5	5
Copper	mg/L	0.5	0.5
Cadmium	mg/L	0.05	0.05
Chromium (Cr6)	mg/L	0.1	0.05
Chromium (Cr3)	mg/L	0.2	0.1
Lead	mg/L	0.05	0.05
Lithium	mg/L	0.5	0.5
Magnesium	mg/L	1	1
Manganese	mg/L	1	1
Mercury	mg/L	0.02	0.01
Molybdenum	mg/L	2	1
Nickel	mg/L	0.2	0.2
Tin	mg/L	0.2	0.2
Zinc	mg/L	1	1

SCHEDULE 4

[Reg.10]

CRITERIA FOR SIGNIFICANT DISPOSALS/DISCHARGES

The following criteria are to be used to determine whether a disposal or discharge of solid or liquid waste is to be classified as significant for the purposes of the Regulations

Significant disposal of solid waste

A solid waste disposal of more than 250 cu.m. per week average

A facility that disposes of medical waste

A timber processing facility

A facility classified as a mine under the Mining Act (Cap 146)

A sugar mill

A facility of a type declared by the Director under regulation 10(2) to be a significant solid waste disposer

Significant discharge of liquid waste

A liquid waste discharge of more than 50,000 litres per day average

A facility classified as a mine under the Mining Act (Cap 146)

A sugar mill

A commercial dairy

An oil storage depot or petroleum station

A facility of a type declared by the Director under regulation 10(2) to be a significant liquid waste discharger

SCHEDULE 5

[Reg. 2]

NATIONAL AIR QUALITY STANDARDS**PART A - AMBIENT AIR QUALITY STANDARDS****THRESHOLD CONCENTRATION TABLE**

Pollutant	Threshold concentration	Permissible excess
Carbon monoxide	10 milligrams per cubic metre	One 8-hour period in a 12-month period expressed as a running 8-hour mean
Nitrogen dioxide	200 micrograms per cubic metre	9 hours in a 12-month

		period expressed as a 1-hour mean
Ozone	150 micrograms per cubic metre	Not to be exceeded at any time
Sulphur dioxide	350 micrograms per cubic metre	9 hours in a 12-month period expressed as a 1-hour mean
	OR 570 micrograms per cubic metre	Not to be exceeded at any time
PM10	50 micrograms per cubic metre	One 24-hour period in a 12-month period expressed as a 24-hour mean

Notes

1. The ambient air quality standard for a pollutant listed in column 1 of the Table is that the concentration of the pollutant must not exceed its threshold concentration except to the extent and in the circumstances (if any) listed in column 3.
2. The threshold concentration in relation to a pollutant is the concentration of the pollutant shown in column 2 of the Table, calculated over the time interval specified in column 3.
3. In the Table -
 - “1-hour mean” (a) means a mean calculated every hour on the hour for the preceding hour; and
 - (b) in relation to a pollutant at a particular location for a particular hour, means the mean of not more than 10-minute means, collected not less than once every 10 seconds, for the pollutant at that location during that hour;
- “24-hour mean” (a) means a mean calculated every 24 hours at midnight for the preceding 24 hours; and
- (b) in relation to a pollutant at a particular location for a particular 24-hour period, means -
 - (i) the mean level at which the pollutant is recorded in the air, by continuous sampling of the air at that location, throughout that 24-hour period; or
 - (ii) the mean of the 1-hour means for that pollutant at that location for the preceding 24 hours;

- “running 8-hour mean” (a) means a mean calculated every hour on the hour for that hour and the preceding 7 hours to give 1 running 8-hour mean per hour; and
- (b) in relation to a pollutant at a particular location for a particular hour, means the mean of the 1-hour means for that pollutant at that location for that hour and the preceding 7 hours.

MONITORING METHODS FOR AMBIENT AIR QUALITY STANDARDS

Contaminant	Monitoring method
Carbon monoxide	Australian Standard AS 3580.7.1:1992, Methods for sampling and analysis of ambient air---Determination of carbon monoxide---Direct-reading instrumental method
Nitrogen dioxide	Australian Standard AS 3580.5.1:1993, Methods for sampling and analysis of ambient air---Determination of oxides of nitrogen---Chemiluminescence method
Ozone	Australian Standard AS 3580.6.1:1990, Methods for sampling and analysis of ambient air---Determination of ozone---Direct-reading instrumental method.
PM10	United States Code of Federal Regulations, Title 40---Protection of Environment, Volume 2, Part 50, Appendix J---Reference method for the determination of particulate matter as PM10 in the atmosphere; OR Australian/New Zealand Standard AS/NZS 3580.9.6:2003, Methods for sampling and analysis of ambient air---Determination of suspended particulate matter---PM10 high volume sampler with size-selective inlet---Gravimetric method
Sulphur dioxide	Australian Standard AS 3580.4.1:1990, Methods for sampling and analysis of ambient air---Determination of sulphur dioxide---Direct-reading instrumental method.

PART B – EMISSIONS STANDARDS

Section 1 - General

1. A point source of an air polluting substance should not, in isolation or combination with any other source of that substance, cause a concentration of that substance in the ambient air to exceed the emission standards set out in section 3 below.
2. The concentration of a point source of a substance may be calculated by using any of the following methods -
 - (a) the relevant modelling protocol contained in *Industrial Source Complex (ISC3) Dispersion Models* (United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Emissions, Monitoring, and Analysis Division, USEPA-454/B-95-003a), or other equivalent model approved by the Department of Environment;
 - (b) surface meteorological data from an appropriate source;
 - (c) mixing height data from an appropriate source;
 - (d) emission temperature and volume data;
 - (e) the height of emission;
 - (f) any other relevant data or criteria as specified in the models listed in paragraph (a).

Section 2 - Classification of substances

Substances are classified in Tables 1 and 2 in the following categories according to toxic, persistent and carcinogenic qualities:

Category 1 - Environmentally Toxic and Persistent or Carcinogenic Substances

The concentration of solid substances must not exceed 2.5 mg/Nm^3 at the point of the exhaust. The concentration of a gas, vapour or haze of a substance must not exceed the MAC-value specified in Table 2 at the point of the exhaust.

Category 2 - Environmentally Toxic and Non-Persistent Substances

The concentration of solid substances must not exceed 25 mg/Nm^3 at the point of the exhaust. The concentration of a gas, vapour or haze of a substance, if exhausted at roof level, must not exceed 10 X the MAC-value specified in Table 2 at the point of the exhaust.

Category 3 - Mildly Toxic but Environmentally Persistent Substances

The concentration of solid substances in this category must not exceed 75 mg/Nm^3 at the point of the exhaust. The concentration a gas, vapour or haze of a substance, if exhausted at roof level, must not exceed 10 X the MAC-value specified in Table 2 at the point of the exhaust.

Category 4 - Non-Toxic and Non-Persistent Substances

The concentration of solid substances must not exceed 100 mg/Nm^3 at the point of the exhaust. The concentration of gas, vapour or haze of a substance, if exhausted at roof level, must not exceed 10 X the MAC-value specified in Table 2 at the point of the exhaust.

Section 3 - Emission Standards (Dioxins and Furans and other Substances)

1. The sum concentrations of:
 - (a) 2,3,7,8-Tetrachlorodibenzo-P-Dioxin,
 - (b) 1,2,3,7,8-Pentachlorodibenzo-P-Dioxin,
 - (c) 1,2,3,6,7,8-Hexachlorodibenzo-P-Dioxin,
 - (d) 1,2,3,7,8,9-Hexachlorodibenzo-P-Dioxin,
 - (e) 1,2,3,4,7,8-Hexachlorodibenzo-P-Dioxin,
 - (f) 2,3,7,8-Tetrachlorodibenzofuran,
 - (g) 2,3,4,7,8-Pentachlorodibenzofuran,
 - (h) and 1,2,3,6,7,8-Hexachlorodibenzofuran
 should not exceed, at the point of the exhaust, 0.5 nanograms/Nm³ in any emission .

2. The concentration of any Category 1 solid substances listed in Table 1 should not exceed 2.5 mg/Nm³ at the point of the exhaust.

Table 1 - Solid substances

Substance	Category	Air quality guideline mg/m³
Ammonium compounds	3	0.03
Antimony compounds	2	0.01
Arsenic compounds	1	0.001
Asbestos	1	0.001
Bariumsulfate	3	0.03
(Other) Barium compounds	2	0.01
Bitumen	3	0.03
Bone-meal	2	0.01
Cadmium	1	0.001
Calcium hydroxide	3	0.03
Calcium oxide	3	0.03
Chromium and Chromium compounds	1	0.001
Copper and Copper compounds	2	0.01
Corn or flour dust	4	0.03
Cyanides (Sodium and Calcium compounds)	1	0.001
DDT and related compounds	1	0.001
Fertiliser (phosphates)	3	0.03
Lead and Lead compounds	1	0.001
Magnesium compounds	3	0.03
Nickel compounds	1	0.001
Soot	2	0.01
Tar	2	0.01
Tobacco	3	0.03
Wood dust	2	0.01
Zinc and Zinc compounds	2	0.01

Table 2 - Gas, vapour or haze substances

Substance	Category	MAC-value mg/m³	Scent limit mg/m³	Air quality guideline mg/m³
Acetic acid	2	25	0.25	0.25
Acetic anhydride	2	20	-	0.2
Acetone	4	2400	1	70
Acetylene	4	-	-	-
Acrolein	2	0.25	0.05	0.003
Acrylonitrile	1	9	-	0.001
Ammonia	2	18	0.1	0.18
Benzene	1	30	3	0.005
Butane	4	1430	-	40
normal-Butanol	2	150	0.2	1.5
normal-Butyl acetate	2	710	0.03	0.2
Carbon monoxide	4	29	-	1
Carbon disulphide	2	60	0.05	0.05
Chlorine	2	3	0.06	0.03
Chloroform	1	120	30	0.12
Cyclohexane	2	1050	2	10
Cyclohexanone	2	200	0.02	0.03
1,2 Dichloroethane	1	200	17	0.2
Dichloromethane	1	350	4	0.35
Diethyl ether	2	1200	-	0.3
Epichlorohydrin	1	4	-	0.004
Ethane	4	-	-	-
Ethanol	4	1900	7	30
Ethyl acetate	2	1400	0.6	3
Ethylene oxide	2	90	-	0.9
Formaldehyde	2	1.5	0.07	0.015
Furfuryl alcohol	2	20	-	0.02
normal-Heptane	2	1600	-	16

normal-Hexane	2	360	-	3.6
Hydrazine	1	0.13	-	0.001
Hydrochloric acid	2	7	0.2	0.07
Hydrogen	4	-	-	-
Hydrogen fluoride	1	2	-	0.006
Hydrogen phosphide	2	0.4	0.1	0.004
Hydrogen sulphide	2	15	0.0001	0.001
Isobutyl acetate	2	700	0.6	0.3
Isopropyl alcohol	2	980	2	10
Methane	4	-	-	-
Methanol	2	260	4	2.6
Methyl acetate	2	610	0.002	0.005
Methyl bromide	1	20	-	0.02
Methylene bis phenyl isocyanate (MDI)	2	0.2	-	0.002
Methyl ethyl ketone	2	590	0.7	5
Methyl formate	2	250	-	2.5
Methyl isobutyl ketone	2	410	0.4	0.5
Methyl methacrylate	2	410	0.2	0.1
alpha-Methylstyrene	2	480	0.04	0.03
Monochlorobenzene	1	350	-	0.35
Naphthalene	2	50	0.004	0.01
Nitric oxide (NO)	2	30	-	0.05
nitrous oxide (N2O)	2	4	0.1	
Ozone	2	0.2	0.015	0.002
normal-Pentane	2	360	-	3.6
Perchloroethylene	2	240	12	2.4

ne				
Phenol	2	19	0.02	0.1
Phosgene	2	0.4	0.5	0.004
normal-Propyl acetate	2	840	-	8.4
Propylene oxide	2	240	-	2.4
Prussic acid	2	11	-	0.11
Pyridine	2	15	0.04	0.05
Styrene monomer	2	420	0.02	0.03
Sulphur dioxide	2	5	0.9	0.08
Sulphuric acid	2	1	-	0.01
Toluene	2	375	0.08	1
Toluene diisocyanate (TDI)	2	0.14	-	0.001
1,1,1-Trichloroethane	1	1080	-	1
1,1,2-Trichloroethane	2	45	-	0.045
Trichloroethylene	2	190	-	1.9
Vinyl chloride	1	8	-	0.008
Xylene	2	435	0.6	1

SCHEDULE 6

[Reg. 33

RULES FOR INCINERATION AT LANDFILLS

1. This Schedule applies to a landfill that -
 - (a) has a capacity of at least 60,000 tonnes;
 - (b) contains at least 20,000 tonnes of waste; and
 - (c) accepts or is likely to accept waste that consists of 5% or more by weight of putrescible or biodegradable matter.

2. No fire may be lit or waste burned at a landfill, unless -
 - (a) the fire is to control gas formed at the landfill; and
 - (b) the flaring system complies with the requirements of this regulation.

3. Subject to paragraph. 4, there must be no discharge of gas to air from a landfill.
 4. Paragraph 3 does not apply if the landfill has a system for the collection of gas -
 - (a) that is designed and operated to ensure that any discharge of gas from the surface of the landfill does not exceed 5,000 parts of methane per 1 million parts of air; and
 - (b) in which the gas is either –
 - (i) flared in accordance with para. 5; or
 - (ii) used as a fuel or for generating electricity.
 5. If gas collected at a landfill is destroyed by flaring -
 - (a) the system for the principal flare or flares must comply with para. 6, or achieve at least the same effect; and
 - (b) the system for the backup flare or flares must comply with para. 7, or achieve at least the same effect.
 6. The system for a principal flare must-
 - (a) have a flame arrestor;
 - (b) have an automatic backflow prevention device, or an equivalent device, between the principal flare and the landfill;
 - (c) have an automatic isolation system that ensures that, if the flame is lost, no significant discharge of unburnt gas from the flare occurs;
 - (d) have a continuous automatic ignition system;
 - (e) have a design that achieves a minimum flue gas retention time of 0.5 seconds;
 - (f) be designed and operated so that gas is burned at a temperature of at least 750°C;
 - (g) have a permanent temperature indicator;
 - (h) have adequate sampling ports to enable emission testing to be undertaken; and
 - (i) provide for safe access to sampling ports while any emission tests are being undertaken.
 7. The system for a backup flare must have -
 - (a) a flame arrestor;
 - (b) an automatic backflow prevention device, or an equivalent device, between the backup flare and the landfill;
 - (c) an automatic isolation system that ensures that, if the flame is lost, no significant discharge of unburnt gas from the flare occurs; and
 - (d) a continuous automatic ignition system.
 8. A principal flare must be operated at all times unless it has malfunctioned or is shut down for maintenance. A backup flare must be operated if, and only if, a principal flare is not operating.
-

Dated this day of 2007

Bernadette R. Ganilau,

Minister for Labour, Industrial
Relations, Tourism and Environment

**ENVIRONMENT MANAGEMENT (WASTE DISPOSAL AND RECYCLING)
REGULATIONS 2007**

EXPLANATORY NOTE

The purpose of these Regulations is to prevent the pollution of the environment by controlling the discharge of solid waste from facilities, the discharge of liquid wastes, the emission of polluting gases, smoke, steam and dust, and the handling, storage and disposal of wastes and hazardous substances generally.

Part 5 of the Environment Management Act 2005 sets out the framework for waste management and pollution control in the Fiji Islands. It prohibits any commercial or industrial facility from discharging any waste or pollutant into the environment or handling or storing hazardous materials without a permit and gives the Waste and Pollution Control Administrator power to issue permits. The WPC Administrator can also monitor discharges and issue stop orders to prevent illegal or excessive discharges.

These Regulations supplement the provisions of Part 5 in respect of liquid and solid waste discharges, livestock facilities, air pollution from facilities, handling, storage and disposal of wastes and pollutants and recycling of wastes. They set out the categories of permit – waste disposal or waste recycling – and say how a permit can be obtained in respect of each category. They specify the types of conditions that can be attached to permits, and the circumstances in which inspections will take place. The Regulations enable the WPC Administrator to require an applicant for a permit to enter into an environmental bond in certain cases, and require applicants to provide a waste management plan in some cases. They provide for variation and suspension and renewal of permits. They set out some of the standard conditions for a permit, including the keeping of registers and reporting of discharges. They also amplify the fixed penalty provisions of the Act in relation to illegal discharges.

The Schedules to the Regulations prescribe forms in connection with waste disposal and waste recycling permits generally. They also set out the national liquid waste standards and national air quality standards applicable to facilities and the criteria for significant disposers/dischargers. These Schedules can be amended by the Director by Order. There is also a Schedule of fees which can only be amended by the Minister.

The Regulations will come into force on a date specified by the Minister by Order, which will allow sufficient time for operators of facilities to comply with the requirements of a permit. Part 5 of the Act will then also be brought into operation.

Separate Regulations have also been made relating to the environmental impact assessment (EIA) procedure under Part 4 of the Act.

Attorney General

....2007
