

A new Environmental Law every Small Business should know about!

Every business person in NSW needs to know about the new environmental law called the Protection of the Environment Operations Act 1997 (POEO). This law gives Council and the EPA more powers to ensure our environment is protected. For the majority of the small businesses in NSW, your local Council will be responsible for visiting your premises and making sure you're doing your part to protect the environment.



What Do You Have To Do To Obey The Law?

The main thing small businesses have to be careful of are;

- You must ensure only clean water flows down the drains on or around your site
- Keeping your site tidy at all times
- Ensuring wastes are properly stored on site and then properly disposed of

- Acting with all reasonable care at all times in making sure your business does not harm the local environment
- Not letting excessive fumes, dust or smoke escape into the air and cause air pollution
- Only allowing industrial waste for which you have a licence to flow into the sewer system at your premises
- Not making offensive noise at anytime

What Are The Fines If You Break The Law?

Council Officers now have the power to issue on the spot fines for minor offences. These on the spot fines include:

Problem	Penalty (individual)	Penalty (corporation)
polluting waters	\$750	\$1500
causing air pollution	\$750	\$1500
cause emission of noise	\$200	\$400
waste dumping	\$750	\$1500
permit land to be unlawfully used as a waste facility	\$750	\$1500
littering (including from vehicles)	\$200	\$400
failing to comply with a clean-up notice	\$750	\$1500
failing to comply with a prevention notice	\$750	\$1500
failure to pay notice fee/s	\$500	\$1000

These special on the spot fines are called Penalty Infringement Notices. You can choose not to pay a Penalty Infringement Notice by challenging it in court but you do risk paying an increased fine.

If the Council Officer considers an incident on your site to be more serious Council can take you to court where the penalties can actually run up to a million dollars for corporations and \$250,000 for individuals. People who wilfully and negligently undertake activities that cause serious environmental harm can also be put into jail for up seven years.

What New Powers Does Council Have To Help Protect The Environment?

The main new power Council has is the power to issue special notices. These notices can require you to do certain things to ensure the local environment is protected. The main types of notices are

- **Clean Up Notice** - which Council will issue if pollution has occurred or is likely to occur on your site. You must do what the clean up notice tells you to or you could be breaking the law. If for example a Council Officer notices a pile of leaking drums stored on your site, they are likely to issue you with a clean up notice requiring you to remove the drums within a certain specified period. Council can also charge you \$320 for the notice.
- **Prevention Notice** - which Council will use if they see you or your employees doing something that could lead to the environment being harmed. If you don't agree that the action Council is concerned about could lead to environmental harm you can appeal against the Prevention Notice in court. Council does have the power however to charge you \$320 for the issue of a Prevention Notice.
- **Noise Control Notice** - which Council can issue as a way of controlling systematic offensive noise.

But Wait, There's More!

Council also has the power to recover the costs associated with controlling pollution from industrial premises. If for example you receive a clean up notice and you choose to ignore it, Council has the power to come on site and complete the clean up. They also have the power to make you pay for the cost of completing the work.

One More Thing!

Under this new law if you have a big environmental incident on your site (an incident that could cause significant harm and cause over \$10,000 worth of damage or cost more than \$10,000 to clean up) then you're required to let the Council know about the incident. Your first responsibility in a major incident is to protect human safety. Once that is under control you are required by this law to let Council know.

The Bottom Line.

The bottom line for this new law is all about protecting local environments. Small businesses doing the right thing have little to fear in this new law, indeed they should be happy about the changes it makes to protecting our water, our air and our soil.

For more information on the new law please contact your local Council.

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City of Botany Bay
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