

ACCREDITED LICENSEE SYSTEM GUIDELINES FOR APPLICANTS

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INTRODUCTION

These guidelines provide general advice and information to assist companies prepare an application for accreditation and maintain accreditation once granted.

The statutory framework of the accredited licensee system can be found in sections 26A - 26E of the *Environment Protection Act 1970* (the Act).

WHAT IS THE ACCREDITED LICENSEE SYSTEM?

The accredited licensee system aims to achieve environmental improvements through co-operation between industry, government and the community. This is achieved through a collaborative approach where all stakeholders play a role in setting and achieving environmental goals.

Companies that can demonstrate the capability and commitment to achieve good environmental performance can be freed from a prescriptive approach to works approval and licensing by applying for accreditation.

Accredited licensees receive a simple performance based licence, providing considerable operating freedom. The accredited licence may be in the form of a 'bubble' licence specifying whole-of-plant performance. A range of other benefits can be

achieved by participating in the system, these include:

- improved consultation and stronger relationships with the local community and EPA
- ability for the licensee to manage its own environmental performance without detailed regulatory prescription
- works approvals not required, except where there will be substantial changes to a process, or a major change to a discharge or emission
- a 25 per cent reduction in licence fees
- opportunities to adopt risk-based monitoring programs, and tailor environmental performance reporting.

ELIGIBILITY FOR ACCREDITATION

To be considered eligible for accreditation, a licensee must demonstrate that they satisfy the requirements of section 26B of the Act:

1. Environmental performance

The licensee must demonstrate a high level of environmental performance and an ongoing capacity to maintain and improve this performance, in order to be granted and maintain accreditation.

* This document replaces EPA Publication 424d, released July 2005.

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Accredited licensees should have a solid record of improving environmental performance, especially in high risk areas.

2. Environmental management system

Accredited licensees are required to have 'a suitable environmental management system in place which is certified by a person approved by the Authority'. This would generally be achieved by certification against a recognised environmental management system standard such as ISO 14001. Such certification should be carried out by an independent environmental auditor appointed by EPA or a recognised EMS certification body. EPA publication 619, *Guidelines for Environmental Management System Certification*, provides further information.

Details of appointed environmental auditors can be found on EPA's website, www.epa.vic.gov.au

3. Environmental audit program

Accredited licensees are required to implement an environmental audit program that involves the participation of an independent appointed environmental auditor. Environmental audit programs should be based on the licensee's existing audit program, taking into account both internal and external audits.

The scope of an audit program and role of the environmental auditor will vary depending on the nature and scale of the accredited licensee's operation, and should be determined in consultation with EPA and the local community. The audit program should be committed to, and

reported against as part of the site environment improvement plan (EIP).

EPA will consider the extent to which the proposed audit program addresses the following aspects, and the frequency at which audits will be conducted. Applicants should note that a proposed audit program can include audits that address more than one of the aspects listed; it is not expected that separate audits will be conducted for each area.

Risk: Assessment of the risks to the environment posed by the licensee's operations and the adequacy of safeguards to minimise identified risks.

Impact: Assessment of the actual environmental effects of the licensee's operations.

Waste: Identification of the extent and source of waste generation, and opportunities for improvement.

Compliance: Assessment of whether environmental performance requirements are being met. This may be addressed within a facility or operational audit, EIP audit and/or a specific licence compliance audit.

Management system: Regular assessment of the performance of the environmental management system is integral to obtaining and maintaining certification. The frequency of internal and external EMS audits will vary from licensee to licensee, however it is expected that an external EMS audit be conducted at least every three years, in conjunction with more frequent internal audits, to ensure the efficacy and implementation of the EMS are maintained.

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The role of the environmental auditor is to provide independent assurance of the quality and rigour of the licensee’s audit program. The nature of their involvement will vary according to the risks associated with the licensee’s activities, and should include audit planning, scoping, and review tasks as a minimum. The environmental auditor may undertake a lead auditor role, or may participate as a team member in internal and/or external audits.

Licensees should discuss their environmental audit program with EPA early in the application and review processes.

4. Environment improvement plan

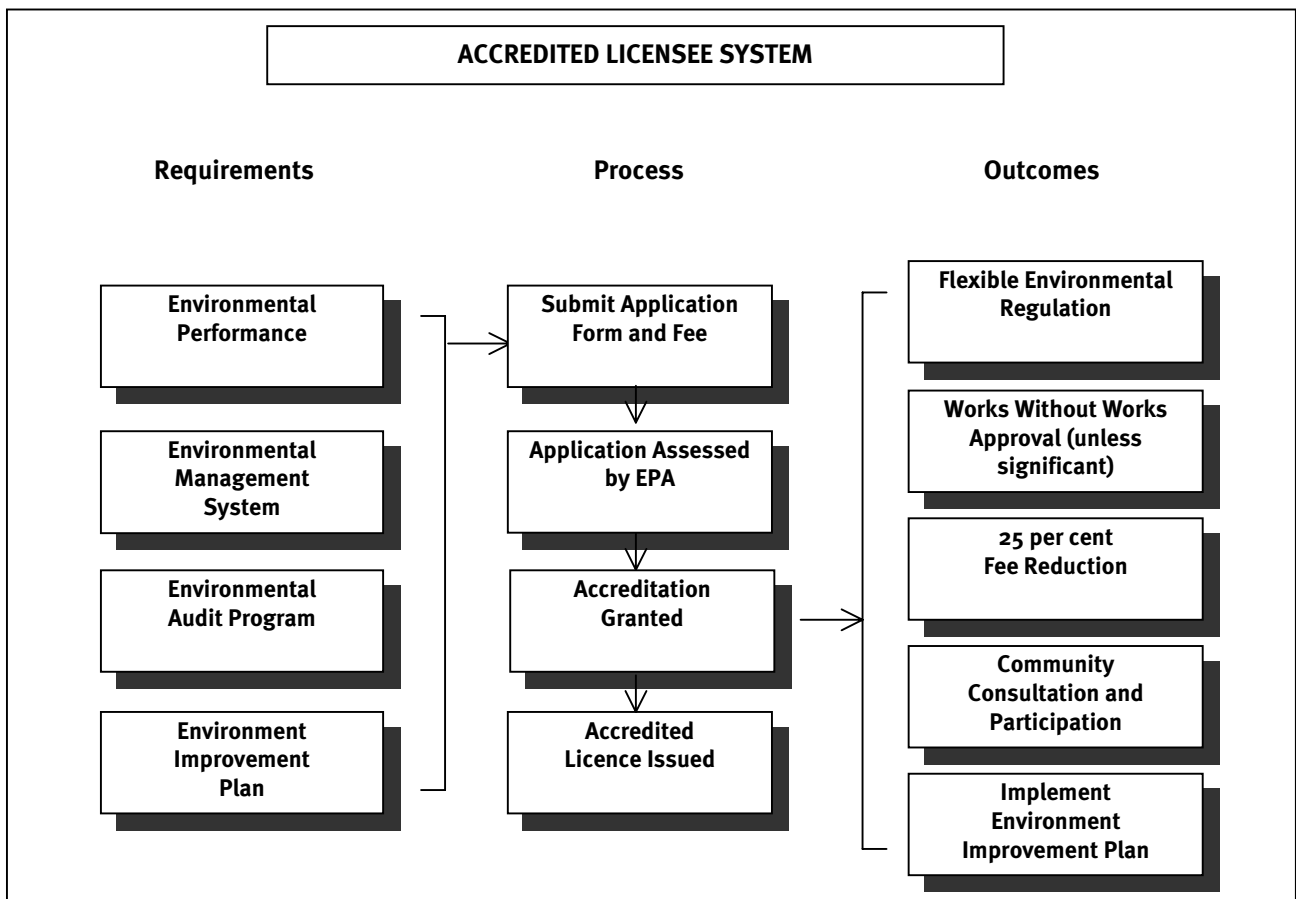
Accredited licensees are required to implement an environment improvement plan that has been

approved, or is likely to be approved, by the Authority.

EIPs are developed in consultation with EPA and the local community (where such interest exists) and document the licensee’s commitments to improving their environmental performance and community consultation. The EIP should provide details of the systems the accredited licensee has in place to:

- provide opportunities for open consultation and information exchange with the community about current and future operations, performance and plans; and
- provide timely response to community pollution reports.

Further information on the development of EIPs can be found in EPA Publication 739 *Guidelines for the Preparation of Environment Improvement Plans*.



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HOW TO APPLY FOR ACCREDITATION

Who can apply?

An applicant for accreditation must be the holder of an EPA licence, and have a good environmental record. Applicants must demonstrate implementation of the requirements of accreditation outlined in this guideline and section 26B of the Act, to be considered for accreditation.

Consult EPA

Before applying for accreditation, applicants should arrange to discuss their proposals at an early stage with EPA.

Application form and fee

The application for accreditation must be made on EPA form AL/94. A fee of \$1075.00 must accompany the application.

Applications that are not accompanied by the required form and fee, cannot be considered by the Authority and will be returned to the applicant for resubmission.

Information to be supplied

Attach to the application form sufficient information to demonstrate eligibility against the following criteria: (typically achieved within 20 pages)

1. *Environmental performance*

- a) Corporate Environmental Policy. Include a copy of your company's environmental policy.

- b) Previous Performance. Provide a declaration of your environmental performance at the premises during the last three years including licence compliance, community pollution reports and incidents. Provide trend data for key environmental indicators where appropriate.
- c) Future Performance. Include a brief statement about your ongoing capacity to maintain and improve environmental performance including planned improvements or changes.

2. *Environmental management system*

Provide evidence of recent certification of your environmental management system (EMS) and the name and qualifications of the person(s) providing such certification.

3. *Environmental audit program*

Provide details of your environmental audit program including nature and frequency of audits, the name of the independent appointed environmental auditor involved in your audit program, and details of their involvement.

4. *Environment improvement plan*

Provide details of your EIP, including a summary of the process adopted for preparing the EIP and timelines for its review. The EIP may be completed or in the course of preparation.

Include details of community access to environmental performance data and reports, involvement in EIP development (if relevant), and

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systems to respond to community requests for information and pollution reports.

GRANTING ACCREDITATION

A complete application for accreditation will be considered by EPA, and a decision made usually within two months of receiving the application. EPA will grant accreditation if satisfied that the applicant meets the requirements outlined in this guideline and section 26B of the Act. The licensee will be advised in writing of EPA's decision to grant accreditation and at the same time be provided with a simplified accredited licence.

Within 14 days of the granting of accreditation, a notice will be published in the Government Gazette specifying the name and location of the accredited licensee.

MAINTAINING ACCREDITATION

Accreditation is granted to a licensee subject to maintaining the requirements of accreditation. A number of checks and balances are integrated into the system to ensure performance is maintained. These include annual public reporting of environmental performance and five yearly reviews of accreditation. In addition, where EPA finds a licensee is performing poorly or is failing to maintain their EMS, environmental audit program, EIP or community consultation programs, accreditation may be reviewed.

Performance report

The accredited licensee must submit an environmental performance report to the Authority,

usually within 60 days of the end of each financial year or at another time negotiated with EPA. Where appropriate, accredited licensees are encouraged to submit their public environmental performance report, with additional appendices as required.

The performance report should:

- be prepared in a format agreed upon with EPA in advance
- contain all information and performance indicators required by the Authority. This should include a summary of environmental performance, including licence compliance, as well as a progress report against the EMS, audit program and EIP
- be authorised and signed by the accredited licensee or a person authorised by the accredited licensee; this would normally be a senior executive at the accredited site.

Works without works approval

A benefit of becoming an accredited licensee is the opportunity to conduct works without obtaining a works approval or research, development and demonstration approval.

An accredited licensee wishing to conduct works on site, should discuss the nature of proposed works with EPA and interested community members. To clarify the need for works approval, a brief written submission outlining the nature of proposed works should be submitted to EPA. Sufficient information should be provided to enable EPA to determine if the works represent a significant change to the process, nature and/or concentration of emissions.

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EPA will confirm its decision regarding the need for works approval, or request further information, usually within 30 days.

Transfer of accredited licence

Where ownership of a site which has an accredited licence changes, an application for transfer of the accredited licence should be made in accordance with section 25 of the Act. In addition, the new owner/occupier must provide a report to the Authority outlining their commitment to maintaining the environmental performance and accreditation programs at the site. The Authority will consider this report and the new owner/occupier's track record at other sites in determining whether to grant accreditation.

Where a suitable commitment to accreditation programs is not made, or a high level of environmental performance cannot be demonstrated, the Authority will not grant accreditation and will issue a standard licence to the new owner/occupier.

Review

EPA reviews accreditation every five years from the date of accreditation or last review. Six months prior to the review, EPA will request that the accredited licensee submit a report outlining environmental performance and progress of the site EMS, environmental audit program, EIP and community consultation programs. This report should not exceed 20 pages and should include:

1. a summary of trends in environmental performance during the previous five years
2. evidence of recent certification of the site EMS

3. an environmental audit program for the next three to five years, including details of the proposed involvement of an independent appointed environmental auditor
4. details of the most recent EIP, either completed or under revision, including highlights of significant proposed works or technological changes
5. details of community access to environmental performance data and reports, and involvement in EIP development (if relevant).

Penalties and loss of accreditation

If there is reason to believe the conditions of accreditation are not being adhered to, the Authority may require a review of the licensee's performance at any time.

The Authority will investigate the circumstances of the licensee including their potential to continue as an accredited licensee. Should the Authority determine that the requirements of section 26B of the Act are not being met, accreditation may be cancelled. In such cases, the Authority will revoke the accredited licence and issue the licensee with a standard licence. However where the licensee makes a renewed commitment, the Authority may determine to continue the licensee's accreditation.

A person who provides false or misleading information to the Authority in an environmental performance report is guilty of an indictable offence. The maximum penalty applicable is a fine of up to 2400 penalty units (\$245,400.00), or two years imprisonment or both.

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RELATED PUBLICATIONS

*Accredited Licensee System – guidelines for
Environmental Management System certification,*
EPA publication 619

Environmental Audits – industrial facilities, EPA
publication 91/08

*Guidelines for the preparation of Environment
Improvement Plans,* EPA publication 739

Environment Improvement Plans – an overview, EPA
publication 938

*Guidelines for running Community liaison
committees,* EPA publication 740

*Ten steps to successful community/industry
consultation,* EPA publication 520