

Version No. 010
Environment Protection (Prescribed Waste)
Regulations 1998

S.R. No. 95/1998

Version incorporating amendments as at 1 October 2000

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PART 1—PRELIMINARY

1. Purpose

The purpose of these Regulations is to—

- (a) prescribe waste and industrial waste for the purposes of the **Environment Protection Act 1970**;
- (b) prescribe requirements for the transport and management of prescribed waste and prescribed industrial waste including requirements for the transport and tracking of prescribed industrial waste;
- (c) provide for exempting persons from the requirements of sections 19A(3A), 20(3A) and 53A of the Act and Part 4 of these Regulations.

Reg. 1(c)
substituted by
S.R. No.
92/2000 reg. 5.

2. Authorising provisions

These Regulations are made under Part IXA and section 71 of the **Environment Protection Act 1970**.

Reg. 2
substituted by
S.R. No.
92/2000 reg. 6.

3. Commencement

- (1) These Regulations, except for regulations 12, 13(6), 14 and 15, come into operation on 22 July 1998.
- (2) Regulations 12, 13(6), 14 and 15 come into operation on 1 July 1999.

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4. Revocation

- (1) The Environment Protection (Prescribed Waste) Regulations 1987¹ are **revoked**.
- (2) The Environment Protection (Transport) Regulations 1987² are **revoked**.

5. Definitions

In these Regulations—

Reg. 5 def. of
"permit"
inserted by
S.R. No.
92/2000 reg. 7.

"permit" means a permit to transport prescribed waste or a permit to transport prescribed industrial waste;

Reg. 5 def. of
"prescribed
fee"
inserted by
S.R. No.
92/2000 reg. 7.

"prescribed fee" means the relevant fee prescribed in the Environment Protection (Fees) Regulations 1991³;

"prescribed industrial waste" means a waste or mixture referred to in regulation 7;

"prescribed industrial waste producer" means an occupier of premises from which prescribed industrial waste is disposed of on the premises or transported from the premises, other than through a sewer;

"prescribed waste" means a waste or mixture referred to in regulation 6;

"recoverer of energy" means an occupier of premises where the burning of a waste to generate heat energy from prescribed industrial waste occurs;

"reprocessing" does not include reusing or recycling prescribed industrial waste or the burning of prescribed industrial waste to generate heat energy;

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"the Act" means the **Environment Protection Act 1970**;

"waste receiver" means an occupier of premises licensed by the Authority to dispose of, treat, store or reprocess prescribed industrial waste;

"waste recycler" means an occupier of premises where the use of prescribed industrial waste as an input into the manufacture of a product occurs following any form of prior treatment or reprocessing;

"waste reuser" means an occupier of premises where the use of prescribed industrial waste as a direct input occurs, without prior treatment or reprocessing, into the manufacture of a product;

"waste transporter" means a person who transports prescribed industrial waste on a highway.

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**PART 2—PRESCRIBED WASTE AND PRESCRIBED
INDUSTRIAL WASTE**

6. Prescribed waste

For the purposes of the Act, a waste that is listed in Schedule 1 and any mixture containing a waste listed in Schedule 1 are prescribed wastes.

7. Prescribed industrial waste

For the purposes of the Act a waste that—

- (a) is an industrial waste—
 - (i) that arises from an industrial, commercial or trade activity or from a laboratory; or
 - (ii) that is potentially harmful to human beings or equipment and arises from a hospital; and
- (b) is listed in Part B of Schedule 1—

and any mixture containing an industrial waste that is listed in Part B of Schedule 1 are prescribed industrial wastes.

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PART 3—TRANSPORT AND MANAGEMENT OF WASTE

Division 1—Permit to Transport Prescribed Waste

Pt 3 Div. 1
(Heading)
amended by
S.R. No.
92/2000
reg. 8(a).

8. Exemption from section 53A

A person operating a vehicle or combination of vehicles with a gross load carrying capacity of less than 1000 kilograms for no fee or reward is exempted from the requirements of section 53A of the Act if that vehicle or combination is not used to transport prescribed waste more than twice in any calendar month.

Reg. 8
amended by
S.R. No.
92/2000 reg. 9.

9. Display of permit

A person holding a permit under section 53A of the Act must ensure that the permit identification label supplied by the Authority is displayed on any vehicle in respect of which the person holds a permit.

Penalty: 8 penalty units.

Division 2—Prescribed Industrial Waste Requirements

Pt 3 Div. 2
(Heading)
amended by
S.R. No.
92/2000
reg. 8(b).

10. Application for a permit for the purposes of Part IXA

Reg. 10
substituted by
S.R. No.
92/2000
reg. 10.

- (1) An application by a person for a permit under section 53A of the Act must—
- (a) be made to the Authority; and
 - (b) be made in a form and manner required by the Authority; and

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- (c) be accompanied by the prescribed fee for the permit.
- (2) In addition to the other matters the Authority must or may consider, in assessing an application the Authority must have regard to whether the person applying for the permit has a relevant financial assurance in place.
- (3) The Authority must issue, or refuse to issue, a permit within 21 days after receiving—
 - (a) an application for the permit that complies with sub-regulation (1); or
 - (b) any extra information asked for under regulation 10E—whichever is the later.

Reg. 10A
inserted by
S.R. No.
92/2000
reg. 10.

10A. Conditions of permit

- (1) In addition to any conditions specified on a permit by the Authority, a permit is subject to the following conditions—
 - (a) no wastes other than those listed in the permit are to be transported under the permit;
 - (b) a legible copy of the permit must be carried in the cabin of each vehicle covered by the permit at all times;
 - (c) in the case of a vehicle that is covered by the permit being towed, a legible copy of the permit must be carried in the cabin of the towing vehicle;
 - (d) a legible copy of the permit must be produced to an authorized officer upon demand;
 - (e) the permit holder must advise the Authority as soon as is practicable of any change in the information taken into consideration by the Authority in granting the permit;

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- (f) the permit holder must ensure that when a vehicle covered by the permit is used to transport prescribed waste—
- (i) that the prescribed waste does not escape, spill or leak from the vehicle at any time;
 - (ii) that prescribed wastes of different types are not transported together unless they are compatible with each other;
 - (iii) that the prescribed waste is compatible with the containers used to contain the prescribed waste;
 - (iv) that only drivers who have undertaken training approved by the Authority drive the vehicle;
 - (v) that the vehicle meets any requirements pertaining to it under Schedule 3;
- (g) the permit holder must ensure that a vehicle covered by the permit is not used to transport prescribed waste that must be placarded in accordance with Part A or Part C of Schedule 3 in or through—
- (i) any tunnel which forms a part of the City Link Road; or
 - (ii) any carriageway that forms an entrance ramp to such a tunnel; or
 - (iii) that part of the eastbound carriageway of the West Gate Freeway east of the Power Street exit in South Melbourne; or
 - (iv) that part of the westbound carriageway of the Monash Freeway west of the Batman Ave exit, Melbourne.
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r. 10B

- (2) The condition specified by sub-regulation (1)(g) does not apply with respect to a vehicle only transporting any of the prescribed wastes listed in clause 5 of Schedule 3.

Reg. 10B
inserted by
S.R. No.
92/2000
reg. 10.

10B. Annual fee for permit

The prescribed fee in respect of a permit (other than a temporary permit) is due and payable on the day on which it is issued and on each anniversary of that day.

Reg. 10C
inserted by
S.R. No.
92/2000
reg. 10.

10C. Duration of permit

A permit remains in force for the period specified in the permit or, if no period is specified in the permit, until it is revoked, suspended or surrendered.

Reg. 10D
inserted by
S.R. No.
92/2000
reg. 10.

10D. Application for transfer or amendment of permit

- (1) A person may apply to the Authority for a permit to be transferred or amended.
- (2) An application for a transfer or amendment of a permit must—
- (a) be made in a form and manner approved by the Authority; and
 - (b) be accompanied by the prescribed fee for transfer or amendment, if any.
- (3) The Authority must transfer or amend, or refuse to transfer or amend, a permit within 21 days after receiving—
- (a) an application for the transfer or amendment that complies with sub-regulation (2); or
 - (b) any extra information asked for under regulation 10E—
- whichever is the later.

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r. 10E

10E. Authority may ask for more information

Reg. 10E
inserted by
S.R. No.
92/2000
reg. 10.

- (1) The Authority may ask a person who has made an application under regulation 10 or 10D for more information concerning the application if the information is necessary to enable the Authority to properly assess the application.
- (2) The Authority may refuse the application if the person does not give the Authority the extra information asked for within a reasonable time of being asked for the information.

10F. Authority-initiated amendment of permit

Reg. 10F
inserted by
S.R. No.
92/2000
reg. 10.

- (1) If the information taken into consideration by the Authority in granting or transferring a permit has changed, the Authority may vary the permit to take account of the changed circumstances.
- (2) The Authority may make an administrative change to the content or format of a permit that does not alter the obligations of the permit holder by giving the permit holder written notice of the change.

10G. Surrender of permit

Reg. 10G
inserted by
S.R. No.
92/2000
reg. 10.

- (1) A permit holder may surrender a permit by returning the permit to the Authority with a notice signed by the permit holder stating that the permit holder surrenders the permit.
- (2) If a permit is surrendered more than 30 days before the date the next annual fee is due, the Authority must refund to the person who held the permit the unexpired portion of the current annual fee, calculated to the nearest day.

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Reg. 10H
inserted by
S.R. No.
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reg. 10.

10H. Suspension of permit

- (1) The Authority may suspend a permit during any time—
 - (a) the current business address of the permit holder is unknown; or
 - (b) the annual permit fee remains unpaid.
- (2) The Authority may suspend a permit, for a specified period of up to 30 days, if it has reasonable grounds for believing that the permit holder has not complied with any obligation imposed on the permit holder by these Regulations or has not complied with a condition specified in the permit.

Reg. 10I
inserted by
S.R. No.
92/2000
reg. 10.

10I. Revocation of permit

The Authority may revoke a permit if it is satisfied that—

- (a) any information supplied by the permit holder in applying for the permit was false or misleading; or
- (b) any other information taken into consideration by the Authority in issuing the permit has changed and the continued use of the permit is likely to result in an unacceptable risk of damage to the environment; or
- (c) the permit holder has not complied with any obligation imposed on the permit holder by these Regulations or has not complied with a condition specified in the permit; or
- (d) the permit holder has, since the permit was issued, been found guilty of one or more relevant offences (as defined in section 20C(1) of the Act) and, as a result the person is, in the opinion of the Authority, no longer a fit and proper person to hold a permit.

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10J. Procedure to be followed before revocation

Reg. 10J
inserted by
S.R. No.
92/2000
reg. 10.

- (1) Before revoking a permit, the Authority—
 - (a) must give the holder of the permit a written notice—
 - (i) that gives details of the action the Authority intends to take; and
 - (ii) that gives the reasons why the Authority intends to take that action; and
 - (iii) that invites the permit holder to comment on the Authority's proposed course of action within the time specified in the notice; and
 - (b) must consider any comments that are made by the permit holder within the time specified.
- (2) The Authority must not specify a period of less than 7 days under sub-regulation (1)(a)(iii).

11. Waste container

- (1) A prescribed industrial waste producer who supplies or provides a container for the purposes of the transport of prescribed industrial waste produced by that waste producer must ensure that the container—
 - (a) is fit for the transport of the prescribed industrial waste; and
 - (b) will not leak or allow the contents to spill.

Penalty: 8 penalty units.
- (2) This regulation does not apply to a vessel used to contain prescribed industrial waste that is a fixture of a transport vehicle.

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12. Annual returns

- (1) For the purposes of section 54B of the Act, the prescribed particulars in relation to an annual return to be lodged with the Authority by a prescribed industrial waste producer are the amount of each category of prescribed industrial waste that, during the 12 months preceding the preparation of the return has been—
 - (a) transported from the premises of the prescribed industrial waste producer to each of the following—
 - (i) a waste receiver;
 - (ii) a waste recycler;
 - (iii) a waste reuser;
 - (iv) a recoverer of energy; or
 - (b) disposed of at the premises.
- (2) The annual return must be prepared for the period of 12 months ending on 30 June in each year or, in the case of a prescribed industrial waste producer who holds a works approval or a licence issued under section 20 of the Act, the date specified for the preparation of an annual return in the works approval or licence.
- (3) The annual return must be lodged with the Authority before the end of 3 months after the end of the period for which it was required to be prepared.
- (4) A prescribed industrial waste producer who is exempted under regulation 16(1)(b) must lodge an annual return in accordance with this regulation.

Reg. 12(4)
substituted by
S.R. No.
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reg. 11.

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(5) Subject to sub-regulation (4), this regulation does not apply to a prescribed industrial waste producer who arranges for the removal from the waste producer's premises, and the transport, of 5 or less consignments of prescribed industrial waste in the return period.

Reg. 12(5)
inserted by
S.R. No.
92/2000
reg. 11.

(6) This regulation does not apply to a prescribed industrial waste producer on whose behalf an accredited agent authorised under regulation 15(1)(e) has lodged an annual return.

Reg. 12(6)
inserted by
S.R. No.
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reg. 11.

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PART 4—PRESCRIBED INDUSTRIAL WASTE

13. Transport certificates

Reg. 13(1)
amended by
S.R. No.
92/2000
reg. 12(1).

- (1) A prescribed industrial waste producer must ensure that for each consignment of prescribed industrial waste transported from the premises of that waste producer the consignment is accompanied by a transport certificate setting out the information in Part A of Schedule 2.

Penalty: 20 penalty units.

Reg. 13(2)
amended by
S.R. No.
92/2000
reg. 12(2).

- (2) A waste transporter must ensure that for each consignment of prescribed industrial waste transported by that waste transporter the consignment is accompanied by a transport certificate setting out the information in Part A and Part B of Schedule 2.

Penalty: 20 penalty units.

- (3) A waste transporter must ensure that for each consignment of prescribed industrial waste transported by that waste transporter the prescribed industrial waste producer is given a copy of the information in Part A and Part B of Schedule 2 before the waste is transported from the premises of the waste producer.
- (4) A waste transporter must ensure that, for each consignment of prescribed industrial waste transported by that waste transporter, the waste receiver is given a copy of the information in Part A and Part B of Schedule 2 at the time of delivery of the waste to the waste receiver.
- (5) A prescribed industrial waste producer who receives a copy of the information in Part A and Part B of Schedule 2 from the waste transporter under sub-regulation (3) must, within 7 days after

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receipt of the information, send the information to the Authority.

- (6) A waste receiver who receives a consignment of prescribed industrial waste must, within 30 days after receipt of the waste, send to the prescribed industrial waste producer who consigned the waste the information set out in Part C of Schedule 2.

Reg. 13(6)
amended by
S.R. No.
92/2000
reg. 12(3).

Penalty: 20 penalty units.

- (7) A waste receiver who receives a consignment of prescribed industrial waste—
- (a) must, at the time of delivery of the waste, give the waste transporter the information set out in Part C of Schedule 2; and
- (b) must, within 7 days after receipt of the waste, send to the Authority the information set out in Part A, Part B and Part C of Schedule 2.

Reg. 13(7)
amended by
S.R. No.
92/2000
reg. 12(4).

Penalty: 20 penalty units.

- (8) Sub-regulation (6) does not apply to a waste receiver who receives prescribed industrial waste from a prescribed industrial waste producer who has entered into an agreement or arrangement with an accredited agent under regulation 15 with respect to that waste.

13A. Information must be correct

A person who must comply with regulation 13(1), (2), (6) or (7) must ensure that any information supplied on a transport certificate under those provisions is correct.

Reg. 13A
inserted by
S.R. No.
92/2000
reg. 13.

Penalty: 20 penalty units.

14. Records to be retained

A prescribed industrial waste producer, waste transporter and waste receiver must retain any information that they receive under regulation 13 or send to the Authority under that regulation for a period of not less than 24 months from the date on which the waste was transported.

Penalty: 8 penalty units

15. Accredited agents

- (1) The Authority may, in writing, do all or any of the following—
 - (a) authorise a waste transporter to be an accredited agent to carry out the requirements of regulations 12 to 14 on behalf of a prescribed industrial waste producer;
 - (b) place conditions and limitations on the functions of an accredited agent in relation to regulations 12 to 14;
 - (c) alter those conditions and limitations;
 - (d) revoke or suspend the authorisation of a person to be an accredited agent;
 - (e) authorise an accredited agent to lodge an aggregated annual return, for the purposes of regulation 12, with the Authority on behalf of all prescribed industrial waste producers with which the accredited agent has an agreement or arrangement.
- (2) A prescribed industrial waste producer may enter into an agreement or arrangement with an accredited agent to act on behalf of the producer to comply with the requirements of regulations 12 to 14.

Reg. 15(1)(e)
inserted by
S.R. No.
92/2000
reg. 14.

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Part 4—Prescribed industrial Waste

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- (3) An accredited agent who has entered into an agreement or arrangement with a prescribed industrial waste producer must send a copy of any annual return prepared on behalf of that waste producer to the waste producer at the same time as the accredited agent lodges the annual return with the Authority on behalf of the waste producer.
- (4) If an accredited agent has entered into an agreement or arrangement with a prescribed industrial waste producer and fails to comply with a requirement of regulation 12, 13 or 14 the accredited agent is liable to the offence that would otherwise apply to the waste producer.
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PART 5—EXEMPTIONS⁴

16. Exemption to certain persons

Reg. 16(1)
substituted by
S.R. No.
92/2000
reg. 15(1).

- (1) The Authority may—
 - (a) exempt a person or class of persons from complying with section 19A(3A) or 20(3A) of the Act;
 - (b) exempt a person or class of persons from complying with regulations 13 and 14;
 - (c) exempt a person or class of persons from complying with section 53A of the Act.
- (2) An exemption may apply to prescribed industrial waste generally or may be limited to the types, classes or consignments of prescribed industrial waste specified in the exemption.
- (3) If a person or class of persons is exempted under sub-regulation (1)(b), a person who transports waste for that person or class of persons, or receives waste from that person or class of persons, or produces waste which that person or class of persons transports or disposes of, is exempted from complying with regulations 13 and 14 with respect to that waste.

Reg. 16(3)
substituted by
S.R. No.
92/2000
reg. 15(2).

16A. Matters to be considered by the Authority when granting an exemption

Reg. 16A
inserted by
S.R. No.
92/2000
reg. 16.

In considering whether to grant an exemption, the Authority must have regard to—

- (a) the likelihood of an unacceptable risk of damage to the environment;
- (b) any applicable waste minimisation plans or waste management plans;

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- (c) any applicable national environment protection measure made by the National Environment Protection Council;
- (d) any applicable State environment protection policy or industrial waste management policy;
- (e) the potential for diversion of the type of waste to a higher value use;
- (f) any recognised specifications or standards for the prescribed industrial waste used for, or the product or material resulting from, the reuse or recycling of the waste or the recovery of energy from the waste;
- (g) commonly or best available technologies, methods or processes for reuse or recycling of the waste or recovery of energy from the waste;
- (h) current best practice environmental management guidelines appropriate to the particular waste or industry and current best practice environmental management for the type of waste;
- (i) the likelihood of the interests of any other person being adversely affected;
- (j) any other information provided to the Authority.

17. Application for exemption

- (1) A person may apply to the Authority to be exempted, or to have an exemption amended, in accordance with this Part.

Reg. 17(1)
amended by
S.R. No.
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reg. 17(1).

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Reg. 17(2)
amended by
S.R. No.
92/2000
reg. 17(2)(a).

(2) An application—

Reg. 17(2)(a)
amended by
S.R. No.
92/2000
reg. 17(2)(b).

(a) must be made in writing; and

Reg. 17(2)(b)
substituted by
S.R. No.
92/2000
reg. 17(2)(c).

(b) must be accompanied by—

- (i) a description of the prescribed industrial waste, including its contaminants and contaminant concentrations and its physical state;
- (ii) a description of any hazardous characteristics of the prescribed industrial waste, including an indication as to whether it is explosive, flammable, oxidising, poisonous, infectious, corrosive or ecotoxic or contains organic peroxides or is capable of spontaneous combustion or reactions which generate hazardous substances;
- (iii) details of the proposed form of storage, reuse, recycling, energy recovery, reprocessing, treatment or disposal of the prescribed industrial waste;
- (iv) details of the measures to be taken to ensure the applicant's proposal is not likely to result in an unacceptable risk of damage to the environment; and
- (v) in the case of an application for exemption under regulation 16(1)(a), details of the reuse, recycling or energy recovery operations, including the rate of waste input and a description of the process and waste storage.

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Reg. 17(2)
(c)(d) revoked
by S.R. No.
92/2000
reg. 17(2)(c).

(2A) The Authority may request the applicant to provide the following information—

Reg. 17(2A)
inserted by
S.R. No.
92/2000
reg. 17(3).

- (a) the quantity of prescribed industrial waste expected to be dealt with over a 12 month period;
- (b) the origin of the prescribed industrial waste expected to be dealt with over the period of the exemption, including, if known, the name and address of the prescribed industrial waste producer, the place of production and the type of activity resulting in its generation;
- (c) any waste minimisation plans or waste management plans prepared by or for the applicant; and
- (d) in the case of an application for exemption under regulation 16(1)(b), the names and addresses of the proposed waste receivers, waste reusers, waste recyclers or recoverers of energy.

(3) In addition to any information requested under sub-regulation (2A), the Authority may request the applicant to provide further information that the Authority considers necessary in order to determine the application.

Reg. 17(3)
amended by
S.R. No.
92/2000
reg. 17(4).

18. Determination of application for exemption

Reg. 18
amended by
S.R. No.
92/2000
reg. 18(a).

Within 60 days after the Authority receives an application or the further information requested by the Authority under regulation 17, whichever is the later, the Authority must determine whether to grant an exemption or not.

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Reg. 18(2)
revoked by
S.R. No.
92/2000
reg. 18(b).

* * * * *

19. Notification

The Authority must—

- (a) notify the applicant within 7 days after making its decision; and
- (b) publish notice of any exemption granted under this Part in the Government Gazette and in a newspaper circulating generally throughout Victoria.

Reg. 20
amended by
S.R. No.
92/2000
reg. 19 (ILA
s. 39B(2)).

20. Conditions for exemptions

- (1) If the Authority exempts a person under this Part the Authority must specify the period for which the exemption applies and may impose conditions relating to any or all of the following—
 - (a) characteristics of the prescribed industrial waste for which the exemption has effect, including—
 - (i) physical form;
 - (ii) quantity to be dealt with over a specified time period;
 - (iii) concentration;
 - (iv) existence or levels of any permissible contaminants;
 - (b) the person, premises or industries from which the prescribed industrial waste may originate;
 - (c) the person, premises or industries permitted to receive the prescribed industrial waste;

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r. 20A

- (d) any sampling, analysis, monitoring and reporting requirements to be undertaken by the prescribed industrial waste producer, waste receiver, waste reuser, waste recycler or recoverer of energy;
 - (e) any measures that are required of the prescribed industrial waste producer, waste transporter, waste receiver, waste reuser, waste recycler or recoverer of energy to ensure that the management of the prescribed industrial waste is not likely to result in an unacceptable risk of damage to the environment;
 - (f) any other matters required of the prescribed industrial waste producer, waste transporter, waste receiver, waste reuser, waste recycler or recoverer of energy to ensure that the exemption is not likely to result in an unacceptable risk of damage to the environment;
 - (g) a requirement to notify the Authority of any changes relating to the matters and information relating to the exemption.
- (2) A person must not contravene any condition imposed in relation to an exemption granted under this Part.

Reg. 20(2)
inserted by
S.R. No.
92/2000
reg. 19.

Penalty: 20 penalty units.

20A. Amendment of exemption

Reg. 20A
inserted by
S.R. No.
92/2000
reg. 20.

- (1) The Authority may amend any exemption granted under this Part if it is satisfied that—
- (a) the amendment is necessary or desirable in the light of changes to the circumstances that existed at the time the Authority granted the exemption; and

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r. 21

(b) amending the exemption will not result in an unacceptable risk of damage to the environment.

(2) If the Authority amends an exemption it must—

(a) publish the amended exemption in the Government Gazette and in a newspaper circulating generally throughout Victoria; and

(b) notify the person whose exemption was amended within 7 days after the amendment.

21. Revocation of exemption

(1) The Authority may revoke any exemption granted under this Part if it is satisfied that—

(a) any information supplied by the applicant was false or misleading; or

(b) any other information taken into consideration by the Authority has changed and as a consequence the exemption is likely to result in an unacceptable risk of damage to the environment; or

(c) any condition in relation to that exemption under regulation 20 has been contravened; or

(d) the activities in respect of which the exemption was granted have ceased.

(2) If the Authority revokes an exemption it must—

(a) publish the revocation in the Government Gazette and in a newspaper circulating generally throughout Victoria; and

(b) notify the person whose exemption was revoked within 7 days after the revocation.

Reg. 21(1)(c)
amended by
S.R. No.
92/2000
reg. 21.

Reg. 21(1)(d)
inserted by
S.R. No.
92/2000
reg. 21.

21A. Procedure to be followed before amendment or revocation under this Part

Reg. 21A
inserted by
S.R. No.
92/2000
reg. 22.

- (1) Before amending or revoking an exemption granted under this Part, the Authority—
 - (a) must give the holder of the exemption a written notice—
 - (i) that gives details of the action the Authority intends to take; and
 - (ii) that gives the reasons why the Authority intends to take that action; and
 - (iii) that invites the holder of the exemption to comment on the Authority's proposed course of action within the time specified in the notice; and
 - (b) must consider any comments that are made by the holder of the exemption within the time specified.
 - (2) The Authority must not specify a period of less than 7 days under sub-regulation (1)(a)(iii).
-

PART 6—ACCREDITATION

22. Accredited prescribed industrial waste producers

- (1) An accredited prescribed industrial waste producer is exempt from complying with regulations 13 and 14.
- (2) If a prescribed industrial waste producer is accredited under this Part, a person who transports waste for that prescribed industrial waste producer, or receives waste from that prescribed industrial waste producer, is also exempted from complying with those regulations with respect to that waste.

23. Application for accreditation

- (1) A prescribed industrial waste producer may apply to the Authority to become accredited under this Part.
- (2) An application must—
 - (a) be made in writing; and
 - (b) be accompanied by the following information—
 - (i) the name and address of the prescribed industrial waste producer;
 - (ii) the type and quantity of prescribed industrial waste transported from the premises of the prescribed industrial waste producer in the previous 12 months, the name and address of the waste transporter used to transport the waste and the name and address of the waste receiver receiving the waste;

- (iii) the type and quantity of prescribed industrial waste expected to be transported from the premises in the 12 months following the application;
 - (iv) details of the management system to be used by the applicant to ensure that the wastes are consigned and transported to a waste receiver in a manner which is not likely to result in an unacceptable risk of damage to the environment;
 - (v) details of steps the applicant intends to take to minimise the generation of the wastes covered by the application.
- (3) The Authority may request the applicant to provide further information if the Authority considers it necessary in order to determine the application.

24. Determination of accreditation

- (1) Within 60 days after the Authority receives an application, or the further information requested by the Authority, under regulation 23, whichever is the later, the Authority must accredit the applicant or not accredit the applicant.
- (2) In determining an application, the Authority must have regard to—
 - (a) the information provided by the applicant;
 - (b) specification by the applicant of the management system to be used to ensure that the waste is consigned and transported in a manner which is not likely to result in an unacceptable risk of damage to the environment;
 - (c) whether the person concerned is a fit and proper person.

-
- (3) In determining whether an applicant is a fit and proper person, the Authority may take into consideration either or both of the following—
- (a) whether the person has contravened any provision of the Act or of regulations under the Act or of other relevant legislation, or has held a licence or other authority that has been suspended or revoked under any of those provisions;
 - (b) whether the activities that are to be accredited are to be managed by a technically competent person.
- (4) The Authority must notify the applicant in writing of its decision within 7 days after the decision was made.

25. Conditions of accreditation

The Authority may impose conditions on the accreditation including—

- (a) the types, quantities and concentrations of prescribed industrial waste for which the accreditation has effect;
- (b) any other matters that the Authority considers appropriate to ensure the accreditation is not likely to result in an unacceptable risk of damage to the environment.

26. Obligation of accredited prescribed industrial waste producer

An accredited prescribed industrial waste producer must—

- (a) report to the Authority no later than 21 days after the date the waste was transported from the premises of the waste producer if the waste producer does not receive confirmation of receipt of the prescribed

industrial waste from the intended waste receiver within 14 days after that date; and

- (b) notify the Authority within 21 days after any change relating to the information supplied under regulation 23.

Penalty: 8 penalty units.

27. Period of accreditation

- (1) The accreditation remains in force for a period of 3 years or a lesser period specified by the Authority, unless the accreditation is sooner revoked, suspended or surrendered.
- (2) A prescribed industrial waste producer may, no later than 3 months before the accreditation expires, apply to the Authority for an extension of an accreditation under this Part.
- (3) The Authority may extend the accreditation for any period not exceeding 3 years that is approved by the Authority.

28. Revocation of accreditation

- (1) The Authority may revoke an accreditation granted under this Part if it is satisfied that—
 - (a) any information supplied by the applicant was false or misleading; or
 - (b) any other information taken into consideration by the Authority has changed and as a result the accreditation is likely to result in an unacceptable risk of damage to the environment; or
 - (c) any condition in relation to that accreditation, under regulation 25 has been contravened.

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Part 6—Accreditation

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-
- (2) If the Authority revokes an accreditation it must—
- (a) publish the revocation in the Government Gazette and in a newspaper circulating generally throughout Victoria; and
 - (b) notify the person whose accreditation was revoked within 7 days after the revocation.
-

PART 7—ADMINISTRATION

29. Certificates, records, applications etc.

- (1) A certificate, annual return, application, notice or other document referred to in these Regulations must be in writing or in any other form approved by the Authority.
 - (2) A certificate, annual return, application, notice or other document required to be given or sent to or lodged with the Authority that is referred to in these Regulations may be given or sent or lodged—
 - (a) by delivering it to an office of the Authority;
or
 - (b) by post addressed to the Authority at an office of the Authority; or
 - (c) by leaving it with a person who has authority to accept documents on the Authority's behalf; or
 - (d) by any other means approved by the Authority.
-

PART 8—TRANSITIONAL

30. Savings for certain existing procedures and accreditations

Despite the revocation of the Environment Protection (Transport) Regulations 1987⁵—

- (a) a person who before 1 July 1999 complies with regulations 7 to 9 and 14 to 21 of those Regulations as in force immediately before the date of that revocation is to be treated as complying with section 53I of the Act and regulation 13(1), (2), (3), (4), (5) and (7) of these Regulations until 1 July 1999 but is otherwise subject to these Regulations;
- (b) regulations 10, 11 and 12 of those Regulations continue to have effect for the purposes of this regulation until 1 July 1999;
- (c) a person who, immediately before the date of that revocation, was an accredited agent continues subject to these Regulations to be an accredited agent.

31. Delay before conditions apply to existing permits

- (1) This regulation applies to any permit that was in force on the day regulation 10 of the Environment Protection (Prescribed Waste) (Amendment) Regulations 2000 came into operation.
- (2) If the permit was not, immediately before that day, subject to any particular condition listed in regulation 10A, the holder of the permit need not comply with that condition before 1 April 2001.
- (3) If the permit was, immediately before that day, subject to any particular condition that was directed at the same subject matter as a condition listed in regulation 10A, the holder of the permit

Reg. 31
inserted by
S.R. No.
92/2000
reg. 23.

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need not comply before 1 April 2001 with the condition imposed by regulation 10A.

- (4) Sub-regulation (3) ceases to apply with respect to a condition if the Authority removes the condition from the permit.
-

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Sch. 1

SCHEDULES

SCHEDULE 1

PRESCRIBED WASTES

Part A

General Prescribed Wastes

Grease interceptor trap effluent arising from domestic premises

Part B

Prescribed Industrial Wastes

Acids in a solid form and acidic solutions with a pH value of 4 or less

Alkaline solids and alkaline solutions with a pH value of 9 or more

Animal and vegetable oils and derivatives

Animal effluent and residues including abattoir effluent, poultry and fish processing wastes

Antimony and antimony compounds

Any congener of polychlorinated dibenzo-furans (PCDFs)

Any congener of polychlorinated dibenzo-p-dioxins (PCDDs)

Arsenic and arsenic compounds

Asbestos (all forms)

Barium and barium compounds

Beryllium and beryllium compounds

Boron and boron compounds

Cadmium and cadmium compounds

Caustic neutralised wastes containing metallic constituents

Ceramic-based fibres with physico-chemical characteristics similar to those of asbestos

Chromium compounds

Clinical and related wastes (not otherwise specified)

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Sch. 1

Cobalt and cobalt compounds

Contaminated soils (low level) with contaminant concentrations exceeding those specified in Table 2 of Publication 448 entitled "Classification of Wastes" published by the Authority in 1995 as amended from time to time or republished by the Authority but with contaminant concentrations and elutriable fractions not exceeding those specified in Table 3 of that publication as amended from time to time or republished by the Authority

Contaminated soils with contaminant concentrations or elutriable fractions exceeding those specified in Table 3 of Publication 448 entitled "Classification of Wastes" published by the Authority in 1995 as amended from time to time or republished by the Authority

Copper compounds

Cyanides (inorganic)

Cyanides (organic)

Detergents and surface active agents (surfactants)

Filter cake

Fly ash

Grease interceptor trap effluent

Halogenated organic chemicals (not otherwise specified)

Halogenated organic solvents

Heterocyclic organic compounds containing oxygen, nitrogen or sulfur

Highly odorous organic chemicals (including mercaptans and acrylates)

Highly reactive chemicals (not otherwise specified)

Inert sludges or slurries

Inorganic chemicals (not otherwise specified)

Inorganic fluorine compounds (excluding calcium fluoride)

Inorganic sulfur containing compounds

Isocyanate compounds

Lead and lead compounds

Mercury and mercury compounds

Metal carbonyls

Nickel compounds

Non-halogenated organic chemicals (not otherwise specified)

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Non-toxic salts

Organic solvents (excluding halogenated solvents)

Oxidising agents including chlorates, perchlorates, peroxides

Phenols and phenol compounds (including halogenated phenols)

Phosphorus and phosphorus compounds

Prescribed industrial wastes that are encapsulated, chemically-fixed, solidified or polymerised

Residues from industrial waste treatment or disposal operations (not otherwise specified) including filter backwash waters

Selenium and selenium compounds

Silver and silver compounds

Spent catalysts

Tannery wastes (not otherwise specified) including leather dust, ash, sludges and flours

Tellurium and tellurium compounds

Textile effluent and residues (not otherwise specified)

Thallium and thallium compounds

Vanadium compounds

Vegetable, fruit, food processing effluent

Vehicle, machinery and industrial plant washwaters with or without detergents

Waste chemical substances arising from research and development or teaching activities (not otherwise specified) that are new or unidentified substances with unknown human health or environmental effects

Waste from the production, formulation and use of biocides and phytopharmaceuticals (not otherwise specified)

Waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish (not otherwise specified)

Waste from the production, formulation and use of organic solvents (not otherwise specified)

Waste from the production, formulation and use of photographic chemicals and processing materials

Waste from the production, formulation and use of resins, latex, plasticisers, glues and adhesives (not otherwise specified) excluding solid inert polymeric materials

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Waste from the production, formulation and use of wood-preserving chemicals (not otherwise specified)

Waste oils unfit for their original intended use

Waste oil and water mixtures or emulsions and hydrocarbon and water mixtures or emulsions

Waste from the production, preparation and use of pharmaceutical products (not otherwise specified)

Waste resulting from surface treatment of metals and plastics

Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) or polybrominated biphenyls (PBBs)

Waste tarry residues arising from refining, distillation, and any pyrolytic treatment

Wastes of an explosive nature not subject to other legislation including azides

Wool scouring wastes

Zinc compounds

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Sch. 2

SCHEDULE 2

TRANSPORT INFORMATION

Part A: To be supplied by the prescribed industrial waste producer

Consignment identification

Description of the waste(s)

The physical nature of the waste

Waste codes

Contaminant(s)

UN Number

UN Class/Code (List 2)

Dangerous Goods Class

Packaging Group number

Amount of waste(s)

Waste origin (List 3)

Type of package (eg bulk)

Name of waste producer

Address of waste producer

Telephone number of waste producer

Emergency contact number

Date of dispatch

Intended receiver

State/Territory of the waste receiver

Type of treatment at the premises of the waste receiver

Part B: To be supplied by the waste transporter

Name of transporter

Address of transporter

Vehicle registration number

Transport permit number

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Part C: To be supplied by the waste receiver

Name and address of waste receiver

Receiving facility name(if different from address of waste receiver)

Receiving facility licence number

Date of receipt at facility

Amount of waste(s)

Type of treatment

Discrepancies

Name and address of any other waste receiver to which the waste receiver
intends that the waste be transported

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Sch. 3

Sch. 3
inserted by
S.R. No.
92/2000
reg. 24.

SCHEDULE 3

Regulation 10A

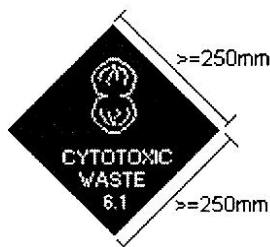
**ADDITIONAL VEHICLE REQUIREMENTS FOR CERTAIN
PRESCRIBED WASTES**

PART A

1. Vehicles must be placarded

- (1) A vehicle transporting prescribed waste, in a quantity of 1000 litres or kilograms or more, which can also be classified as dangerous goods under the **Road Transport (Dangerous Goods) Act 1995** must have a class label and Emergency Information Panel fixed on it in accordance with the requirements of the **Road Transport (Dangerous Goods) Act 1995** or as depicted in Part B of this Schedule.
- (2) Despite sub-clause (1), a vehicle transporting any volume of wastes from the production, preparation and use of pharmaceutical products which can also be classified as Class 6.1 dangerous goods under the **Road Transport (Dangerous Goods) Act 1995** must have a class label fixed on it in accordance with the requirements of the **Road Transport (Dangerous Goods) Act 1995** but need not have an Emergency Information Panel fixed on it.
- (3) A vehicle transporting any volume of wastes from the production, preparation and use of pharmaceutical products that are also cytotoxic wastes must also display the cytotoxic symbol depicted in Figure 1 in white on a purple background—

Figure 1.



2. Transporting Prescribed Waste in Bulk

- (1) A vehicle transporting bulk prescribed waste must be placarded in accordance with the requirements of the **Road Transport (Dangerous Goods) Act 1995** for dangerous goods in bulk.
- (2) For the purpose of this clause, bulk prescribed waste is prescribed waste that is being transported in a tipper, tanker or container with a capacity of 1000 litres or kilograms or more of prescribed waste.

3. Packaged Prescribed Waste

- (1) A vehicle transporting packaged prescribed waste of an aggregate net quantity of 1000 litres or kilograms or more must be placarded in accordance with the requirements of the **Road Transport (Dangerous Goods) Act 1995** for packaged dangerous goods.
- (2) For the purpose of this clause, packaged prescribed waste is prescribed waste that is being transported in packages or in containers with a capacity less than 1000 litres or kilograms.
- (3) When prescribed waste is being transported, the packages or combination of packages must be marked and packaged in a manner approved by the Authority.

4. Requirements for emergency situations

- (1) A vehicle transporting prescribed waste must comply with the safety equipment requirements of the **Road Transport (Dangerous Goods) Act 1995**.
- (2) A vehicle transporting prescribed waste must comply with the emergency information requirements of the **Road Transport (Dangerous Goods) Act 1995**.

PART B

5. Prescribed Wastes displaying 30XY Emergency Information Panel

- (1) A vehicle transporting the following prescribed wastes in bulk must display the 30XY Emergency Information Panel depicted in Figure 2—
 - (a) animal and vegetable oils and derivatives;

Sch. 3

- (Clause 5(1) of Sch. 3).

The diagram shows a rectangular label for "NON-HAZARDOUS WASTE". The label is divided into several sections. At the top, the text "NON-HAZARDOUS WASTE" is centered. Below this, on the right side, is the text "30XY". On the left side, there is a section labeled "DESCRIPTION" which is a large empty box. Below the "DESCRIPTION" box, there is a section for emergency contact information: "IN EMERGENCY DIAL 000, POLICE OR FIRE BRIGADE". To the right of this section is a section labeled "SPECIALIST ADVICE". Dimensions are indicated by arrows and numbers: the overall width is 390, the overall height is 600, and various internal dimensions are specified for the text and boxes.

Section	Content	Width	Height
Header	NON-HAZARDOUS WASTE	380	100
Identifier	30XY	150	100
Description Box	DESCRIPTION	250	180
Emergency Contact	IN EMERGENCY DIAL 000, POLICE OR FIRE BRIGADE	250	180
Specialist Advice	SPECIALIST ADVICE	150	180

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PART C

6. Clinical and related wastes

- (1) A vehicle transporting any volume of clinical and related wastes must have the class label depicted in Figure 3 in black on a yellow background fixed on the front and rear of the vehicle.

Figure 3.



- (2) When clinical and related wastes are being transported, the packages or combination of packages must be marked and packaged in a manner approved by the Authority.
-

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Endnotes

ENDNOTES

1. General Information

The Environment Protection (Prescribed Waste) Regulations 1998, S.R. No. 95/1998 were made on 21 July 1998 by the Governor in Council, on the recommendation of the Environment Protection Authority, under sections 53A, 53I, 54B and 71(1)(ae), (af), (da), (db), (la), (lb), (ld), (o), (p), (2), (2A) and (3) of the **Environment Protection Act 1970**, No. 8056/1970 and came into operation as follows:

All of Regulations (*except* regulations 12, 13(6), 14 and 15) on 22 July 1998:
regulation 3(1); regulations 12, 13(6), 14 and 15 on 1 July 1999:
regulation 3(2).

The Environment Protection (Prescribed Waste) Regulations 1998 will sunset 10 years after the day of making on 21 July 2008 (See section 5 of the **Subordinate Legislation Act 1994**).

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Environment Protection (Prescribed Waste) Regulations 1998 by statutory rules, subordinate instruments and Acts.

Environment Protection (Prescribed Waste) (Amendment) Regulations 2000,
S.R. No.92/2000

<i>Date of Making:</i>	26.9.00
<i>Date of Commencement:</i>	1.10.00: reg. 4

Environment Protection (Prescribed Waste) Regulations 1998
S.R. No. 95/1998

Endnotes

3. Explanatory Details

¹ Reg. 4(1): S.R. No. 195/1987. Reprinted to S.R. No. 246/1988.

² Reg. 4(2): S.R. No. 193/1987. Reprinted to S.R. No. 267/1991.

³ Reg. 5 def. of "prescribed fee": S.R. No. 228/1991.

⁴ Part 5: S.R. No. 66/1996 provides for other exemptions from sections 19A(3A) and 20(3A).

⁵ Reg. 30: See note 2.

**Table of Applied, Adopted or Incorporated Matter Required by
Subordinate Legislation Regulations 1994**

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 1, Part B	Publication 448 entitled "Classification of Wastes" published by the Authority in 1995 as amended from time to time or republished by the Authority	Table 2 and Table 3