



New South Wales

Protection of the Environment Operations (Waste) Amendment (Transport of Controlled Waste) Regulation 1999

under the

Protection of the Environment Operations Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,

Minister for the Environment.

Explanatory note

The objects of this Regulation are as follows:

- (a) to require persons who generate or store controlled waste in New South Wales, and who intend to transport the waste to an interstate destination, to obtain a consignment authorisation in respect of the waste from the jurisdiction of destination and to complete a waste transport certificate in respect of the waste,
- (b) to provide that interstate waste transporters who transport controlled waste into, through or from New South Wales are exempt from the requirement to be licensed under the *Protection of the Environment Operations Act 1997* and from certain requirements relating to the keeping of waste data forms,
- (c) to make it an offence to provide false information in connection with an application to the EPA for a consignment authorisation.

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Explanatory note

This Regulation refers to the *National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure* made under the *National Environment Protection Council Act 1994* of the Commonwealth on 26 June 1998. A number of terms used in this Regulation, including ***controlled waste*** and ***consignment authorisation*** are defined in that Measure.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 286 and 323 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Waste) Amendment (Transport of Controlled Waste) Regulation 1999*.

2 Commencement

This Regulation commences on 1 September 1999.

3 Amendment of Protection of the Environment Operations (Waste) Regulation 1996

The *Protection of the Environment Operations (Waste) Regulation 1996* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] **Clause 16 Requirements relating to non-licensed waste activities**

Omit clause 16 (2) (g).

[2] **Part 6A**

Insert after Part 6:

Part 6A Special provisions relating to transport of controlled waste

26A Definitions

In this Part:

consignment authorisation has the same meaning as in the Controlled Waste Transport Measure.

controlled waste has the same meaning as in the Controlled Waste Transport Measure.

controlled waste activity means any activity, carried on for business or other commercial purposes, that involves the generating or storage of controlled waste, regardless of whether the activity is required to be licensed under the Act.

Controlled Waste Transport Measure means the *National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure* made under the *National Environment Protection Council Act 1994* of the Commonwealth on 26 June 1998 (and notified in Commonwealth Gazette No GN 27 on 8 July 1998 at page 2212).

participating State means a participating State, or a participating Territory, within the meaning of the Controlled Waste Transport Measure.

waste transport certificate means a form containing the information referred to in Part 1 of Schedule B to the Controlled Waste Transport Measure.

26B Requirements relating to transportation of controlled waste to interstate destination

If controlled waste is transported from the premises on which a controlled waste activity is carried on in New South Wales to a destination in a participating State other than New South Wales (*the jurisdiction of destination*), the person carrying on the controlled waste activity must:

- (a) before the controlled waste is transported from the premises, obtain a consignment authorisation in respect of the waste from the relevant agency in the jurisdiction of destination, and
- (b) complete a waste transport certificate (in the form approved by the relevant authority in the jurisdiction of destination) in respect of the waste, and
- (c) retain a copy of the consignment authorisation, and a copy of the waste transport certificate, for a period of not less than 3 years from the time the authorisation was obtained or the certificate was completed, and
- (d) make each such copy available for inspection by an authorised officer on request.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

26C Exemption relating to authorised interstate transporters of controlled waste

- (1) This clause applies to any person:
 - (a) who holds a licence or other similar authority that:
 - (i) has been issued by a participating State other than New South Wales, and
 - (ii) corresponds (or is similar) to an environmental protection licence authorising the carrying out of the scheduled activity of transporting of waste, and
 - (b) who transports controlled waste into or through New South Wales or from New South Wales to another participating State.

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Schedule 1 Amendments

- (2) A person to whom this clause applies is, to the extent that the person transports controlled waste into, through or from New South Wales, exempt from the following provisions:
 - (a) section 49 (2) of the Act,
 - (b) clause 17 (2) (g) of this Regulation.
- (3) Any such exemption is subject to the following:
 - (a) the person must ensure that a copy of the consignment authorisation in respect of the controlled waste that is transported is carried in the vehicle transporting the waste,
 - (b) the person must ensure that the conditions (if any) to which the consignment authorisation is subject are complied with to the extent that those conditions apply to the transporting of the controlled waste concerned,
 - (c) the person must comply with the conditions of the person's licence or other authority (as issued by the participating State concerned) to the extent that those conditions apply to the transporting of controlled waste.

26D Offence relating to controlled waste consignment authorisation

A person must not, in connection with an application to the EPA for a consignment authorisation, provide any information that the person knows is false or misleading in a material respect.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

BY AUTHORITY