



New South Wales

Waste Minimisation and Management Regulation 1996

under the

Waste Minimisation and Management Act 1995

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Waste Minimisation and Management Act 1995*.

PAM ALLAN, M.P.,

Minister for the Environment.

Explanatory note

The object of this Regulation is to provide certain detail for the purposes of the *Waste Minimisation and Management Act 1995*, particularly in relation to the licensing and regulation of waste facilities and waste activities. The Regulation:

- specifies the classes of waste facilities that must be licensed under the Act
- provides that any activity carried on for business or other commercial purposes that involves the generating or storage of hazardous waste (except in certain specified cases) is a waste activity that must be licensed under the Act
- prescribes hazardous waste (except in certain cases), and used, rejected or unwanted tyres in loads over 2 tonnes, as the types of waste that must not be transported without a licence under the Act
- prescribes the fees to accompany an application for the granting or renewal of a licence under the Act

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Explanatory note

- prescribes other matters relating to licences (eg fees must be refunded if the licence is not granted or renewed by the EPA, and an additional amount must be paid if the licence is renewed less than 30 days before its expiry)
- prescribes standard operating conditions and requirements in relation to non-licensed landfill sites, waste generating and storage activities and transporters, and requires information to be provided about the waste that is received, generated or transported
- prescribes the contributions payable by occupiers of controlled waste facilities for the waste received at such waste facilities
- provides for exemptions and rebates in respect of such contributions (eg waste intended to be reprocessed or recycled is exempt from the calculation of the contribution payable)
- provides for reporting requirements, and for monitoring requirements (eg installation of weighbridges) in relation to landfill sites.

This Regulation is made under the *Waste Minimisation and Management Act 1995*, including section 87 (the general regulation making power), and the other sections mentioned in the Regulation.

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Waste Minimisation and Management Regulation 1996*.

2 Commencement

- (1) This Regulation commences on 1 November 1996, except as provided by subclause (2).
- (2) Clauses 4, 6, 7, 9, 16 and 17 commence on 30 June 1997.

3 Definitions

- (1) In this Regulation:

approved means approved by the EPA for the time being.

biosolids means the organic matter removed during the treatment of sewage, and includes solids produced as a result of biological decomposition processes.

clinical waste means any waste having the potential to cause infection and that has been generated by medical, nursing, dental, veterinary, pharmaceutical or other related activities.

extended regulated area means the area comprising the Cessnock, Gosford, Kiama, Lake Macquarie, Maitland, Newcastle, Port Stephens, Shellharbour, Shoalhaven, Wingecarribee, Wollongong and Wyong local government areas.

fee unit means \$95.

financial year means the year beginning 1 July.

hazardous waste means any waste that:

- (a) because of its physically, biologically or chemically damaging properties, is capable of causing a danger to the life or health of any living thing if it is released into the environment, and
- (b) is, or contains, a substance specified in Schedule 1.

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inert waste means any non-liquid waste that, when it is disposed of, is not potentially hazardous or capable of undergoing an environmentally significant transformation, and includes building and demolition waste (such as bricks, concrete, glass, plastics, metal, timber and clean excavated natural material) that is not contaminated or mixed with any other type of waste.

mine means a mine to which the *Coal Mines Regulation Act 1982* or the *Mines Inspection Act 1901* applies.

recycling of waste means the processing of waste into a similar non-waste product.

reprocessing of waste means the processing of waste into a different non-waste product.

solid waste means:

- (a) any non-liquid waste that is potentially hazardous or capable of undergoing an environmentally significant transformation, or
- (b) inert waste,

and includes uncontaminated biosolids or clinical waste that has been treated to an approved standard.

Sydney metropolitan area means the area constituting the Metropolitan Waste Disposal Region under the *Waste Recycling and Processing Service Act 1970* immediately before the commencement of this Regulation.

the Act means the *Waste Minimisation and Management Act 1995*.

treatment of waste means the processing of waste into a different type of waste.

- (2) In this Regulation, a reference to an application for a licence includes a reference to an application for the renewal of a licence.
- (3) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 **Licensing requirements—prescribed waste activities, waste facilities and transporters**

4 **Waste activities that are required to be licensed**

- (1) For the purposes of the definition of *controlled waste activity* in section 5 of the Act, any activity, carried out for business or other commercial purposes, that involves the generating or storage of hazardous waste is specified as being an activity requiring a licence in accordance with section 45 of the Act.
- (2) **Exemptions**
The following activities are not required to be licensed in accordance with section 45 of the Act:
- (a) the on site generating or storage of grease trap waste, recyclable oil, asbestos cement or contaminated soil,
 - (b) hazardous waste generating or storage activities carried out in or at:
 - (i) a sewage treatment plant, or
 - (ii) a mine,that is subject to a licence (or that is required to be licensed) under the *Pollution Control Act 1970*,
 - (c) hazardous waste generating or storage activities carried out in or at a concrete batching plant,
 - (d) the generating of not more than 10 tonnes of hazardous waste per year, or the on site storage of less than 2 tonnes of hazardous waste at any one time, by any of the following:
 - local authorities,
 - dry cleaners,
 - printers,
 - photographic and processing laboratories,
 - pharmacies,
 - hairdressers,
 - businesses carrying out any skin penetration procedure to which Part 3 of the *Public Health Regulation 1991* applies,

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- veterinary surgeons,
 - nursing homes,
 - funeral parlours,
 - painters,
 - builders,
 - machinery and vehicle repair and servicing workshops,
 - panel beaters,
 - jewellers,
 - educational institutions,
- (e) the generating of not more than 2 tonnes of hazardous waste per year, or the on site storage of less than 500kg of hazardous waste at any one time:
- (i) by dental or doctor surgeries, or
 - (ii) by hospitals or pre-term clinics, or
 - (iii) by persons who are engaged solely or principally in a farming operation, or
 - (iv) for purposes connected with the carrying out of landscaping or fire hazard reduction works (such as those carried out by local and public authorities),
- (f) the generating of not more than 10 tonnes per year, or the storage of less than 2 tonnes at any one time, of hazardous waste in the form of paint, lacquer, varnish, resin, ink, dye, pigments, adhesives, oil, hydrocarbons, emulsions, organic or putrescible matter or industrial wash water, slurry or effluent,
- (g) hazardous waste generating or storage activities carried out on premises that are a controlled waste facility (and as such are required to be licensed as a controlled waste facility in accordance with section 4 of the Act).

5 Waste facilities that are required to be licensed

- (1) For the purposes of the definition of *controlled waste facility* in section 5 of the Act, a waste facility that is of any one or more of the following classes is specified as being a waste facility requiring a licence in accordance with section 44 of the Act:

- (a) crushing or grinding works that process over 150 tonnes per day, or over 30,000 tonnes per year, of waste consisting of construction, demolition or road base material (such as concrete, bricks, tiles, asphalt, metal or timber),
- (b) waste facilities that treat, process, reprocess or dispose of hazardous waste, except those:
 - (i) that treat, process, reprocess or dispose of sewage, or gases specified as Class 2 Dangerous Goods in the *Australian Code for the Transport of Dangerous Goods by Road and Rail* published by the Australian Government and current as at the commencement of this Regulation, and which are subject to a licence (or are required to be licensed) under the *Pollution Control Act 1970*, or
 - (ii) where less than 200g of hazardous waste per tonne of solid waste, or less than 100g of hazardous waste per cubic metre of solid waste, is received for disposal (being hazardous waste not consisting of chemicals the subject of a chemical control order under the *Environmentally Hazardous Chemicals Act 1985* but which may consist of asbestos),
- (c) waste facilities:
 - (i) that treat, process or dispose of over 5,000 tonnes per year of used, rejected or unwanted tyres, or
 - (ii) that store such tyres at any one time in quantities of over 50 tonnes,
- (d) incinerators that treat or process:
 - (i) chemical or clinical waste (being cytotoxic waste), or
 - (ii) over 25 tonnes per year of other clinical waste or quarantine waste, or
 - (iii) over 1 tonne per hour of any other type of waste,
- (e) landfill sites that receive over 20,000 tonnes per year of inert waste,

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- (f) landfill sites that receive over 20,000 tonnes per year of coal washery rejects or slags,
- (g) landfill sites that receive over 5,000 tonnes per year of solid waste (other than solid waste consisting only of inert waste, coal washery rejects or slags),
- (h) landfill sites that were the subject of a certificate of registration under the *Waste Recycling and Processing Service Act 1970*, or a licence under the *Pollution Control Act 1970* in respect of the pollution of waters, immediately before the commencement of this Regulation,
- (i) landfill sites (including those operated by a local authority) located in the Sydney metropolitan area or in the Cessnock, Gosford, Kiama, Lake Macquarie, Maitland, Newcastle, Port Stephens, Shellharbour, Shoalhaven, Wingecarribee, Wollongong or Wyong local government area, except those located in such an area and which:
 - (i) receive no more than 20,000 tonnes per year of coal washery rejects or slags (or both), or
 - (ii) are situated on residential premises or land used principally for farming operations, and where the disposal of waste is carried out otherwise than for business or other commercial purposes,
- (j) landfill sites (including those operated by a local authority) located in an environmentally sensitive or inappropriate area as described in Table 1 of the document called “Environment Guidelines: Solid Waste Landfills” issued by the EPA and current as at the commencement of this Regulation, except those located in such an area and which:
 - (i) receive not more than 20,000 tonnes per year of coal washery rejects or slags (or both) and are located in a residential zone as described in Table 1 of that document, or
 - (ii) are situated on residential premises or land used principally for farming operations, and where the disposal of waste is carried out otherwise than for business or other commercial purposes,

- (k) composting and related reprocessing or treatment facilities (including facilities that mulch or ferment organic waste, or that are involved in the preparation of mushroom growing compost, or in a combination of any such activities) and that:
 - (i) receive over 200 tonnes per year of animal waste, food waste, sludge or biosolids, or
 - (ii) receive over 5,000 tonnes per year of wood waste, garden waste, or natural fibrous material, or
 - (iii) receive any of these types of organic waste and are located within 500 metres of any residentially zoned land, or within 250 metres of a school or hospital or a dwelling not associated with the waste facility,
 - (l) waste facilities that store or transfer, or recover by way of separating or processing, over 30,000 tonnes of waste per year.
- (2) In determining the amount of waste received or recovered at a waste facility for the purposes of this clause, the following types of waste are to be disregarded:
- (a) clean excavated natural material (such as clay, soil or rock) that is not contaminated or mixed with any other type of waste,
 - (b) non-hazardous tailings or waste rock generated from mining operations carried out at a mine that is subject to a licence (or that is required to be licensed) under the *Pollution Control Act 1970*,
 - (c) non-hazardous ash generated from a power station that is subject to a licence (or that is required to be licensed) under the *Pollution Control Act 1970*,
 - (d) non-hazardous bulk agricultural or crop waste that is not putrescible.

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Part 2 Licensing requirements—prescribed waste activities, waste facilities and transporters

- (3) Any of the following premises are not to be regarded as a controlled waste facility for the purposes of the Act:
- (a) premises where any of the following types of waste (and no other type of waste) is generated or disposed of on site:
 - (i) tailings or waste rock generated from mining operations carried out at a mine that is subject to a licence (or that is required to be licensed) under the *Pollution Control Act 1970*,
 - (ii) ash generated from a power station that is subject to a licence (or that is required to be licensed) under the *Pollution Control Act 1970*,
 - (iii) non-hazardous bulk agricultural or crop waste that is not putrescible,
 - (b) premises used solely for the purposes of disposing of clean excavated natural material (such as clay, soil or rock) that is not contaminated or mixed with any other type of waste,
 - (c) premises that are subject to a licence (or that are required to be licensed) under the *Pollution Control Act 1970* and that are used solely for the purposes of disposing of any of the following types of waste:
 - (i) non-hazardous tailings or waste rock generated from mining operations carried out at a mine,
 - (ii) non-hazardous ash generated from a power station,
 - (d) premises used solely for the purposes of disposing of non-hazardous bulk agricultural or crop waste that is not putrescible,
 - (e) premises where waste consisting of coal washery rejects or slags is generated,
 - (f) premises where contaminated soil is treated or processed on site,
 - (g) premises where biosolids are disposed of on site,
 - (h) premises on which biosolids are applied for agricultural or environmental rehabilitation purposes,
 - (i) premises where coal washery rejects or slags are used solely for the purposes of road or railway construction.

6 Transporters of waste that are required to be licensed

- (1) For the purposes of section 46 of the Act, the following classes and quantities of waste are prescribed:
 - (a) hazardous waste (other than hazardous waste consisting of asbestos cement or concrete or stone-cutting slurries, or hazardous waste in loads of less than 205 litres or 200kg),
 - (b) used, rejected or unwanted tyres in loads over 2 tonnes.
- (2) Subclause (1) does not apply if the waste is transported in connection with an emergency situation or an accident.

Part 3 Licence fees

7 Controlled waste activities

For the purposes of section 47 of the Act, the prescribed fee for an application for a licence in respect of a controlled waste activity is:

- (a) if less than 10 tonnes of hazardous waste is to be generated or stored over the period of the licence—4 fee units, or
- (b) if more than 10 tonnes, but not more than 100 tonnes, of hazardous waste is to be generated or stored over the period of the licence—8 fee units, or
- (c) if more than 100 tonnes, but not more than 500 tonnes, of hazardous waste is to be generated or stored over the period of the licence—16 fee units, or
- (d) if more than 500 tonnes of hazardous waste is to be generated or stored over the period of the licence—32 fee units.

8 Controlled waste facilities

(1) For the purposes of section 47 of the Act, the prescribed fee for an application for a licence in respect of a controlled waste facility is, in the case of a waste facility referred to in:

- (a) clause 5 (1) (a)—8 fee units, or
- (b) clause 5 (1) (b)—32 fee units, or
- (c) clause 5 (1) (c)—12 fee units, or
- (d) clause 5 (1) (d)—16 fee units if less than 1 tonne of waste is to be incinerated per hour, or 24 fee units if 1 tonne or more of waste is to be incinerated per hour, at any time during the period of the licence, or
- (e) clause 5 (1) (e)—20 fee units, or
- (f) clause 5(1) (f)—16 fee units, or
- (g) clause 5 (1) (g)—28 fee units if over 5,000 tonnes (but not more than 20,000 tonnes) of waste is to be received, or 36 fee units if over 20,000 tonnes (but not more than 100,000 tonnes) of waste is to be received, or 44 fee units if over 100,000 tonnes of waste is to be received, over the period of the licence, or

- (h) clause 5 (1) (h)—16 fee units, or
 - (i) clause 5 (1) (i)—16 fee units, or
 - (j) clause 5 (1) (j)—32 fee units, or
 - (k) clause 5 (1) (k)—16 fee units, or
 - (l) clause 5(1) (l)—16 fee units.
- (2) If more than one of the fees referred to in subclause (1) would be payable for an application for a licence in respect of a particular waste facility:
- (a) only one of those fees is payable in respect of the waste facility, and
 - (b) that fee is to be the higher or highest of the fees so payable.

9 Transporters of waste

- (1) For the purposes of section 47 of the Act, the prescribed fee for an application for a licence in respect of the transportation of waste to which section 46 of the Act applies is:
- (a) in the case of a licence that authorises a person to transport used, rejected or unwanted tyres—2 fee units, or
 - (b) in the case of a licence that authorises a person to transport hazardous waste by no more than 3 vehicles—4 fee units, or
 - (c) in the case of a licence that authorises a person to transport hazardous waste by more than 3 but not more than 7 vehicles—8 fee units, or
 - (d) in the case of a licence that authorises a person to transport hazardous waste by more than 7 but not more than 11 vehicles—12 fee units, or
 - (e) in the case of a licence that authorises a person to transport hazardous waste by more than 11 vehicles—16 fee units.
- (2) For the purposes of this clause, a vehicle that is pulling or coupled to another vehicle (eg a trailer) is to be treated as one vehicle.

10 Refund of prescribed fee

The EPA must refund any fee paid in respect of an application for a licence if the EPA refuses to grant or renew the licence.

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Part 4 Miscellaneous licensing provisions

Part 4 Miscellaneous licensing provisions

11 Prescribed period for phasing-in licensing requirements

For the purposes of clause 3 of Schedule 5 to the Act, the prescribed period is the period between 1 November 1996 and 30 June 1997.

12 Renewal of licences

- (1) An application for the renewal of a licence must be made no later than 30 days before the date on which the licence expires, subject to this clause.
- (2) In the case of an application for the renewal of a licence:
 - (a) that is made 20 days or more (but less than 30 days) before the date on which the licence would expire if not renewed, an additional 50% of the prescribed fee is payable, or
 - (b) that is made less than 20 days before the date on which the licence would expire if not renewed, an additional 100% of the prescribed fee is payable.

13 Short-term licences

- (1) If, pursuant to section 50 (2) of the Act, a licence is granted or renewed for a specified period of less than one year, the application fee for the licence is to be calculated by multiplying the appropriate prescribed fee by the number of months (a part of a month being calculated as a whole month) for which the licence is to be granted or renewed and by dividing the product by 12.
- (2) A minimum fee of 2 fee units is payable despite any calculation that would result in a lower fee.

14 Transfer of licences

- (1) For the purposes of section 50 (3) of the Act, the prescribed fee for the transfer of a licence is 1 fee unit.
- (2) A person may apply for the approval of the EPA to transfer a licence.

- (3) The application must:
- (a) be in the approved form, and
 - (b) be lodged with the EPA no later than 14 days before the event necessitating the transfer occurs, and
 - (c) be accompanied by the written consent of the current licensee as to the transfer.

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Clause 15 Waste Minimisation and Management Regulation 1996

Part 5 Requirements relating to non-licensed waste facilities, waste activities and transporters

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15 Reporting requirements for non-licensed landfill sites

- (1) This clause applies to any landfill site (including a landfill site operated by a local authority) that is not a controlled waste facility.
- (2) However, this clause does not apply to:
 - (a) any premises where waste disposal is carried out otherwise than for business or other commercial purposes, or
 - (b) landfill sites that receive clean excavated natural material only (and not any other type of waste).
- (3) The occupier of a landfill site to which this clause applies must provide the EPA with the following details before 1 December 1996 or, in the case of any such landfill site that is established on or after 1 November 1996, within 30 days of being so established:
 - (a) the location of the landfill site,
 - (b) the name and address of the occupier of the landfill site.
- (4) The EPA may, by notice in writing given to the occupier of a landfill site to which this clause applies, require the occupier to complete the approved form relating to the landfill site. The occupier must return the completed form to the EPA within 30 days of receiving the notice.
- (5) Within 30 days of the end of each subsequent financial year, the occupier of a landfill site to which this clause applies must provide, in the approved form, the EPA with such information as the EPA requires in respect of the landfill site.

Maximum penalty (subclauses (3)–(5)): \$20,000 in the case of a corporation, \$10,000 in the case of an individual.

16 Non-licensed hazardous waste generating and storage activities

- (1) This clause applies to any activity, carried out for business or other commercial purposes, that involves the generating or storage of hazardous waste but which is not a controlled waste activity.

- (2) However, this clause does not apply to any hazardous waste generating or storage activity carried out in or at a concrete batching plant, or in or at a sewage treatment plant or mine that is subject to a licence (or that is required to be licensed under the *Pollution Control Act 1970*).
- (3) A person who carries out an activity to which this clause applies must comply with the following requirements:
- (a) the hazardous waste must be stored in an environmentally safe manner,
 - (b) the hazardous waste must not be stored, or come into contact with, any incompatible waste,
 - (c) the EPA (or such other person or body as may be approved for the purposes of this clause) must be provided with such information as the EPA (or other person or body) may require from time to time in relation to the generation, storage, treatment or disposal of the hazardous waste, and such information must be retained by the person for a period of at least 3 years from the time it is provided,
 - (d) the following records must be kept, for a period of at least 3 years from the date of transportation, in relation to any hazardous waste that is transported for treatment or disposal from the premises at which the activity is carried on:
 - (i) the quantity of hazardous waste, and the type of hazardous waste as classified in accordance with the National Manifest and Classification System,
 - (ii) the name of the transporter and that transporter's licence number (if any) under the Act,
 - (iii) the date of transportation,
 - (iv) the name and location of the waste facility that receives the hazardous waste,
 - (e) if the hazardous waste is prescribed for the purposes of section 46 of the Act, the person must ensure that the hazardous waste is transported by a person who holds a licence under the Act authorising the person to transport the waste.

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Part 5 Requirements relating to non-licensed waste facilities, waste activities and transporters

- (f) if the waste is to be transported, the person must inform the person transporting the waste of the type of waste involved,
- (g) the person must ensure that the hazardous waste is transported to a controlled waste facility only or to a waste facility that can otherwise lawfully receive the waste,
- (h) if the hazardous waste is to be transported interstate, the person must ensure that the requirements of the National Manifest and Classification System relating to the waste are followed,
- (i) the person must inform the EPA (or such other person or body as may be approved for the purposes of this clause) of any suspected breach of the Act or this Regulation in relation to the transportation of hazardous waste from the premises.

Maximum penalty: \$20,000 in the case of a corporation, \$10,000 in the case of an individual.

- (4) In this clause:

National Manifest and Classification System means the classification system contained in the document called “National Guidelines for the Management of Wastes” issued by ANZECC and current as at the commencement of this Regulation.

17 Non-licensed transporters

- (1) This clause applies to any person who transports waste for fee or gain but who is not required to be licensed under the Act.
- (2) A person to whom this clause applies must comply with the following requirements:
 - (a) any vehicle used by the person to transport waste must be kept in a clean condition, and be constructed and maintained so as to prevent spilling waste,
 - (b) any container used by the person to transport waste must be safely secured on the vehicle carrying the container, and
 - (c) any vehicle used by the person to carry waste must be covered when loaded so as to prevent spilling and loss of waste and to prevent the emission of odours,

- (d) incompatible wastes must not be mixed or transported together on a vehicle used by the person to transport waste,
- (e) any hazardous waste transported by the person must not be mixed with any other type of waste or with any product,
- (f) any waste consisting wholly or partly of asbestos must be wetted before being transported and must be fully covered when transported,
- (g) any material segregated for recycling that is transported by the person must not be mixed with other waste,
- (h) any waste transported by the person must be transported only to controlled waste facilities or to waste facilities that can otherwise lawfully receive waste,
- (i) the occupier of the waste facility at which the waste is being disposed of must, before the waste is unloaded, be advised of the type of waste.

Maximum penalty: \$20,000 in the case of a corporation, \$10,000 in the case of an individual.

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Clause 18 Waste Minimisation and Management Regulation 1996

Part 6 Contributions by occupiers of controlled waste facilities and monitoring requirements

Part 6 Contributions by occupiers of controlled waste facilities and monitoring requirements

18 Payment of Contributions

- (1) For the purposes of section 72 (2) of the Act, the prescribed contribution required to be paid to the EPA by the occupier of a controlled waste facility is:
 - (a) as from 1 November 1996 until 1 July 1997—\$10 for each tonne of waste received at the waste facility if the waste facility is located in the Sydney metropolitan area or the waste has come from that area, or
 - (b) as from 1 November 1996 until 1 July 1999—\$4 for each tonne of waste received at the waste facility if the waste facility is located in the extended regulated area or the waste has come from that area, or
 - (c) as from 1 July 1997—\$15 for each tonne of waste received at the waste facility if the waste facility is located in the Sydney metropolitan area or the waste has come from that area, or
 - (d) as from 1 July 1997—\$8 for each tonne of waste received at the waste facility if the waste facility is located in the extended regulated area or the waste has come from that area.
- (2) In the case of a controlled waste facility that is the subject of a supervisory licence as referred to in section 48 of the Act, the occupier who is not the holder of the supervisory licence is required to pay the contributions in respect of the waste facility unless that occupier and the public authority concerned have made an arrangement for the contributions to be paid by the public authority and have informed the EPA of any such arrangement.

19 Interest on unpaid contributions

- (1) If a contribution under section 72 of the Act is not paid by the date as specified by the EPA, 10% of the due amount is payable as interest.

- (2) An additional 20% of the original due amount also accrues at the end of each period of 30 days following the due date for payment for such time as the contribution remains unpaid.

20 Exemption of certain occupiers from requirement to pay contributions

The occupier of any of the following types of controlled waste facility is exempt from the requirement to pay a contribution to the EPA under section 72 of the Act:

- (a) premises used solely as a waste storage or transfer facility (except where the waste is to be transported to interstate or overseas for disposal),
- (b) premises used solely as a waste treatment facility that is not an incinerator,
- (c) premises used solely to dispose of waste consisting of coal washery rejects or slags (but not other types of waste).

21 Certain types of waste exempted from calculation of contributions

- (1) The following types of waste received at a controlled waste facility are exempted from the calculation of the contribution payable for each tonne of waste received at the waste facility:
- (a) any effluent lawfully discharged at the waste facility into a sewer, or in accordance with a licence under the *Pollution Control Act 1970*,
 - (b) any waste consisting of ash residue generated at a controlled waste facility that is an incinerator,
 - (c) any waste that has been collected in accordance with a community service or activity and that is approved for the purposes of this clause,
 - (d) any waste that, before it is received at the waste facility, has been segregated for the purposes of on site reprocessing or recycling or for transporting to a reprocessing or recycling facility,
 - (e) any waste consisting of clean excavated natural material (the exemption available in respect of any such waste is a 10% reduction in the amount of the contribution that would otherwise be payable for the waste).

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Clause 21 Waste Minimisation and Management Regulation 1996

Part 6 Contributions by occupiers of controlled waste facilities and monitoring requirements

- (2) In order for an occupier of a controlled waste facility to be eligible for an exemption in respect of waste referred to in subclause (1) (d) or (e), the occupier must, to the satisfaction of the EPA:
- (a) keep accurate records of the date, quantity, type and destination (if any) of any such waste, and
 - (b) ensure that such records are kept for a period of at least 3 years from the date of claiming the exemption, and
 - (c) make such records available for inspection by an authorised officer.

22 Contribution rebates

- (1) The occupier of a controlled waste facility who is liable to pay a contribution under section 72 of the Act may:
- (a) claim a rebate for any waste received at the waste facility that is reprocessed or recycled on site or that is transported to a reprocessing or recycling facility, or
 - (b) claim a rebate for any waste received at the waste facility that consists of clean excavated natural material, and that is intended to be used for an approved operational purpose and that is identified in an environmental management plan for the waste facility, or
 - (c) claim a rebate for any waste received at the waste facility that is intended to be used for an approved operational purpose or an approved operational purpose identified in an environmental management plan.
- (2) A claim for a rebate must:
- (a) be in the approved form, and
 - (b) be accompanied by such evidence as may be required by the EPA in relation to the claim, and
 - (c) be submitted to the EPA along with the full amount of the required contribution for the period concerned.
- (3) The EPA may determine a claim for a rebate by refusing the claim, or by refunding to the occupier such amount as the EPA determines or by allowing the occupier to deduct that amount from the next contribution payable by the occupier.

- (4) An occupier who is allowed a rebate for any waste must:
- (a) keep accurate records of the date, quantity, type and destination (if any) of any such waste, and
 - (b) ensure that such records are kept for a period of at least 3 years from the date of claiming the rebate, and
 - (c) make such records available for inspection by an authorised officer.

Maximum penalty: \$20,000 in the case of a corporation, \$10,000 in the case of an individual.

23 Records and returns

- (1) The occupier of a controlled waste facility who is required to pay contributions under section 72 of the Act must record:
- (a) the particulars of each vehicle that transports waste into the waste facility, and
 - (b) each amount of waste that is received at the waste facility.
- (2) Such records must:
- (a) be kept for at least 3 years from the date on which the waste was received at the waste facility, and
 - (b) be made available for inspection by an authorised officer.
- (3) An occupier must also provide the EPA with the following information in such manner and at such times as is required by the EPA:
- (a) the quantity of waste received at the waste facility over any specified period,
 - (b) the types of waste received at the waste facility over that period,
 - (c) such other information as may be specified by the EPA.

Maximum penalty (subclauses (1)–(3)): \$20,000 in the case of a corporation, \$10,000 in the case of an individual.

24 Volumetric surveys

The occupier of a landfill site who is required to pay contributions under section 72 of the Act must, unless exempted by the EPA in writing specifically or generally:

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Part 6 Contributions by occupiers of controlled waste facilities and monitoring requirements

- (a) before 31 December 1996, cause a volumetric survey of the landfill site to be carried out by a registered or qualified surveyor and provide the EPA with the results of the survey in the approved form and manner, and
- (b) cause a volumetric survey of the landfill site to be carried out by a registered or qualified surveyor as at 30 June, and as at 31 December, in each subsequent year and provide the EPA with the results of each survey in the approved form and manner within 30 days of it being carried out.

Maximum penalty: \$20,000 in the case of a corporation, \$10,000 in the case of an individual.

25 Weighbridges

- (1) The occupier of a landfill site who is required to pay contributions under section 72 of the Act must, if the waste facility receives over 20,000 tonnes of waste per year, install an approved weighbridge before 1 August 1997.

Maximum penalty: \$20,000 in the case of a corporation, \$10,000 in the case of an individual.

- (2) The occupier of a landfill site on which any such weighbridge is installed must:
 - (a) submit to the EPA a plan of the landfill site indicating the proposed vehicle flow controls (including the entry and exits points where waste is transported into and out of the landfill site), and
 - (b) ensure that each vehicle (not being a motor car within the meaning of the *Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995* or a car trailer) transporting waste into or out of the landfill site uses the Weighbridge so that the quantity of waste being transported is correctly recorded, and
 - (c) ensure that any such weighbridge is maintained in proper working order, and
 - (d) ensure that any such weighbridge is certified at least once a year in accordance with the *Trade Measurement Act 1989*, and

- (e) notify the EPA of any incident that results in the weighbridge being out of operation for any period of more than 7 days, and
- (f) ensure that an approved alternative method of recording the quantity of waste that is transported into or out of the landfill is used during any period that the weighbridge is out of operation, and
- (g) comply with any other requirement relating to the installation or operation of the weighbridge as the EPA may specify by notice in writing.

Maximum penalty: \$20,000 in the case of a corporation, \$10,000 in the case of an individual.

26 Video monitoring systems

- (1) The EPA may, by notice in writing, require the occupier of a landfill site who is required to pay contributions under section 72 of the Act to install an approved video monitoring system in the manner and location specified in the notice. The EPA must not make any such requirement unless it is of the opinion that the occupier has failed to pay the required contributions under the Act.
- (2) The occupier must:
 - (a) comply with any such requirement within the time specified in the notice, and
 - (b) ensure that video monitoring records are kept for at least one year from the time of the recording, and
 - (c) make such recordings available for inspection by an authorised officer.

Maximum penalty: \$20,000 in the case of a corporation, \$10,000 in the case of an individual.

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Clause 27 Waste Minimisation and Management Regulation 1996

Part 7 Miscellaneous

Part 7 Miscellaneous

27 Offence of providing false information

A person must not, in or in connection with any application, claim or requirement under this Regulation, provide any information, or make any statement or record, that is false or misleading in a material respect.

Maximum penalty: \$20,000 in the case of a corporation, \$10,000 in the case of an individual.

Schedule 1 Hazardous waste

(clause 3)

Note. The classification symbol alongside a substance indicates the hazardous characteristics of the substance (T = toxic or poisonous, I = infectious, E = explosivity, F = flammability, C = corrosivity, O = oxidising).

Acids and acid solutions:

- Alkylation acid (T, C)
- Battery acid (T, C)

Mineral acids:

- Fluorosilicic acid (T, C)
- Hydrochloric acid (T, C)
- Hydrofluoric acid (T, C)
- Nitric acid (T, C, O)
- Phosphoric acid (T, C)
- Sulphuric acid (T, C, O)
- Pickling acid (T, C)
- Wool carbonising residues (C)

Organic acids:

- Acetic acid (T, F)

Alkali and alkaline earth metals

Alkalies and alkaline solutions:

- Ammoniacal solutions (T, C)
- Caustic soda or sodium hydroxide (T, C)
- Lime slurries (C)
- Soda ash or sodium carbonate (C)
- Sodium phosphate or sodium polyphosphate (T, C)
- Sodium sulphide solutions (T, F, C)

Antimony-compounds and preparations (T)

Arsenic-compounds and preparations (T)

Asbestos dust (T)

Bags contaminated with any substance specified in this Schedule (T)

Bacterial waste:

- Industrial sludges (I)
- Pathogenic wastes (I)

Biocides and contaminated containers

Bleaching powders and solutions (T, C, O)

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Schedule 1 Hazardous waste

Boron and compounds (T)
Borates (T)
Cadmium compounds (T)
Calcium carbide Carbon disulphide (F)
Cattle dips and residues (T)
Carbonisation liquors (wool or coal distillation) (T)
Chemicals the subject of a chemical control order under the *Environmentally Hazardous Chemicals Act 1985*
Chlorine Chlorinated organic materials:
 Carbon tetrachloride (T)
 Chlorine trifluoride
 Ethylene dichloride, lights and heavies (T, F)
 Chlorinated hydrocarbon insecticides (T)
 Trichloroethylene (T)
 Plasticisers (T)

Chromium compounds:
 Chromates (T, C, O)
 Chromic acid (T, C, O)

Copper compounds (T)
Cyanides:
 Case hardening residues (T)
 Plating residues (T)

Dangerous goods within the meaning of the *Dangerous Goods Act 1975*
Dimethoate
Dimethyl aniline
Disinfectants (T)
Drugs:
 Drug containers (contaminated) (T)
 Drug residues (T)

Dyestuffs (T)
Explosives, including slurry explosives and ammonium nitrate (E)
Ethyl nitrite (F)
Fenazaflor
Flourine and compounds
Fumigants and contaminated containers
Fungicides and contaminated containers (T)
Germicides and contaminated containers (T)

Halogens

Herbicides and contaminated containers

Hydrocarbons:

 Lubricating oil (F)

 Light oils (F)

 Solvents (F)

Insecticides and Contaminated containers (T)

Isocyanates (T)

Lead compounds (T)

Lime slurries (C)

Manganese compounds (T)

Mercury and compounds (T)

Mineral spirits (T, F)

Monosufiram Motor fuel additives and residues (T, F)

Nickel compounds (T)

Nitrates (T)

Nitrocellulose residues (F)

Nitromethane (E, F)

Oils:

 Cutting (F)

 Hydrocarbon (F)

 Lubricating (F)

 Natural (F)

Organic phosphates Oxidizing agents:

 Chlorates (T, O)

 Chromates (T, O)

 Nitrates (T, O)

 Perchlorates (T, O)

 Permanganates (T, O)

 Peroxides (E, F, O)

Pesticides and contaminated containers (T)

Peroxides (F, O)

Pharmaceutical waste and residues (T)

Phenol and phenolic compounds (T, F)

Phosphorus and phosphorus residues (T, F)

Phosphorus trichloride

Pickling acids and solutions (T, C)

Poisons within the meaning of the *Poisons Act 1966* (T)

Propyl nitrate (E, F)

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Schedule 1 Hazardous waste

Radioactive waste material (but only in relation to the treatment, processing or disposal of such waste at a waste facility)*

Selenium compounds (T)

Sheep dips and residues (T)

Silver compounds (T)

Solvents:

Hydrocarbon (F)

Flammable (F)

Strychnine

Sulphide solutions (T)

Surfactants (biodegradable and non-biodegradable) (T)

Tetraethyl lead residues (T, F)

Tetramethyl lead residues (T, F)

Tetranitromethane (E, F)

Timber preservatives (T)

Thallium and compounds

Turpentine residues (T, F)

Vaccines (viable or expired)

Vanadium compounds (T)

Weedicides and contaminated containers (T)

Zinc compounds (T)

* The generation, storage and transportation of radioactive waste material is covered by the *Radiation Control Act 1990*.