

TASMANIA

**ENVIRONMENTAL MANAGEMENT AND
POLLUTION CONTROL (WASTE
MANAGEMENT) REGULATIONS 2020**

STATUTORY RULES 2020, No. 15

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**ENVIRONMENTAL MANAGEMENT AND
POLLUTION CONTROL (WASTE
MANAGEMENT) REGULATIONS 2020**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Environmental Management and Pollution Control Act 1994*.

Dated 25 February 2020.

C. WARNER
Governor

By Her Excellency's Command,

R. C. JAENSCH
Minister for Environment and Parks

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the
*Environmental Management and Pollution
Control (Waste Management) Regulations 2020*.

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2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

Act means the *Environmental Management and Pollution Control Act 1994*;

agvet chemical means –

- (a) an agricultural chemical product within the meaning of the Agvet Code of Tasmania; or
- (b) a veterinary chemical product within the meaning of the Agvet Code of Tasmania;

approved management method means a management method approved under regulation 19;

contravene includes fail to comply with;

controlled waste transporter means a person who transports controlled waste in a vehicle;

environmental approval means an environmental approval issued under regulation 21;

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facility means an area of land where waste is received for the purpose of energy recovery, recycling, incineration, storage, reuse, processing or disposal;

facility operator, in relation to a facility, means the occupier of the facility;

general waste means waste other than controlled waste;

Interstate Waste Movement NEPM means the national environment protection measure, as amended from time to time, that was, on 26 June 1998, made by the National Environment Protection Council under the *National Environment Protection Council Act 1994* of the Commonwealth and is entitled the National Environment Protection (Movement of Controlled Waste between States and Territories) Measure;

national environment protection measure means a national environment protection measure made and in force under section 14 of the *National Environment Protection Council Act 1994* of the Commonwealth;

on-site waste water management system means an on-site waste water management system as defined in the National Construction Code within the meaning of the *Building Act 2016*;

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place includes premises, and a vehicle or vessel;

receiving waters means waters into which a waste is released or disposed of;

register means the register of registered controlled waste transporters kept by the Director under regulation 10;

relevant authority means –

- (a) a permit issued under the *Land Use Planning and Approvals Act 1993* for a level 1 or level 2 activity; or
- (b) an order made under section 26 of the *State Policies and Projects Act 1993*; or
- (c) an environment protection notice issued, or caused to be issued, by –
 - (i) the Director under section 44 of the Act; or
 - (ii) a council officer under section 44 of the Act; or
- (d) registration as a controlled waste transporter; or
- (e) an environmental licence; or
- (f) an environmental approval;

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sewage means water-borne waste of human origin consisting of faecal matter, greywater, urine or liquid household waste;

waste producer means a person, other than a controlled waste transporter, who has produced, received or has responsibility for controlled waste and who requires the waste to be recovered, recycled, incinerated, transferred, stored, reused, reprocessed, used for energy recovery, treated or disposed of.

4. Application

- (1) The Director, by notice, may direct that one or more provisions of these regulations do not apply in respect of a controlled waste specified in the notice, or all controlled wastes specified in the notice, in any of the following circumstances that is specified in the notice:
 - (a) on a single occasion;
 - (b) for a period;
 - (c) until the notice is revoked, if at all.
- (2) The Director may specify conditions on a notice under subregulation (1).
- (3) If the Director, by a notice under subregulation (1), directs that one or more provisions, of these regulations, that are

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specified in the notice do not apply in respect of a controlled waste, or all controlled wastes, in a circumstance specified in the notice, the provision does not apply in respect of the waste in that circumstance.

- (4) A person must not contravene a condition of a notice under subregulation (1).

Penalty: Fine not exceeding 50 penalty units.

- (5) These regulations do not apply to anything referred to in clause 8(d), (e), (f), (g) or (h) of the Interstate Waste Movement NEPM.
- (6) It is a defence to a charge of contravening a provision of these regulations if the defendant proves that the contravention was authorised under an authorization issued under section 34 of the Act.
- (7) These regulations do not derogate from the *Dangerous Goods (Road and Rail Transport) Act 2010*, *Explosives Act 2012* or *Work Health and Safety Act 2012* or any regulations made under any of those Acts.

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PART 2 – MANAGEMENT OF CONTROLLED WASTE

5. Controlled wastes

For the definition of *controlled waste* in section 3 of the Act, a substance or item is prescribed as a controlled waste if the substance or item –

- (a) is a waste that is derived or arises from –
 - (i) an agvet chemical; or
 - (ii) dangerous goods as defined in the *Dangerous Goods (Road and Rail Transport) Act 2010*; or
 - (iii) a poison as defined in the *Poisons Act 1971*; or
 - (iv) fish that have died, or been killed, in the course of finfish farming; or
- (b) is sewage sludge, sewage residue or nightsoil; or
- (c) is a per-fluoralkyl substance, a poly-fluoralkyl substance, a per- and poly-fluoralkyl substance, or material contaminated with any of those substances.

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6. General responsibilities

- (1) A person must not remove from a place, arrange for the removal from a place, receive, store, reuse, recycle, reprocess, salvage, incinerate, treat, dispose of, or use for energy recovery, a controlled waste except –
- (a) under and in accordance with a relevant authority that authorises that activity to be carried out; or
 - (b) in accordance with an approved management method that applies to that activity.

Penalty: Fine not exceeding 50 penalty units.

- (2) A waste producer, or a controlled waste transporter, who has possession of waste that is subject to the provisions of a national environment protection measure must manage the waste in accordance with that measure.

Penalty: Fine not exceeding 20 penalty units.

- (3) A person must not arrange for the removal from a place of a waste that the person ought reasonably suspect to be a controlled waste, unless that person –
- (a) treats that waste as a controlled waste; or
 - (b) ensures that the waste is analysed in accordance with subregulation (4) to

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determine whether it is a controlled waste.

Penalty: Fine not exceeding 20 penalty units.

- (4) An analysis of a waste referred to in subregulation (3) is to be carried out at a laboratory that is –
- (a) registered with the National Association of Testing Authorities of Australia for the type of analysis required; or
 - (b) approved, in writing, by the Director for the type of analysis required.
- (5) This regulation does not apply to a controlled waste that is –
- (a) on domestic premises, being handled, produced, received, stored, reused, or salvaged, for usual domestic purposes; or
 - (b) removed, or arranged to be removed, from domestic premises when used for usual domestic purposes on those premises; or
 - (c) for less than 2 years –
 - (i) stored, at the place at which the waste is produced, while it is awaiting transportation to another place in accordance with these regulations; or
 - (ii) at a waste transfer station.

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Part 2 – Management of Controlled Waste

7. Production, storage and treatment of controlled waste

- (1) A person must not cause or permit a controlled waste to be produced, received, stored, reused, recycled, reprocessed, salvaged, incinerated, treated, disposed of, or used for energy recovery, in such a manner that it is reasonably likely that the controlled waste will –
- (a) leak, spill or escape into the environment; or
 - (b) cause serious environmental harm, material environmental harm or environmental nuisance.

Penalty: Fine not exceeding 100 penalty units.

- (2) If the Director considers that the aggregate quantity of a class or type of a controlled waste produced or stored on premises causes, or is likely to cause, environmental harm, the Director may give the waste producer or occupier of the premises written notice to do either or both of the following:
- (a) submit information in respect of –
 - (i) the class or type, quantity and concentration of a pollutant in controlled waste produced or stored on the premises; and
 - (ii) the location on the premises of the controlled waste;

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- (b) ensure that the controlled waste is removed to a facility –
 - (i) to which a relevant authority, under which the controlled waste may be received, relates; or
 - (ii) that is a facility of a kind specified in an approved management method to be a facility to which the waste may be removed.
- (3) A waste producer or occupier to whom a notice under subregulation (2) is given must not contravene the notice.

Penalty: Fine not exceeding 50 penalty units.

8. Depositing, or reducing concentration, of controlled waste

- (1) A person must not deposit at any place a controlled waste in a manner that –
 - (a) directly or indirectly causes, or is likely to cause, environmental harm; or
 - (b) gives rise, or is likely to give rise, to any harmful concentration, of any substance in any plant, animal, organism or soil, that is a harmful concentration above the natural concentration, in such a plant, animal, organism or soil, of the substance; or

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- (c) adversely affects, or is likely to adversely affect, the use or value of receiving waters for recreational, commercial, domestic, agricultural or industrial purposes; or
- (d) contains sufficient heat, or is likely to generate sufficient heat by itself or in combination with other matter, to ignite or cause fire; or
- (e) gives rise, or is likely to give rise, to undesirable, abnormal or harmful growth of a plant, animal, virus or organism.

Penalty: Fine not exceeding 50 penalty units.

- (2) A person must not add to a controlled waste any waste, or any other substance, for the purpose of lowering the concentration of contaminants in the controlled waste to a level where the controlled waste will cease to be a waste to which an Act, regulation, or relevant authority, will apply, except –
 - (a) under and in accordance with a relevant authority that authorises that lowering of the concentration of contaminants to be carried out; or
 - (b) in accordance with an approved management method that specifies how that lowering of the concentration of contaminants for that purpose may be carried out.

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Penalty: Fine not exceeding 50 penalty units.

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Part 3 – Registration of Controlled Waste Transporters

PART 3 – REGISTRATION OF CONTROLLED WASTE TRANSPORTERS

9. Offence to transport controlled waste except if authorised by registration

A person must not transport a controlled waste by vehicle, except if the person –

- (a) is authorised to do so by virtue of regulation 12; or
- (b) is an employee or agent, of a person authorised to do so by virtue of regulation 12, who has been requested by the person to transport the waste.

Penalty: Fine not exceeding 75 penalty units.

10. Register of controlled waste transporters

- (1) The Director must keep, in the manner and form that the Director thinks fit, a register of registered controlled waste transporters.
- (2) The Director must specify in the register the following information in relation to a registered controlled waste transporter:
 - (a) the name of the controlled waste transporter;
 - (b) the unique registration number assigned to the controlled waste transporter under regulation 11(5);

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- (c) the waste categories specified on the registration of the controlled waste transporter under regulation 12;
 - (d) the conditions imposed under regulation 13 on the registration of the controlled waste transporter;
 - (e) any other information that the Director considers necessary.
- (3) The Director may amend information, specified in the register, in relation to a registered controlled waste transporter, if the Director is satisfied that –
 - (a) the information contains an error; or
 - (b) the information is inaccurate; or
 - (c) it is otherwise appropriate to do so.
- (4) The Director may remove the following information from the register:
 - (a) information specified in relation to a person whose registration has been revoked under regulation 14(1);
 - (b) information specified in relation to a person who has given notice under regulation 16 that the person has ceased to operate as a controlled waste transporter.

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Part 3 – Registration of Controlled Waste Transporters

11. Registration of controlled waste transporter

- (1) A person may apply for registration as a controlled waste transporter.
- (2) An application for registration is to be –
 - (a) in an approved form; and
 - (b) accompanied by an application fee of 200 fee units (inclusive of GST); and
 - (c) lodged with the Director in an approved manner; and
 - (d) accompanied by any documents that the Director considers appropriate and requires to accompany the application.
- (3) If the Director receives from a person an application for registration, the Director may –
 - (a) register the person as a controlled waste transporter; or
 - (b) refuse to register the person as a controlled waste transporter.
- (4) If the Director refuses under subregulation (3)(b) to register a person as a controlled waste transporter, the Director, within 14 days, is to give written notice to the person of the refusal and provide to the person, in writing, the reasons for the refusal.

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- (5) The Director must assign to a registered controlled waste transporter a unique registration number.

12. Authorisation in respect of waste categories

- (1) The Director must specify on the registration of a controlled waste transporter the waste categories that the transporter is authorised to take possession of for transport by vehicle, to transport by vehicle and to deliver possession of to a facility operator.
- (2) A registered controlled waste transporter is authorised to take possession of for transport by vehicle, to transport by vehicle, and to deliver possession of to a facility operator, a controlled waste that is within a waste category specified on the transporter's registration under subregulation (1).
- (3) A registered controlled waste transporter may apply to the Director for a variation of the waste categories specified on the transporter's registration under this regulation.
- (4) An application under subregulation (3) is to be accompanied by an application fee of 50 fee units.
- (5) The Director may, if he or she considers it appropriate to do so, waive the application fee in relation to an application under subregulation (3).

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- (6) If the Director receives from a registered controlled waste transporter an application under subregulation (3) for a variation of the waste categories specified on the transporter's registration, the Director may, by written notice to the transporter –
- (a) vary the waste categories specified under this regulation on the transporter's registration; or
 - (b) refuse to vary the waste categories specified under this regulation on the transporter's registration.
- (7) The Director may, of his or her own motion, by written notice to a registered controlled waste transporter, vary the waste categories specified under subregulation (1) on the registration of the transporter.

13. Conditions of registration of controlled waste transporters

- (1) The Director may specify, on the registration of a person as a controlled waste transporter, the conditions, if any, that the Director considers appropriate.
- (2) Without limiting the generality of subregulation (1), the Director may, under that subregulation, impose on the registration of a person a condition that the person must, at the end of each period specified in the condition, accurately report to the Director, in the manner

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that the Director specifies in the regulation, the categories and quantities of controlled waste that are transported by the person during that period.

- (3) A registered controlled waste transporter may apply to the Director for a variation, or the revocation, of a condition specified on the transporter's registration under this regulation.
- (4) An application under subregulation (3) is to be accompanied by an application fee of 50 fee units.
- (5) The Director may, if he or she considers it appropriate to do so, waive the application fee in relation to an application under subregulation (3).
- (6) If the Director receives an application under subregulation (3) from a registered controlled waste transporter to vary or revoke a condition imposed on the registration of the controlled waste transporter under this regulation, the Director, by written notice to the transporter, may –
 - (a) vary or revoke the condition; or
 - (b) refuse to vary or revoke the condition.
- (7) The Director may, of his or her own motion, by written notice to a registered controlled waste transporter –

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- (a) vary any of the conditions imposed on the registration of the transporter under this regulation; or
 - (b) revoke any of the conditions imposed on the registration of the transporter under this regulation; or
 - (c) impose on the registration of the transporter any new conditions that the Director considers appropriate.
- (8) The Director must, at the time of providing, to a registered controlled waste transporter under subregulation (6) or (7), written notice of a variation, refusal to vary, revocation or imposition of a condition, provide, in writing, reasons for the variation, refusal, revocation or imposition.
- (9) A registered controlled waste transporter, or an employee or agent of a registered controlled waste transporter, must not contravene a condition of the controlled waste transporter's registration.

Penalty: Fine not exceeding 100 penalty units.

14. Revocation of registration of controlled waste transporter

- (1) The Director, by written notice to a person, may revoke the registration under regulation 11 of the person as a controlled waste transporter.

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- (2) The Director may only revoke the registration under regulation 11 of a person as a controlled waste transporter if the Director is satisfied that –
- (a) the person has committed, or the Director believes on reasonable grounds that the person is likely to commit, an offence under the Act or these regulations; or
 - (b) the person has not complied with a condition of the person’s registration; or
 - (c) the person has ceased to operate as a controlled waste transporter and is unlikely to resume operating as such within 12 months after ceasing to operate.
- (3) The Director must, at the time of providing written notice under subregulation (1) to a person of the revocation of the registration under regulation 11 of the person as a controlled waste transporter, provide to the person, in writing, the reasons for the revocation.

15. Certificates of registration

- (1) When the Director registers a person under regulation 11 as a controlled waste transporter, the Director must issue to the person, in the approved manner, a certificate of registration.
- (2) The Director may issue to a controlled waste transporter a new certificate of registration if –

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- (a) the waste categories specified on the registration of the controlled waste transporter under regulation 11 are varied under regulation 12; or
 - (b) a condition of registration of the controlled waste transporter is varied, revoked or imposed under regulation 13.
- (3) The certificate of registration issued under subregulation (1) or (2) in respect of a controlled waste transporter is to –
- (a) be in an approved form; and
 - (b) specify the unique registration number assigned to the controlled waste transporter under regulation 11(5); and
 - (c) specify the waste categories specified under regulation 12 on the registration of the controlled waste transporter; and
 - (d) specify the conditions imposed under regulation 13 on the registration of the controlled waste transporter.

16. Notices of cessation of operations

A person who is registered as a controlled waste transporter must, within 7 days after ceasing to operate as a controlled waste transporter, give to the Director, in the approved manner, written notice that the transporter has ceased to so operate.

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Penalty: Fine not exceeding 20 penalty units.

17. Controlled waste transporters not to transport certain wastes

- (1) A controlled waste transporter must not receive any of the following wastes for transport:
 - (a) hot ash;
 - (b) material that is burning or smouldering;
 - (c) material that is likely to combust spontaneously;
 - (d) an explosive;
 - (e) live ammunition.

Penalty: Fine not exceeding 50 penalty units.

- (2) Subregulation (1) does not apply in relation to a waste if the waste is received for transport –
 - (a) under and in accordance with a relevant authority; or
 - (b) in accordance with an approved management method that applies to the receiving of the waste for transport.

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Part 4 – Management of General Waste

PART 4 – MANAGEMENT OF GENERAL WASTE

18. Disposal of general waste

- (1) Subject to subregulation (2), a person must not use land, or cause land to be used, for the disposal of general waste except –
- (a) under and in accordance with a relevant authority that authorises the disposal of the general waste on the land; or
 - (b) if the land is so used in accordance with an approved management method that specifies that general waste may be disposed of in that way on such land.

Penalty: Fine not exceeding 50 penalty units.

- (2) Subregulation (1) does not apply to –
- (a) clean fill; or
 - (b) the domestic composting of green and organic waste; or
 - (c) the disposal of sewage to –
 - (i) a sewerage installation as defined in the *Building Regulations 2016*; or
 - (ii) an approved disposal system as defined in regulation 40 of the *Building Regulations 2016*; or

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- (iii) an on-site waste water management system.
- (3) For the purposes of subregulation (2)(b), the following are green and organic waste:
- (a) wood sawdust, shavings and chips from untreated and uncontaminated timber;
 - (b) untreated and uncontaminated timber;
 - (c) paper;
 - (d) food waste;
 - (e) agricultural materials of vegetative origin;
 - (f) silvicultural materials of vegetative origin;
 - (g) tree debris and stumps;
 - (h) diseased trees;
 - (i) grass;
 - (j) weeds;
 - (k) any other waste declared by the Director by notice to be green and organic waste.
- (4) For the purpose of this regulation –
- disposal* does not include the burning or incineration of general wastes, but includes the spreading of waste on land.

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Part 5 – Miscellaneous

PART 5 – MISCELLANEOUS

19. Approved management method

- (1) The Director, by notice, may approve a management method for the management of a waste.
- (2) The Director, by notice, may revoke or amend an approved management method.
- (3) An approved management method is to specify the requirements for the management of the waste, including any one or more of the following:
 - (a) handling;
 - (b) production;
 - (c) receipt;
 - (d) storage;
 - (e) reuse;
 - (f) recycling;
 - (g) reprocessing;
 - (h) salvage;
 - (i) incineration;
 - (j) treatment;
 - (k) disposal;

- (1) use for energy recovery.

20. Prohibited activities at facilities

- (1) A facility operator must not receive any of the following wastes at a facility:
 - (a) hot ash;
 - (b) material that is burning or smouldering;
 - (c) material that is likely to combust spontaneously;
 - (d) an explosive;
 - (e) live ammunition.

Penalty: Fine not exceeding 50 penalty units.

- (2) Subregulation (1) does not apply in relation to a waste referred to in that subregulation, if the waste is received –
 - (a) under and in accordance with a relevant authority; or
 - (b) in accordance with an approved management method that applies to the receiving of the waste at a facility.
- (3) A person must not set fire to, or burn, waste at a facility otherwise than under a relevant authority.

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- (4) A person must not, without the approval of the owner of the facility, the facility operator or the Director –
- (a) enter a facility for any purpose otherwise than to deposit waste; or
 - (b) remain on a facility after depositing waste; or
 - (c) interfere with, or remove waste from, a facility.

Penalty: Fine not exceeding 20 penalty units.

21. Environmental approvals

- (1) A person may apply, in a form approved by the Director, to the Director for an environmental approval.
- (2) An application under subregulation (1) is to be accompanied by an application fee of 200 fee units (inclusive of GST).
- (3) An application for an environmental approval is to include the following details:
 - (a) a description of the waste;
 - (b) the physical state of the waste;
 - (c) any hazardous characteristics of the waste;

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- (d) any known contaminants in the waste and their concentration;
 - (e) any contaminants that may reasonably be suspected to be in the waste;
 - (f) any containment or packaging of the waste;
 - (g) the amount of waste;
 - (h) the origin of the waste, including –
 - (i) the name and address of the waste producer; and
 - (ii) the place of production of the waste; and
 - (iii) the nature of the activity by which the waste is generated;
 - (i) the person who is to be the holder of the environmental approval;
 - (j) the period to which the application relates;
 - (k) any proposed form of storage, disposal, reprocessing, reuse, recycling or energy recovery of the waste, including the rate of waste input;
 - (l) any plans, for minimisation or management of waste, prepared by, or for, the applicant;

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- (m) any risk management, and environmental management, measures to be undertaken;
 - (n) any alternative options for reuse, reprocessing or recycling of the waste;
 - (o) any monitoring measures, management process or sampling or analysis proposed to prevent, or minimise the risk of, environmental harm;
 - (p) any other details that the Director considers necessary for determining the application.
- (4) On receiving an application for an environmental approval, the Director must –
- (a) approve the application and issue an environmental approval to the person who is specified in the approval to be the holder of the approval; or
 - (b) refuse the application, if –
 - (i) the person who is specified in the application as the person who is to be the holder of the approval has been convicted of an offence against the Act or these regulations, or any other offence that relates to dealing with waste, unless the Director is of the opinion that the conviction is not so serious as to justify the refusal of the application; or

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- (ii) the Director reasonably believes that the application contains, or is accompanied by, information that is false or misleading to a significant extent; or
 - (iii) the Director considers that environmental harm may occur if the application is approved and an environmental approval is issued; or
 - (iv) the Director is satisfied that it is otherwise appropriate to refuse the application.
- (5) An environmental approval must specify the person who is to be the holder of the approval and may –
 - (a) specify –
 - (i) the quantity and class or type of waste or individual consignment of waste that may be dealt with under the approval; and
 - (ii) any other relevant characteristics of the waste to which the approval relates; and
 - (b) give directions as to the manner in which the waste is to be managed to prevent or minimise the risk of environmental harm; and

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- (c) specify the period for which the approval is in effect; and
 - (d) include any other requirements that the Director considers necessary or desirable to prevent or minimise the risk of environmental harm.
- (6) If the Director, under subregulation (4)(b), refuses an application for an environmental approval, the Director is to give to the applicant or the holder of the environmental approval, in writing, notice of the refusal and of the reasons for that refusal.
- (7) The Director may, if he or she considers it appropriate to do so, waive an application fee in relation to an application under this regulation.
- (8) An environmental approval issued under this regulation does not affect a requirement under the Act or any other Act.

22. Amendment, cancellation, &c., of environmental approval

- (1) The holder of an environmental approval may apply to the Director for an amendment of the environmental approval.
- (2) An application under subregulation (1) is to be accompanied by an application fee of 50 fee units.

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- (3) If the Director receives an application under subregulation (1) in relation to an environmental approval, the Director must –
 - (a) amend the environmental approval; or
 - (b) refuse to amend the environmental approval.
- (4) The Director, of his or her own motion, may amend, suspend or cancel an environmental approval if the Director considers that it is –
 - (a) necessary or desirable to prevent, or to minimise the risk of, environmental harm; or
 - (b) otherwise appropriate to do so.
- (5) If the Director, under subregulation (3) or (4), amends, refuses to amend, suspends or cancels an environmental approval, the Director is to provide written notice to the applicant or the holder of the environmental approval of that amendment, refusal, suspension or cancellation and give to the person, in writing, the reasons for that amendment, refusal, suspension or cancellation.
- (6) The Director may, if he or she considers it appropriate to do so, waive an application fee in relation to an application under this regulation.

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23. Infringement notices

- (1) For the purposes of section 72 of the Act, an offence under a provision of these regulations that is specified in Column 1 of Schedule 1 is a prescribed offence for the purposes of Division 5 of Part 4 of the Act.
- (2) The penalty specified in column 2 of Schedule 1 opposite an offence is prescribed to be the penalty applicable under Division 5 of Part 4 of the Act to that offence.

24. Transitional and savings provisions

- (1) An environmental approval that is –
 - (a) issued under –
 - (i) regulation 12 of the *Environmental Management and Pollution Control (Waste Management) Regulations 2000*;
or
 - (ii) regulation 12 of the *Environmental Management and Pollution Control (Waste Management) Regulations 2010*;
and
 - (b) in force on the day on which these regulations take effect –

is taken to be an environmental approval issued under regulation 21 of these regulations.

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(2) An approved management method that is –

(a) approved under –

(i) regulation 12A of the *Environmental Management and Pollution Control (Waste Management) Regulations 2000*;
or

(ii) regulation 10 of the *Environmental Management and Pollution Control (Waste Management) Regulations 2010*;
and

(b) in force on the day on which these regulations take effect –

is taken to be an approved management method approved under regulation 19 of these regulations.

(3) A person who was, immediately before the commencement of these regulations, registered under Part 2 of the *Environmental Management and Pollution Control (Controlled Waste Tracking) Regulations 2010* as a controlled waste handler in respect of the category of controlled waste transporter is to be taken to have been so registered under Part 3 of these regulations.

(4) An exemption of a person, under regulation 24 of the *Environmental Management and Pollution Control (Controlled Waste Tracking)*

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Regulations 2010, from a provision of those regulations (*the former provision*) is taken to be an exemption from a provision of these regulations that is to the same effect as the former provision.

- (5) Subregulation (4) ceases to apply in relation to a person if the Director notifies the person, in writing, that the exemption of the person from a provision of the *Environmental Management and Pollution Control (Controlled Waste Tracking) Regulations 2010* has ceased to have effect for the purposes of these regulations.

25. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

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**SCHEDULE 1 – INFRINGEMENT OFFENCES AND
PENALTIES**

Column 1 - Regulation	Column 2 – Penalty (penalty units)	Regulation 23
Regulation 4(4)	10	
Regulation 6(1)	10	
Regulation 6(2)	4	
Regulation (6)(3)	4	
Regulation 7(1)	20	
Regulation 7(3)	10	
Regulation 8(1)	10	
Regulation 8(2)	10	
Regulation 9	15	
Regulation 13(9)	20	
Regulation 16	4	
Regulation 17(1)	10	
Regulation 18(1)	5	
Regulation 20(1)	10	
Regulation 20(3)	10	

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Regulation 20(4)

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SCHEDULE 2 – LEGISLATION RESCINDED

Regulation 25

*Environmental Management and Pollution Control (Waste
Management) Regulations 2010 (No. 104 of 2010)*

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Notified in the *Gazette* on 4 March 2020.

These regulations are administered in the Department of Primary Industries, Parks, Water and Environment.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe certain wastes to be controlled wastes for the purposes of the definition of *controlled waste* in the *Environmental Management and Pollution Control Act 1994*; and
- (b) prescribe requirements for the handling of general waste and controlled waste; and
- (c) require, and establish a mechanism for, registration as a controlled waste handler; and
- (d) prescribe offences under the regulations to be offences for the purposes of Division 5 of Part 4 of the Act and specify the penalties for such offences; and

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- (e) otherwise make provision in relation to the management of waste and controlled waste; and
- (f) repeal the *Environmental Management and Pollution Control (Waste Management) Regulations 2010*.