

South Australia

## **Environment Protection (Movement of Controlled Waste) Policy 2014**

under the *Environment Protection Act 1993*

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## Part 1—Preliminary

### 1—Short title

This policy may be cited as the *Environment Protection (Movement of Controlled Waste) Policy 2014*.

### 2—Interpretation

- (1) In this policy, unless the contrary intention appears—

*Act* means the *Environment Protection Act 1993*;

*consignment authorisation* means—

- (a) in the case of the transport of controlled waste to a destination facility in this State—an authorisation granted by the Authority under clause 6; or
- (b) in the case of the transport of controlled waste to a destination facility in a participating State—a similar authorisation granted under a corresponding law;

*consignor*, of controlled waste that is, or is to be, transported from a source facility means—

- (a) if the Authority has, under clause 5, approved a person to act as consignor of the waste—that person; or
- (b) in any other case—the operator of the facility;

*controlled waste* means any waste of a category listed in column 1 of the table in Schedule 1 that has 1 or more characteristics listed in the table in Schedule 2;

*corresponding agency*, in relation to a participating State, means an agency in that State whose functions correspond to those exercised by the Authority under this policy;

*corresponding law* means the law of a participating State that corresponds to this policy;

*destination facility*, in relation to a consignment of controlled waste, means the depot, facility or works to which the waste is, or is to be, delivered under the consignment;

**NEPM** means the document titled *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure 1998* (prepared under the *National Environment Protection Council Act 1994* of the Commonwealth) as in force from time to time;

**packaging group number** has the same meaning as in the *Australian Dangerous Goods Code for the Transport of Dangerous Goods by Road and Rail* 7th edition;

**participating State** means a participating State (other than this State), or a participating Territory, within the meaning of the NEPM;

**receiver**, in relation to controlled waste, means the operator of the destination facility for the waste;

**registered owner**, of a vehicle, means a person recorded in a register kept under the *Motor Vehicles Act 1959*, or a similar law of a participating State, as an owner of the vehicle;

**source facility**, in relation to a consignment of controlled waste, means the depot, facility or works from which the controlled waste is first transported under the consignment;

**State of destination**, in relation to controlled waste, means the participating State in which the destination facility is located;

**State of origin**, in relation to controlled waste, means the participating State in which the source facility is located;

**transporter**, of controlled waste, means, in the case of transport by road—the registered owner of the vehicle transporting the waste;

**vehicle** includes an aircraft, vessel, trailer, train or rolling stock;

**waste code**, in relation to a category of waste specified in column 1 of the table in Schedule 1, means the code specified in column 2 of that table for that category;

**waste transport certificate** means the certificate set out in Schedule 3 or a similar certificate or form under a corresponding law;

**UN code**—see footnote in the table in Schedule 2;

**UN number** has the same meaning as in the *Australian Dangerous Goods Code* 7th edition.

- (2) In this policy, the expression **mandatory provision** followed by a statement as to the category of offence is to be taken to signify that contravention of the provision at the foot of which the expression appears is, for the purposes of Part 5 of the Act, an offence of the category so stated.

**Note—**

Unless the contrary intention appears, terms used in this policy that are defined in the Act have the respective meanings assigned to those terms by the Act.

### 3—Application of policy

This policy does not apply in relation to—

- (a) the transport of controlled waste from a source facility located in this State to a destination facility located in this State; or

- (b) the temporary entry into, and transport through, this State of controlled waste from a source facility located in a participating State for delivery to a destination facility located in that participating State, provided that the transport within this State has been approved by the Authority; or
- (c) the transport of containers that—
  - (i) contain residual amounts of controlled waste; and
  - (ii) are intended for delivery to a place for refilling with waste of the same kind; or
- (d) the transport (other than for fee or reward) of unwanted farm chemicals for delivery to a drop-off station designated by a collection scheme for such waste, provided that the collection scheme has been approved—
  - (i) in the case of a drop-off station located in this State—by the Authority; or
  - (ii) in the case of a drop-off station located in a participating State—by the corresponding agency in that State; or
- (e) the transport of controlled waste in accordance with a product recall authorised by the Australian Pesticides and Veterinary Medicines Authority, Food Standards Australia New Zealand or Therapeutic Goods Administration.

#### **4—Purpose**

The purpose of this policy is to enable this State to participate in the national tracking of controlled waste, in particular the tracking of controlled waste—

- (a) that is transported from a participating State for delivery to a destination facility in this State; or
- (b) that is transported within this State for delivery to a destination facility in a participating State,

in a manner and for purposes consistent with the NEPM.

## **Part 2—Tracking of controlled waste**

### **5—Approval of consignors**

- (1) Application for approval by the Authority of a person to act as consignor in relation to controlled waste must be made to the Authority—
  - (a) by the transporter or receiver of the controlled waste or by a person acting on behalf of the transporter or receiver of the controlled waste; and
  - (b) in the manner and form determined by the Authority.
- (2) Before granting an approval under this clause, the Authority must notify the corresponding agencies in any participating State through which the waste is to be transported, of the details of the application.
- (3) An approval given by the Authority under this clause—
  - (a) must be in writing; and
  - (b) is subject to any conditions specified by the Authority.

- (4) The Authority may, by subsequent notice in writing to the holder of an approval under this clause, vary or revoke the approval.
- (5) The holder of an approval under this clause must not contravene or fail to comply with a condition of the approval.

Mandatory provision: Category B offence.

## **6—Consignment authorisations**

- (1) Application for a consignment authorisation in relation to controlled waste to be transported to a destination facility in this State—
  - (a) must be made to the Authority by the consignor of the waste; and
  - (b) must contain the details required in relation to the waste by Part 1 and Part 2 of the waste transport certificate.
- (2) The Authority must not grant a consignment authorisation in relation to controlled waste if the proposed destination facility for the waste is not licensed to receive and store or otherwise deal with the waste in the manner specified in the waste transport certificate.
- (3) Before granting a consignment authorisation, the Authority must notify the corresponding agencies in any participating State through which the waste is to be transported, of the details of the application.
- (4) The Authority must determine each application under this clause within 5 days of its lodgement.
- (5) However, if the Authority requires further information to determine such an application, the Authority may, no later than 5 days after its lodgement, require the applicant to furnish further specified information in writing, in which case, the application is taken to have been lodged when the information is furnished as required by the Authority.
- (6) If the Authority refuses an application for a consignment authorisation under this clause, the Authority must give the applicant written notice of the refusal and the reasons for the refusal.
- (7) A consignment authorisation—
  - (a) must specify the consignment authorisation number allocated to the consignment by the Authority; and
  - (b) is subject to any conditions specified by the Authority.
- (8) The Authority may, by subsequent notice in writing to the holder of a consignment authorisation under this clause, vary or revoke the consignment authorisation.
- (9) The holder of a consignment authorisation must not contravene or fail to comply with a condition of the authorisation.

Mandatory provision: Category B offence.

### **7—Transporters must carry waste transport certificate and provide copy to receiver**

A transporter of controlled waste must ensure that—

- (a) at all times while transporting such waste, a hard copy of the waste transport certificate containing the consignment authorisation for the waste is kept in the vehicle transporting the waste; and
- (b) a copy of the certificate is provided to the receiver of the waste on delivery of the waste to the receiver.

Mandatory provision: Category B offence.

### **8—Receivers must notify Authority of receipt of controlled waste**

A receiver of controlled waste must ensure that, as soon as practicable, but in any event within 3 days, after taking delivery of such waste—

- (a) the details required in relation to the waste by Part 4 of the waste transport certificate are completed in relation to the waste; and
- (b) a copy of the completed certificate is provided to the Authority.

Mandatory provision: Category B offence.

### **9—Consignors, transporters and receivers must notify Authority of defective waste transport certificate**

If a consignor, transporter or receiver of controlled waste becomes aware that information contained in a waste transport certificate is inaccurate or incomplete, the person must notify the Authority of the correct or complete information as soon as practicable.

Mandatory provision: Category B offence.

## **Part 3—Exemptions**

### **10—Exemptions on national security or commercial grounds**

- (1) The Authority may, on the application of a consignor, transporter or receiver of controlled waste, exempt the person from the requirement to provide specified details to the Authority under Part 2 if satisfied that the disclosure of the details could reasonably be expected to—
  - (a) prejudice national security (within the meaning of the *National Security Information (Criminal and Civil Proceedings) Act 2004* of the Commonwealth); or
  - (b) prejudice the commercial position of the person; or
  - (c) confer a commercial advantage on a third party.
- (2) Before granting an exemption under subclause (1)(a), the Authority must consult with the Minister of the Commonwealth responsible for the administration of the *National Security Information (Criminal and Civil Proceedings) Act 2004* of the Commonwealth.

- (3) An exemption under this clause—
  - (a) must be in writing; and
  - (b) is subject to any conditions specified by the Authority.
- (4) The Authority may, by subsequent notice in writing to the holder of an exemption under this clause, vary or revoke the exemption.

## **11—Other exemptions**

- (1) The Authority may, on the application of a consignor, transporter or receiver of controlled waste, exempt the person from the application of Part 2 or specified provisions of Part 2 in respect of the transport of controlled waste in circumstances including (but not limited to)—
  - (a) the transport of controlled waste intended for delivery to a depot, facility or works for its reuse (but excluding controlled waste that requires treatment before such reuse or before its inclusion in the manufacturing process); or
  - (b) the transport of controlled waste that is subject to an extended producer responsibility scheme, or a recycling scheme, of a kind approved by the Authority for the purposes of this clause; or
  - (c) the transport of controlled waste used for research purposes or generated in the course of research.
- (2) Before granting an exemption of a kind referred to in subclause (1) in respect of the transport of controlled waste, the Authority must consult with the corresponding agencies in the participating States through which the waste is to be transported.

## **Part 4—Reporting requirements**

### **12—Authority must report to Minister**

- (1) The Authority must, for the purposes of the Minister's report to the Council under section 23 of the *National Environment Protection Council (South Australia) Act 1995*, furnish the Minister with the following details in relation to the transport of controlled waste to which this policy applies for each year ending on 30 June (the *relevant year*):
  - (a) for each consignment of controlled waste transported into this State from a participating State during the relevant year—
    - (i) the name of the consignor, transporter and receiver; and
    - (ii) the nature and amount of each category of waste; and
    - (iii) the relevant waste codes and UN codes; and
    - (iv) the State of origin; and
    - (v) the State of destination; and
    - (vi) any other participating State through which the waste was transported; and
    - (vii) details of all discrepancies noted by the Authority in relation to a consignment (including details notified to the Authority under clause 9); and

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## Part 4—Reporting requirements

- (viii) if this State was the State of destination for the consignment—details of amounts of controlled waste that were not delivered as specified in the waste transport certificate (expressed as a percentage of the total amount of controlled waste entering this State as the State of destination);
- (b) for each consignment of controlled waste transported into a participating State from a source facility in this State during the relevant year—the details required under paragraph (a)(i) to (vii) (insofar as they have been notified to the Authority);
- (c) details of any exemptions granted during the relevant year under clause 11;
- (d) the Authority's opinion on the effectiveness of the implementation of, and compliance with, this policy during the relevant year.
- (2) The details under subclause (1) must be furnished to the Minister by 31 August next following each year ending on 30 June.

**Schedule 1—Controlled waste categories**

| <b>WASTE STREAM OR WASTES HAVING AS CONSTITUENTS:</b>                                     | <b>WASTE CODE</b> |
|---|-------------------|
| Acidic solutions or acids in solid form   | B100              |
| Animal effluent and residues (abattoir effluent, poultry and fish processing waste)       | K100              |
| Antimony; antimony compounds  | D170              |
| Arsenic; arsenic compounds  | D130              |
| Asbestos  | N220              |
| Barium compounds (excluding barium sulphate)  | D290              |
| Basic solutions or bases in solid form  | C100              |
| Beryllium; beryllium compounds  | D160              |
| Boron compounds   | D310              |
| Cadmium; cadmium compounds  | D150              |
| Ceramic-based fibres with physico-chemical characteristics similar to those of asbestos   | N230              |
| Chlorates   | D350              |
| Chromium compounds (hexavalent and trivalent)   | D140              |
| Clinical and related wastes   | R100              |
| Cobalt compounds  | D200              |
| Containers which are contaminated with residues of substances referred to in this list    | N100              |
| Copper compounds  | D190              |
| Cyanides (inorganic)  | A130              |
| Cyanides (organic)/nitriles   | M210              |
| Encapsulated, chemically fixed, solidified or polymerised wastes referred to in this list | N160              |
| Ethers  | G100              |



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Controlled waste categories—Schedule 1

|  |      |
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| Filter cake contaminated with residues of substances referred to in this list  | N190 |
| Fire debris and fire washwaters  | N140 |
| Fly ash, excluding fly ash generated from Australian coal fired power stations   | N150 |
| Grease trap waste  | K110 |
| Halogenated organic solvents   | G150 |
| Highly odorous organic chemicals (including mercaptans and acrylates)  | M260 |
| Inorganic fluorine compounds excluding calcium fluoride  | D110 |
| Inorganic sulfides   | D330 |
| Isocyanate compounds   | M220 |
| Lead; lead compounds   | D220 |
| Mercury; mercury compounds   | D120 |
| Metal carbonyls  | D100 |
| Nickel compounds   | D210 |
| Non toxic salts  | D300 |
| Organic phosphorus compounds   | H110 |
| Organic solvents excluding halogenated solvents  | G110 |
| Organohalogen compounds - other than substances referred to in this list   | M160 |
| Oxidising agents   | E100 |
| Perchlorates   | D340 |
| Phenols; phenol compounds including chlorophenols  | M150 |
| Phosphorus compounds excluding mineral phosphates  | D360 |
| Polychlorinated dibenzo-furan (any congener)   | M170 |
| Polychlorinated dibenzo-p-dioxin (any congener)  | M180 |
| Reactive chemicals   | E130 |
| Reducing agents  | E110 |
| Residues from industrial waste treatment/disposal operations   | N205 |
| Selenium; selenium compounds   | D240 |
| Soils contaminated with a controlled waste   | N120 |
| Surface active agents (surfactants), containing principally organic constituents and which may contain metals and inorganic materials  | M250 |
| Tannery wastes (including leather dust, ash, sludges and flours)   | K140 |
| Tellurium; tellurium compounds   | D250 |
| Thallium; thallium compounds   | D180 |
| Triethylamine catalysts for setting foundry sands  | M230 |
| Tyres  | T140 |
| Vanadium compounds   | D270 |
| Waste chemical substances arising from research and development or teaching activities including those which are not identified and/or are new and whose effects on human health | T100 |

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### Schedule 1—Controlled waste categories

|  |      |
|--|------|
| and/or the environment are not known   |      |
| Waste containing peroxides other than hydrogen peroxide  | E100 |
| Waste from heat treatment and tempering operations containing cyanides   | A110 |
| Waste from the manufacture, formulation and use of wood-preserving chemicals   | H170 |
| Waste from the production, formulation and use of biocides and phytopharmaceuticals  | H100 |
| Waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish   | F100 |
| Waste from the production, formulation and use of organic solvents   | G160 |
| Waste from the production, formulation and use of photographic chemicals and processing materials  | T120 |
| Waste from the production, formulation and use of resins, latex, plasticisers, glues and adhesives   | F110 |
| Waste from the production and preparation of pharmaceutical products   | R140 |
| Waste mineral oils unfit for their original intended use   | J100 |
| Waste oil/water, hydrocarbons/water mixtures or emulsions  | J120 |
| Waste pharmaceuticals, drugs and medicines   | R120 |
| Waste resulting from surface treatment of metals and plastics  | A100 |
| Waste tarry residues arising from refining, distillation, and any pyrolytic treatment  | J160 |
| Waste, substances and articles containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs) | M100 |
| Waste of an explosive nature not subject to other legislation  | E120 |
| Wool scouring waste  | K190 |
| Zinc compounds   | D230 |

### Schedule 2—Controlled waste characteristics

| Dangerous Goods Class (UN Class*) | UN Code* | Characteristic  |
|-----------------------------------|----------|---|
| 1                                 | H1       | <p><b>Explosive</b></p> <p>An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.</p>   |
| 3                                 | H3       | <p><b>Flammable Liquids</b></p> <p>The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc, but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off flammable vapour at temperatures of not more than 60.5 degrees Celsius, closed-cup test, or not more than 65.6 degrees Celsius, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by</p> |

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Controlled waste characteristics—Schedule 2

|     |      |   |
|-----|------|---|
|     |      | the same test are often variable, regulations varying from the above figures to make allowances for such differences would be within the spirit of the definition.)   |
| 4.1 | H4.1 | <b>Flammable solids</b><br>Solids or waste solids, other than those classified as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.   |
| 4.2 | H4.2 | <b>Substances or wastes liable to spontaneous combustion</b><br>Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up in contact with air, and being then liable to catch fire.                       |
| 4.3 | H4.3 | <b>Substances or wastes which, in contact with water, emit flammable gases</b><br>Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.                                   |
| 5.1 | H5.1 | <b>Oxidising</b><br>Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen, cause or contribute to, the combustion of other materials.  |
| 5.2 | H5.2 | <b>Organic peroxides</b><br>Organic substances or wastes which contain the bivalent-O-O- structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.  |
| 6.1 | H6.1 | <b>Poisonous (acute)</b><br>Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.   |
| 6.2 | H6.2 | <b>Infectious substances</b><br>Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.  |
| 8   | H8   | <b>Corrosives</b><br>Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards. |
| 9   | H10  | <b>Liberation of toxic gases in contact with air or water</b><br>Substances or wastes which, by liberation with air or water, are liable to give off toxic gases in dangerous quantities.   |
| 9   | H11  | <b>Toxic (delayed or chronic)</b><br>Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.  |
| 9   | H12  | <b>Ecotoxic</b><br>Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.  |

|   |     |  |
|---|-----|--|
| 9   | H13 | <p><b>Capable of yielding another material which possesses H1-H12</b><br/>                 Capable by any means, after disposal, of yielding another material, eg. leachate, which possesses any of the characters listed above.</p>             |
|   |     | <p><b>Other reasons</b><br/>                 Potential to have a significant adverse impact on ambient air quality.<br/>                 Potential to have a significant adverse impact on ambient marine, estuarine or fresh water quality.</p> |
| <p>* UN Class and UN Code relates to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods as used in Australia</p> |     |  |

### **Schedule 3—Waste transport certificate**

#### **Part 1—Details relating to controlled waste, source facility, destination facility and date of dispatch**

Description of the waste(s) [Use proper shipping name/technical name if applicable for Dangerous Goods]

The physical nature of the waste

Waste code(s)

UN Number(s)

UN Code(s)

Dangerous Goods Class(es) (UN Class(es)) [and Subsidiary Risk if applicable for Dangerous Goods] (see Schedule 2, table, column 1)

Packaging Group number

Amount of waste

Type of package (eg bulk) [and number of packages of each type if applicable for Dangerous Goods]

Name of source facility

Address of source facility

Telephone number of source facility

Emergency contact telephone number for source facility in the event of accident or spillage

Licence number of source facility (or if no licence, the source facility name and address or a description sufficient to identify the source facility)

Name of destination facility

Address of destination facility

Licence number of destination facility

Proposed type of treatment of waste at destination facility

Date of dispatch

## **Part 2—Details relating to transport of waste**

Name of transporter(s)

Address of transporter(s)

Vehicle registration number(s) (in the case of transport by road)

Any participating State (other than the State of origin or State of destination) through which the waste is to be transported

Licence number(s) of transporter(s)

Date(s) of transport

Type of vehicle eg train, truck etc

## **Part 3—Consignment authorisation (to be completed by the Authority)**

Consignment authorisation number

Conditions of consignment authorisation (if any)

## **Part 4—Details relating to delivery of waste**

Date of receipt of waste at destination facility

Proposed type of treatment of waste at destination facility

## **Schedule 4—Revocation of environment protection policy constituted of *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure***

The environment protection policy constituted of the *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure* is revoked.

### **Note—**

The *National Environment Protection (Movement of Controlled Waste between States and Territories) Measure* came into operation as an environment protection policy under section 28A(1) of the Act and continued in operation under Schedule 1 clause 4(a) of the *Environment Protection (Miscellaneous) Amendment Act 2005* despite the repeal of section 28A by that Act.

The Measure has been amended and this policy implements the amendments as contemplated by section 29(1a) of the Act. For the purposes of section 29(1b) of the Act, the Minister is satisfied that the provisions of this policy that are not included in or required by the Measure relate to the enforcement of the policy (including the imposition of penalties for contravention of the policy) or are otherwise necessary for the application of the policy in this jurisdiction.