

## Duties relating to industrial waste, priority wastes and reportable priority wastes

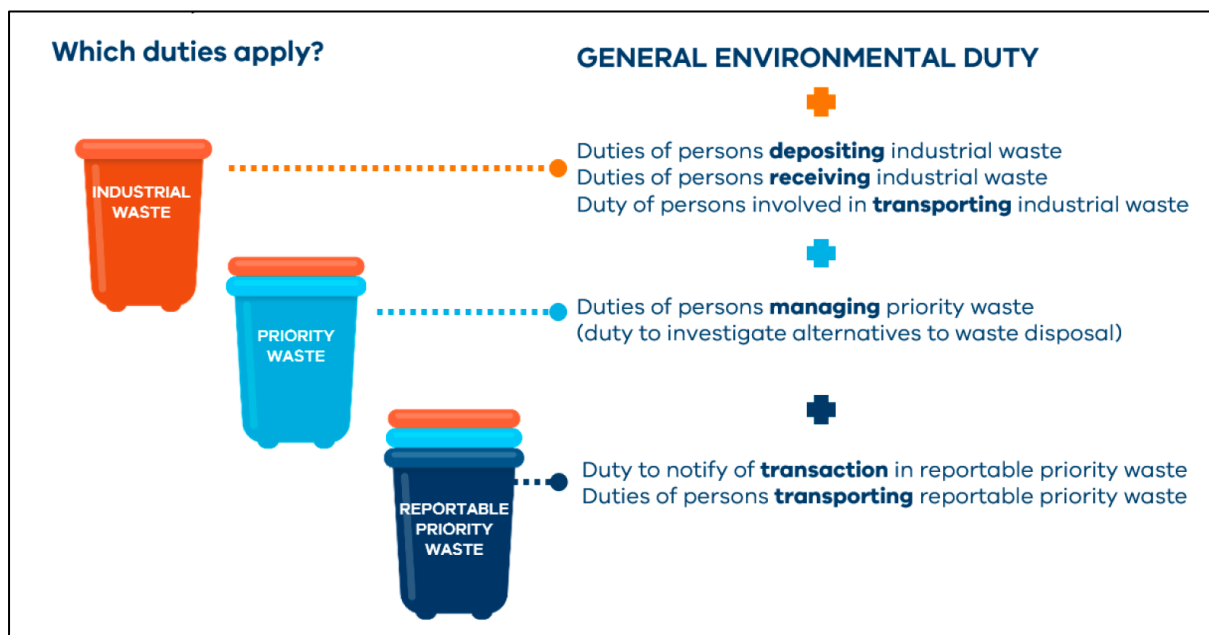
As the A13c registration document states, “Under parts 6.4 and 6.5 of the Act, a person has obligations in relation to the generation, receiving, recording, managing, transporting, and disposal of industrial, priority wastes and reportable priority wastes”.

What does this mean?

In Victoria, waste is divided into three main categories. These are Industrial Waste (lowest risk), Priority Waste and Reportable Priority Waste (the highest risk).

Waste duties increase as the risk levels of each waste type increase.

As per EPA guidelines, the duties of increasingly risky waste ‘stack’ on top of the previous requirements of the previous duty. This can be seen in the following figure.



The increasing risk and complexity of wastes as shown in an EPA graphic . As adapted by EPA Victoria document “Waste and recycling – Guide to preventing harm to people and the environment”.

- **Duties of persons depositing industrial waste (EP Act 2017 s. 133).**

Industrial Waste is regarded as the lowest risk.

- 1) A person must not deposit or abandon industrial waste at a place or premises, unless the place or premises is authorised to receive industrial waste.
- 2) A person must not deposit industrial waste at a place or premises that is authorised to receive industrial waste without obtaining the consent of—

- a) the holder of the permission authorising the place or premises to receive industrial waste; or
  - b) the occupier or person in management or control of the place or premises.
- 3) A person who contravenes subsection (1) or (2) commits an offence.
  - 4) An offence under subsection (3) is an indictable offence.

• **Duties of persons receiving industrial waste (EP Act 2017 s. 134).**

Duties of persons receiving industrial waste

- 1) A person in management or control of a place or premises must not receive industrial waste at the place or premises, unless the place or premises is authorised to receive industrial waste.
- 2) A person who contravenes subsection (1) commits an offence.
- 3) An offence under subsection (2) is an indictable offence.

• **Duty of persons involved in transporting industrial waste (EP Act 2017 s. 135).**

- 1) This section applies to a person who has the management or control of industrial waste and who proposes to relinquish management or control of the industrial waste to another person for the purposes of transporting the industrial waste.
- 2) Before relinquishing management or control of the industrial waste, the person must take all reasonable steps to ensure that the industrial waste is or will be—
  - (a) transported to a place or premises that is authorised to receive industrial waste; and
  - (b) received at a place or premises that is authorised to receive industrial waste.
- 3) A person who contravenes subsection (2) commits an offence.
- 4) An offence under subsection (3) is an indictable offence.

Note: This offence may be heard and determined summarily (see section 28 of the **Criminal Procedure Act 2009**).

- 5) For the purposes of subsection (2), taking reasonable steps includes (but is not limited to) the following—
  - (a) identifying and classifying the industrial waste;

(b) providing to a person who is collecting, consigning, transferring or transporting the industrial waste sufficient information regarding the industrial waste to enable transportation to a place or premises that is authorised to receive industrial waste;

(c) verifying that a place or premises that is proposed to receive industrial waste is authorised to receive industrial waste.

6) For the purposes of subsection (2), a place or premises in another State or Territory of the Commonwealth is authorised to receive industrial waste if the industrial waste may be transported to, and received at, the place or premises under the law of the State or Territory in which the place or premises is located.

• **Duties of persons managing priority waste (*EP Act 2017* s. 139).**

Duties of persons managing priority waste

1) A person who has the management or control of priority waste must classify the priority waste in accordance with this Act and the regulations.

2) A person who has the management or control of priority waste must take all reasonable steps to ensure that—

(a) the priority waste is contained in a manner that prevents its escape; and

(b) the priority waste is isolated in a manner that ensures resource recovery remains practicable; and

(c) a person who collects, consigns, transfers or transports the priority waste is provided the following, where reasonably available—

(i) information regarding the nature and type of the priority waste;

(ii) information regarding any risks of harm to human health or the environment that exist in relation to the priority waste;

(iii) any other information that can reasonably be expected to be necessary for the person to comply with a duty in relation to the priority waste under this Act.

Note: Section 314 provides that subsections (1) and (2) are civil penalty provisions. The penalties for contravention of these civil penalty provisions are set out in the table in section 314.

3) A person who contravenes subsection (1) or (2) commits an offence.

• **Duty to investigate alternatives to waste disposal.**

Duty to investigate alternatives to waste disposal

1) A person who has the management or control of priority waste must—

(a) take all reasonable steps to identify and assess alternatives to waste disposal for the priority waste, including—

(i) reuse and recycling of the priority waste; and

(ii) if the person produced or generated the priority waste, avoiding producing or generating similar priority waste in the future; and

(b) have regard to the following in making a decision relating to management of the priority waste—

(i) alternatives to waste disposal identified and assessed under paragraph (a);

(ii) any guidelines issued by the Authority relating to alternatives to waste disposal for that type of priority waste;

(iii) the objects of this Chapter.

2) For the purposes of subsection (1)(a), taking reasonable steps includes (but is not limited to) the following—

(a) considering any guidelines issued by the Authority relating to alternatives to waste disposal for that type of priority waste;

(b) considering any other relevant guidelines or publications;

(c) considering the availability of any relevant technology used in resource recovery;

(d) consulting a person or body with relevant expertise relating to alternatives to waste disposal for that type of priority waste.

• **Duty to notify of transaction in reportable priority waste.**

Duty to notify of transaction in reportable priority waste

1) A person undertaking a prescribed transaction in connection with reportable priority waste must—

(a) record the prescribed transaction details in the prescribed manner and form; and,

(b) provide the prescribed transaction details to a prescribed person in the prescribed manner and form.

Note Section 314 provides that subsection (1) is a civil penalty provision. The penalty for contravention of this civil penalty provision is set out in the table in section 314.

The Governor in Council may make regulations prescribing additional controls for particular types of priority waste, including reportable priority waste.

(2) A person who contravenes subsection (1) commits an offence.

• **Duty of persons transporting reportable priority waste.**

RPW's only affect A13c operations in two ways, if you are an LGA operated site, then you will have Paintback® and motor oil on site, which require waste tracking of the RPW materials. Non-LGA sites may have temporary permission to hold RPW's or have taken them unwittingly in which case the site has 21 days to remove them lawfully – this may involve the tracking with RPW.

Duty of persons transporting reportable priority waste

1) A person must not—

(a) transport reportable priority waste other than in accordance with a permission; or

(b) cause or permit the transport of reportable priority waste other than where the reportable priority waste is transported in accordance with a permission.

Notes Section 314 provides that subsection (1) is a civil penalty provision. The penalty for contravention of this civil penalty provision is set out in the table in section 314.

The Governor in Council may make regulations prescribing additional controls for particular types of priority waste, including reportable priority waste.

2) A person who contravenes subsection (1) commits an offence.

3) It is a defence to a charge for an offence constituted by a contravention of subsection (1)(b) if a person took all reasonable steps to prevent a contravention of that subsection.

4) For the purposes of subsection (1)(b), causing or permitting the transport of reportable priority waste includes consigning reportable priority waste for transport.

Note Section 68 deals with exemptions from a requirement to hold a permission in connection with the transport of reportable priority waste.

The following is from the **SQP Training** – RPW driver's course.

The duties for RPW transport are as follows

- Provide information regarding the waste to the next person in the supply chain
- Report to EPA each time the waste is exchanged
- Transport only in a permitted vehicle, except for waste tyres
- Take reasonable steps to contain the waste to prevent escape or contamination
- When transporting DG wastes;
  - **Placards** - signs on your vehicle (r. 84 – placards as defined in the ADG Code section 5.3.1.3)
  - **Securely transported** - stowing, loading and restraining loads (r.105(1)&(2) – transported DG loads adhere to ADG Code – Chapter 8.1 and 8.2)
  - **DG manifest onboard** - documents about the waste on board (r. 129 (a) – person has documentation of goods being transported (b) they are in the truck.)