



Queensland

# Waste Reduction and Recycling and Other Legislation Amendment Regulation (No. 1) 2013

## Subordinate Legislation 2013 No. 182

made under the

*Environmental Protection Act 1994*

*Waste Reduction and Recycling Act 2011*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Waste Reduction and Recycling and Other Legislation Amendment Regulation (No. 1) 2013*.

## Part 2 Amendment of Environmental Protection Regulation 2008

### 2 Regulation amended

This part amends the *Environmental Protection Regulation 2008*.

### 3 Amendment of s 14 (What is the *aggregate environmental score* for an environmentally relevant activity)

Section 14—

*insert—*

- (3) However, subsection (4) applies for a resource activity mentioned in schedule 2A, if—
  - (a) the activity includes 1 or more activities mentioned in schedule 2 (each an *included schedule 2 activity*) for which an AES is stated; and
  - (b) the AES stated in schedule 2 for an included schedule 2 activity is more than the AES stated in schedule 2A for the resource activity.
- (4) The *aggregate environmental score* for the resource activity is—

[s 4]

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- (a) the AES for the included schedule 2 activity; or
- (b) if there are 2 or more included schedule 2 activities to which subsection (3)(b) applies—the AES for the included schedule 2 activity that has the highest AES stated for the activity in schedule 2.

#### 4 **Amendment of s 65 (What is *regulated waste*)**

- (1) Section 65(1)(b), after ‘schedule 7’—

*insert—*

, part 1

- (2) Section 65—

*insert—*

- (3) However, waste is not *regulated waste* if it is mentioned in schedule 7, part 2.

#### 5 **Amendment of sch 2 (Prescribed ERAs and aggregate environmental scores)**

- (1) Schedule 2, section 2(1), from ‘150 or more’ to ‘1000 or more’—

*omit, insert—*

more than 150 standard cattle units of cattle or more than 1000

- (2) Schedule 2, section 2(3), table, column 1, item 1(a), ‘150 to 1000’—

*omit, insert—*

more than 150 but not more than 1000

- (3) Schedule 2, section 2(3), table, column 1, item 2(a), ‘1000 to 10000’—

*omit, insert—*

- 
- more than 1000 but not more than 10000
- (4) Schedule 2, section 3(1), '400 or more'—  
*omit, insert—*  
more than 400
- (5) Schedule 2, section 3(3), table, column 1, item 1, '400 to 3500'  
*omit, insert—*  
more than 400 but not more than 3500
- (6) Schedule 2, section 6, '1000t or more'—  
*omit, insert—*  
more than 1000t
- (7) Schedule 2, section 8(1)(c) and (3), table, column 1, item 3, '500m<sup>3</sup> or more'—  
*omit, insert—*  
more than 500m<sup>3</sup>
- (8) Schedule 2, section 10(2)—  
*omit.*
- (9) Schedule 2, section 10(3) to (5)—  
*renumber* as section 10(2) to (4).
- (10) Schedule 2, section 38(1)(b), '100t or more'—  
*omit, insert—*  
more than 100t
- (11) Schedule 2, part 10, heading, 'and wooden'—  
*omit, insert—*  
**, and timber and laminated**
- (12) Schedule 2, section 48(3), definition *fabricating*—  
*omit.*
- (13) Schedule 2, section 48, 'fabrication'—

[s 6]

*omit, insert—*

manufacture

- (14) Schedule 2, section 48, ‘fabricating’—

*omit, insert—*

manufacturing

- (15) Schedule 2, section 56(2)(c)(i) and (v)—

*omit.*

- (16) Schedule 2, section 56(2)(c)(ii) to (iv)—

*renumber* as section 56(2)(c)(i) to (iii).

- (17) Schedule 2, section 56(2)(e) and (f)—

*renumber* as section 56(2)(f) and (g).

- (18) Schedule 2, section 56(2)—

*insert—*

(e) storing at a facility any of the following, awaiting removal from the facility for recycling, reprocessing or treatment—

- (i) not more than 3000 used lead-acid batteries, up to a total mass of 45t;
- (ii) not more than 5000L of waste oil; or

## 6 Amendment of sch 2A (Aggregate environmental scores for particular resource activities)

- (1) Schedule 2A, table, item 8—

*omit, insert—*

8	a petroleum activity or GHG storage activity, other than an activity mentioned in any of items 1 to 7, that includes 1 or more activities mentioned in schedule 2 for which an AES is stated	126
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- (2) Schedule 2A, table, column 1, item 9, ‘drilling’—

*omit, insert—*

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a mining activity involving drilling

- (3) Schedule 2A, table, column 1, item 20, from ‘mining activities that’ to ‘mining activities mentioned’—

*omit, insert—*

a mining activity that is an ineligible ERA, other than a mining activity mentioned

**7 Amendment of sch 5 (Environmental objective assessment)**

Schedule 5, part 3, table 1, entry for Groundwater, under heading ‘Performance Outcomes’, item 2, note, ‘section 56’—

*omit, insert—*

section 63

**8 Replacement of sch 7 (Regulated waste)**

Schedule 7—

*omit, insert—*

<b>Schedule 7</b>	<b>Regulated waste and waste that is not regulated waste</b>
-------------------	--

section 65

**Part 1 Regulated waste**

- 1 acidic solutions and acids in solid form
- 2 animal effluent and residues, including abattoir effluent and poultry and fish processing wastes
- 3 antimony and antimony compounds

[s 8]

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- 4 arsenic and arsenic compounds
- 5 asbestos
- 6 barium compounds, other than barium sulfate
- 7 basic (alkaline) solutions and bases (alkalis) in solid form
- 8 beryllium and beryllium compounds
- 9 boron compounds
- 10 cadmium and cadmium compounds
- 11 chemical waste arising from a research and development or teaching activity, including new or unidentified material and material whose effects on human health or the environment are not known
- 12 chlorates
- 13 chromium compounds (hexavalent and trivalent)
- 14 clinical and related waste
- 15 containers contaminated with a regulated waste
- 16 copper compounds
- 17 cyanides (inorganic)
- 18 cyanides (organic)
- 19 encapsulated, chemically-fixed, solidified or polymerised wastes
- 20 ethers
- 21 filter cake, other than filter cake waste generated from the treatment of raw water for the supply of drinking water
- 22 fly ash
- 23 food processing waste
- 24 grease trap waste
- 25 halogenated organic solvents



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- 26 highly odorous organic chemicals, including mercaptans and acrylates
  - 27 hydrocarbons and water mixtures or emulsions, including oil and water mixtures or emulsions
  - 28 inorganic fluorine compounds, other than calcium fluoride
  - 29 inorganic sulfides
  - 30 isocyanate compounds
  - 31 lead and lead compounds including lead-acid batteries
  - 32 material containing polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)
  - 33 mercury and mercury compounds
  - 34 metal carbonyls
  - 35 mineral oils
  - 36 nickel compounds
  - 37 non-toxic salts including, for example, saline effluent
  - 38 organic phosphorous compounds
  - 39 organic solvents, other than halogenated solvents, including, for example, ethanol
  - 40 organohalogen compounds, other than another substance stated in this schedule
  - 41 oxidising agents
  - 42 perchlorates
  - 43 pesticides, including organochlorine
  - 44 pharmaceuticals, drugs and medicines
  - 45 phenols and phenol compounds, including chlorophenols

[s 8]

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- 46 phosphorus compounds, other than mineral phosphates
- 47 polychlorinated dibenzo-furan (any congener)
- 48 polychlorinated dibenzo-p-dioxin (any congener)
- 49 reactive chemicals
- 50 reducing agents
- 51 residues from industrial waste treatment or disposal operations
- 52 selenium and selenium compounds
- 53 sewage sludge and residues, including nightsoil and septic tank sludge
- 54 surface active agents (surfactants) containing principally organic constituents, whether or not also containing metals and other inorganic materials
- 55 tallow
- 56 tannery wastes, including leather dust, ash, sludges and flours
- 57 tarry residues arising from refining, distillation or any pyrolytic treatment
- 58 tellurium and tellurium compounds
- 59 thallium and thallium compounds
- 60 triethylamine catalysts for setting foundry sands
- 61 tyres
- 62 vanadium compounds
- 63 vegetable oils
- 64 waste containing peroxides other than hydrogen peroxide
- 65 waste from a heat treatment or tempering operation that uses cyanides
- 66 waste from surface treatment of metals or plastics

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- 67 waste from the manufacture, formulation or use of the following—
- biocides or phytopharmaceuticals
  - inks, dyes, pigments, paints, lacquers or varnish
  - organic solvents
  - photographic chemicals or processing materials
  - resins, latex, plasticisers, glues or other adhesives
  - wood-preserving chemicals
- 68 waste from the manufacture or preparation of pharmaceutical products
- 69 waste of an explosive nature, other than an explosive within the meaning of the *Explosives Act 1999*
- 70 wool scouring wastes
- 71 zinc compounds

## **Part 2                      Waste that is not regulated waste under section 65(3)**

- 1 intact or partly disassembled televisions
- 2 intact or partly disassembled electronic equipment designed to be used with a television, including video players, DVD players, games units and set-top boxes

[s 9]

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- 3 intact or partly disassembled computers, including desktop computers, notebook computers, laptop computers and tablets
- 4 intact or partly disassembled equipment designed to be used with computers, including keyboards, mice, hard drives, scanners, printers, multi-function devices, speakers and web cameras
- 5 intact or partly disassembled internal computer components, including network or graphics cards, motherboards and DVD drives
- 6 mobile phones and mobile phone accessories, including chargers
- 7 batteries typically used in small electronic devices or handheld devices such as mobile phones, digital cameras, keyboards, toys and torches
- 8 whitegoods
- 9 residue produced by the process of recycling treated timber products, for example power poles and bridge timbers, containing amounts of treatment chemicals
- 10 groundwater or treated groundwater necessarily or unavoidably brought to the surface of the earth as part of an industrial process, if the groundwater—
  - (a) has a pH of at least 6 but not more than 10.5; and
  - (b) has an electrical conductivity of less than 15000 micro-siemens a centimetre

## 9 Amendment of sch 12 (Dictionary)

Schedule 12, part 2—

*insert—*

*commercial waste* see the Waste Management Regulation, schedule 9.

## **Part 3**                      **Amendment of Environmental Protection (Waste Management) Regulation 2000**

### **10**      **Regulation amended**

This part amends the *Environmental Protection (Waste Management) Regulation 2000*.

### **11**      **Omission of s 10G (Requirements for removal of general waste)**

Section 10G—  
*omit.*

### **12**      **Amendment of s 10H (Local government may give notice about removal of general waste)**

Section 10H(1)—  
*insert—*

*Note—*

A local government may decide the frequency of general waste collection in designated areas under the *Waste Reduction and Recycling Regulation 2011*, section 7.

### **13**      **Omission of pt 2A, div 4 (Storage and disposal of nightsoil)**

Part 2A, division 4—  
*omit.*

[s 14]

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**14 Omission of s 67 (Prohibition on use of non-complying waste equipment)**

Section 67—

*omit.*

**15 Omission of schs 8 and 8A**

Schedules 8 and 8A—

*omit.*

**16 Amendment of sch 9 (Dictionary)**

Schedule 9, definitions *cesspit*, *chemical toilet*, *closet*, *composting toilet*, *incinerating toilet*, *prescribed sanitary convenience* and *serviced sanitary premises*—

*omit.*

**Part 4 Amendment of Waste Reduction and Recycling Regulation 2011**

**17 Regulation amended**

This part amends the *Waste Reduction and Recycling Regulation 2011*.

**18 Omission of ss 4 and 5**

Sections 4 and 5—

*omit.*

## 19 Amendment of s 6 (Regulated waste)

Section 6(1) to (4)—

*omit, insert—*

For the Act, schedule, definition *regulated waste*, waste is prescribed as regulated waste if it is regulated waste under the *Environmental Protection Regulation 2008*.

## 20 Insertion of new pt 2A

After part 2—

*insert—*

### **Part 2A                      Designation of areas by local governments for general or green waste collection**

#### **7 Designation of areas**

A local government may—

- (a) by resolution, designate areas within its local government area in which the local government may conduct general waste or green waste collection; and
- (b) decide the frequency of general waste or green waste collection in the designated areas.

*Note—*

If a local government conducts general waste or green waste collection as a significant business activity, see the *Local Government Act 2009*, chapter 3, part 2, division 2 (Business reform, including competitive neutrality) and the *City of Brisbane Act 2010*, chapter 3, part 3, division 2 (Business reform, including competitive neutrality).

[s 21]

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## **21 Replacement of pt 3 (Waste levy)**

Part 3—

*omit, insert—*

### **Part 3 Obligations of operators of waste disposal sites**

#### **Division 1 Weighbridges**

##### **8 Weighbridge requirement provision—Act, s 43**

- (1) For section 43(1) of the Act, each waste disposal site located in the local government area for a local government mentioned in schedule 5 is prescribed.
- (2) For section 43(2) of the Act, the prescribed day for installing a weighbridge at a waste disposal site is—
  - (a) if section 43(2) of the Act applies to the site on or before 31 December 2014—31 December 2014; or
  - (b) if section 43(2) of the Act starts applying to the site after 31 December 2014—the day that is within 1 year after the day the section starts applying to the site.

#### **Division 2 Waste data returns**

##### **9 Prescribed waste disposal sites—Act, s 52**

For section 52(1) of the Act, all waste disposal sites are prescribed.



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**10 Prescribed day for giving waste data return—Act, s 52**

For section 52(2) of the Act, the day prescribed for an operator of a waste disposal site to give the chief executive a waste data return for a reporting period is—

- (a) for a relevant schedule 5 site—the last business day of the month immediately following the end of the reporting period for the site; or
- (b) for another waste disposal site—the last business day in the month of July occurring immediately after the end of the reporting period for the site.

**11 Reporting period—Act, s 52**

For section 52(2) of the Act—

- (a) each of the following periods in a financial year is prescribed as a reporting period for a relevant schedule 5 site—
  - (i) 1 July to 30 September;
  - (ii) 1 October to 31 December;
  - (iii) 1 January to 31 March;
  - (iv) 1 April to 30 June; and
- (b) the reporting period prescribed for a waste disposal site other than a relevant schedule 5 site is a financial year.

**22 Insertion of new s 38**

Part 4—

*insert—*

[s 23]

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**38 Prescribed day—ss 123(1), 133(1) and 141(4)**

For sections 123(1), 133(1) and 141(4) of the Act, the day prescribed is 30 June 2015.

**23 Amendment of s 40 (Prescribed sector of reporting entities—Act, s 150)**

Section 40(b) and (c), ‘a registration certificate’—

*omit, insert—*

an environmental authority

**24 Amendment of s 44 (Prescribed recycling activity—Act, schedule, definition *recycling activity*)**

Section 44(2)—

*insert—*

*construction and demolition waste—*

- (a) means waste generated as a result of carrying out building work within the meaning of the *Building Act 1975*, section 5; and
- (b) without limiting paragraph (a), includes waste generated by building, repairing, altering or demolishing infrastructure for roads, bridges, tunnels, sewage, water, electricity, telecommunications, airports, docks or rail.

**25 Omission of sch 1 (Regulated waste)**

Schedule 1—

*omit.*

**26 Amendment of sch 5 (Levy zones)**

(1) Schedule 5, heading and authorising provision—

*omit, insert—*

**Schedule 5**      **Local governments  
for waste disposal  
sites—weighbridge  
requirement  
provision**

section 8

(2) Schedule 5, item 12—

*omit.*

**27**      **Omission of sch 6 (Weight measurement criteria)**

Schedule 6—

*omit.*

**28**      **Amendment of sch 9 (Dictionary)**

(1) Schedule 9, definitions *acid sulfate soil, articulated motor vehicle, authorised on-site use, car, C&D, C&I, chemical waste, construction and demolition waste, compactor truck, delivery vehicle, development approval, GCM, GVM, light commercial vehicle, motorbike, motor vehicle, MSW, relevant environmental approval, rigid truck, skip-bin, skip-bin truck, trailer, truck, van or ute—*

*omit.*

(2) Schedule 9—

*insert—*

***general waste*** see the *Environmental Protection (Waste Management) Regulation 2000*, schedule 9.

[s 28]

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***green waste*** see the *Environmental Protection (Waste Management) Regulation 2000*, schedule 9.

***relevant schedule 5 site*** means a waste disposal site located in the local government area of a local government mentioned in schedule 5, if the operator of the site is required to hold an environmental authority for the disposal of more than 5000t of waste in a year at the site.

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#### ENDNOTES

- 1 Made by the Governor in Council on 19 September 2013.
- 2 Notified in the gazette on 20 September 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Heritage Protection.

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