



Data collection and reporting
through licensing arrangements
Department of Sustainability, Environment,
Water, Population and Communities

22 December 2011

Report

Report preparation

Author: Rebecca Cain
Senior Associate
Net Balance

Project Manager: Rebecca Cain
Senior Associate
Net Balance

Project Director: Guy Edgar
Associate Director
Net Balance

Status: Final

Department of Sustainability, Environment, Water, Population and Communities

Data collection and reporting through licensing arrangements

22 December 2011

NB Ref: MMPJ11DWH123

The views and opinions expressed in this publication are those of the author and do not necessarily reflect those of the Australian Government or the Parliamentary Secretary for Sustainability and Urban Water. While reasonable efforts have been made to ensure that the contents of this publication are factually correct, the Commonwealth does not accept responsibility for the accuracy or completeness of the contents, and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this publication.

Table of Contents

Report preparation	2
Executive Summary.....	1
Background.....	1
Key findings	1
Introduction.....	4
Background.....	4
Purpose.....	4
Our approach.....	4
Findings	6
Australian Capital Territory	6
New South Wales	9
Northern Territory.....	15
Queensland	16
South Australia	19
Tasmania	24
Victoria	26
Western Australia.....	28
Limitations.....	31

Executive Summary

Background

Within each Australian government jurisdiction, the state/territory government regulates selected companies engaging in activities or operating premises whose emissions have the potential to cause environmental harm. This is typically achieved through the licensing of activities or premises (also referred to as environmental authorisation or an approval) that is supported in environmental protection legislation.

This report provides a description of the status in each of the Australian jurisdictions relating to:

- the types of recycling facilities that require a license
- the data license holders are required to collect
- the data license holders are required to report
- the data license holders could be required to report
- mechanisms similar to licensing that regulators can use to obtain data from recycling facilities (excluding collection of data under regulations that implement the *National Environment Protection Measure for the Movement of Controlled Waste between States and Territories*).

This report was developed based on discussions with representatives from regulatory authorities in each jurisdiction and desktop research based on the advice provided by these representatives.

Key findings

The key findings for each aspect of the research are presented below:

Recycling facilities that require a license

Key findings:

- There is usually no environmental licensing specific to recycling facilities, and only some recycling facilities have general environmental licenses. Generally, recycling facilities, if they are licensed under environmental or related licensing, are treated like any other licensed facility. The requirement for a license is recognition of the potential impact that an activity/premises can have on the receiving environment, and how the operators manage that risk. Therefore the activities and premises that require a license tend to be those which have significant potential to cause environmental harm, that is, activities and premises relating to materials or processes that are potentially of a hazardous nature. As a result, recycling facilities without significant potential impact on the receiving environment may not be subject to licensing requirements other than basic business licensing.
- The types of activities and premises that require a license vary significantly across jurisdictions,

however each jurisdiction is similarly focused on licensing of at least those activities and premises that have greater potential to cause environmental harm.

Data collection requirements for license holders

Key findings:

- The advice provided to Net Balance by each of the representatives consulted was that license holders are not required to collect data beyond that which they are required to report.

Data reporting requirements for license holders

Key findings:

- License holders in all jurisdictions except for Queensland are required to submit periodic reports.
- Reporting is most strongly focused on compliance with license conditions. All jurisdictions aside from Northern Territory require license holders to declare any instances of non-compliance with license conditions (the Northern Territory is planning to introduce a new template for reporting which includes reporting on compliance with conditions) or performance against specified environmental metrics, such as discharges to water. In many instances, this is the extent of reporting.
- Data related to materials handled is most commonly limited to the types and quantities of materials handled. The Australian Capital Territory, the Northern Territory, South Australia, Tasmania and Victoria require data on types and quantities of materials and Western Australia requires holders of a license for the transportation of controlled waste to report on type and quantity of waste. Data about quantities recovered and the destination of materials is not required.

Data that license holders may be required to report

Key findings:

- Data reporting requirements are not prescribed in legislation in any jurisdiction; reporting requirements are established as conditions of the license. It is therefore possible that a more extensive suite of data could be required through licensing arrangements

Other mechanisms to obtain data from recycling facilities

Key findings:

- The Australian Capital Territory Government has established 'recycling estates' where some recycling businesses can lease land at a reduced rate. The businesses must be actively collecting and sorting or reprocessing material that would otherwise be directed to landfill or targeting

current priority/problem waste materials. Recycling businesses located in recycling estates are usually required to provide the ACT Government with data on:

- the quantity of material received, by category of material
 - the quantity of material recycled, by category of material.
- The NSW *Reducing Waste: Implementation Strategy 2011-2015* states that there is potential to use the powers of the *Protection of the Environment Operations (Waste) Regulation 2005* to require all waste recyclers and reprocessors to provide annual waste and recycling data. The Office of Environment and Heritage provided advice that data on the type and quantity of materials handled would be the priority.
 - Representatives in all other jurisdictions advised that there are no other known mechanisms (from the perspective of the regulator) to obtain data from recycling facilities.

Introduction

Background

Within each Australian government jurisdiction, the government regulates various activities that have the potential to cause environmental harm. This is typically achieved through the licensing (also referred to as an environmental authorisation or an approval) of activities or premises that are identified in environmental protection legislation. Licenses establish conditions designed to prevent or minimise environmental harm that the license holder must comply with, or face penalties. There are often data reporting obligations associated with holding a license.

Purpose

This report provides the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) with the status in each of the Australian jurisdictions relating to:

- the types of recycling facilities that require a license
- the data license holders are required to collect
- the data license holders are required to report
- the data license holders could be required to report
- mechanisms similar to licensing that regulators can use to obtain data from recycling facilities (excluding collection of data under regulations that implement the *National Environment Protection Measure for the Movement of Controlled Waste between States and Territories*).

Our approach

The research for this project consisted of two aspects:

1. discussions with representatives in regulatory authorities within each jurisdiction to identify licensing arrangements
2. desktop review of relevant legislation and supporting documentation published on the website of the relevant government authority/department, based on the advice provided by the representatives consulted.

It was not possible within the scope of this study for Net Balance to conduct desktop research beyond the advice provided by the representatives. As such, Net Balance cannot state that the information provided in this report is an exhaustive account of data collection and reporting for license holders.

There is legislation in each state/territory which gives effect to the *National Environment Protection Measure for the Movement of Controlled Waste between States and Territories*. This legislation enables the regulator to require companies handling specified wastes to provide data to

demonstrate that wastes are identified, transported, and handled in ways that are consistent with environmentally sound practice. For reasons of scope, this mechanism for collecting data is not addressed in this report, except where licensing is used as the tool to collect the data.

Local governments, through planning permits, can impose restrictions based on aesthetics, such as height of stockpiled materials. Companies would therefore need to measure throughput and output or stockpiles to operate within permit conditions. This is acknowledged as another mechanism for collecting data, but was not explored within the scope of this project.

Another mechanism that could be utilised to collect data from facilities or companies is legal requirements or directions from a state/territory planning or environment court. This potential has also not been considered within the scope of this report.

Findings

The outcomes of the research into licensing and associated data collection and reporting requirements relevant to recycling activities or premises are presented in this section. As licensing is administered at the state and territory level, the results are presented by jurisdiction.

As previously stated, Net Balance did not conduct desktop research beyond the advice provided by the representatives. As such, Net Balance cannot state that the information provided in this report is an exhaustive account of data collection and reporting for license holders.

The information contained in this section does not outline all activities and premises that require a license. Only information that is relevant to the recycling of solid and liquid waste (excluding waste water and sewage) is provided. Therefore this information should not be interpreted as an exhaustive explanation of licensing in each jurisdiction. There are many activities and premises that require a license, however they are not discussed here as they are not relevant to the recycling sector.

The term 'license' is used to refer to the requirement to obtain approval, usually for the conduct of an activity. Some jurisdictions use a different term, such as an environmental authorisation, however the meaning is the same.

Australian Capital Territory

Recycling facilities that require a license

Section 41A of the *Environment Protection Act 1997* requires that certain activities that pose environmental risk obtain an environmental authorisation (although referred to as an environmental authorisation, the mechanism is the equivalent of a license as referred to in other jurisdictions). The situations where an environmental authorisation is required are:

- for the conduct of Class A activities
- for the conduct of Class B activities, unless an environmental protection agreement is not in place
- in other situations where the person conducting the activity has, is, or is likely to contravene the *Environment Protection Act*, and this contravention has caused, or is likely to cause, serious or material environmental harm.

Class A activities

Class A activities are those that, due to their potential for causing significant environmental harm, are regulated to the highest of the levels in the *Environment Protection Act 1997*.

Class A activities potentially relevant to the recycling sector are:

- transport activities to which the *National Environment Protection (Movement of Controlled Waste between States and Territories)* applies
- the transportation within ACT of:
 - 200 kilograms or more of regulated waste, other than waste consisting only of stabilised asbestos waste in bonded matrix
 - 2 tonnes or more of used, rejected or unwanted tyres (including shredded tyres and tyre pieces).
- the operation of a facility that composts, or is intended by the operator to compost, more than 200 tonnes of animal waste, or 5,000 tonnes of plant waste, per year
- the operation of a facility for the crushing, grinding or separating of materials (including sand, gravel, rock, minerals, slag, road base, concrete, bricks, tiles, asphaltic material, metal or timber), if the processing facility is designed to produce more than 10,000 tonnes of processed materials per year.

Some facilities which receive recycled or reprocessed materials are also defined as Class A activities. These activities are the production of concrete and the production of road building materials.

Regulated waste is referred to within one of the class A activities that requires a license. Regulated waste is defined in the *Environment Protection Act 1997* as waste that is, or contains, one or more of the following kinds of waste:

- hazardous waste – dangerous goods and clinical wastes, none of which are particularly relevant to the recycling sector
- group A waste – liquid waste
- group B waste – liquid food waste and liquid grease trap waste
- group C waste - liquid waste from human waste storage facilities or waste treatment devices
- industrial waste– asbestos waste and asbestos fibre and dust waste.

The definitions of these wastes are taken from *ACT's Environmental Standards: Assessment & Classification of Liquid & Non-liquid Wastes*.

Class B activities

Class B activities have less potential for causing significant environmental harm than Class A activities, but still require a level of detailed regulation. Where an environmental protection agreement is in place, an environmental authorisation is not required for a class B activity. An environmental protection agreement is between the person conducting the activity and the

Environment Protection Authority and specifies the actions to be taken to prevent or minimise environmental harm caused by the activity.

The collection of waste from commercial premises is the only class B activity that is potentially relevant to the recycling sector.

Environmental authorisations to prevent or in response to environmental harm

There are instances where recycling facilities have been required to obtain an environmental authorisation where the person conducting the activity has, is, or is likely to contravene the Environment Protection Act, and this contravention has caused, or is likely to cause, serious or material environmental harm. These facilities are those handling materials of a hazardous nature and where serious incidents e.g. a fire has occurred.

Data collection requirements for license holders

The advice provided to Net Balance was that license holders are not required to collect data beyond that which they are required to report (outlined below).

Data reporting requirements for license holders

Holders of an environmental authorisation are required to report annually on environmental indicators relevant to the site, such as discharges to water. Once a year, on the anniversary of the granting of the authorisation, holders of an environmental authorisation are required to declare the type and amount of materials processed for the year. This information is used to calculate the fee payable.

Data that license holders may be required to report

Data reporting requirements are not prescribed in legislation; reporting requirements are established as conditions of the license. It is therefore possible that more data than that listed above could be obtained through licensing arrangements, than is visible from viewing the legislation and reporting requirements alone.

Other mechanisms to obtain data from recycling facilities

The ACT Government has established 'recycling estates' where some recycling businesses can lease land at a reduced rate. The businesses must be actively collecting and sorting or reprocessing material that would otherwise be directed to landfill or targeting current priority/problem waste materials. Although these sites are not licensed, the ACT Government does have the ability to impose data reporting requirements as a condition of the lease agreement.

Waste streams that are targeted through this initiative are:

- mixed commercial and business wastes in excess of 2,000 tonnes per annum

- mixed construction and demolition waste in excess of 7,500 tonnes per annum
- organics and food/kitchen waste in excess of 1,000 tonnes per annum
- mixed skip waste in excess of 2,500 tonnes per annum
- mixed trash pack waste in excess of 800 tonnes per annum
- wood and timber in excess of 2,500 tonnes per annum
- other problematic wastes as negotiated between the ACT Government and the recycling business in excess of 500 tonnes per annum.

Recycling businesses located in recycling estates are usually required to provide the ACT Government with data on:

- the quantity of material received, by category of material
- the quantity of material recycled, by category of material.

New South Wales

Recycling facilities that require a license

Activities listed in Schedule 1 of the *Protection of the Environment Operations Act 1997* require a license. Recycling facilities captured within this schedule are:

- the aerobic or anaerobic biological conversion of organics into humus-like products:
 - by methods such as bioconversion, biodigestion or vermiculture
 - by size reduction of organics by shredding, chipping, mulching or grinding.

Where the activity takes place inside the regulated area, or takes place outside the regulated area but receives organics from inside the regulated area (whether or not it also receives organics from outside the regulated area), the activity requires a license if:

- it has on site at any time more than 200 tonnes of organics received from off site
- it receives from offsite more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics.

Where the activity takes place outside the regulated area and does not receive organics from inside the regulated area, the activity requires a license if:

- it has on site at any time more than 2,000 tonnes of organics received from off site
- it receives from offsite more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics.
- the reconditioning, recovering, treating or storing of containers previously used for the transport or storage of and containing residual quantities of dangerous goods if it involves

having more than 100 such containers on site at any time

- on site or off site treatment of contaminated soil (including incineration or storage of contaminated soil but excluding excavation for treatment at another site) where the activity:
- has the capacity to treat more than 1,000 cubic metres per year of contaminated soil received from off site
- where it treats contaminated soil originating exclusively on site, it has a capacity to:
 - incinerate more than 1,000 cubic metres per year of contaminated soil
 - treat (otherwise than by incineration) and store more than 30,000 cubic metres of contaminated soil
 - disturb more than an aggregate area of 3 hectares of contaminated soil.
- the processing of materials (including sand, gravel, rock or minerals, but not including waste of any description) by crushing, grinding or separating them into different sizes, where the activity has a capacity to process more than 150 tonnes of materials per day or 30,000 tonnes of materials per year
- the recovery of energy from any waste received from off site (other than hazardous waste, restricted solid waste, liquid waste or special waste) which involves processing more than 200 tonnes per year of waste
- the recovery of energy from hazardous waste, restricted solid waste, liquid waste or special waste, received from on site or off site, which involves having on site at any time more than 200 kilograms of hazardous waste, restricted solid waste, liquid waste or special waste
- the crushing, grinding, shredding or sorting (but not smelting) of scrap metal of any kind, with the capacity to process more than 150 tonnes of scrap metal per day or 30,000 tonnes per year (if not carried out wholly indoors) or 50,000 tonnes per year (if carried out wholly indoors)
- the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing, otherwise than for the recovery of energy, which involves:
 - having on site at any time more than 2,500 tonnes or 2,500 cubic metres, whichever is the lesser, of waste
 - processing more than 120 tonnes of waste per day or 30,000 tonnes of waste per year.
- the receiving of hazardous waste, restricted solid waste or special waste (other than asbestos waste or waste tyres) from offsite and its processing, otherwise than for the recovery of energy, which involves having on site at any time more than 200 kilograms of waste
- the receiving of waste oil from offsite and its processing, otherwise than for the recovery of

energy, which involves processing more than 20 tonnes of waste oil per year or having on site at any time more than 2,000 litres of waste oil

- the receiving of waste tyres from off site and their processing, otherwise than for the recovery of energy, which involves:
 - having on site at any time more than 50 tonnes of tyres (where 100 tyres are taken to weigh 1 tonne)
 - processing more than 20 tonnes of tyres per day or 5,000 tonnes of tyres per year.
- the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing by thermal treatment, which involves processing more than 200 tonnes of waste per year
- the receiving of hazardous waste, restricted solid waste, liquid waste or special waste from off site and its processing by thermal treatment, which involves having on site at any time:
 - more than 200 kilograms of waste (other than clinical and related waste)
 - any quantity of clinical and related waste.
- the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing otherwise than by thermal treatment, which involves:
 - having on site at any time more than 2,500 tonnes, or 2,500 cubic metres, whichever is the lesser, of general waste
 - processing more than 120 tonnes per day, or 30,000 tonnes per year, of general waste
 - 50 per cent or more by weight of the total amount of waste received per year being disposed after processing.
- the receiving of hazardous waste, restricted solid waste, clinical and related waste or asbestos waste from off site and its processing otherwise than by thermal treatment, which involves:
 - having on site at any time more than 200 kilograms of waste (other than clinical and related waste)
 - having on site at any time any quantity of clinical and related waste
 - 50 per cent or more by weight of the total amount of waste received per year being disposed after processing.
- the receiving of liquid waste (other than waste oil) from off site and its processing otherwise than by thermal treatment, which involves:
 - having on site at any time more than 200 kilograms of liquid waste (other than

- clinical and related waste)
 - having on site at any time any quantity of liquid waste that is clinical and related waste.
- the receiving of waste oil from off site and its processing otherwise than by thermal treatment, which involves:
 - having on site at any time more than 2,000 litres of waste oil
 - processing more than 20 tonnes of waste oil per year
 - 50 per cent or more by weight of the total amount of waste received per year being disposed after processing.
- the receiving of waste tyres from off site and their processing otherwise than by thermal treatment, which involves:
 - having on site at any time more than 50 tonnes of tyres (where 100 tyres are taken to weigh 1 tonne)
 - involves processing more than 20 tonnes of tyres per day or 5,000 tonnes of tyres per year
 - 50 per cent or more by weight of the total amount of waste received per year being disposed after processing.
- the receiving from off site and storing (including storage for transfer) of waste, excluding activities involving the storage of up to 60 tonnes at any time of grease trap waste, waste lead acid batteries or waste oil collected for recovery (but not when accompanied by any other kind of waste) where:
 - more than 5 tonnes of hazardous waste, restricted solid waste, liquid waste, clinical or related waste or asbestos waste is stored on the premises at any time
 - more than 50 tonnes of waste tyres or 5,000 waste tyres is stored on the premises at any time
 - more than 2,500 tonnes or 2,500 cubic metres, whichever is the lesser, of waste (other than hazardous waste, restricted solid waste, liquid waste, clinical or related waste, asbestos waste or waste tyres) is stored on the premises at any time
 - more than 30,000 tonnes of waste (other than hazardous waste, restricted solid waste, liquid waste, clinical or related waste, asbestos waste or waste tyres) is received per year from off site.
- mobile waste processing of hazardous waste, liquid waste or restricted solid waste (or any combination of them), that is carried out, for business or commercial purposes, by means of

mobile plant

- the transport of more than 200 kilograms of category 1 trackable waste in any load within, but not necessarily confined to, New South Wales
- the transport of more than 200 kilograms of category 2 trackable waste or more than 2 tonnes of tyres in any load from New South Wales to a participating State, into New South Wales from a participating State or through New South Wales from one participating State to another.

Some facilities which receive recycled or reprocessed materials are also listed in Schedule 1 and therefore require a license. These facilities are concrete works (excluding concrete batching); refinement or processing of mainly scrap metal to produce aluminium, iron, steel or non-ferrous metal products with the capacity to process more than 10,000 tonnes per year; and paper or pulp production with capacity to produce more than 30,000 tonnes per year (or, where 90 per cent or more of the raw material used is recycled material and no bleaching or de-inking occurs, 70,000 tonnes per year) of paper, paper pulp or pulp products.

The regulated area of NSW

The regulated area referred to in Schedule 1 is made up of the Sydney Metropolitan Area, the Extended Regulated Area (Illawarra and Hunter regions) and the Regional Regulated Area (including the North coast local government areas from Port Stephens to the Queensland border as well as the Blue Mountains and Wollondilly local government areas).

Category 1 and category 2 wastes

Category 1 trackable wastes are listed in Part 1 of Schedule 1 of the *Protection of the Environment Operations (Waste) Regulation 2005*. The wastes that are potentially relevant to the recycling sector are:

- acidic solutions or acids in solid form
- antimony; antimony compounds
- basic solutions or bases in solid form
- beryllium; beryllium compounds
- cadmium; cadmium compounds
- cobalt compounds
- copper compounds
- fly ash
- lead; lead compounds
- mercury; mercury compounds

- nickel compounds
- organic solvents excluding halogenated solvents
- selenium; selenium compounds
- vanadium compounds
- waste mineral oils unfit for their original intended use
- waste oil/water, hydrocarbons/water mixtures or emulsions
- zinc compounds.

Category 2 trackable wastes are listed in Part 2 of Schedule 1 of the *Protection of the Environment Operations (Waste) Regulation 2005*. The wastes that are potentially relevant to the recycling sector are:

- containers and drums that are contaminated with residues of waste referred to in this Part
- grease trap waste
- tyres.

Data collection requirements for license holders

The advice provided to Net Balance was that license holders are not required to collect data beyond that which they are required to report (outlined below).

Data reporting requirements for license holders

It is a condition of licenses that license holders submit an annual return. In addition to information about the site and operator, the annual return requires license holders to report on non-compliance with license conditions.

Data that license holders may be required to report

Data reporting requirements are not prescribed in legislation; reporting requirements are established as conditions of the license. It is therefore possible that more data than that listed above could be obtained through licensing arrangements, than is visible from viewing the legislation and reporting requirements alone.

Other mechanisms to obtain data from recycling facilities

The *Reducing Waste: Implementation Strategy 2011-2015* published by the NSW Department of Environment, Climate Change and Water (now the Office of Environment and Heritage) identified that improved resource recovery data is required to provide industry and councils with more information for long-term investment decisions. The Strategy states that there is potential to use the powers of the *Protection of the Environment Operations (Waste) Regulation 2005* to require all

waste recyclers and reprocessors to provide annual waste and recycling data. The Office of Environment and Heritage provided advice that data on the type and quantity of materials handled would be the priority.

Northern Territory

Recycling facilities that require a license

Schedule 2 of the *Waste Management and Pollution Control Act (2009)* defines the activities that require approval or license. Recycling facilities captured within this schedule are:

- collecting, transporting, storing, re-cycling, treating or disposing of a listed waste on a commercial or fee for service basis, other than in or for the purpose of a sewerage treatment plant
- operating premises, other than a sewerage treatment plant, associated with collecting, transporting, storing, re-cycling, treating or disposing of a listed waste on a commercial or fee for service basis.

Listed wastes

Listed wastes are specified in Schedule 2 of the *Waste Management and Pollution Control (Administration) Regulations*. They align with the controlled wastes identified in the *National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure*.

The listed wastes that are potentially relevant to the recycling sector are:

- cadmium, cadmium compounds
- copper compounds
- fly ash
- grease trap waste
- lead, lead compounds
- mercury, mercury compounds
- organic solvents excluding halogenated solvents
- residue from industrial waste treatment or disposal operations
- tyres
- waste mineral oils unfit for their original intended use
- waste mixtures, or waste emulsions, of oil and water or hydrocarbon and water.

Data collection requirements for license holders

The advice provided to Net Balance was that license holders are not required to collect data beyond that which they are required to report (outlined below).

Data reporting requirements for license holders

It is a condition of licenses that license holders submit an annual report to the Department of Natural Resources, Environment, The Arts and Sport (NRETAS). NRETAS has developed a form to facilitate reporting requirements. In addition to information about the site and operator, the form requires license holders to report the amount (in tonnes or kilolitres) of each listed waste handled.

A new version of the form is currently being considered, but has not yet been adopted. In addition to information about the site and operator, the new form requires license holders to provide the following information:

- compliance with license conditions
- wastes handled – name of transport company, quantity and method of treatment, storage or disposal
- recycled waste – material type, quantity and name of handler.

Data that license holders may be required to report

Data reporting requirements are not prescribed in legislation; reporting requirements are established as conditions of the license. It is therefore possible that more data than that listed above could be obtained through licensing arrangements, than is visible from viewing the legislation and reporting requirements alone.

Other mechanisms to obtain data from recycling facilities

Representatives consulted were asked if there were other non-license mechanisms for obtaining data from recycling facilities. The advice provided to Net Balance was that there are no other known mechanisms (from the perspective of the regulator) to obtain data from recycling facilities.

Queensland

Recycling facilities that require a license

Schedule 2 of the *Environmental Protection Regulation 2008* lists activities that are environmentally relevant activities. Environmental impacts associated with business and industrial activities are primarily managed through licensing environmentally relevant activities.

Recycling activities captured within this schedule are:

- metal recovery which consists of recovering metal by operating:
 - a scrap metal yard

- a facility for dismantling automotive or mechanical equipment, including debonding brake or clutch components.
- crushing, milling, grinding or screening more than 5,000 tonnes of material in a year (relevance to recycling sector is concrete and bricks)
- crushing waste, other than putrescible waste, to extract resources for reuse or recycling
- operating a facility for receiving, and recycling or reprocessing, any type of battery
- manufacturing, from organic material or organic waste, 200 tonnes or more of compost or soil conditioners in a year (excluding manufacturing mushroom growing substrate or composting material from agriculture or livestock production on the site where it is produced)
- drum and container reconditioning
- operating a facility for receiving, and recycling or reprocessing, regulated waste to produce saleable products (excluding recycling or reprocessing tyres)
- operating a facility for receiving and storing regulated waste for more than 24 hours, not including:
 - storing less than 5 tonnes, or fewer than 500 equivalent passenger units, of tyres or parts of tyres
 - storing regulated waste in transit
 - storing at a facility, for no more than 28 days, any of the following, awaiting removal from the facility for recycling, reprocessing, treatment or disposal:
 - fewer than 500 batteries
 - less than 5,000 litres of waste oil.
- transporting on a non-commercial basis 250 kilograms or more of regulated waste in a vehicle
- transporting on a commercial basis any quantity of regulated waste in a vehicle
- operating a facility for receiving and treating regulated waste or contaminated soil (other than at the site of the contamination) to render the waste or soil non-hazardous or less hazardous
- operating a facility on a commercial basis for receiving and recycling or receiving and reprocessing 1,000 or more equivalent passenger units of tyres, or parts of tyres in a year
- operating a facility for incinerating or thermally treating waste
- operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30 tonnes or 30m³ of waste on any day.

Some facilities which receive recycled or reprocessed materials are also defined as an

environmentally relevant activity. These facilities are asphalt manufacturing, metal foundry operations (with production capacity in excess of various quantities), manufacturing a total of 100 tonnes or more of pulp or paper products in a year, concrete batching and glass or glass fibre manufacturing.

Regulated waste

Regulated wastes are listed in schedule 7 of the *Environmental Protection Regulation 2008*. The regulated wastes that are potentially relevant to the recycling sector are:

- acidic solutions and acids in solid form
- antimony and antimony compounds
- basic (alkaline) solutions and bases (alkalis) in solid form
- beryllium and beryllium compounds
- cadmium and cadmium compounds
- copper compounds
- fly ash
- food processing waste
- grease trap waste
- lead and lead compounds including lead-acid batteries
- mercury and mercury compounds
- mineral oils
- nickel compounds
- hydrocarbons and water mixtures or emulsions, including oil and water mixtures or emulsions
- organic solvents, other than halogenated solvents, including, for example, ethanol
- selenium and selenium compounds
- tallow
- tyres
- vanadium compounds
- vegetable oils
- zinc compounds.

Data collection requirements for license holders

The advice provided to Net Balance was that license holders are not required to collect data beyond that which they are required to report (outlined below).

Data reporting requirements for license holders

There are currently no data reporting requirements associated with holding a license. The Department of Environment and Resource Management anticipates that regulations will be introduced to support the waste management legislation being implemented as part of the waste reform program. The Department expects that the regulations will establish the requirement for license holders to report on material inputs and outputs.

Data that license holders may be required to report

As discussed above, there are currently no mechanisms for requiring license holders to report data, but this may change in the future with the introduction of regulations to support the waste management legislation being implemented.

Other mechanisms to obtain data from recycling facilities

Representatives consulted were asked if there were other non-license mechanisms for obtaining data from recycling facilities. The advice provided to Net Balance was that there are no other known mechanisms (from the perspective of the regulator) to obtain data from recycling facilities.

South Australia

Recycling facilities that require a license

Schedule 1 of the *Environment Protection Act 1993* lists prescribed activities of environmental significance. Section 36 (1) of the *Environment Protection Act 1993* states that a person must not undertake a prescribed activity of environmental significance without a license. Recycling activities captured within this schedule are:

- drum reconditioning
- scrap metal recovery
- wood processing works with a total processing capacity exceeding 4,000 cubic metres per year
- incineration of solid municipal waste, and incineration of solid trade waste with a processing capacity exceeding 100 kilograms per hour
- a depot for the reception, storage, treatment or disposal of waste or recycling other than:
 - temporary storage at the place at which the waste (not being tyres or tyre pieces) is produced while awaiting transport to another place
 - the handling of waste solely for recycling or reuse where the quantities of waste handled do not exceed 100 tonnes per year and the waste handled does not consist

of or include:

- substances or things listed in Part B of this Schedule
- waste oil in quantities exceeding 5,000 litres per year
- waste lead acid batteries in quantities exceeding 500 batteries per year
- waste tyres or tyre pieces in quantities exceeding 5 tonnes per year; and
- the handling and disposal of waste tyres or tyre pieces in a manner approved by the Environment Protection Authority
- the collection and handling of beverage containers by a collection depot, a super collector or a charity or not-for-profit
- a depot that the Authority is satisfied will be conducted for such limited purposes that requirement of a license would not be justified.
- an activity that produces listed wastes (listed wastes are discussed further later in this section) other than any of the following activities:
 - an activity consisting only of storing or distributing goods
 - building work
 - carpentry or joinery
 - an activity producing waste oil at a rate of less than 50,000 litres per year.
- the collection or transport for fee or reward of:
 - listed wastes
 - liquid waste (not being such waste lawfully disposed of to a sewer) arising from any commercial or industrial premises or from any teaching or research institution
 - waste collected or transported from domestic premises on behalf of a council
 - solid waste from any commercial or industrial premises or from any teaching or research institution (other than building or demolition waste)
 - waste soil containing listed wastes in a concentration above that naturally occurring in soil in the area.
- composting works capable of producing at a rate exceeding 200 tonnes per year.

Some facilities which receive recycled or reprocessed materials are also defined as a prescribed activity of environmental significance. These facilities are asphalt preparation, concrete batching, metal melting and pulp or paper works.

Limited purpose exemption

Schedule 1(3)(i) provides the Environment Protection Authority (EPA) with the ability to grant a waste and recycling depot with an exemption from the requirement to hold a license where the depot is conducted for such limited purposes that requirement of a license would not be justified.

The term 'limited purpose' refers to an activity that meets at least one of the following:

- is limited in scope
- is for a short period of time
- has no, or negligible, risk of adverse impact to the environment.

The EPA assesses 'limited purpose' on a case-by-case basis considering the following:

- risk of adverse impact to the environment
- site and other context-specific aspects of the application
- existence of authorised premises able to undertake the activity
- integrity of the regulatory system of environmental protection
- maintenance of a level playing field within industry.

EPA stated that the types of facilities that receive a limited purpose exemption are quite varied and that it is not possible to make general statements about the types of facilities that may or may not receive a limited purpose exemption.

Listed wastes

Activities relating to listed wastes are prescribed activities of environmental significance. Listed wastes are itemised in Part B of Schedule 1 of the *Environment Protection Act 1993*. The listed wastes that are potentially relevant to the recycling sector are:

- acids and acidic solutions
- alkalis and alkaline solutions
- antimony and antimony compounds and solutions
- beryllium and beryllium compounds
- cadmium and cadmium compounds and solutions
- copper compounds and solutions
- lead compounds and solutions
- manganese compounds
- mercury compounds and equipment containing mercury

- nickel compounds and solutions
- organic solvents
- paint sludges and residues
- selenium and selenium compounds and solutions
- silver compounds and solutions
- vanadium compounds
- zinc compounds and solutions.

Data collection requirements for license holders

The advice provided to Net Balance was that license holders are not required to collect data beyond that which they are required to report (outlined below).

Data reporting requirements for license holders

Section 48(2)(a) requires a license holder to submit an annual return containing the information required by the license to the Environment Protection Authority. The license annual return form is available at http://www.epa.sa.gov.au/xstd_files/Licensing/Form/ann_ret_1112.pdf.

In addition to information about the site and operator, the annual return requires:

- the types of waste that the company transports or intends to transport
- the types of premises the waste is collected from
- the vehicles used for the transport of waste
- the type of prescribed activity of environmental significance undertaken
- the quantities of materials handled (ranges are provided therefore specific quantities are not collected, and fees payable are associated with the specified ranges)
- quantities of certain pollutants emitted.

Data that license holders may be required to report

Data reporting requirements are not prescribed in legislation; reporting requirements are established as conditions of the license. It is therefore possible that that more data than that listed above could be obtained through licensing arrangements, than is visible from viewing the legislation and reporting requirements alone..

Other mechanisms to obtain data from recycling facilities

Representatives consulted were asked if there were other non-license mechanisms for obtaining data from recycling facilities. The advice provided to Net Balance was that there are no other

known mechanisms (from the perspective of the regulator) to obtain data from recycling facilities.

Tasmania

Recycling facilities that require a license

Level 2 activities

Schedule 2 of the *Environmental Management and Pollution Control Act 1994* lists those activities that require a license. These activities, referred to as level 2 activities, are those industrial and municipal activities considered to have a high potential for emitting pollutants and/or causing environmental harm.

Recycling activities that are listed in Schedule 2 are:

- the conduct of waste depots for the reception, storage, treatment or disposal of waste other than:
 - temporary storage at the place at which the waste is produced while awaiting transport to another place
 - storage, treatment or disposal of clean fill
 - storage, treatment or disposal of domestic waste at residential premises
 - waste transfer stations.

and which are designed to receive, or are likely to receive, 100 tonnes or more of waste per year

- the transport, whether or not for fee or reward, of any controlled waste to or from Tasmania
- the conduct of works for the production of compost or mushroom substrate, with a production capacity of 100 tonnes per year or more, other than:
 - backyard composting for domestic use
 - on-farm composting for use on agricultural land having the same owner as the land on which the compost is produced.
- processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner) of chemicals or rubber at a rate of 200 tonnes or more per year.

Some activities which receive recycled or reprocessed materials are also scheduled premises. These facilities are cement works, metal melting and pulp and paper works.

Controlled waste

As outlined above, the transport of any controlled waste to or from Tasmania is an activity that requires a license. Controlled waste is defined in the *Environmental Management and Pollution*

Control Act 1994 as a substance within the meaning of:

- the *National Environment Protection Measure entitled the Movement of Controlled Waste Between States and Territories*
- a substance that is prescribed by the *Environmental Management and Pollution Control (Waste Management) Regulations 2010* to be controlled waste.

The *Environmental Management and Pollution Control (Waste Management) Regulations 2010* prescribes that a substance or item is a controlled waste if it:

- exhibits an environmentally significant characteristic and is derived or arises from
 - dangerous goods as defined in the *Dangerous Goods (Safe Transport) Act 1998*. These goods are explosives or combustibles such as ammunition and flares.
 - a scheduled waste, which is a material or article containing a chemical, or mixture of chemicals, exceeding a certain threshold. Items relevant to the recycling sector include agriculture and veterinary chemicals and drums containing these chemicals.
- is a waste within the meaning of the *Quarantine Regulations 2000*. These wastes include material used to pack cargo, galley waste and refuse and sweepings from the vessel
- is a tyre.

Data collection requirements for license holders

The advice provided to Net Balance was that license holders are not required to collect data beyond that which they are required to report (outlined below).

Data reporting requirements for license holders

It is a condition of licenses that license holders submit data to the Environment Protection Authority Division of the Department of Primary Industries, Parks, Water and Environment on an annual basis. License holders are asked to complete the Tasmanian Waste Classification System Reporting Tool. In addition to information about the site and operator, the license holder must provide data on the quantity of materials recycled, composted, incinerated, landfilled or used on site. The material categories are high level (e.g. municipal domestic, municipal other domestic). The only material/product specific categories are kerbside recycling, car tyres, car bodies and white goods/scrap metal.

The Waste Classification System Reporting Tool is available at <http://www.environment.tas.gov.au/index.aspx?base=384>.

Data that license holders may be required to report

Data reporting requirements are not prescribed in legislation; reporting requirements are established as conditions of the license. It is therefore possible that that more data than that listed

above could be obtained through licensing arrangements, than is visible from viewing the legislation and reporting requirements alone..

Other mechanisms to obtain data from recycling facilities

Representatives consulted were asked if there were other non-license mechanisms for obtaining data from recycling facilities. The advice provided to Net Balance was that there are no other known mechanisms (from the perspective of the regulator) to obtain data from recycling facilities.

Victoria

Recycling facilities that require a license

A license is required by all premises described in Schedule 1 of the *Environment Protection (Scheduled Premises and Exemptions) Regulations 2007*. Premises that require a license are referred to as scheduled premises. Recycling facilities that are schedule premises are:

- storage, treatment, reprocessing, containment or disposal facilities handling any prescribed industrial waste not generated at the premises
- waste treatment works engaged in the immobilisation, thermal degradation, incineration or other treatment of waste.
- premises with aerobic or anaerobic composting which is designed to or has a capacity to process more than 100 tonnes of waste per month.
- premises which recover energy from waste at a rated capacity of at least 1 megawatt.
- premises receiving bulk transport containers for the purpose of internal washing or cleansing where the containers have contained:
 - prescribed industrial waste
 - any material that is classified as dangerous goods.

Some facilities which receive recycled or reprocessed materials are also scheduled premises. These facilities are metal smelters, paper pulp mills and asphalt batching.

Other recycling facilities beyond those that are captured within the list above may be licensed because of their emissions to air, rather than because of their waste receipt. Such facilities include large scale industrial facilities.

Data collection requirements for license holders

The advice provided to Net Balance was that license holders are not required to collect data beyond that which they are required to report (outlined below).

Data reporting requirements for license holders

License holders are required by Section 31D of the *Environment Protection Act 1970* to submit a statement of annual environmental performance, referred to as an Annual Performance Statement, to Environment Protection Authority Victoria.

In addition to information about the site and operator, the APS must:

- include an analysis of performance against each condition of the licence
- details of any enforcement action taken against the licence-holder by another organisation.

Additional information is required depending on the scheduled premises category and/or licence conditions. The required information relevant to scheduled recycling facilities is presented below.

Prescribed industrial waste management facilities

- total prescribed industrial waste (PIW) received
- total PIW recycled
- total amount of each waste (by waste code) received
- total volume of hazardous category C and category B waste received¹
- included in their licence, total waste received by category.

Composters and composters that also compost PIW

- total amount of each non-PIW waste type composted
- quarterly amounts of PIW and non-PIW composted.

Data that license holders may be required to report

Data reporting requirements are not prescribed in legislation; reporting requirements are established as conditions of the license. It is therefore possible that more data than that listed above could be obtained through licensing arrangements, than is visible from viewing the legislation and reporting requirements alone.

Other mechanisms to obtain data from recycling facilities

Representatives consulted were asked if there were other non-license mechanisms for obtaining data from recycling facilities. The advice provided to Net Balance was that there are no other known mechanisms (from the perspective of the regulator) to obtain data from recycling facilities.

¹Category B waste includes wastes from manufacturing industries and contaminated soils. Category C waste includes wastes which pose a low hazard from manufacturing industries and contaminated soils.

Western Australia

Recycling facilities that require a license

Licensing of prescribed premises

Schedule 1 of the *Environmental Protection Regulations 1987* lists prescribed premises which require a license. Recycling facilities that are prescribed premises are those on which:

- waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned, with a production or design capacity of 1,000 tonnes or more per year
- waste liquid hydrocarbons (oil) or chemicals are refined, purified, reformed, separated or processed
- metal scrap is fragmented or melted, including premises on which lead acid batteries are reprocessed, with a production or design capacity of 100 tonnes or more per year
- 100 or more used tyres are stored
- solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land, with a production or design capacity of 1,000 tonnes or more per year
- waste is stored, or sorted, pending final disposal or re-use, with a production or design capacity of 100 tonnes or more per year
- organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils, with a production or design capacity of 1,000 tonnes or more per year.

Some facilities which receive recycled or reprocessed materials are also scheduled premises. These facilities are metal smelters, refiners or casters; paper pulp mills; glass or glass fibre manufacturers; and asphalt batching.

Licensing of controlled waste

The *Environmental Protection (Controlled Waste) Regulations 2004* provide for the licensing of carriers, drivers and vehicles involved in the transportation of controlled waste on public roads. Controlled wastes are listed in Schedule 1 of the Regulations. The controlled wastes that are potentially relevant to the recycling sector are:

- acidic solutions or acids in solid form
- antimony; antimony compounds
- basic solutions or bases in solid form
- beryllium; beryllium compounds

- cadmium; cadmium compounds
- fly ash
- lead; lead compounds
- mercury; mercury compounds
- mineral oil emulsions
- nickel compounds
- organic solvents excluding halogenated solvents
- selenium; selenium compounds
- sewage
- tyres
- vanadium compounds
- vegetable and food processing waste
- waste from grease traps
- waste mineral oils unfit for their intended use
- zinc compounds.

The Department of Environment and Conservation (DEC) is currently reviewing and reforming the *Environmental Protection (Controlled Waste) Regulations 2004* to increase their effectiveness in managing the controlled waste transport industry and to improve environmental outcomes. It is possible that the requirements as detailed in this report may change in the future.

Data collection requirements for license holders

The advice provided to Net Balance was that license holders are not required to collect data beyond that which they are required to report (outlined below).

Data reporting requirements for license holders

Data reporting requirements associated with licensing of prescribed premises

It is a condition of licenses that license holders submit an Annual Audit Compliance Report which requires information relating to the license holder and non-compliance with license conditions.

Data reporting requirements associated with licensing of controlled waste

Schedule 2 of the *Environmental Protection (Controlled Waste) Regulations 2004* defines the information that needs to be reported on a controlled waste tracking form by carriers, drivers and vehicles involved in the transportation of controlled waste on public roads. The required

information is:

- waste generator's name or identification number
- waste generator's address
- type of controlled waste
- date loaded onto or into vehicle or tank
- amount of controlled waste
- driver's name
- driver's licence number (if licence required under these regulations)
- vehicle registration number
- tank licence number (if licence required under these regulations)
- carrier's name
- carrier's licence number
- vehicle or tank capacity.

Data that license holders may be required to report

Data reporting requirements are not prescribed in legislation; reporting requirements are established as conditions of the license. It is therefore possible that more data than that listed above could be obtained through licensing arrangements, than is visible from viewing the legislation and reporting requirements alone.

Other mechanisms to obtain data from recycling facilities

Representatives consulted were asked if there were other non-license mechanisms for obtaining data from recycling facilities. The advice provided to Net Balance was that there are no other known mechanisms (from the perspective of the regulator) to obtain data from recycling facilities.

Limitations

Net Balance Management Group Pty Ltd (Net Balance) has prepared this report in accordance with the usual care and thoroughness of the consulting profession. This report has been prepared for use by Department of Sustainability, Environment, Water, Population and Communities.

The Report is based on generally accepted practices and standards at the time it was prepared. No other warranty, expressed or implied, is made as to the professional advice included in this report. It is prepared in accordance with the scope of work and for the purpose outlined in the project brief. The methodology adopted and sources of information used by Net Balance are outlined in this report.

Please note that all results have been reported as recorded. Any percentages that do not add up to exactly one hundred percent are the result of rounding errors.

This report was prepared in November 2011 and is based on the conditions encountered and information reviewed at the time of preparation. Net Balance disclaims responsibility for any changes that may have occurred after this time.

This report should be read in full. No responsibility is accepted for use of any part of this report in any other context or for any other purpose or by third parties. This report does not purport to give legal advice. Legal advice can only be given by qualified legal practitioners.