

Authorised Version

**Environment Protection (Industrial Waste
Resource) Amendment Regulations 2016**

S.R. No. 136/2016

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STATUTORY RULES 2016

S.R. No. 136/2016

Environment Protection Act 1970

Environment Protection (Industrial Waste Resource) Amendment Regulations 2016

The Governor in Council makes the following Regulations:

Dated: 22 November 2016

Responsible Minister:

LILY D'AMBROSIO

Minister for Energy, Environment and Climate Change

ANDREW ROBINSON
Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Environment Protection (Industrial Waste Resource) Regulations 2009 to make technical amendments to improve the operation of the Regulations.

2 Authorising provision

These Regulations are made under section 71 of the **Environment Protection Act 1970**.

3 Commencement

These Regulations come into operation on 7 December 2016.

4 Principal Regulations

In these Regulations, the Environment Protection (Industrial Waste Resource) Regulations 2009¹ are called the Principal Regulations.

5 Definitions

- (1) In regulation 5(1) of the Principal Regulations **insert** the following definitions—

"beneficial reuse means use as a substitute for an input or raw material in a commercial, industrial, trade or laboratory activity where the substitute—

- (a) has one or more similar hazard properties to the input or raw material; and
- (b) would not require any environmental risk management controls other than the controls required for the input or raw material;

hazard category means the type of prescribed industrial waste referred to in Schedule 2, being category A waste, category B waste or category C waste;".

- (2) In regulation 5(1) of the Principal Regulations, for the definition of **direct beneficial reuse substitute**—

"direct beneficial reuse means a beneficial reuse without prior treatment or reprocessing of the input or raw material substitute;".

- (3) In regulation 5(1) of the Principal Regulations, in the definition of **prescribed fee**, for "Environment Protection (Fees) Regulations 2001" **substitute** "Environment Protection (Fees) Regulations 2012".

- (4) In regulation 5(1) of the Principal Regulations, for the definition of *secondary beneficial reuse substitute*—

"*secondary beneficial reuse* means a beneficial reuse following any form of treatment or reprocessing of the input or raw material substitute;"

- (5) In regulation 5(1) of the Principal Regulations, for the definition of *trade waste substitute*—

"*trade waste* has the same meaning as in regulation 5 of the Water (Trade Waste) Regulations 2014;"

6 New definition inserted into Part 5

Before regulation 38 of the Principal Regulations
insert—

"38AA Definition

In this Part—

substitute means substitute for the input or raw material."

7 Matters to be declared in notification

- (1) Before regulation 40(1)(a) of the Principal Regulations **insert**—

- "(aa) a description of the secondary beneficial reuse, including evidence that the substitute—
- (i) has one or more similar hazard properties to the input or raw material;
and
 - (ii) would not require any environmental risk management controls other than the controls required for the input or raw material;"

- (2) In regulation 40(1)(a) of the Principal Regulations—
- (a) for "material for which the notification is sought" **substitute** "substitute";
 - (b) in subparagraph (i), after "physical form" **insert** "before and after the treatment or reprocessing";
 - (c) in subparagraph (iii), for "permissible contaminants" **substitute** "contaminants before and after the treatment or reprocessing".
- (3) For regulation 40(1)(b) and (c) of the Principal Regulations **substitute**—
- "(b) a description of the industry and the name and address of the prescribed industrial waste producer and premises from which the substitute originates;
 - (ba) the name and address of each premises at which treatment or reprocessing of the substitute is proposed and a description of the treatment or reprocessing;
 - (bb) the name and address of each premises at which the commercial, industrial, trade or laboratory activity is proposed, and a description of the activity;
 - (c) any recognised specifications or standards for the substitute relating to—
 - (i) the treatment or reprocessing; and
 - (ii) its use as a substitute in a commercial, industrial, trade or laboratory activity;"
- (4) In regulation 40(1)(d) of the Principal Regulations, after "the environment" **insert** "resulting from the proposed beneficial reuse".

- (5) In regulation 40(1)(e) of the Principal Regulations, for "material" **substitute** "substitute".
- (6) In regulation 40(1)(f) of the Principal Regulations, for "for reuse or recycling of the waste" **substitute** "for use of the substitute".
- (7) In regulation 40(1)(j) of the Principal Regulations, for "reuse or recycling of matter" **substitute** "beneficial reuse of a substitute".
- (8) In regulation 40(1)(k) of the Principal Regulations, for "reuse or recycling of matter" **substitute** "beneficial reuse of a substitute".

8 Conditions for secondary beneficial reuse

- (1) In regulation 43(2)(a) of the Principal Regulations—
 - (a) for "material" **substitute** "substitute";
 - (b) in subparagraph (i), after "physical form" **insert** "before and after the treatment or reprocessing";
 - (c) in subparagraph (iii), for "permissible contaminants" **substitute** "contaminants before and after the treatment or reprocessing".
- (2) In regulation 43(2)(c) of the Principal Regulations, for "material" **substitute** "substitute for treatment or reprocessing and for beneficial use".
- (3) In regulation 43(2)(d) of the Principal Regulations, for ", waste receiver, reuser, or recycler of the material" **substitute** "or any person permitted to receive the substitute for treatment or reprocessing or for beneficial reuse".

(4) For regulation 43(2)(e) of the Principal Regulations **substitute**—

"(e) any measures that are required of the prescribed industrial waste producer, transporter, or any person permitted to receive the substitute for treatment or reprocessing or for beneficial reuse to ensure that the management of the substitute is not likely to result in an unacceptable risk of harm to human beings or the environment;"

9 Schedule 3 substituted

For Schedule 3 to the Principal Regulations **substitute**—

"Schedule 3—Transport information

Regulation 33

Part A: To be supplied by the prescribed industrial waste producer

Consignment authorisation number (if applicable)

Description of the waste

Waste form

Waste code

UN Number

UN Class

Packing Group

Hazard category

Contaminant(s) (if applicable)

Waste origin

Amount of waste

Type of package (e.g. bulk) and number of packages
(if applicable)

Name of prescribed industrial waste producer

Address of site of waste source

Name of emergency contact

Emergency contact phone number

Date of dispatch

Proposed disposal/treatment/storage site

State/Territory of the receiving site

Intended treatment option

Part B: To be supplied by the waste transporter

Name of transporter

Address of transporter

Vehicle registration number(s)

Transport permit number(s)

Date of transport

Part C: To be supplied by the waste receiver

Receiving facility name and address

Receiving facility licence number

Date of receipt at facility

Amount of waste

Type of treatment

Discrepancies in information provided in Part A
or Part B (if applicable)

Name and address of any other waste receiver to which
the waste receiver intends that the waste be transported

Part D: Definitions

In this Schedule—

consignment authorisation number means the unique identifier for an approval for the transport of a consignment of waste granted by the State or Territory in which the premises to which the waste is intended to be transported is located;

Packing Group has the same meaning as in regulation 5 of the Dangerous Goods (Transport by Road or Rail) Regulations 2008;

transport permit number means the unique identifier for a permit issued under section 53F of the Act;

type of treatment means the type of treatment, disposal, storage, resource recovery, recycling, reclamation, direct reuse or alternative use intended to occur to the prescribed industrial waste at the receiving premises;

UN Class has the same meaning as in regulation 5 of the Dangerous Goods (Transport by Road or Rail) Regulations 2008;

UN Number has the same meaning as in regulation 5 of the Dangerous Goods (Transport by Road or Rail) Regulations 2008;

waste code means the most applicable 4 character code identifier for prescribed industrial waste specified in column 4 of the Table in Part E;

waste form means the physical nature of the prescribed industrial waste, being a liquid, solid, sludge or a mixture or assortment of wastes;

waste origin means the industry from which the prescribed industrial waste originates.

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Part E: Waste codes

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>
1	Cyanides	Cyanide-containing wastes	A100
2	Acids	Acids in a solid form or acidic solutions with pH value of 4 or less	B100
3	Alkaline Wastes	Alkaline solids or alkaline solutions with pH value of 9 or more including caustic soda, alkaline cleaners and waste lime	C100
4	Inorganic chemicals	Metal carbonyls	D100
		Inorganic fluorine compounds, excluding calcium fluoride	D110
		Mercury and mercury compounds	D120
		Equipment and articles containing mercury	D121
		Arsenic and arsenic compounds	D130
		Chromium compounds (hexavalent and trivalent)	D140
		Tannery wastes containing chromium	D141
		Cadmium and cadmium compounds	D150
		Beryllium and beryllium compounds	D160
		Antimony and antimony compounds	D170
		Thallium and thallium compounds	D180
		Copper compounds	D190
		Cobalt and cobalt compounds	D200
		Nickel compounds	D210
		Lead and lead compounds	D220
		Zinc compounds	D230
		Selenium and selenium compounds	D240

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>
		Waste containing silver from the production, formulation and use of photographic chemicals and processing materials	D261
		Barium compounds	D290
		Non-toxic salts including sodium chloride and calcium chloride	D300
		Boron compounds	D310
		Inorganic sulphur containing compounds	D330
		Phosphorus compounds, excluding mineral phosphates	D360
		Inorganic chemicals not otherwise specified in this item	D390
		Smelter waste containing prescribed industrial waste	D400
5	Reactive chemicals	Oxidising agents (including peroxides) not otherwise specified in this item	E100
		Waste of an explosive nature not subject to other Victorian legislation, including azides	E120
		Highly reactive chemicals not otherwise specified in this item	E130
6	Paints, lacquers, varnish, inks, dyes, pigments, resins and adhesives	Aqueous-based wastes from the production, formulation and use of paints, lacquers, varnish, inks, dyes and pigments	F100
		Aqueous-based wastes from the production, formulation and use of resins, latex, plasticisers, glues and adhesives	F110
		Solvent-based wastes from the production, formulation and use of paints, lacquers, varnish, inks, dyes and pigments	F120

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<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>
		Solvent-based wastes from the production, formulation and use of resins, latex, plasticisers, glues and adhesives	F130
7	Organic solvents and solvent residues	Ethers and highly flammable hydrocarbons, including petrol and jet fuel	G100
		Non-halogenated organic solvents	G110
		Dry-cleaning wastes containing organic solvents, including perchloroethylene	G130
		Halogenated organic solvents	G150
		Wastes from the production, formulation and use of organic solvents, not otherwise specified in this item	G160
8	Pesticides including herbicides and insecticides	Waste from the production, formulation and use of biocides and phytopharmaceuticals, not otherwise specified in this item	H100
		Organophosphorus pesticides	H110
		Mixed pesticide residue	H160
		Copper-chrome-arsenic	H170
9	Oils, hydrocarbons and emulsions	Waste oils unfit for their original intended use	J100
		Waste hydrocarbons	J110
		Waste oils and water mixtures or emulsions, and hydrocarbon and water mixtures or emulsions	J120
		Triple interceptor waste and stormwater contaminated with oil or hydrocarbons	J130
		Transformer fluids, excluding polychlorinated biphenyls	J140

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<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>
		Other oils, hydrocarbons or emulsions not otherwise specified in this item, including cutting oils and soluble oils	J150
		Tarry residues arising from refining, distillation and any pyrolytic treatment	J160
		Used oil filters	J170
10	Putrescible/ organic wastes	Animal effluent and residues, including abattoir wastes and other wastes from animal processing	K100
		Grease interceptor trap effluent	K120
		Tannery wastes (not containing chromium) and wool scouring wastes	K140
		Food and beverage processing wastes	K200
11	Industrial washwaters	Car and truck washwaters	L100
		Industrial washwaters from cleaning, rinsing or washing operations not otherwise specified in this item	L150
12	Organic chemicals	Polychlorinated biphenyls in concentrations over 50 mg per kg	M100
		Waste substances and articles containing or contaminated with polychlorinated biphenyls in concentrations over 50 mg per kg	M110
		Solvents, oils and materials contaminated with polychlorinated biphenyls in concentrations over 2 mg per kg but less than 50 mg per kg	M120
		Non-halogenated, non-solvent organic chemicals, not otherwise specified in this item, including glycol coolant, radiator fluid and brake fluid	M130
		Phenol and phenol compounds including halogenated phenols	M150
		Halogenated organic chemicals, not otherwise specified in this item	M160

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<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>
		Organic isocyanate compounds	M220
		Amines and other nitrogen compounds	M230
		Detergents and surface active agents (surfactants)	M250
		Highly odorous organic chemicals including mercaptans and acrylates	M260
13	Solid and sludge wastes requiring special handling	Prescribed industrial waste residues in rigid steel or plastic containers with an original volume less than 200 litres	N100
		Prescribed industrial waste residues in rigid steel or plastic containers with an original volume greater than or equal to 200 litres	N105
		Prescribed industrial waste residues in bags or containers not covered by Waste codes N100 or N105	N110
		Category A contaminated soil	N119
		Category B contaminated soil	N120
		Category C contaminated soil	N121
		Spent catalysts	N130
		Fire debris and fire wash-waters contaminated with chemicals	N140
		Fly ash	N150
		Prescribed industrial wastes that are immobilised in accordance with a classification issued by the Authority	N160
		Prescribed industrial wastes that are chemically fixed and/or encapsulated	N170
		Prescribed industrial wastes that are solidified or polymerised	N180
		Filter cake	N190
	Ion-exchange column residues	N200	

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<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>
		Residues from pollution control operations, not otherwise specified in this item (including activated carbon, baghouse dust, residues from industrial waste disposal operations and leachate)	N210
		Asbestos including asbestos in fill material soil	N220
		Ceramic-based fibres with physico-chemical characteristics similar to those of asbestos	N230
		Absorbents contaminated with prescribed industrial waste residues	N250
		Schedule 1 industrial wastes contaminated with prescribed industrial waste residues, not otherwise specified in this item	N260
14	Clinical and pharmaceutical wastes	Clinical and related wastes, including biomedical waste, not otherwise specified in this item	R100
		Pathogenic substances and quarantine wastes	R110
		Waste from the use of pharmaceutical products, not otherwise specified in this item	R120
		Cytotoxic substances	R130
		Waste from the production of pharmaceutical products and cosmetics, not otherwise specified in this item	R140
15	Miscellaneous	Waste chemical substances arising from laboratories, research and development, or teaching activities	T100
		Waste from the production, formulation and use of photographic chemicals and processing materials not containing silver	T120

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<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>
		Inert sludges or slurries	T130
		Foundry sands	T160
		Waste chemicals in small quantities, not otherwise specified in this item	T170

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Endnotes

Endnotes

¹ Reg. 4: S.R. No. 77/2009 as amended by S.R. No. 25/2015.