

Information sheet

Novel Corona Virus COVID-19—Disposal of clinical and related waste advice for waste management operators

1 Being prepared together

The spread of COVID-19 within Queensland has the potential to cause the generation of a much higher than normal quantity of clinical and related wastes in the state. This in turn can have flow on effects to waste management operations, which may result in difficulties in maintaining compliance with your environmental regulations and requirements.

We strongly recommended that you stay up-to-date information by regularly visiting the Queensland Government Novel Corona Virus (COVID-19) website at: <https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19>.

This information sheet is intended to help you by providing an outline of the potential issues in complying with your environmental authority that may arise from a much higher than normal quantity of, particularly, clinical and related wastes in Queensland due to the COVID-19 response, and provides guidance on how these issues may be addressed. Advice in this information sheet is current at the time of production, but is subject to change depending on circumstances.

2 Clinical and related waste treatment and disposal requirements

- Best practice clinical and related waste disposal is to treat the waste in accordance with the DES Guideline *Clinical and related waste*, available at https://environment.des.qld.gov.au/_data/assets/pdf_file/0029/89147/pr-gl-clinical-and-related-waste.pdf, and to dispose of it at an appropriately licensed facility.
- Clinical and related waste treated in accordance with the treatment methods prescribed under Item 6.1 of the *Clinical and related waste* Guideline is considered to be general waste, and may be disposed of as such.
- Untreated clinical and related waste (which includes partially treated waste) is a regulated waste: this must be transported by a licensed regulated waste transporter, and disposed of as regulated waste.
- Partial treatment of waste is preferred to no treatment where possible.
- **Improper handling and disposal of clinical and related waste is a significant public health risk.**

3 Declaration of a disaster—special exemptions

The COVID-19 pandemic has been declared a disaster which affects all of Queensland. Waste that is generated because of a disaster has particular exemptions applied to its management.

3.1 Waste transfer stations

Under the Environmental Protection Regulation 2019, ERA 62 - Resource recovery and transfer facility operation contains a specific exemption for sorting and storing waste, generated by or because of a disaster situation, during the period of, and in the declared area for, the disaster situation.

If you need to establish temporary waste transfer and storage facilities for handling waste generated because of the COVID-19 response anywhere in Queensland, this does not meet the definition for ERA 62 and **you do not need to be licensed by DES to do this.**

Keep in mind:

- This is for waste generated by or because of a disaster situation only, and you must be able to demonstrate that the waste received or stored at a facility is this type of waste. These facilities are to be temporary in nature.
- The general environmental duty applies to these activities: you must take all reasonable and practicable measures to prevent and minimise environmental harm from the activities.
- Waste tracking requirements still apply to regulated waste movements.
- Other legislative obligations may still apply, such as a requirement to obtain a Temporary Use Licence (TUL) planning approval from the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP). More information on TULs is available at <https://www.statedevelopment.qld.gov.au/planning/planning-legislation-amendment.html>

3.2 Waste levy exemption

Under the *Waste Reduction and Recycling Act 2011* (WRR Act), disaster management waste means waste generated by or because of a disaster that is or has been the subject of a declaration of a disaster situation under the *Disaster Management Act 2003*, but only within the limits, if any, declared by the chief executive, by publication on the department's website, for a particular disaster.

DES is in the process of considering whether waste generated by the COVID-19 pandemic response is to be considered disaster management waste for the purposes of the WRR Act. If waste is to be declared disaster management waste, it will be published at

<https://www.qld.gov.au/environment/pollution/management/waste/recovery/disposal-levy/exemptions-for-disaster-waste>.

Disaster management waste is exempt from the waste levy.

4 Things you can do

There are a number of things you can do to help reduce the risk of potential issues that may arise from the much higher than normal quantity of clinical and related wastes in Queensland and potential breaches. Here are some things for you to consider, and answers to some questions you may have, regarding landfill operation.

4.1 Landfill operation—potential non compliances and how to respond

We **strongly recommended** that you review your environmental authority/ies governing landfill operations. Consider:

- whether you are likely to receive a significant increase in general and regulated waste for disposal at your landfill site
- whether you are likely to be required to dispose of waste that you do not normally dispose of at the landfill
- what you can do now to plan for these situations, including how you could manage your environmental obligations.

You may find that you are likely to breach legislative requirements under the *Environmental Protection Act 1994* and subordinate legislation if you would need to respond immediately to a sudden waste management situation. You can consider your plans for this now, and take appropriate action to prevent this from occurring.

The public health risk posed by clinical and related waste is significant, and this waste should be treated where possible and disposed of as soon as practicable. The highest priority is to dispose of the waste safely. Potential issues, and actions you should consider to address these, are outlined below:

1. *The quantity of waste I am likely to receive for disposal is greater than the quantity permitted to be disposed of at my landfill under my EA threshold in a year.*

- a. Consider whether you are able to increase the threshold of your activity. You can apply for an EA amendment to do this; to apply for an EA amendment, you will need appropriate documentation and land use approval, and enough lead time to have the application assessed and approved. See the Queensland Government's Business and Industry Portal at <https://www.business.qld.gov.au/running-business/environment/licences-permits/applying> for further information. If you do not have appropriate land use approval, it is unlikely you will be able to obtain it and amend your EA in time to deal with the issue.
- b. You cannot apply for a temporary emissions license (TEL) to conduct an activity you are not licensed for. A TEL can only temporarily relax or modify conditions of an environmental authority or transitional environmental program.
- c. If you cannot apply for an EA amendment, e.g. due to time constraints or lack of land use approval, but suspect that you will need to dispose of the waste in excess of permitted quantities, talk to your local DES compliance centre **as soon as possible**. There is no mechanism under the *Environmental Protection Act 1994* (EP Act) to permit temporary operation of an unlicensed activity, but DES can choose not to take action against you for it. Have the following information prepared:
 - i. Evidence that you are likely to exceed the relevant ERA threshold, and there are no other disposal alternatives available e.g. information about limitations of local waste management services, distances to other landfills etc.;
 - ii. Proof that you are unlikely to be able to amend your EA in time to respond to a waste management influx, e.g. lack of land use approval;
 - iii. An estimation of the likely exceedance of the ERA threshold (tonnes);
 - iv. Information on mitigation measures that you intend to put into place to control risks associated with the increase in waste disposal, e.g. concerning noise, dust, odour and storage. Note that you may have decreased ability to implement mitigation measures depending on staff impacts – plan for this.

2. *I am permitted to dispose of general waste and limited regulated waste (up to 10% of waste received in a year). Can I dispose of clinical and related waste under this?*

- a. No. Limited regulated waste is specifically defined in the definition of ERA 60, and does not include clinical and related waste. Refer to point 3 below for further guidance.

3. *Clinical and related waste is not permitted to be disposed of at the landfill, but there is nowhere else practicable to dispose of it. What can I do?*

- a. Amend your environmental authority by application. You will need to consider how you intend to handle and dispose of clinical and related waste on the site. Note the following:

Disposal of clinical and related waste advice for waste management operators

- i. Disposal of chemical wastes, cytotoxic wastes, human body parts, pharmaceutical wastes and radioactive wastes to landfill is not permitted.
 - ii. Treated clinical and related wastes are considered to be general wastes, and may be disposed of as such. Although you may have an EA for an ERA that stipulates 'general waste', you will need to ensure there are no specific conditions in your EA that restricts the types of general waste you can accept.
 - iii. Generally, disposal of untreated clinical and related wastes is not permitted outside of Scheduled areas (see Section 6 of this information sheet). If you are not located in a scheduled area, but think this may be necessary, consider the handling and disposal management requirements to do this safely. Practicable mitigation would include supervised burial; see supervised burial conditions in section 6.2.3 of the DES Guideline *Clinical and related waste*, available at https://environment.des.qld.gov.au/_data/assets/pdf_file/0029/89147/pr-gl-clinical-and-related-waste.pdf.
- b.** If you cannot amend your environmental authority due to time constraints, you may consider applying for a TEL.
- i.** The timeframe for a TEL for assessment and issue is 24 hours. If you do not apply correctly, it will not be approved, and you will still be charged the application fee. You are **strongly recommended** to contact DES prior to making the application to discuss the situation and to assist in the application process—e-mail your enquiry to palm@des.qld.gov.au as soon as possible.
 - ii.** Any application for a TEL must be supported by enough information to enable the administering authority to decide the application. It will be assessed against the decision criteria in section 357D of the EP Act; provide information to address the criteria, including particularly:
 1. the extent and impact of the pandemic, including the potential economic impact of granting or not granting the licence;
 2. the character, resilience and values of the receiving environment;
 3. the likelihood of environmental harm and any measures necessary to minimise the harm; and
 4. the likelihood that the release will adversely impact the health, safety or wellbeing of another person.

4. My landfill is located in a scheduled area (see Section 6 for a list of these areas). What does that mean for me?

- a. You are permitted to dispose of up to 5t of untreated clinical waste in a year at your landfill. You must do this without breaching conditions of your EA. Best practice disposal measures include supervised burial—refer to section 6.2.3 of the DES Guideline *Clinical and related waste*, available at https://environment.des.qld.gov.au/_data/assets/pdf_file/0029/89147/pr-gl-clinical-and-related-waste.pdf.
- b. If you dispose of more than 5t of untreated clinical waste in a year at the landfill, you are conducting an environmentally relevant activity without an environmental approval. You may also be breaching a condition of your EA.
- d. You may apply for an EA amendment to include a new activity. To apply for an EA amendment, you will need appropriate documentation and land use approval, and enough lead time to have the application assessed and approved. See the Queensland Government's Business and Industry Portal at <https://www.business.qld.gov.au/running-business/environment/licences->

[permits/applying](#) for further information. If you do not have appropriate land use approval, it is unlikely you will be able to obtain it and amend your EA in time to deal with the issue.

- c. You cannot apply for a temporary emissions license (TEL) to conduct an activity you are not licensed for. A TEL can only temporarily relax or modify conditions of an environmental authority or transitional environmental program.
- d. If you believe that you will not be able to amend your EA in time, talk to your local compliance centre **as soon as possible**. There is no mechanism under the EP Act to permit temporary operation of an unlicensed activity, but DES can choose not to take action against you for it. Have the following information prepared:
 - i. Evidence that you are likely to dispose of more than 5t of clinical waste in a year, and there are no other disposal alternatives available e.g. information about limitations of local waste management services, distances to other landfills etc.;
 - ii. Proof that you are unlikely to be able to amend your EA in time to respond to a waste management influx, e.g. lack of land use approval;
 - iii. An estimation of the quantity of clinical and related waste that may be disposed of at the site (tonnes);
 - iv. Information on mitigation measures that you intend to put into place to control risks associated with the clinical and related waste disposal, e.g. limiting human exposure, storage, burial practices etc. Note that you may have decreased ability to implement mitigation measures depending on staff impacts – plan for this.

5 Further information

If you have specific queries, email the Department of Environment and Science (DES) at palm@des.qld.gov.au. Our service delivery by telephone or mail may be reduced in response to the pandemic, so e-mail is preferred. Your understanding and patience would be appreciated.

6 Scheduled areas¹

1. Aurukun
2. Balonne
3. Barcaldine
4. Barcoo
5. Blackall Tambo
6. Boulia
7. Bulloo
8. Burke
9. Carpentaria
10. Cherbourg
11. Cloncurry
12. Cook
13. Croydon
14. Diamantina
15. Doomadgee
16. Etheridge
17. Flinders
18. Goondiwindi
19. Hope Vale
20. Kowanyama
21. Lockhart River
22. Longreach
23. Mapoon
24. Maranoa
25. McKinlay
26. Mornington
27. Mount Isa
28. Murweh
29. Napranum
30. North Burnett
31. Northern Peninsula Area
32. Paroo
33. Pormpuraaw
34. Quilpie
35. Richmond
36. Torres
37. Torres Strait Island
38. Western Downs
39. Winton
40. Woorabinda
41. Wujal Wujal
42. Yarrabah
43. the part of the local government area of Banana Shire Council that was, immediately before 15 March 2008, the part of the local government area of Taroom Shire Council
44. the part of the local government area of Bundaberg Regional Council that was, immediately before 15 March 2008, the local government area of Kolan Shire Council
45. the parts of the local government area of Central Highlands Regional Council that were, immediately before 15 March 2008, the local government areas of Bauhinia Shire Council and Peak Downs Shire Council
46. the part of the local government area of Charters Regional Council that was, immediately before 15 March 2008, the local government area of Dalrymple Shire Council
47. the parts of the local government area of Fraser Coast Regional Council that were, immediately before 15 March 2008, the local government area of Woocoo Shire Council and part of the local government area of Tiaro Shire Council
48. the parts of the local government area of Gympie Regional Council that were, immediately before 15 March 2008, the local government area of Kilkivan Shire Council and part of the local government area of Tiaro Shire Council
49. the part of the local government area of Isaac Regional Council that was, immediately before 15 March 2008, the local government area of Nebo Shire Council
50. the part of the local government area of Rockhampton Regional Council that was, immediately before 15 March 2008, the local government area of Mount Morgan Shire Council
51. the part of the local government area of Somerset Regional Council that was, immediately before 15 March 2008, the local government area of Kilcoy Shire Council
52. the parts of the local government area of South Burnett Regional Council that were, immediately before 15 March 2008, the local government areas of Murgon Shire Council and Wondai Shire Council
53. the parts of the local government area of Toowoomba Regional Council that were, immediately before 15 March 2008, the local government areas of Cambooya Shire Council, Clifton Shire Council, Millmerran Shire Council and Pittsworth Shire Council

¹ This list has been reproduced from Schedule 4 of the Environmental Protection Regulation 2019.