End of Waste Code

ACQ Treated Timber Shavings

(ENEW07607119)

Waste Reduction and Recycling Act 2011
Version history

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Description of changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.00</td>
<td>14 February 2020</td>
<td>Commencement of EOW code on gazetted</td>
</tr>
</tbody>
</table>

Prepared by: Waste and Contaminated Land Assessment, Department of Environment and Science

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February 2020
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1. Explanatory Statement

This End of Waste (EOW) code for ACQ treated timber shavings has been issued by the chief executive in accordance with section 159 of the Waste Reduction and Recycling Act 2011 (WRR Act).

This EOW code states when the ACQ treated timber shavings waste becomes a resource and any relevant requirements and/or conditions for its use. If the resource is not being used in accordance with the relevant requirements and/or conditions of this EOW code, or another type of permit that allows for its use, it is considered a waste under section 13 of the Environmental Protection Act 1994 (EP Act) and must be disposed of appropriately at a facility that is lawfully able to receive the waste.

2. Guidance

2.1 Resource use versus activity

An EOW code states when a waste stops being a waste following any necessary processing or treatment. A waste becomes a resource when it has been determined to meet the requirements of an EOW code. It may be necessary to treat or process the waste prior to meeting those requirements. An Environmental Authority (EA) under the EP Act is required where an activity being undertaken triggers the threshold for any environmentally relevant activity (ERA). This means that treating or processing the waste to meet the resource quality criteria under the EOW code may require an EA under the EP Act if the activity meets the threshold for an ERA.

2.2 Resource versus waste

A waste that is a resource under an EOW Code is considered a resource only for the use(s) approved in an EOW code. If a resource does not meet the requirements of the EOW code and/or is not used in accordance with the EOW code, it is not deemed a resource. It remains a waste and must be managed in accordance with waste management requirements under the EP Act and the WRR Act, and their subordinate legislation.

A resource approved under an EOW code is deemed to be a waste again, if it is disposed of at a waste disposal facility, or if it is deposited at a place in a way that would, apart from its use approved under an EOW code, constitute a contravention of the general littering provision or the illegal dumping of waste provision under the WRR Act.

2.3 Failure to comply

It is an offence under section 158(1) of the WRR Act for a registered resource producer to produce the resource, or use, sell or give away the resource if they do not comply with the requirements under an EOW code. Further, it is an offence under section 158(2) of the WRR Act for a person to use the resource in a way, or for a purpose, that does not comply with an EOW code. These offences carry a maximum penalty of 1,665 penalty units for an individual and 8,325 penalty units for a corporation.

Please refer to Appendix A of this EOW code for general obligations for all persons operating under this EOW code, which includes resource users.

2.4 Lawfulness of the activity

The issuing of this EOW code for the use of a resource does not warrant or imply the lawfulness of the activity under all legislation, or that approvals necessary under other legislation have or will be approved. It is the responsibility of the registered resource producer and resource user to identify and obtain all other approvals necessary for the relevant activities.

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1 The value of a penalty unit is stated in the Penalties and Sentences Regulation 2015 (Qld).
3. **Period of this EOW code**
This EOW code takes effect from 14 February 2020 and remains in force until it is amended, cancelled or suspended by the chief executive\(^2\).

4. **Waste to which this EOW code applies**
This EOW code is limited to ACQ treated timber shavings. The ACQ treated timber shavings becomes a resource when the requirements and conditions under this EOW code are met.

5. **Person to whom this EOW code applies**

5.1 **Registered resource producers of the resource**

5.1.1 A registered resource producer for this EOW code must comply with the stated registered resource producer requirements in Section 6 — Registered Resource Producer Requirements.

5.2 **Resource users**

5.2.1 The resource user must only use the resource in a way, and for a purpose, allowed under this EOW code.

5.2.2 The resource user must comply with the stated conditions of use in Section 7— Conditions of Use.

\(^2\) If an EOW code is to be amended, cancelled or suspended, the chief executive will provide an opportunity to make written submissions by providing a proposed action notice to the registered resource producers; and publishing the proposed action notice on the chief executive’s website.
6. Registered Resource Producer Requirements

<table>
<thead>
<tr>
<th>Registration under this EOW code</th>
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<tbody>
<tr>
<td>(6.1) Prior to operating under this EOW code, the producer of the resource must register with the chief executive by giving a notice in the approved form(^3) to become a registered resource producer for this EOW code.</td>
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<table>
<thead>
<tr>
<th>Approved resource</th>
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<tr>
<td>(6.2) The approved resource is ACQ treated timber shavings that complies with Requirement (6.3) of this EOW code.</td>
</tr>
<tr>
<td>(6.3) The registered resource producer must not use, sell or give away the resource unless it complies with all of the following criteria and quality characteristics:</td>
</tr>
<tr>
<td>a) is sourced from operators operating under a quality management system to ensure the resource meets the specifications listed in Table B3 of Appendix B of AS 1604.1; and</td>
</tr>
<tr>
<td>b) only contains ACQ wood preservative chemical as defined in Appendix B of AS 1604.1.</td>
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<thead>
<tr>
<th>Information to be provided</th>
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<tr>
<td>(6.4) The registered resource producer must provide the following to the resource user each time the resource is supplied for use:</td>
</tr>
<tr>
<td>a) a copy of the EOW code for ACQ Treated Timber Shavings (ENEW07607119)(^4);</td>
</tr>
<tr>
<td>b) the registered resource producer’s business or individual’s name, ABN and address;</td>
</tr>
<tr>
<td>c) confirmation in writing that the resource being supplied is compliant with the requirements of this EOW code; and</td>
</tr>
<tr>
<td>d) an information sheet that:</td>
</tr>
<tr>
<td>i. identifies that the resource contains only ACQ wood preservative chemical; and</td>
</tr>
<tr>
<td>ii. provides information on how the resource should be handled to prevent environmental harm.</td>
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<thead>
<tr>
<th>Records</th>
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<tr>
<td>(6.5) The registered resource producer must keep the following records for each load of the resource provided to the resource user:</td>
</tr>
<tr>
<td>a) origin of the resource (e.g. address, lot on plan and/or GPS coordinates);</td>
</tr>
<tr>
<td>b) quantity (in cubic metres) of the resource supplied;</td>
</tr>
<tr>
<td>c) date of dispatch of the resource; and</td>
</tr>
<tr>
<td>d) business or individual’s name, ABN and address for the person receiving the resource.</td>
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\(^3\) The approved form, Registered Resource Producer for an EOW code, is available on the Queensland Government website at [www.qld.gov.au](http://www.qld.gov.au), using the publication number (ESR/2018/4082) as a search term.

\(^4\) This can be a physical copy, an electronic copy or a link to the chief executive’s website where this EOW code is available.
7. Conditions of Use

Notification under this EOW code

(7.1) Prior to operating under this EOW code, a person who intends to use the approved resource must notify the chief executive by giving a notice in the approved form at least 10 days prior to the commencement of using the resource.

Approved uses

(7.2) The approved resource must only be used as a feedstock in the manufacturing of compost and/or mulch in accordance with the conditions of this EOW code.

Resource use

(7.3) Use of the resource to manufacture compost and/or mulch must only be carried out at an appropriately licensed facility in accordance with the relevant environmental authority held by the resource user.

(7.4) Notwithstanding Condition (7.3), the resource must not exceed 5% of the total solid feedstock per batch used in the manufacture of compost and/or mulch.

Sampling requirements

(7.5) Compost and/or mulch manufactured under this EOW code must be sampled (per batch) in accordance with guidance provided in Appendix A (Methods for sampling, sample handling and preparation prior to analysis) of AS 4454.

(7.6) The resource user must keep records of the sampling carried out under Condition (7.5), in accordance with Condition (7.15).

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5 The approved form, Notification of use of a resource is available on the Queensland Government website at www.qld.gov.au, using the publication number (ESR/2018/4552) as a search term.
### Monitoring requirements

<table>
<thead>
<tr>
<th>Condition</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>(7.7)</td>
<td><strong>Representative samples</strong> of each <strong>batch</strong> of the <strong>compost</strong> and/or <strong>mulch</strong> manufactured under this EOW code, and obtained as per <strong>Condition</strong> (7.5), must be analysed using <strong>SPLP</strong> to establish the potential residual leachable concentrations of <strong>DDAC</strong> resulting from natural occurrences such as rainfall.</td>
</tr>
<tr>
<td>(7.8)</td>
<td><strong>The resource user</strong> must keep <strong>records</strong> of all analysis carried out under <strong>Condition</strong> (7.7), in accordance with <strong>Condition</strong> (7.15).</td>
</tr>
<tr>
<td>(7.9)</td>
<td>All analysis required under this EOW code must be carried out by a laboratory that has <strong>NATA</strong> certification, or an equivalent certification (where possible), for such analyses.</td>
</tr>
</tbody>
</table>

### Quality requirements

<table>
<thead>
<tr>
<th>Condition</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(7.10)</td>
<td>Each <strong>batch</strong> of <strong>compost</strong> and/or <strong>mulch</strong> manufactured under this EOW code must not exceed the ‘Unrestricted use upper limits’ for contaminants listed in Table 3.1 (C) of <strong>AS 4454</strong>.</td>
</tr>
<tr>
<td>(7.11)</td>
<td>For each <strong>batch</strong> of <strong>compost</strong> and/or <strong>mulch</strong> manufactured under this EOW code, total levels of copper (Cu) must not exceed 150mg/kg.</td>
</tr>
<tr>
<td>(7.12)</td>
<td><strong>Compost</strong> and/or <strong>mulch</strong> that contains levels of total copper (Cu) greater than 100 mg/kg but less than 150 mg/kg must provide a warning label in accordance with the labelling requirements of <strong>Clause 5.3</strong> of <strong>AS 4454</strong>.</td>
</tr>
<tr>
<td>(7.13)</td>
<td>Leachable concentrations of <strong>DDAC</strong> must not exceed 5.5 µg/L in each <strong>batch</strong> of the <strong>compost</strong> and/or <strong>mulch</strong> manufactured under this EOW code.</td>
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</table>

### Records

<table>
<thead>
<tr>
<th>Condition</th>
<th>Requirement</th>
</tr>
</thead>
</table>
| (7.14)    | **The resource user** must **record** the following information for each **load** of the **resource** received by the **resource user** under this EOW code:  
  a) **business** or individual’s name, **ABN** and address of the **registered resource producer** who supplied the **resource**;  
  b) **date** the **resource user** received the **resource**;  
  c) **quantity** (in cubic metres) of the **resource** received by the **resource user**; and  
  d) **site of use** of **resource** (e.g. street address, lot on plan and/or GPS coordinates). |
| (7.15)    | **All records** required to be kept by the **resource user** under this EOW code must be:  
  a) kept by the **resource user** for a period of not less than five (5) years; and  
  b) provided to the **chief executive** upon request and in the format requested and time period specified. |

### Notification of emergencies, incidents and breaches

<table>
<thead>
<tr>
<th>Condition</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(7.16)</td>
<td>Any breach of a condition of this EOW code must be reported to the <strong>chief executive</strong> as soon as practicable and within 24 hours of becoming aware of the breach.</td>
</tr>
<tr>
<td>(7.17)</td>
<td><strong>Records</strong> of any breach of a condition of this EOW code, including full details of the breach and any subsequent actions taken, must be kept and provided to the <strong>chief executive</strong> upon request and in the format requested and time period specified.</td>
</tr>
</tbody>
</table>

*At the time of drafting this EOW code, it was understood that **DDAC** analysis is commercially available, but not **NATA** Accredited.*
8. Definitions

Words and phrases used throughout this EOW code in bold are defined below. Where a definition for a term used in this EOW code is sought and the term is not defined within this EOW code the definitions provided in the relevant legislation shall be used.

‘ABN’ means Australian Business Number which is a unique 11 digit number issued by the Australian Business Register and identifies a business in Australia.

‘ACQ’ means Ammoniacal Copper Quaternary wood preservative chemical as defined in Appendix B (Composition of Preservatives Specified in this Standard) of the AS 1604.1.

‘ACQ treated timber shavings’ means the shavings and sawdust produced from cutting and shaping timber treated with ACQ wood preservative chemical.

‘appropriately licensed facility’ means a facility operating under an environmental authority for environmentally relevant activity 53 (Organic material processing) as authorised under the Environmental Protection Act 1994.


‘AS 4454’ means Australian Standard 4454 Composts, soil conditioners and mulches (2012), or its most recent version.

‘batch’ means a quantity of the resource blended for the production of compost and/or mulch at the same time.

‘business’ means a body of persons, whether incorporated or unincorporated.

‘chief executive’ means the chief executive of the Waste Reduction and Recycling Act 2011, being the Department of Environment and Science or its successor.

‘compost’ has the meaning in AS 4454 and is the organic product that has undergone controlled aerobic and thermophilic biological transformation through the composting process to achieve pasteurisation, reduce phytotoxic compounds, and achieved the specified level of maturity required for compost.

‘DDAC’ means didecyl dimethyl ammonium chloride.

‘emergency(ies)’ means a situation where either human health or safety is threatened, or serious or material environmental harm has been or is likely to be caused; or urgent action is necessary to protect the health or safety of persons, or prevent or minimise the harm, or rehabilitate or restore the environment because of the harm.

‘environmental authority’ means a permit granted under the Environmental Protection Act 1994 for carrying out an environmentally relevant activity.

‘environmental harm’ means environmental harm as defined in Chapter 1 of the Environmental Protection Act 1994.

‘lawfully’ means allowed or permitted by law and not contrary to law.

‘load’ means the volume of resource put in or on something for conveyance or transportation, carried at one time. A truck and trailer carrying the resource is considered as one load as well as multiple bins travelling by rail. Where the resource is transported via conveyor systems, information should be recorded on a daily basis until the transfer ceases.

‘mulch’ means mulch that has undergone controlled aerobic and thermophilic biological transformation through the composting process and achieved a specified level of maturity in accordance with Appendix N (Determination of Maturity Index) of AS 4454.

‘person(s)’ means an individual or a corporation.
‘quality management system’ means a formalised system that documents processes, procedures and responsibilities for achieving product quality policies and objectives.

‘records’ include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition or requirement of this EOW code.

‘registered resource producer(s)’ means a person who produces the resource and has registered with the chief executive (in accordance with Requirement (6.1)) to use, sell or give away the resource to be used under this EOW code.

‘representative sample’ means a sample taken in accordance with Appendix A (Methods for sampling, sample handling and preparation prior to analysis) of AS 4454.

‘resource(s)’ means ACQ treated timber shavings that meet the criteria and quality characteristics stated in Requirement (6.3) of this EOW code.

‘resource user(s)’ means a person who has notified the chief executive (in accordance with (Condition (7.1)) to receive the resource from a registered resource producer and uses the resource for a use approved under this EOW code and does so in such a manner which does not cause any environmental harm.

‘site of use’ means the relevant location or locations where the resource user uses the resource in accordance with this EOW code.

‘SPLP’ means Synthetic Precipitation Leaching Procedure.

- END -
Appendix A — General obligation for all persons

This appendix is not intended to provide a comprehensive assessment of all obligations under Queensland law. It provides some general information and persons are encouraged to familiarise themselves with all requirements related to their specific operation.

Responsibilities under the Environmental Protection Act 1994

All persons within the State of Queensland must also meet their obligations under the Environmental Protection Act 1994, and the regulations made under that Act.

General environmental duty

Section 319 of the Environmental Protection Act 1994 states that we all have a general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes or is likely to cause environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:

- the nature of the harm or potential harm
- the sensitivity of the receiving environment
- the current state of technical knowledge for the activity
- the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken
- the financial implications of the different measures as they would relate to the type of activity.

It is not an offence not to comply with the general environmental duty. However, maintaining your general environmental duty is a defence against the following acts:

(a) an act that causes serious or material environmental harm or an environmental nuisance
(b) an act that contravenes a noise standard
(c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.


Some relevant offences under the Environmental Protection Act 1994

Causing serious or material environmental harm (sections 437–39)

Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance. Damages, or costs required to rehabilitate the environment, of over $5000 constitutes material environmental harm and damages, or costs required to rehabilitate the environment, of over $50,000 constitutes serious environmental harm.

Serious or material environmental harm excludes environmental nuisance.

Causing environmental nuisance (section 440)

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.
Depositing a prescribed water contaminant in waters (section 440ZG)

Prescribed water contaminants include a wide variety of contaminants listed in Schedule 10 of the Environmental Protection Regulation 2019.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

Placing a contaminant where environmental harm or nuisance may be caused (section 443)

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Some relevant offences under the Waste Reduction and Recycling Act 2011

Littering (section 103)

Litter is any domestic or commercial waste and any material a person might reasonably believe is refuse, debris or rubbish. Litter can be almost any material that is disposed of incorrectly. Litter includes cigarette butts and drink bottles dropped on the ground, fast food wrappers thrown out of the car window, poorly secured material from a trailer or grass clippings sweept into the gutter. However, litter does not include any gas, dust, smoke or material emitted or produced during, or because of, the normal operations of a building, manufacturing, mining or primary industry.

Illegal dumping of waste (section 104)

Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place. Illegal dumping can also include abandoned vehicles.

Failure to comply with EOW code (section 158)

A registered resource producer for an EOW code must not use, sell or give away the resource unless the registered resource producer complies with the requirements of the EOW code relating to the resource.

A person, other than a registered resource producer, must not use a resource in a way, or for a purpose, that does not comply with an EOW code for the resource.

Approved: 3 February 2020

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Email: palm@des.qld.gov.au