

# Guideline

## Waste Handler

### Management of End-of-Life Tyres (Waste Tyres)

*This document aims to provide general information regarding the requirements for waste tyre generators and transporters under the Waste Reduction and Recycling Act 2011, Environmental Protection Act 1994 and subordinate legislation. There may be additional requirements for your specific business and this document does not diminish your responsibility to seek your own technical or legal advice to operate lawfully.*

Illegally dumped or inappropriately stored tyres present environmental, health and financial risks to communities across Queensland and Australia. Landowners incur clean costs resulting from tyres unlawfully dumped on their land, while poorly managed stockpiles can pose catastrophic fire risks, pest and vermin problems (including mosquitos) and waterway contamination. We all have an obligation to ensure our own actions do not harm our communities or environment.

## 1 What is an End-of-Life Tyre (Waste Tyre)?

Waste tyres are described by legislation as 'end-of-life tyres' (EOL tyres) and refers to a used tyre that is no longer attached to a vehicle<sup>1</sup>. It is important to note that an EOL tyre is not a reflection of its 'lawfulness' or whether it still has legal tread remaining for road use.

The Department of Environment and Science (the department) regulates the storage, transport and disposal of particular waste types (including EOL tyres) that present a higher risk to human health and the environment.

## 2 Waste

Waste is defined in s.13 of the *Environmental Protection Act 1994* and includes anything, other than a resource approved under Chapter 8 of the *Waste Reduction and Recycling Act 2011*, that is:

- left over, or an unwanted by-product, from an industrial, commercial, domestic or other activity; or
- surplus to the industrial, commercial, domestic or other activity generating the waste.

Waste can be a gas, liquid, solid or energy, or a combination of any of them. A material can be waste whether or not it is of value.

## 3 What is regulated waste?

Regulated waste is defined in s.42 of the Environmental Protection Regulation 2019 (the Regulation) and is commercial or industrial waste, whether or not it has been immobilised or treated; and is of a type, or contains a constituent of a type, mentioned in Schedule 9, Part 3 of the Regulation and includes for an element—any chemical compound containing the element; and anything that contains residues of the waste. Waste tyres are listed in Schedule 9, Part 3 of the Regulation as a regulated waste.

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<sup>1</sup> Schedule 19, EP Reg

## 4 What is trackable waste?

Trackable waste is a regulated waste of a type mentioned in Schedule 11 of the Regulation to which the waste tracking provisions of the Regulation apply. Most regulated wastes are also classified as trackable wastes.

Each trackable waste has a specific code that is applied to the waste type to clearly identify it within the tracking documentation. EOL tyres are considered regulated and trackable waste – the appropriate waste tracking code to track EOL tyres transported from the waste generator to waste receiver is T140.

### 4.1 Waste Handlers

All parties involved in the generation, transport and receipt (including disposal or reuse) of EOL tyres collectively are referred to as waste handlers.<sup>2</sup> Every person, as a waste handler, has legal obligations for the lawful transportation, disposal, and management of waste.

## 5 Responsibilities as a Tyre Retailer (waste generator)

A generator, when used in the context of tracking waste, is a commercial or industrial business that produces or stores trackable waste and arranges for this waste to be sent for storage, recycling, treatment or disposal at another location via an authorised transporter. A business may still be taken to be a generator of EOL tyres regardless of whether the business generated the waste or received it from someone else.

### 5.1 Managing and storing tyres.

Legislation is in place to address risks on human health and the environment. Under the *Environmental Protection Act 1994*, every person in Queensland holds the requirement to take all measures to prevent or minimise the risk of environmental harm (the [General Environmental Duty](#)). During storage you are required to minimise the environmental risks associated with the storage of tyres. These risks may relate to fire or the harbouring of vermin and pests, including mosquitoes.

Most tyre retailers do not require specific licensing from the department, in the form of an Environmental Authority (EA). However, if you receive and store more than 4 tonnes or 4m<sup>3</sup> of EOL tyres at any one time (approximately 500 passenger tyres), you are required to hold an EA before operating. Operating this level of activity is known as undertaking an Environmentally Relevant Activity (ERA), specifically (ERA) 62 – *Resource recovery and transfer facility operation* for which an EA is required.

In addition to the department, there are other government bodies that manage risks posed by EOL tyres. Queensland Fire and Emergency Services has legislation ([Fire and Emergency Services Act 1900](#)) in place requiring occupiers of premises to take measures for the purpose of reducing the risk of fire occurring at the site.

You should also confirm any requirements under relevant planning legislation with your Local Government Authority before operating, regardless of whether you need to hold an EA or not.

### 5.2 Transportation of EOL tyres.

A transporter of EOL tyres is anyone who commercially transports the trackable waste from its place of generation or storage to another location. Transportation includes, but is not limited to, truck, tanker, trailer and semitrailer, train, boat or aircraft.

As a tyre retailer (waste generator), you are required to ensure the individual or company engaged to transport *any amount* of your EOL tyres, operates under a relevant EA for *ERA 57 – Transporting Regulated Waste* and completes documentation for [waste tracking](#). It is recommended you obtain a copy of the [EA](#) before allowing any person to remove EOL tyres. **It is an offence under s.96 of the Environmental Protection Regulation**

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<sup>2</sup> s. 72, EP Reg

**2019 for a generator to give trackable regulated waste to a transporter who does not hold an EA for ERA57.**

However, if a tyre retailer chooses to transport EOL tyres themselves, the transporter might not need to hold an EA for ERA 57 if *all* of the following criteria are met:

- a) the person transporting the waste is the occupier of the commercial premises where the waste is generated; and
- b) the waste is transported from the premises free of charge; and
- c) no more than 250kg of waste is being transported in the vehicle.

Where a tyre retailer chooses to transport EOL tyres themselves, the appropriate waste tracking documentation must be completed, regardless of whether an EA for ERA 57 is required to be held. If you do not meet the above requirements, you will need to obtain an EA for ERA 57 from the department or engage a licensed transporter to transport the waste.

### **5.3 Record Keeping**

As the EOL tyre generator, you are legally required to record, keep and submit waste tracking information to the department when EOL tyres are transported from your site. This information, known as prescribed information, is required to be completed for every load of EOL tyres being transported from your site. Except where you have engaged another business to submit the prescribed information under an agent's agreement as detailed below.

As a generator of EOL tyres, you must provide the transporter with prescribed information that they will provide to the waste facility taking your EOL tyres (regulated waste). This information is known as [waste tracking](#).

You can complete an online waste transport certificate (WTC) or paper-based WTC. Most must be submitted within seven days of the load being collected unless the department provides written approval otherwise. Additionally, if you identify a discrepancy within the WTC, it is an offence if you do not advise the department within seven days of its identification.

If you arrange for the transporter to submit the WTC for you, a signed written agreement should be in place between yourself and the transporter confirming that they are acting as the agent on your behalf<sup>6</sup>. Keep a signed copy of the agreement at your registered places of business. This is known as an agent's agreement. Departmental authorised officers may request for you to produce this agent's agreement during audits of compliance.

Dependant on your business needs, there are several options for completing waste tracking information and submitting to the department. You can:

- Complete a paper-based WTC, and email or post it to the department within seven days of the load of EOL tyres being collected.
- Complete a single WTC online using the department's system "Connect" within seven days of the load of EOL tyres being collected.
- Complete multiple EOL tyre collections online within seven days of the end of each month, using the department's online system. This method is termed a 'bulk upload.'

*\* The chosen method to track and report the EOL tyre movements (paper-based, or via the departments online system) must remain the same from point of collection (generation) to point of receipt. It is recommended that the chosen method is discussed, confirmed and agreed with the chosen waste transporter prior to a collection being arranged.*

## 6 Responsibilities as a Waste Transporter (EOL Tyres)

A transporter is a person who transports waste from its place of generation, production, or storage to another location (e.g. a waste facility).

As an EOL tyre transporter, you are required to:

- Hold a valid EA for ERA 57 Regulated Waste Transport and comply with the conditions contained therein;
- Ensure you fulfil your obligations under the waste tracking provisions by recording, submitting and keeping prescribed information about the waste via WTC as stated above (see Division 3 of Part 9 in Chapter 5 of the Regulation). Schedule 12 of the same Regulation lists the prescribed information that must be handed between parties in the waste transaction;
- The WRR Act requires a transporter to provide delivery information to a waste facility where relevant, regarding how much of the waste is subject to the waste levy and whether the waste was generated in the waste levy zone or outside of Queensland (see sections 53 and 54).
- EOL tyres must be taken to a place that can lawfully receive that waste. You should ensure that you have checked and can demonstrate that the place you are taking the EOL tyres is lawful.

Where EOL tyre transporters do not fulfil the requirements to lawfully transport waste, the department may take enforcement action. This may include where a waste transporter has knowingly delivered waste to an unlicensed site or failed to confirm that the site was licensed.

## 7 Responsibilities as a Waste Facility (EOL Tyres)

A receiving Waste Facility means a facility operated for the recycling, reprocessing, treatment, storage, incineration, conversion to energy, sorting, consolidation or disposal (including disposal to landfill) of waste.

To operate such a receiving Waste Facility, you must hold an Environmental Authority (EA) for the relevant Environmentally Relevant Activity (ERA).

In addition to obligations relating to the conditions of the EA, and the *Environmental Protection Act 1994*, the receiving facility also has a number of responsibilities relating to the waste tracking of EOL tyres. These include:

- Recording of the prescribed information onto the waste tracking form (paper-based WTC) or via the Connect system at the time the waste is received.
- Provide a copy of this information to the department by either emailing or posting the completed paper WTC to the department within 7 days of the waste being received OR submitting the information to Connect.
- Notify the department within 7 days of becoming aware of a discrepancy in the information received from the transporter when compared to the nature of the actual load of waste received. For example, the transporter has indicated that 200 tyres have been transported but there are only 100 tyres that you have received.
- Keep the records identified above for at least 5 years.

## 8 Responsibilities of the department

By matching the information sent by the waste generator and the waste receiver, the department can track the waste journey and identify which wastes have been disposed of appropriately. The department can also check

that the transporter and receiving facility are appropriately licensed. Where the information does not match, the department will ascertain the reason and investigate what action, if any, should be taken under the legislation.

### **Contacts & Further Information**

- **Environmental Authorities and Waste Tracking** - Please contact the department on 1300 130 372 (option 4) if you have any further questions about any aspect of transporting waste into or within Queensland, including licensing.
- **Waste Levy and exemptions** – Go to <https://www.qld.gov.au/environment/pollution/management/waste/recovery/disposal-levy>
- **Connect** – For more information about setting up a Connect customer go to <http://www.des.qld.gov.au/connect>
- **Waste tracking** – Phone (07) 3330 5677 or email [waste.track@des.qld.gov.au](mailto:waste.track@des.qld.gov.au)

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### **Version history**

<b>Version</b>	<b>Date</b>	<b>Description of changes</b>
1.00	16 November 2020	Developed to support operators to understand the requirements for End of Life Tyres.
1.01	25 November 2020	Minor amendment to section 5.2