

Information sheet

Regulated waste

Overview of regulated waste categorisation

The purpose of this information sheet is to outline the regulated waste categorisation provisions of the Environmental Protection Regulation 2008 (EP Regulation) for waste generators and receivers. This document summarises Chapter 5, Part 1 and Schedule 7 of the EP Regulation and is for information only. Where there is a difference between this document and the EP Regulation, the EP Regulation prevails. You should refer to the EP Regulation to confirm information provided here and to obtain the definitions of relevant terms that have not been included or have been paraphrased (relevant terms that are defined in Parts 1 and 2 of Schedule 12 of the EP Regulation in bolded italics in this document).

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1. Introduction

Wastes containing certain hazardous properties are classified as regulated waste in the EP Regulation and are subject to more stringent management requirements than other waste, as they may contain contaminants or have properties that present a higher risk to the environment or human health. The previous waste classification system did not consider the concentration of any of the parameters for the waste types listed as regulated waste. A waste would be classified as regulated waste even if the waste had very low levels of a contaminant.

The Environmental Protection (Regulated Waste) Amendment Regulation 2018 (the amending regulation) commenced on 4 February 2019. The amending regulation introduced a new risk-based waste classification framework with two default categories of regulated waste:

- category 1 regulated waste¹ (highest risk); and
- category 2 regulated waste¹ (moderate risk).

The amending regulation also introduced threshold criteria for relevant waste characteristics and a process for testing wastes to determine if a lower risk waste classification is appropriate. A waste generator can accept the default classification and does not have to undertake sampling and testing. If there are no relevant waste characteristics for the type of waste, the default category applies.

2. What is regulated waste?

Regulated waste is **commercial waste** or **industrial waste** of a type, or containing a constituent of a type, listed in Table 1 in Appendix 1 (taken from Schedule 7, Part 1, Column 1 of the EP Regulation²). This table includes the default category of regulated waste (category 1 or category 2).

Regulated waste includes:

- a) for an element—any chemical compound containing the element; and
- b) anything that contains residues of the waste, for example, a container contaminated with the waste.

However, waste is not regulated waste if:

- a) it is listed Table 2 in Appendix 2 (taken from Schedule 7, Part 3, Division 1 of the EP Regulation²); or
- b) there are **current test results**³ for the waste (where the waste has been tested and shown to be a lower risk category of waste in accordance with the EP Regulation—summarised in this information sheet).

The default categorisation from Table 1 will apply to regulated waste if:

- the generator does not have the waste tested;
- the waste cannot be tested because there are no relevant testing characteristics for the type of waste (e.g. tyres, quarantine waste, clinical and related waste);
- the waste is tested, but the testing does not indicate a lower risk category (note—the default categorisation will apply in this instance. The testing will not take the waste into a higher risk category); or

¹ Section 2 of this information sheet discusses what regulated waste is. Regulated waste is defined in section 64 of the EP Regulation. Category 1 and category 2 regulated waste are defined in section 64A of the EP Regulation. Waste is defined in section 13 of the *Environmental Protection Act 1994*.

² Refer to the EP Regulation to confirm the information provided in this information sheet.

³ Current test results are the waste test results (if they are still current—see Section 5.1 of this information sheet) that show the waste is a lower category than the default category. The waste testing and determination of the waste category must be in accordance with the EP Regulation—summarised in Section 4 of this information sheet.

“Current test results” are defined in Schedule 12, Part 2 of the EP Regulation and rely on the definition of “tested waste” and “test results” in sections 64H and 64F of the EP Regulation respectively.

- the waste is tested but the test results³ are no longer current (see Section 5.2 of this information sheet for details of how long test results³ remain current).

The default category is determined by finding the waste types listed in Table 1 that most closely describe or match the waste and noting the corresponding category. The waste type that has the highest risk category is the default category. This method of categorisation is used for determining the default waste category for both **solid waste** and **liquid waste**.

The *Environmental Protection Act 1994* has a framework for managing contaminated land. Section 3 discusses how the waste categorisation framework and the contaminated land framework interact.

3. The waste categorisation framework and contaminated soil

The waste categorisation framework is not designed or intended to be used for contaminated land assessment or site remediation purposes. This means that the notification, assessment and removal of sites relating to the environmental management register (EMR) or contaminated land register (CLR) will continue to be undertaken against contaminated land assessment criteria only and is not impacted by the regulated waste categorisation framework.

Transport and disposal of contaminated soil from properties on the EMR or CLR must be undertaken under a soil disposal permit. The soil disposal permit covers the transport and disposal of the contaminated soil. The waste categorisation provisions of the EP Regulation will not apply to contaminated soil from sites that are on the EMR or CLR.

The contaminated land provisions outline processes for:

- identifying land that should be on the EMR or CLR;
- managing land that is on the EMR or CLR; and
- transporting and disposing of contaminated soil from land that is on the EMR or CLR under soil disposal permits.

These processes do not apply to short-term contamination and the clean-up of spills to avoid land being listed on the CLR. The waste categorisation provisions will apply to the transport and disposal of contaminated soil from these sites.

4. Changing the default waste categorisation

The default categorisation for regulated waste in Appendix 1 applies to a waste unless the waste generator takes action to determine if a lower risk category applies to the waste. The process for this is to:

- identify relevant parameters and sample the waste;
- test the waste; and
- compare the test results³ to the thresholds for the waste categories in Appendices 3 and 4.

This Section gives further detail on the process for changing the categorisation of a regulated waste.

If the process determines the waste is a lower risk category, the waste can be treated as that category of waste while the test results³ are current. The waste is referred to as tested waste⁴. The generator's obligations in relation to tested waste⁴ are detailed in Section 5.

4.1. Who can sample and test?

An appropriately qualified person must sample and test the waste (see sections 64C and 64D of the EP Regulation respectively for the sampling and testing requirements). The person who tests the waste does not have to be the person who sampled the waste.

⁴ Defined in section 64H of the EP Regulation.

Appropriately qualified is defined in the *Acts Interpretation Act 1954* as “having the qualifications, experience or standing appropriate to perform the function or exercise the power”.

For the purpose of waste categorisation, an appropriately qualified person must be a person who:

- has professional qualifications, training, skills or experience relevant to the nominated subject matter; and
- can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

4.2. What must be sampled and tested?

The parameters for testing are in Appendix 3 for **solid waste** and Appendix 4 for **liquid waste**. The parameters listed include attributes (such as pH or the presence of asbestos, etc.) and substances (such as arsenic, copper, various pesticides etc.).

Categorisation of **solid waste** requires testing for total values (as dry weight) for each relevant hazard parameter. Leachability testing, using either the toxicity characteristic leaching procedure (TCLP), or the Australian standard leaching procedure (ALSP) or any other methodology, is not required for **solid waste** categorisation purposes under the EP Regulation.

While leachability is not considered for the waste categorisation, it may be needed for regulated waste going to landfill or another waste management facility to show that the waste meets the landfill's or other facility's waste acceptance criteria.

The waste characterisation process does not require sampling for all the attributes and substances listed in Appendices 3 and 4 (for **solid waste** and **liquid waste** respectively). Only the **relevant attributes** and **relevant substances** need to be sampled. These are attributes and substances that could reasonably be expected to be present in the waste giving regard to:

- the source, type and quality of materials involved in the generation of the waste; and
- the way in which the waste was generated.

For example, if a liquid waste comes from a business that dismantles used lead acid batteries, it would be appropriate to sample and test for pH and lead. It would not normally be relevant to sample and test for cyanide, petroleum products, polychlorinated biphenyls and pesticides.

It is not always clear when it is relevant to include a substance for testing. This is especially true for per- and poly-fluoroalkyl substances (PFAS).

PFAS

The PFAS National Environmental Management Plan lists many waste types in which PFAS has been found and activities that generate PFAS containing waste. It is also important to consider the way in which the waste was generated, for example, whether there was a known or suspected PFAS containing release, product, input or process used in its generation.

Management principles and guidance in the PFAS National Environmental Management Plan are to be considered if the waste contains PFAS to inform appropriate management.

As PFAS are a broad class of substances and laboratory standards are not available for every potential PFAS compound, testing must include standard analysis for easily identifiable PFAS and additional testing that shows presence/absence of other PFAS, namely the total oxidisable precursor assay (TOP assay) mentioned in the PFAS National Environmental Management Plan or an equivalently accurate detection method.

4.3. How is the waste to be sampled and tested?

The appropriately qualified persons must sample and test the waste under a protocol.

A protocol is defined in section 579B of the *Environmental Protection Act 1994* and describes a procedure that is to be followed in certain circumstances, such as a taking samples, performing analysis on samples and reporting of the results or interpretation of the analysis. The relevant protocol will be whichever existing protocol is highest in the following list:

1. a protocol the department publishes and makes available for inspection by members of the public; or
2. a protocol issued by the Australian and New Zealand Environment Conservation Council before 1 January 2009; or
3. a protocol under an Australian Standard or joint Standards Australia and Standards New Zealand standard; or
4. a protocol issued by a Ministerial Council established by the Council of Australian Governments; or
5. a protocol of an entity other than the department that the department publishes and makes available for inspection by members of the public.

The department has not published a protocol when this information sheet was published.

4.3.1. Sampling the waste

An appropriately qualified person must take samples of the waste under a protocol for each **relevant attribute** and **relevant substance**. The appropriately qualified person would design a sampling strategy that:

- identifies all the **relevant attributes** and **relevant substances** for the waste;
- ensures samples obtained faithfully represent the waste being categorised. It cannot be assumed that the waste is homogeneous and an appropriately qualified person undertaking the sampling must ensure that the sampling strategy is sufficient to account for:
 - the nature and quantities of any distinct liquid or solid layers in the waste material; and
 - the variability of the waste quality. If the samples will not be representative of the waste over time, testing must be undertaken for each waste load;
- identifies the test method with a level of reporting appropriate for comparison with the threshold levels for the **relevant attributes** and **relevant substances** (note: PFAS has a threshold level of zero and is discussed in Section 4.4.1 of this information sheet);
- identifies the appropriate containers and preservation required by the laboratory that will be testing the samples (normally a NATA-accredited laboratory); and
- identifies whether in-situ testing will be included for pH and/or conductivity.

4.3.2. Testing the waste

An appropriately qualified person must test the waste samples under a protocol for each **relevant attribute** and **relevant substance**.

Only NATA-accredited laboratories should perform testing of waste samples, except under the following circumstances:

- a NATA-accredited laboratory is not available locally and the waste samples cannot be transported to a laboratory for testing within the holding time period required for the waste samples; or
- testing is for pH and/or conductivity, which are deemed suitable for in-situ testing.

In-situ testing must still be undertaken by an appropriately qualified person under a protocol.

Where testing is undertaken at a non-NATA accredited laboratory, the waste generator should request from the laboratory and keep a record of the following information:

- quality assurance documentation demonstrating the competence of the laboratory to undertake the tests, with respect to NATA requirements, required for each **relevant attribute** and **relevant substance** being tested; and
- a statement detailing any deviations from NATA requirements.

4.4. Comparing the test results³ to the category threshold levels

The appropriate waste category is determined by comparing each test result to the corresponding threshold level. The category will change to a lower risk category if the comparison results in a lower risk category for all the **relevant attributes** and **relevant substances**.

For **solid waste** the waste categorisation is the highest risk category of the comparison results for all the **relevant attributes** and **relevant substances** (see Section 4.4.2 for more information).

For **liquid waste** the waste categorisation will be the default categorisation if the comparison results do not all have a lower risk category for all the **relevant attributes** and **relevant substances**. (see Section 4.4.3 for more information).

The comparison is straightforward for most threshold levels. However, the threshold level for PFAS is zero (see item 35 in table 3b for **solid waste** and item 35 in table 4b for **liquid waste**). Section 4.4.1 examines how to compare results where the threshold level is zero.

4.4.1. Comparing test results³ for PFAS

The threshold level of zero for PFAS is taken to mean less than the level of reporting (LOR) limit provided:

- the testing uses a NATA-accredited test method for that parameter; and
- the test selected has an LOR that is the best achievable for that parameter (i.e. the most sensitive with the lowest LOR).

In these cases, where testing is undertaken and the result is below the LOR, this is taken to be zero.

Testing with a higher LOR is not acceptable when testing to change the waste categorisation. However, testing for a higher LOR can be used for other purposes—for example, to confirm that PFAS is present. If the waste is expected to contain greater than trace levels of a substance, then testing using a higher LOR is acceptable to show presence of the substance above zero but not absence of the substance. If testing at a higher LOR shows absence, additional testing to lowest trace LOR is necessary to confirm absence. If a NATA-accredited test method is not available, or does not faithfully indicate the presence or absence of the substance or class of substances, a quality assured method recognised in Queensland or national guidance must be used instead.

4.4.2. Comparing test results³ to the thresholds for solid waste

For **solid waste**, the test results³ for the **relevant attributes** and **relevant substances** (expressed as dry weight) are compared to the corresponding threshold values to determine the waste category (not regulated, category 1 or category 2 regulated waste). The waste category is the highest risk category of the comparison results for all the **relevant attributes** and **relevant substances**. The waste category will change to the lowest risk category if all of the test results³ meet the criteria for the lowest risk category.

Examples for **solid waste** are included in the following table and in a worked example:

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Default category	Category from testing for each parameter	Applicable category with explanation
Category 1	Parameter 1—Category 1 Parameter 2—Category 2 Parameter 3—Not regulated	Category 1— No change as the highest risk category for the test results is the same as the default category
Category 1	Parameter 1—Category 2 Parameter 2—Not regulated	Category 2— Change to category 2 as this is the highest risk category for the test results and is lower than the default category
Category 1	Parameter 1—Category 2 Parameter 2—Category 2	Category 2— Change to category 2 as this is the highest risk category for the test results and is lower than the default category
Category 1	Parameter 1—Not regulated Parameter 2—Not regulated	Not regulated— Change to not regulated as all the test results are for this lower risk category
Category 2	Parameter 1—Category 1 Parameter 2—Category 2	Category 1— Change to category 1 as this is the highest risk category for the test results Note: this is higher than the default category
Category 2	Parameter 1—Category 2 Parameter 2—Not regulated	Category 2— No change as the highest risk category for the test results is the same as the default category
Category 2	Parameter 1—Not regulated Parameter 2—Not regulated	Not regulated— Change to not regulated as all the test results are for this lower risk category

Worked example

Consider a **solid waste** containing cyanide. It would be regulated waste under items 7, 16 and 17 of Appendix 1.

Item	Type	Category
7	basic (alkaline) solutions and bases (alkalis) in solid form	2
16	cyanides (inorganic)	1
17	cyanides (organic)	1

As the waste types indicate both category 1 and category 2 for the waste, the default category with the highest risk applies. Therefore the waste is default category 1 regulated waste.

If the waste categorisation process was followed and the waste had a pH of 6.6 and 900mg/kg of cyanide, then these test results would be compared with the relevant portions of the tables in Appendix 3 (shown below).

Item	Attribute	Not regulated	Category 2 regulated waste	Category 1 regulated waste
1	pH	6.5 - 9	2 – 6.5 or 9 - 12.5	<2 or >12.5 ⁵
		Test result		

The pH test result indicates categorisation as not regulated.

⁵ From section 64A(2)(b)(i) of the EP Regulation.

Item	Substance	Not regulated (mg/kg)	Category 2 regulated waste ⁹ (mg/kg)	Category 1 regulated waste (mg/kg)
16	cyanide	<240	240 - 960	>960
			Test result	

The cyanide test result indicates categorisation as category 2 regulated waste.

As both categorisations are lower risk than the default categorisation, the categorisation changes. The highest risk category applies and the waste is category 2 regulated waste.

4.4.3. Comparing the test results³ to the thresholds for liquid waste

The process for changing the default categorisation for **liquid waste** is slightly different from the process for **solid waste**. For **solid waste** there are three sets of thresholds to compare test results³ against—category 1 regulated waste, category 2 regulated waste and not regulated. For **liquid waste** there are only two sets of thresholds to compare test results³ against—the default category and not regulated. This means that **liquid waste** can change classification to “not regulated” or remain as the default category. It cannot change from category 1 to category 2 regulated waste or from category 2 to category 1 regulated waste. Therefore, the waste category only changes if all of the test results³ indicate the not regulated category is applicable.

Examples for **liquid waste** are included in the following table and in a worked example:

Default category	Category from testing for each parameter	Applicable category with explanation
Category 1	Parameter 1—Default category Parameter 2—Not regulated	Category 1— No change as the default category is the highest risk category for the parameters tested
Category 1	Parameter 1—Not regulated Parameter 2—Not regulated	Not regulated— Change to not regulated as all the test results meet the not regulated category
Category 2	Parameter 1—Default category Parameter 2—Not regulated	Category 2— No change as the default category is the highest risk category for the parameters tested
Category 2	Parameter 1—Not regulated Parameter 2—Not regulated	Not regulated— Change to not regulated as all the test results meet the not regulated category

Worked example

Consider a **liquid waste** containing cyanide. It would be regulated waste under items 7, 16 and 17 of Appendix 1.

Item	Type	Category
7	basic (alkaline) solutions and bases (alkalis) in solid form	2
16	cyanides (inorganic)	1
17	cyanides (organic)	1

As the waste types indicate both category 1 and category 2 for the waste, the default category with the highest risk applies. Therefore, the waste is default category 1 regulated waste.

If the waste categorisation process was followed and the waste had a pH of 6.6 and 90µg/L of cyanide, then these test results would be compared with the relevant portions of the tables in Appendix 4 (shown below).

Item	Attribute	Not regulated	Regulated (default category applies – see Table 1)
1	pH	6.5 - 10.5	<6.5 or >10.5
		Test result	

The pH test result indicates categorisation as not regulated.

Item	Substance	Not regulated (µg/L)	Regulated (µg/L) Default category applies
16	cyanide	<70	≥70
			Test result

The cyanide test result indicates the default categorisation still applies.

The categorisation would only change to not regulated if all the test results showed a risk category of not regulated. As this is not the case, the waste keeps the default categorisation of category 1 regulated waste.

5. What happens if the waste changes category?

If the waste changes category, the waste is referred to as tested waste⁴. While testing results remain valid, the waste can be transported and processed or disposed of under the EP Regulation as the category of waste it became through the testing process.

However, the waste classification does not affect requirements for transport of waste to or from other States and Territories and waste requirements under other Queensland legislation⁶. For example, dangerous goods requirements; or the requirements for transportation of waste interstate do not change because of a change to the waste classification under the EP Regulation. :

This section outlines how long waste testing results remain valid, when earlier retesting can be required and what the notification, reporting and record keeping requirements are for tested waste⁴.

5.1. How long are test results³ current?

Under section 64F of the EP Regulation, the results of waste testing for wastes that are generated from the same processes and input materials are valid for a period of three months from the testing report date. In this situation the test results³ will remain current and can be used for all further waste loads that are generated in that period. This approach reduces the number of ongoing waste tests required and the associated costs to waste generators in circumstances where the quality of each waste load is not expected to change.

However, if a change occurs in the process or materials used to produce the waste and the change could be reasonably expected to change the quality of the waste generated, the test results³ will cease to be current and the waste must be retested (section 64F of the EP Regulation). If the retest shows the default category still does not apply, then the results of the retest become the current test results³.

Waste testing results will also cease to be current if a request is made to retest the waste by an authorised person under section 64E of the EP Regulation. If the retest shows the default category still does not apply, then the results of the retest become the current test results³.

For wastes that are not generated from the same processes or input materials, or that are expected to be of variable quality, testing must be undertaken for each waste load.

⁶ From 1 July 2019, a waste levy is payable under the *Waste Reduction and Recycling Act 2004*. The levy is payable by operators of waste facilities for the waste they dispose of at their landfill. The rate of levy payable varies depending on the waste classification.

5.2. What records must be kept?

A generator⁷ of tested waste⁴ is required to keep records of all loads of tested waste⁴ that are transported to a receiver⁷. The record must include the **prescribed information**⁷ in Section 4.1 of this information sheet, be in the approved form and be kept by the generator for at least 5 years (see section 64J of the EP Regulation).

A copy of the records must also be given to the receiver^{Error! Bookmark not defined.} on, or prior to, delivery of a load of waste. The receiver⁷ is also required to keep a copy of the record in the approved form for 5 years (see section 65 of the EP Regulation).

The approved form *Record of tested waste* is available on the department's website at <https://environment.des.qld.gov.au/waste/review-reg-waste.html> (or at www.qld.gov.au using the publication number ESR/2019/4862 as a search term).

5.3. Prescribed information that must be provided

Under section 64H of the EP Regulation, the **prescribed information**⁷ provided to a receiver^{Error! Bookmark not defined.} must include:

- whether the load is **general waste** or regulated waste;
- if the load is regulated waste, whether it is category 1 or category 2 regulated waste; and
- the **current test results**³ for the waste.

The **current test result**³ must include sufficient information for the receiving facility to make a critical evaluation of its contents. This must include the following for each **relevant attribute** and **relevant substance** (analyte):

- sample identification (e.g., description, location, sample number and unique laboratory number);
- date and time of sampling;
- identification of in situ measurements;
- reference to analytical method used;
- date of analysis;
- accurate description of the parameter(s);
- quality assurance assessment for the analysis; and
- results.

Results should be reported in units specified in the EP Regulation for each **relevant attribute** and **relevant substance**. The limit of reporting for each each **relevant attribute** and **relevant substance** should be quoted with the test results³. Concentrations below the limit of reporting should be quoted as a 'less than' (<) relevant numerical value e.g. <0.1mg/kg.

A copy of the report and associated quality assurance documentation attesting to the reliability of the result provided by the testing laboratory that complies with NATA requirements will be considered sufficient information to meet this requirement.

If a receiver^{Error! Bookmark not defined.} becomes aware of an omission or inaccuracy in the **prescribed information**^{Error! Bookmark not defined.} about a load of tested waste⁴ they must notify the administering authority within 24 hours. Tested waste⁴ is defined in section 64H of the EP Regulation as waste that has **current test results**³.

⁷ Generator of tested waste⁴, receiver of tested waste⁴ and prescribed information are defined in section 64H of the EP Regulation.

6. Offences

There are various offences in the waste categorisation provisions:

- in section 64G relating to interfering with the sampling or testing or otherwise jeopardising the accuracy of test results³ for waste;
- in section 64I relating to notification and reporting changes in waste categorisation;
- in section 64J relating to records the waste generator must keep; and
- in section 65 relating to records the waste receiver^{Error! Bookmark not defined.} must keep and the requirement to notify the department on becoming aware of an omission or inaccuracy in the **prescribed information**^{Error! Bookmark not defined.} for a load.

7. Further information

Additional information sheets on the regulated waste classification are being developed and will be available on the department's website at <https://environment.des.qld.gov.au/waste/review-reg-waste.html>.

If you have any further questions, please contact PaLM on 1300 130 372 (option 4).

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved:

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Appendix 1 Types of regulated waste and default waste categorisation

Table 1 – From Part 1 of Schedule 7 of the EP Regulation

Refer to the EP Regulation to confirm the information provided here

Item	Type	Category
1	acidic solutions and acids in solid form	2
2	animal effluent and residues, including abattoir effluent and poultry and fish processing wastes	2
3	antimony and antimony compounds	1
4	arsenic and arsenic compounds	1
5	Asbestos	2
6	barium compounds, other than barium sulfate	1
7	basic (alkaline) solutions and bases (alkalis) in solid form	2
8	beryllium and beryllium compounds	1
9	boron compounds	1
10	cadmium and cadmium compounds	1
11	chemical waste arising from a research and development or teaching activity, including new or unidentified material and material whose effects on human health or the environment are not known	1
12	Chlorates	1
13	chromium compounds (hexavalent and trivalent)	1
14	clinical and related waste	1
15	copper compounds	1
16	cyanides (inorganic)	1
17	cyanides (organic)	1
18	encapsulated, chemically-fixed, solidified or polymerised wastes	2
19	Ethers	1
20	filter cake, other than filter cake waste generated from the treatment of raw water for the supply of drinking water	1
21	fire debris and fire washwaters	1
22	fluorinated organic compounds (total)	1
23	fly ash	1
24	food processing waste (other than liquid food processing waste)	2
25	grease trap waste	2
26	halogenated organic solvents	1
27	highly odorous organic chemicals, including mercaptans and acrylates	1
28	inorganic fluorine compounds, other than calcium fluoride	1
29	inorganic sulphides	2
30	isocyanate compounds	1
31	lead and lead compounds	1
32	lead acid batteries (intact)	2
33	liquid food processing waste	2
34	material containing polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)	1
35	mercury and mercury compounds	1
36	metal carbonyls	1
37	mineral oils	2
38	nickel compounds	1

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39	non-toxic salts, including, for example, saline effluent	2
40	oil and water mixtures or emulsions, or hydrocarbons and water mixtures or emulsions	2
41	organic phosphorous compounds	1
42	organic solvents, other than halogenated solvents, including, for example, ethanol	1
43	organohalogen compounds, other than another substance stated in this schedule	1
44	oxidising agents	1
45	per- and poly-fluoroalkyl substances	1
46	perchlorates	1
47	pesticides, including organochlorine	1
48	pharmaceuticals, drugs and medicines	1
49	phenols and phenol compounds, including chlorophenols	1
50	phosphorus compounds, other than mineral phosphates	2
51	polychlorinated dibenzo-furan (any congener)	1
52	polychlorinated dibenzo-p-dioxin (any congener)	1
53	quarantine waste	1
54	residues from industrial waste treatment or disposal operations	1
55	selenium and selenium compounds	1
56	sewage sludge and residues, including nightsoil and septic tank sludge	2
57	surface active agents (surfactants) containing principally organic constituents, whether or not also containing metals and other inorganic materials	2
58	tannery wastes, including leather dust, ash, sludges and flours	1
59	tarry residues arising from refining, distillation or any pyrolytic treatment	1
60	tellurium and tellurium compounds	2
61	thallium and thallium compounds	2
62	triethylamine catalysts for setting foundry sands	2
63	Tyres	2
64	Vanadium compounds	2
65	Vegetable oils	2
66	waste containing peroxides other than hydrogen peroxide	2
67	waste from a heat treatment or tempering operation that uses cyanides	1
68	waste from surface treatment of metals or plastics	2
69	waste from the manufacture, formulation or use of biocides or phytopharmaceuticals	1
70	waste from the manufacture, formulation or use of inks, dyes, pigments, paints, lacquers or varnish	2
71	waste from the manufacture, formulation or use of organic solvents	1
72	waste from the manufacture, formulation or use of photographic chemicals or processing materials	2
73	waste from the manufacture, formulation or use of resins, latex, plasticisers, glues or other adhesives	1
74	waste from the manufacture, formulation or use of wood-preserving chemicals	1
75	waste from the manufacture or preparation of pharmaceutical products	1
76	waste of an explosive nature, other than an explosive within the meaning of the <i>Explosives Act 1999</i>	1
77	wool scouring wastes	2
78	zinc compounds	1

Appendix 2 Waste that is not regulated waste

Table 2 – From Schedule 7, Part 3, Division 1 of the EP Regulation

Refer to the EP Regulation to confirm the information provided here

	Types of waste that are not regulated waste
1	intact or partly disassembled televisions
2	intact or partly disassembled electronic equipment designed to be used with a television <i>Examples— video players, DVD players, games units, set-top boxes</i>
3	intact or partly disassembled computers <i>Examples— desktop computers, notebook computers, laptop computers, tablets</i>
4	intact or partly disassembled equipment designed to be used with computers <i>Examples— keyboards, mice, hard drives, scanners, printers, multi-function devices, speakers, web cameras</i>
5	intact or partly disassembled internal computer components <i>Examples— network or graphics cards, motherboards, optical drives</i>
6	intact or partly disassembled automotive equipment <i>Examples— vehicles, engines, transmissions, differentials</i>
7	mobile phones
8	mobile phone accessories <i>Example— mobile phone chargers</i>
9	batteries typically used in small electronic devices or handheld devices <i>Examples of handheld devices— mobile phones, digital cameras, keyboards, toys and torches</i>
10	whitegoods
11	treated timber, other than sawdust or shavings
12	groundwater or treated groundwater necessarily or unavoidably brought to the surface of the earth as part of an industrial process, if the groundwater— (a) has a pH of at least 6 but not more than 10.5; and (b) has an electrical conductivity of less than 15,000µS/cm
13	waste architectural and decorative paints collected, stored and transported in accordance with a product stewardship , unless the paint— <ul style="list-style-type: none"> • is a bagged render • is texture coating • contains isocyanates • is paint stripper • is an industrial paint • is anti-fouling paint
14	containers of waste architectural and decorative paints mentioned in item 13 that are collected, stored and transported in accordance with a product stewardship , unless the paint is in a spray pack
15	tallow
16	treated clinical waste
17	related waste that has been treated to render it non-infectious

Appendix 3 Categorisation thresholds for solid tested waste⁴

Refer to the EP Regulation to confirm the information provided here

Table 3a – Attributes

Item	Attribute	Not regulated ⁸	Category 2 regulated waste ⁹	Category 1 regulated waste
1	pH	6.5 - 9	2 – 6.5 or 9 - 12.5	<2 or >12.5 ¹⁰
6	asbestos more than 0.01% (w/w)	Not present	Present	-

Table 3b – Substances (note that the substances are grouped by type rather than alphabetically as in the EP Regulation)

Item	Substance	Not regulated ¹¹ (mg/kg)	Category 2 regulated waste ⁹ (mg/kg)	Category 1 regulated waste ¹² (mg/kg)
Inorganic species				
2	antimony	<9	9 - 36	>36
3	arsenic	<300	300 - 1,200	>1,200
4	barium	<4,500	4,500 - 18,000	>18,000
7	beryllium	<90	90 - 360	>360
8	boron	<20,000	20,000 - 80,000	>80,000
9	cadmium	<90	90 - 360	>360
13	chromium (hexavalent)	<300	300 - 1,200	>1,200
14	copper	<220	220 - 880	>880
27	lead	<300	300 - 1,200	>1,200
28	mercury	<80	80 - 320	>320
30	molybdenum	<117	117 - 468	>468
31	nickel	<1,200	1,200 - 4,800	>4,800
42	selenium	<700	700 - 2,800	>2,800
44	silver	<117	117 - 468	>468
54	vanadium	<117	117 - 468	>468
57	zinc	<400	400 - 1,600	>1,600
Anions				
16	cyanide	<240	240 - 960	>960
26	fluoride	<930	930 - 3,720	>3,720
Organic species				
Petroleum hydrocarbons				
37	petroleum hydrocarbons (C6 to C9)	<950	950 - 3,800	>3,800
38	petroleum hydrocarbons (C10 to C36)	<5,300	5,300 - 21,200	>21,200
Polycyclic aromatic hydrocarbons				
6	benzo(a)pyrene	<3	3 - 12	>12
41	polycyclic aromatic hydrocarbons ¹³ (total)	<300	300 - 1,200	>1,200
Monocyclic aromatic hydrocarbons				
5	benzene	<5	5 - 20	>20
53	toluene	<1,470	1,470 - 5,880	>5,880
68	ethylbenzene	<17	17 - 68	>68
56	xylenes (total)	<174	174 - 696	>696
43	styrene (vinyl benzene)	<1,800	1,800 - 7,200	>7,200

⁸ From Column 2 of Table 1 in Schedule 7, Part 3, Division 2 of the EP Regulation.

⁹ From section 64A(4) of the EP Regulation, category 2 regulated waste is regulated waste other than category 1 regulated waste.

¹⁰ From section 64A(2)(b)(i) of the EP Regulation.

¹¹ From Column 1 of Table 2 in Schedule 7, Part 3, Division 2 of the EP Regulation.

¹² From Column 2 of the table in Schedule 7, Part 2 of the EP Regulation.

¹³ Defined in Part 1 of Schedule 12 of the EP Regulation.

Information sheet
Overview of regulated waste categorisation

Item	Substance	Not regulated ¹¹ (mg/kg)	Category 2 regulated waste ⁹ (mg/kg)	Category 1 regulated waste ¹² (mg/kg)
Chlorinated hydrocarbons				
10	carbon tetrachloride	<2	2 - 8	>8
11	chlorobenzene	<84	84 - 336	>336
12	chloroform	<1	1 - 4	>4
17	dichlorobenzene (1,2-dichlorobenzene)	<540	540 - 2,160	>2,160
18	dichlorobenzene (1,4-dichlorobenzene)	<8	8 - 32	>32
19	dichloroethane (1,2-dichloroethane)	<1	1 - 6	>6
20	dichloroethylene (1,1-dichloroethylene)	<69	69 - 276	>276
21	dichloromethane (methylene chloride)	<105	105 - 420	>420
45	tetrachloroethane (1,1,1,2-tetrachloroethane)	<6	6 - 24	>24
46	tetrachloroethane (1,1,2,2-tetrachloroethane)	<6	6 - 24	>24
47	tetrachloroethylene	<24	24 - 96	>96
48	trichloroethane (1,1,1-trichloroethane)	<2,430	2,430 - 9,720	>9,720
49	trichloroethane (1,1,2-trichloroethane)	<0.45	0.45 - 1.8	>1.8
50	trichloroethylene	<1	1 - 5	>5
55	vinyl chloride	<0.18	0.18 - 0.72	>0.72
Phenols				
51	trichlorophenol (2,4,5-trichlorophenol)	<1,890	1,890 - 7,560	>7,560
52	trichlorophenol (2,4,6-trichlorophenol)	<19	19 - 76	>76
15	cresol (total)	<4,000	4,000 - 16,000	>16,000
39	phenols (total)	<40,000	40,000 - 160,000	>160,000
Nitroaromatics and ketones				
24	dinitrotoluene (2,4-dinitrotoluene)	<5	5 - 20	>20
32	nitrobenzene	<15	15 - 60	>60
29	methyl ethyl ketone	<8,100	8,100 - 32,400	>32,400
Specific persistent organic pollutants (POPs)				
22	dichlorophenoxyacetic acid (2,4-dichlorophenoxyacetic acid)	<210	210 - 840	>840
11 ⁴	aldrin and dieldrin (total)	<10	10 - 40	>40
33	organochlorine pesticides ¹³ (total)	<50	50 - 200	>200
34	organophosphate pesticides ¹³ (total)	<250	250 - 1,000	>1,000
40	polychlorinated biphenyls (PCBs)	<2	2 - 50	>50
35	per- and poly-fluoroalkyl substances (PFAS)	0	-	>0
36	persistent organic pollutant (other) ¹³	<50	50 - 200	>200

¹⁴ This is duplicated in the EP Regulation as item 23 “dieldrin and aldrin (total)” with the same thresholds.

Appendix 4 Categorisation thresholds for liquid tested waste⁴

Refer to the EP Regulation to confirm the information provided here

Table 4a – Attributes

Item	Attribute	Not regulated ¹⁵	Regulated (default category applies – see Table 1)
1	pH	6.5 - 10.5	<6.5 or >10.5
2	conductivity (electrical)	less than 1,200µS/cm	≥1,200µS/cm
3	biological oxygen demand	less than 15mg/L	≥15mg/L
4	flashpoint, for waste that is less than 24% alcohol (v/v)	less than 60°C	≥60°C
5	peroxides (other than hydrogen peroxide) more than 0.01% (v/v)	not present	present
6	asbestos more than 0.01% (w/w)	not present	present

Table 4b – Substances (note that the substances are grouped by type rather than alphabetically as in the EP Regulation).

Item	Substance	Not regulated ¹⁶ (µg/L)	Regulated (µg/L) Default category applies
Inorganic species			
2	antimony	<60	≥60
3	arsenic	<200	≥200
4	barium	<40,000	≥40,000
7	beryllium	<1,200	≥1,200
8	boron	<3,700	≥3,700
9	cadmium	<2	≥2
13	chromium (hexavalent)	<10	≥10
14	copper	<14	≥14
27	lead	<34	≥34
28	mercury	<6	≥6
30	molybdenum	<1,000	≥1,000
31	nickel	<110	≥110
43	selenium	<110	≥110
45	silver	<1	≥1
55	vanadium	<172	≥172
58	zinc	<30	≥30
Anions			
16	cyanide	<70	≥70
26	fluoride	<30,000	≥30,000
Organic species			
Petroleum hydrocarbons			
39	petroleum hydrocarbons (total)	<6,000	≥6,000
Polycyclic aromatic hydrocarbons			
6	benzo(a)pyrene	<0.2	≥0.2

¹⁵ From Column 3 of Table 1 in Schedule 7, Part 3, Division 2 of the EP Regulation.

¹⁶ From Column 2 of Table 2 in Schedule 7, Part 3, Division 2 of the EP Regulation.

Item	Substance	Not regulated ¹⁶ (µg/L)	Regulated (µg/L) Default category applies
42	polycyclic aromatic hydrocarbons ¹³ (total)	<0.2	≥0.2
Monocyclic aromatic hydrocarbons			
5	benzene	<20	≥20
54	toluene	<16,000	≥16,000
25	ethylbenzene	<6,000	≥6,000
57	xylene (total)	<12,000	≥12,000
44	styrene (vinyl benzene)	<600	≥600
Chlorinated hydrocarbons			
10	carbon tetrachloride	<60	≥60
11	chlorobenzene	<6,000	≥6,000
12	chloroform	<4	≥4
17	dichlorobenzene (1,2-dichlorobenzene)	<30,000	≥30,000
18	dichlorobenzene (1,4-dichlorobenzene)	<800	≥800
19	dichloroethane (1,2-dichloroethane)	<60	≥60
20	dichloroethylene (1,1-dichloroethylene)	<500	≥500
21	dichloromethane (methylene chloride)	<220	≥220
45	dichlorophenoxyacetic acid (2,4-dichlorophenoxyacetic acid)	<600	≥600
46	tetrachloroethane (1,1,1,2-tetrachloroethane)	<11	≥11
47	tetrachloroethane (1,1,2,2-tetrachloroethane)	<2	≥2
48	tetrachloroethylene	<82	≥82
49	trichloroethane (1,1,1-trichloroethane)	<16,000	≥16,000
50	trichloroethane (1,1,2-trichloroethane)	<0.82	≥0.82
55	trichloroethylene	<6	≥6
56	vinyl chloride	<6	≥6
Phenols			
52	trichlorophenol (2,4,5-trichlorophenol)	<2,400	≥2,400
53	trichlorophenol (2,4,6-trichlorophenol)	<200	≥200
15	cresol (total)	<3,000	≥3,000
40	phenols (total)	<11,600	≥11,600
Nitroaromatics and ketones			
24	dinitrotoluene (2,4-dinitrotoluene)	<5	≥5
32	nitrobenzene	<3	≥3
29	methyl ethyl ketone	<11,200	≥11,200
Specific persistent organic pollutants (POPs)			
22	2,4-D	<210	≥210
1 ¹⁷	aldrin and dieldrin (total)	<6	≥6
33	organochlorine pesticides ¹³ (total)	<0.00011	≥0.00011
34	organophosphate pesticides ¹³ (total)	<0.035	≥0.035
41	polychlorinated biphenyls (PCBs)	<0.00074	≥0.00074
35	per- and poly-fluoroalkyl substances (PFAS)	0	≥0
36	persistent organic pollutant (other) ¹³	0	≥0

¹⁷ This is duplicated in the EP Regulation as item 23 “dieldrin and aldrin (total)” with the same thresholds.