

# Information sheet

## Environmental Protection (Waste ERA Framework) Amendment Regulation 2018

### Overview of the new waste ERA framework – Stage 2

*The purpose of this information sheet is to outline the new waste ERA framework Stage 2 changes to existing waste related environmentally relevant activities (ERAs), and how this will impact existing and new environmental authority (EA) holders.*

#### **Important information for existing and new environmental authority (EA) holders carrying out waste-related environmentally relevant activities (ERAs)**

The Department of Environment and Science (the department) has introduced changes to existing waste-related ERAs in the Environmental Protection Regulation 2019 (EP Regulation). The changes affect ERAs 20, 33, 52, 53, 55, 56, 57, 58, 59, 60, 61 and 62. All existing EAs remain valid and will still be required.

The changes to the EP Regulation relating to the waste ERA framework occurred over two stages:

- *Stage 1* – commenced on 23 November 2018 and included changes to the ERAs 53, 60 and 62.
- *Stage 2* – commenced on 1 July 2019 and includes changes to the following ERAs:
  - ERA 20 – Removal of ERA 20;
  - ERA 33 – Change to the ERA description;
  - ERA 52 – Removal of ERA 52;
  - ERA 54 – Addition of a new ERA and associated description, definitions and activity thresholds;
  - ERA 55 – Change to description and activity thresholds;
  - ERA 56 – Removal of ERA 56;
  - ERA 57 – Change to ERA description, activity thresholds and how the annual fee is calculated;
  - ERA 58 – Removal of ERA 58;
  - ERA 59 – Removal of ERA 59;
  - ERA 61 – Change to ERA name, description, definitions and activity thresholds; and
  - ERA 62 – Change to ERA name, description, definitions and activity thresholds.

#### **What are the impacts for existing EA holders in Stage 2?**

From 1 July 2019, existing EAs for any of the former waste-related ERAs were taken to be for the equivalent activities under the new ERA framework. Conditions on the existing EA still apply and no changes to conditions occurred as part of this process.

The new waste ERAs do not necessarily directly correlate with the former ERAs. The new waste ERAs are determined by the processes being undertaken and the type and quantity of waste. Authorisation for multiple activities and thresholds may be required depending on the existing activity(ies) being undertaken.

The type of waste specified in the ERA thresholds aligns with the new regulated waste classifications, introduced into Schedule 9 of the EP Regulation, on 4 February 2019. Information on the new regulated waste classifications is on the department's website <https://environment.des.qld.gov.au/waste/review-reg-waste.html>.

To assist operators in understanding which new ERA(s) may replace the former ERA(s), refer to *Image 1 – Former waste ERAs and their transition to the relevant new waste ERA(s)*. This image shows the former waste ERAs (in circles) and the possible new waste ERAs (in rectangles) they transitioned to. Details on what each of the new activities include and the associated thresholds is in information sheets available on the department’s website <https://environment.des.qld.gov.au/waste/review-reg-waste.html>.

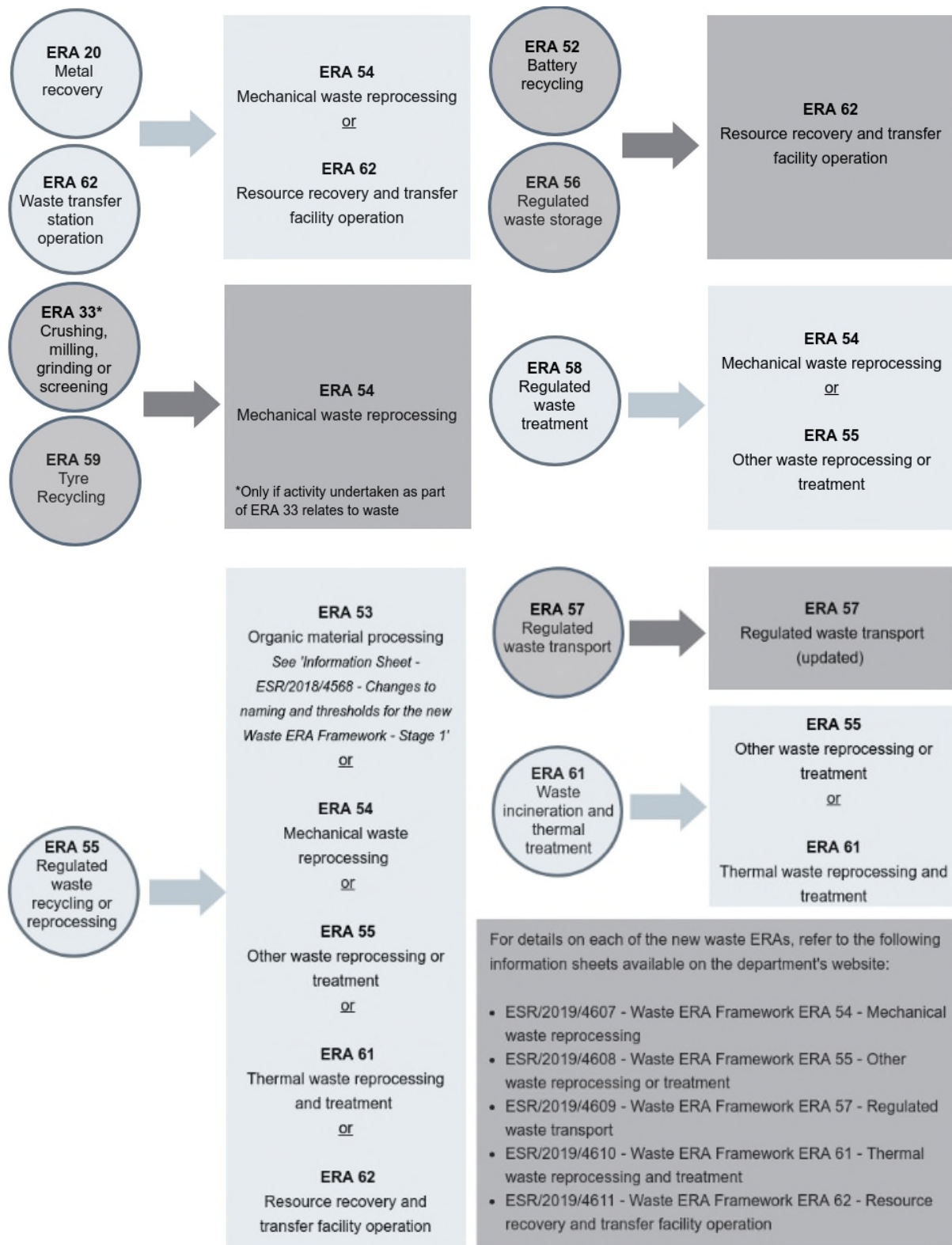


Image 1: Former waste ERAs and their transition to the relevant new waste ERA(s)

The department is working with existing EA holders to ensure the department's records are updated to the applicable new ERAs and associated thresholds.

### **Paying the new annual fee**

Fees for the new ERA thresholds will be payable on the first anniversary date after 15 November 2019. The fees for the old ERA thresholds will be payable from 1 July to 15 November 2019, unless the EA has an anniversary day from 1 July to 15 November 2019 and the EA holder:

- contacts the department to transition before the anniversary day; or
- amends the EA to go to a higher waste ERA threshold or to expand the waste ERA onto another lot on plan and the amendment takes effect before the anniversary day.

### **Lodging an EA amendment application before 1 July 2019**

If an EA amendment application relating to a waste-related ERA is lodged prior to 1 July 2019 and a decision to approve the application is made after 1 July 2019, the EA will be issued with the relevant new ERAs and associated thresholds for the activity.

### **For activities previously regulated by local government**

Changes in Stage 2 of the waste ERA framework include the removal of ERA 20 (metal recovery activities) and ERA 61(1) (incinerating waste vegetation, clean paper and cardboard), which have been regulated by local government. These activities are required to transition to the new waste ERAs and will result in the department taking on the administration of these activities, from 1 July 2019.

Under section 185 of the amendment regulation, local governments may continue to finalise applications or compliance actions that are outstanding for these ERAs at 1 July 2019. The department will then administer any new legislative processes from 1 July 2019.

### **What are the impacts for existing activities that will now require an EA?**

The changes of Stage 2 of the waste ERA framework impact some activities currently being undertaken which have previously not required an EA. This is due to the change to ERA thresholds and associated definitions that will now require activities to obtain an approval through an EA.

Under section 707 of the *Environmental Protection Act 1994* (EP Act), the offence in section 426<sup>1</sup> of the EP Act does not apply for 12 months from the activity becoming an ERA. Therefore, operators who were lawfully undertaking the following activities at 1 July 2019 have 12 months from 1 July 2019 to obtain an EA:

- Activities receiving and mechanically reprocessing less than 1,000 equivalent passenger units of tyres (or parts of tyres) in a year will be regulated under the new ERA 54;
- Activities receiving and mechanically reprocessing less than 5,000t of waste (other than putrescible, inert and / or green waste) will be regulated under the new ERA 54; and
- Activities receiving less than 30 tonnes or 30 cubic metres of waste on any day, but storing more than the following at any one time:
  - 6 tonnes or 6 cubic metres of general waste;
  - 4 tonnes or 4 cubic metres of category 2 regulated waste; or
  - 1 tonne or 1 cubic metre of category 1 regulated wastewill be regulated under the amended ERA 62.

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<sup>1</sup> Section 426 is the offence of carrying out an ERA without an EA.

Information on the new ERAs is on the department's website <https://environment.des.qld.gov.au/waste/review-reg-waste.html> and information about how to apply for an EA can be found on the [Business Queensland](#) website.

### **What are the impacts for new operators wanting to undertake a waste-related ERA?**

For new EA applications lodged prior to 1 July 2019 that are approved after 1 July 2019, the EA will be issued with the relevant new ERAs and associated thresholds for the activity.

New EA applications lodged on or after 1 July 2019 must be for the new ERAs and associated thresholds.

Please contact the department's Permit and Licence Management (PaLM) team to organise a pre-lodgement meeting on 1300 130 372 (Option 4).

### **Further information**

Information regarding the waste ERA framework can be found on the department's website <https://environment.des.qld.gov.au/waste/review-reg-waste.html>. This includes links to the relevant legislation and details about Stage 1 of the waste ERA framework, which commenced on 23 November 2018.

If you have any further questions, please contact Permit and Licence Management on 1300 130 372 (option 4) or email [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au).

### **Disclaimer:**

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### **Version history**

Version	Date published	Comments
1.00	12 April 2019	First published.
2.00	18 April 2019	Removed section "What are the impacts for existing activities that will now require an EA?".
3.00	30 July 2019	Included details of how section 707 of the <i>Environmental Protection Act 1994</i> applies for existing lawful activities that became an ERA.
4.00	1 September 2019	Updated for the replacement of the EP Regulation 2008 with the EP Regulation 2019.