

# Information sheet

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

### Waste ERA framework ERA 60 – Waste disposal

*The purpose of this information sheet is to outline the introduction of a new environmentally relevant activity (ERA) following the new waste ERA framework stage 1 and how this will impact existing and new environmental authority (EA) holders. This document is intended for guidance and does not take the place of the relevant legislation.*

The Department of Environment and Science (the department) has changed the waste-related environmentally relevant activities (ERAs) found in Schedule 2 of the Environmental Protection Regulation 2019 (EP Regulation)<sup>1</sup>. An overview of these changes can be found in the information sheets *Changes to ERA naming and thresholds for the new waste ERA framework – Stage 1*<sup>2</sup> and *Overview of the new waste ERA framework – Stage 2*<sup>3</sup>.

On 4 February 2019, new risk-based categories were introduced into Schedule 9 of the EP Regulation<sup>4</sup>. This did not affect the ERA 60 thresholds, which retain the two thresholds for regulated and general waste. The regulated waste threshold (ERA 60(1)) is not divided into separate thresholds for category 1 and 2 regulated waste. Rather, both thresholds (1) and (2) are divided into separate thresholds for the quantity of waste disposed at the facility each year.

Two new thresholds were created for waste disposal:

- threshold (3) for inert waste; and
- threshold (4) for maintaining a decommissioned waste disposal facility.

The aggregate environmental scores (AESs) will also align with the risk and scale of the activity and will determine the annual fee. The AES for thresholds (1) and (2) has increased. The new fees will not apply until the first anniversary day after 15 November 2019; unless the environmental authority is amended earlier (the new fee will apply at the first anniversary day after the amendment takes effect).

The AES for thresholds (3) and (4) is less than the AES for most of the equivalent thresholds (1) and (2). Existing EAs for ERA 60(1)(a) to (d) and ERA 60(2)(a) to (h) will transition to the same threshold. If you want an existing landfill to transition to threshold (3) or (4), you will need to apply to amend your EA and conditions will be updated as necessary for the new threshold. However, the amendment will cause ALL the waste ERAs on the EA to transition to the new waste ERAs. This may increase your annual fee. If the anniversary day is before 16 November 2019 and the amendment takes effect before this anniversary day, then the increased fee will be payable a year early.

<sup>1</sup> The EP Regulation is available at <https://www.legislation.qld.gov.au/view/html/asmade/sl-2019-0155>.

<sup>2</sup> Available at [www.qld.gov.au](http://www.qld.gov.au) using the publication number “ESR/2018/4568” as a search term.

<sup>3</sup> Available at [www.qld.gov.au](http://www.qld.gov.au) using the publication number “ESR/2019/4606” as a search term.

<sup>4</sup> Information on the new regulated waste classifications can be found on the department’s website at <https://environment.des.qld.gov.au/waste/review-reg-waste.html>

If the next anniversary day is after 15 November 2019 and the EA is amended to change the ERA, the new fee will not be due any earlier because of the amendment.

Before 1 July 2019, ERA 62 Waste transfer station operation was not required at a landfill. This exemption was removed on 1 July 2019. Existing landfills that had operations that came under this exemption are taken to have an EA for ERAs 60 and 62.

## Description of ERA 60

From 23 November 2018, new operators of ERA 60 Waste disposal required an EA for the new ERA with the new fees based on the AES shown in Appendix 1.

There are four thresholds for ERA 60, based on the following classifications of waste disposed of:

- regulated waste—whether alone or with other waste (see the ERA description in Appendix 1);
- general waste—whether alone or with other waste (see the ERA description in Appendix 1);
- inert waste (see the ERA description in Appendix 1); and
- no longer disposing of waste (maintaining a decommissioned waste disposal facility as defined in Appendix 1).

Each classification (except maintaining a decommissioned waste disposal facility) is divided into a range of thresholds based on the quantity of waste disposed of at the waste disposal facility.

From 1 July 2019, new operators of a transfer station at a landfill need an EA for both ERA 60 Waste disposal and ERA 62 Resource recovery and transfer facility operation. Before 1 July 2019 an EA was not required for ERA 62 at a landfill.

**Appendix 1 – ERA 60 thresholds** shows the new ERA 60 thresholds that came into effect on 23 November 2018. The Environmental Protection Regulation 2019<sup>1</sup> details the new ERA 60 in its entirety, including description, exclusions, thresholds and definitions.

## 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 the Permit and Licence Management on 1300 130 372 (option 4) or email [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au).

### 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.

### Version history

Version	Date published	Comments
1.00	12 April 2019	First published.
2.00	1 SEP 2019	Updated for the Environmental Protection and Other Legislation (Waste) Amendment Regulation 2019 and the EP Regulation 2019.

### Appendix 1 – ERA 60 thresholds

- (1) Waste disposal (the relevant activity) consists of only 1 of the following—
  - (a) operating a facility for disposing of—
    - (i) only regulated waste; or
    - (ii) regulated waste and any, or any combination, of the following—
      - (A) general waste;
      - (B) limited regulated waste;
      - (C) if the facility is in a scheduled area<sup>5</sup>—no more than 5t of untreated clinical waste<sup>6</sup> in a year;
  - (b) operating a facility for disposing of—
    - (i) only general waste; or
    - (ii) general waste and either, or a combination, of the following—
      - (A) a quantity of limited regulated waste<sup>Error! Bookmark not defined.</sup> that is no more than 10% of the total amount of waste received at the facility in a year;
      - (B) if the facility is in a scheduled area<sup>5</sup>—no more than 5t of untreated clinical waste<sup>6</sup>;
  - (c) operating a facility for disposing of only inert waste;
  - (d) maintaining a decommissioned waste disposal facility.
- (2) The relevant activity does not include using clean earth as fill.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

New ERA	Threshold		AES
ERA 60 Waste disposal	1(a)	operating a facility for disposing of any combination of regulated waste, general waste and limited regulated waste (and <5t untreated clinical wastes if in a scheduled area): <50,000t/yr	65
	1(b)	operating a facility for disposing of any combination of regulated waste, general waste and limited regulated waste (and <5t untreated clinical wastes if in a scheduled area): 50,000-100,000t/yr	92
	1(c)	operating a facility for disposing of any combination of regulated waste, general waste and limited regulated waste (and <5t untreated clinical wastes if in a scheduled area): >100,000-200,000t/yr	116
	1(d)	operating a facility for disposing of any combination of regulated waste, general waste and limited regulated waste (and <5t untreated clinical wastes if in a scheduled area): >200,000t/yr	119
	2(a)	operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: <2,000t/yr	18
	2(b)	operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: 2,000-5,000t/yr	27
	2(c)	operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: >5,000-10,000t/yr	37
	2(d)	operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: >10,000-20,000t/yr	45

<sup>5</sup> Under Schedule 12 of the EP Regulation, **scheduled area** is a local government area mentioned in Schedule 4 of the EP Regulation.

<sup>6</sup> Under Schedule 12 of the EP Regulation, **untreated clinical waste** means clinical waste, other than treated clinical waste, including, for example, clinical waste that has been only partly treated.

New ERA	Threshold	AES
	2(e) operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: >20,000-50,000t/yr	56
	2(f) operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: >50,000-100,000t/yr	65
	2(g) operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: >100,000t/yr-200,000t/yr	82
	2(h) operating a facility for disposing of any combination of general waste and no more than 10% limited regulated waste: >200,000t/yr	107
	3(a) operating a facility for disposing of inert waste only: <50,000t/yr	28
	3(b) operating a facility for disposing of inert waste only: >50,000-100,000t/yr	35
	3(c) operating a facility for disposing of inert waste only: >100,000t/yr-200,000t/yr	40
	3(d) operating a facility for disposing of inert waste only: >200,000t/yr	50
	4 maintaining a decommissioned waste disposal facility	9

(4) In this section—

**decommissioned waste disposal facility—**

- (a) means a facility, for which a person holds or held an environmental authority, that—
- (i) was used for disposal of waste; and
  - (ii) no longer accepts waste for disposal; and
  - (iii) has had final capping installed in accordance with the environmental authority; but
- (b) does not include a landfill if the environmental authority for the landfill has been surrendered under chapter 5, part 10 of the Act.

**facility—**

- (a) includes a naturally occurring or constructed hollow or pit, including, for example, a gully, mining shaft or quarry; but
- (b) does not include a hollow or pit on a farm used for receiving and disposing of general waste produced on the farm.

**inert waste** means—

- (a) bricks, pavers, ceramics, concrete, glass or steel; or
- (b) similar general waste that does not biodegrade or decompose.

**limited regulated waste** means any of the following types of regulated waste—

- (a) animal effluent and residues, including abattoir effluent and poultry and fish processing waste;
- (b) asbestos;
- (c) food processing waste;
- (d) **biosecurity waste** that has been rendered non-infectious;
- (e) sewage sludge or residue produced in carrying out an activity to which schedule 2, section 63 applies;
- (f) tyres.

Refer to Schedule 19 of the EP Regulation for other definitions.