

Information sheet

Environmental Protection (Waste ERA Framework) Amendment Regulation 2018

Waste ERA framework ERA 57 – Regulated waste transport

The purpose of this information sheet is to outline the introduction of an updated environmentally relevant activity (ERA) following the new waste ERA framework stage 2. This document is intended for guidance only and does not take the place of relevant legislation.

The Department of Environment and Science (the department) introduced changes to the waste-related ERAs found in Schedule 2 of the Environmental Protection Regulation 2019 (EP Regulation)¹. The information sheet *Overview of the new waste ERA framework – Stage 2²* gives an overview of these changes.

Description ERA 57

On 1 July 2019, the regulated waste transport ERA 57 was changed in its description, activity thresholds and definitions. Appendix 1 has the wording of the new ERA. The changes to the ERA thresholds and aggregate environmental scores (AESs) are:

| Prior to 1 July 2019 | | From 1 July 2019 | |
|--|----------|---|---|
| Threshold | AES | Threshold | AES |
| (1) Transporting tyres | No score | Transporting end-of-life tyres | 2 |
| (2) Transporting regulated waste, other than tyres | | Transporting regulated waste other than end-of-life tyres | 1 per vehicle up to a maximum AES of 36 |
| (a) 1-5 vehicles | 7 | | |
| (b) 6-35 vehicles | 21 | | |
| (c) 36 or more vehicles | 42 | | |

The table shows that, under the new framework, there are two ERA 57 thresholds for:

1. the transportation of end-of-life tyres only
2. transporting regulated waste, irrespective of the number of vehicles being used to carry out the activity.

The table also illustrates how the annual fee calculation method for regulated waste transport activities (other than transporting end-of-life tyres) changed from a set rate for a band of vehicle numbers to a variable rate dependant on the number of vehicles being used to carry out the activity.

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

² Available at www.qld.gov.au using the publication number "ESR/2019/4606 as a search term.

Persons transporting less than 175kg of asbestos, or undertaking self-haul transportation of less than 250kg of regulated waste, will not be required to hold an environmental authority authorising ERA 57. The definition of self-haul transportation is in Appendix 1.

Self-haul transportation is different to the concept under the old framework of commercial or non-commercial transport of regulated waste.

This ERA does not include the transportation of regulated waste by a State or local government entity or their agents, where:

- the waste is from the construction or maintenance of a State-controlled road, local government road or railway corridor; and
- the transportation is from one government parcel of land to another.

In addition to the licensing requirements for ERA 57, the waste tracking provisions of the EP Regulation must be complied with.

Determining the annual fee under the new framework

The annual fee for each threshold of an ERA is based on the environmental risk associated with the activity. This risk is represented by the AES. Lower risk activities have no AES or a low AES.

From 1 July 2019, transporting of end-of-life tyres only has an AES of 2 and has a flat annual fee³, irrespective of the number of vehicles registered.

For transporting regulated waste (other than end-of-life tyres), the AES is the number of regulated waste vehicles being used to carry out the activity, to a maximum AES of 36³. These changes are intended to provide a fairer and more equitable fee structure than that provided under the former framework.

Changes to the number of vehicles operated

Environmental authorities for ERA 57 include a condition requiring the environmental authority holder to notify the department when vehicles operated under the environmental authority change.

Notification of vehicles can be made to the department online through Connect. To register to use Connect go to www.qld.gov.au/environmentconnect.

Alternatively you can complete and submit the form *Details of regulated waste vehicles – ERA 57* (available on www.qld.gov.au using the publication number ESR/2015/1851 as a search term) to the department.

Environmental authority holders who are registered with Connect will be able to access and update the list of all their vehicles for their environmental authority in Connect at any time.

³ The fee is calculated by multiplying the AES by the fee unit. The fee unit is set in section 159(3)(c) of the EP Regulation. All the annual fees under the EP Regulation are listed in the information sheet *Summary of annual fees for environmentally relevant activities (ERAs)* (available at www.qld.gov.au using the publication number “ESR/2015/1746” as a search term). The fees are indexed on 1 July each year.

If the change in vehicles increases the AES for the environmental authority above the previous maximum AES for the licensing year⁴, an additional fee (called the supplementary annual fee) is payable. The supplementary annual fee is the proportion of the increase in annual fee for the rest of the licensing year. Information on the supplementary annual fee will be available from 1 July 2019.

A refund is not due if the change in vehicles decreases the AES for the environmental authority.

Appendix 1 – ERA 57 thresholds shows the new ERA 57 thresholds that came into effect on 1 July 2019. The Environmental Protection Regulation 2019¹ details the new ERA 57 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 Permit and Licence Management on 1300 130 372 (option 4) or email 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 September 2019 | Updated for the Environmental Protection and Other Legislation (Waste) Amendment Regulation 2019 and the EP Regulation 2019. |

⁴ The licensing year is the 12 month period from the anniversary day. Unless the anniversary day is changed, it will be the anniversary of the day the environmental authority took effect.

Appendix 1 – ERA 57 thresholds

- (1) Regulated waste transport (the relevant activity) consists of transporting regulated waste in a vehicle.
- (2) The relevant activity does not include—
 - (a) transporting not more than 175kg of asbestos in a vehicle; or
 - (b) self-haul transportation of not more than 250kg of regulated waste.
 - (c) the transportation of waste by a State or local government entity if—
 - (i) the waste is generated by or for the entity as a result of the construction or maintenance of a State-controlled road, local government road or railway corridor; and
 - (ii) the transportation is between sites owned or operated by a State or local government entity.
- (3) If the relevant activity is transporting end-of-life tyres, the aggregate environmental score for the relevant activity is 2.
- (4) If the relevant activity is transporting regulated waste, other than end-of-life tyres, the aggregate environmental score for the relevant activity is the lesser of the following—
 - (a) the number of registered vehicles for the relevant activity;
 - (b) 36.
- (5) In this section—

registered vehicle, for the relevant activity, means a vehicle that is registered, with the department, as a vehicle used to carry out the activity.

self-haul transportation, of waste, means the transportation of waste by or for a person if—
 - (a) the person is the occupier of commercial premises where the waste is produced; and
 - (b) the waste is transported from the premises free of charge.

vehicle includes a part of an aircraft, boat, rolling stock, semi-trailer, tanker, trailer or truck used to transport waste.

Other definitions from Schedule 19 of the EP Regulation

local government road see the *Transport Infrastructure Act 1994*, schedule 6.

railway corridor see the *Transport Infrastructure Act 1994*, section 255(6).

State or local government entity means—

- (a) the State; or
- (b) a local government; or
- (c) an instrumentality or agency of the State or a local government; or
- (d) a government owned corporation; or
- (e) a rail government entity under the *Transport Infrastructure Act 1994*.