

# Information sheet

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

### Changes to ERA naming and thresholds for the new Waste ERA Framework – Stage 1

*The purpose of this information sheet is to outline the new Waste ERA Framework Stage 1 changes to existing waste related environmentally relevant activities (ERAs), how this will impact existing and new environmental authority (EA) holders, and updates being made to the department's licensing program Connect.*

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

The Department of Environment and Science is introducing changes to reduce the number of existing waste-related ERAs in the Environmental Protection Regulation 2008 (EP Regulation). The changes will affect ERAs 20, 33, 52, 53, 55, 56, 57, 58, 59, 60, 61 and 62.

The changes to the EP Regulation will occur in two stages:

- **Stage 1** – ERA thresholds commencing immediately upon approval on 23 November 2018. This stage will include changes to the following ERAs:
  - ERA 53 – Change to name and additional threshold and definitions included;
  - ERA 60 – Change to current threshold, additional thresholds and definitions included; and
  - ERA 62 – Additional threshold and definitions included.
- **Stage 2** – to commence 1 July 2019, with further details on these changes communicated by the department closer to the commencement date.

#### What are the changes to ERA naming and thresholds in Stage 1?

The major changes occurring on 23 November 2018 to ERAs are shown in **Table 1** at the end of this information sheet. A summary of these changes are as follows:

#### **ERA 53 – Composting and soil conditioner manufacturing**

The changes to ERA 53 – 'Composting and soil conditioner manufacturing' include:

- ERA 53 will be renamed 'Organic material processing';
- The former ERA 53 included one threshold for manufacturing more than 200t of compost or soil conditioners annually; the new ERA 53 will have the following two thresholds:
  - Processing more than 200t of organic material in a year by composting the organic material; and
  - Processing more than 200t of organic material in a year by anaerobic digestion;
- Definitions have been included in the ERA description for 'anaerobic digestion', 'organic material' and 'organic waste'. Please check the EP Regulation<sup>1</sup> for details on these definitions;

<sup>1</sup> The amended EP Regulation is not available on commencement on 23 November 2018. The amending regulation, the Environmental Protection (Waste ERA Framework) Amendment Regulation 2018, is available at <https://www.legislation.qld.gov.au/view/html/asmade/sl-2018-0198>. The EP Regulation will be updated at different

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### **ERA 60 – Waste disposal**

The changes to ERA 60 – Waste disposal include:

- ERA 60(2)(a) will now require an operator to hold an EA if a facility receives less than 50t of general waste for disposal;
- ERA 60(1)(a) - 60(1)(d) and ERA 60(2)(a) - 60(2)(h) will have an increase to the AES;
- Five new thresholds will be added which include:
  - Thresholds ERA 60(3)(a) - ERA 60(3)(d) for landfilling inert general waste; and
  - ERA 60(4) for maintaining a decommissioned waste disposal facility, which will have a lower AES;
- Definitions for ‘decommissioned waste disposal facility’ and ‘inert waste’ have been included in the ERA description;
- The existing definitions for ‘facility’ and ‘clean earth’<sup>2</sup> have been amended and the definition for ‘clean earthen material’ has been removed.

Please check the EP Regulation<sup>1</sup> for details on these definitions.

### **ERA 62 – Waste transfer station operation**

Changes to ERA 62 will occur in both Stage 1 and Stage 2 as part of the new Waste ERA Framework. The changes to ERA 62 in Stage 1 include:

- An additional threshold that requires a waste transfer station, which stores a total quantity of at least 4t, or 500 equivalent passenger units, of end-of-life tyres at any one time, to now hold an EA.

A definition for ‘end-of-life tyre’ has been included in the EP Regulation<sup>1</sup>.

Details regarding the changes to ERA 62 in Stage 2, including what the changes mean for existing EA holders, will be communicated by the department in early 2019.

### **What are the impacts for existing and new EA holders in Stage 1?**

#### **Existing operators with an EA**

For an existing operator who currently holds an EA to carry out ERA 53, 60 or 62, the following changes will apply:

- An existing EA authorising ERA 53 is to be taken to be ERA 53(1)(a) from 23 November 2018;
- EA holders with any ERA 60 threshold will continue to retain their former ERA until 15 November 2019. The department will contact EA holders regarding transitioning to the new thresholds closer to this date;
- If an EA holder has an EA for ERA 60 and applies for an EA amendment which affects the ERA 60 threshold before 15 November 2019, the transition to the new threshold will occur upon approval of the application;

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stages based on this amending regulation. The EP Regulation is available at <https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2008-0370>.

<sup>2</sup> Examples of clean earth include clay, gravel, rock, sand or soil that is not contaminated with waste or a hazardous contaminant (see full definition in schedule 12 of the EP Regulation<sup>1</sup>).

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- Existing EAs authorising ERA 62 will not change as part of Stage 1. Further changes to ERA 62 will occur in Stage 2. The department will contact EA holders regarding transitioning to the new ERA thresholds closer to this date.

If an EA amendment application relating to ERA 53 or ERA 60 has been lodged prior to 23 November 2018 and a decision on the application is made after 23 November 2018, it will be required to be transitioned to the new ERA thresholds.

Fees for the new ERA thresholds will take effect from the first anniversary date after 15 November 2019, unless an amendment application (resulting in a change to the ERA thresholds) is approved before 15 November 2019.

### Existing activities that will require an EA

Due to the change to ERA thresholds and associated definitions as a result of Stage 1 of the Waste ERA Framework, some activities being undertaken that previously did not require an EA, will now require authorisation under an EA.

Under section 707 of the *Environmental Protection Act 1994* (EP Act) the offence in section 426<sup>3</sup> of the EP Act does not apply for 12 months from the activity becoming an ERA. Therefore, operators undertaking the following activities will have 12 months from 23 November 2018 to obtain an EA:

- Processing more than 200t/year of organic material by composting the organic material (ERA 53(a)). This may impact operators who did not meet the previous ERA 53 threshold of manufacturing 200t or more of compost or soil conditioners in a year as the threshold is now based on input rather than output;
- Processing more than 200t/year of organic material by anaerobic digestion (ERA 53(1)(b));
- A landfill operating less than 50t/year of waste (with waste being: general waste or a combination of general waste and limited regulated waste (no more than 10% of total amount in a year) and if in a scheduled area, no more than 5 tonnes of untreated clinical waste) (ERA 60(2)(a));
- Facilities disposing of 'clean earthen materials' will now require an EA if the waste being disposed of is 'inert waste' (ERA 60(3)). The only exempt activity for ERA 60 is using 'clean earth'<sup>2</sup> as fill; and
- Storing a total quantity of at least 4t or 500 equivalent passenger units of end of life tyres (ERA 62(a)).

Information about how to apply for an EA can be found on the [Business Queensland](#) website.

### New operators

For new operators who do not hold an EA to carry out ERA 53, 60 or 62, the following will apply:

- If an EA application was lodged prior to 23 November 2018 and a decision on the application is made after 23 November 2018, it will be required to be transitioned to the new ERA thresholds;
- If a new EA application is lodged on or after 23 November 2018, the application must be for the new ERA thresholds.

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<sup>3</sup> Section 426 is the offence of carrying out an ERA without an EA.

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### Can I still apply for EA applications and amendments in Connect?

From close of business on 23 November 2018, new operators will be able to lodge applications for new EAs in Connect. Existing EA holders will also be able to lodge EA amendment applications relating to ERA 53 and 62.

For existing EA holders wanting to lodge an EA amendment application relating to ERA 60, it is recommended a pre-lodgement meeting is held before lodging the application in Connect. This will allow the changes to the application process in Connect to be discussed prior to lodgement.

Please contact the department's Permit and Licence Management (PaLM) team to organise a pre-lodgement meeting on 1300 130 372 (Option 4). If you are lodging an application through Connect and have system issues please contact Connect Help on 1300 130 372 (option 6).

### Further questions

If you have any further questions, please contact the 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.

### Version history

Version	Date published	Comments
1.00	23 November 2018	First published.

**Table 1 – Further detailed changes**

The table below highlights the major changes to the ERA thresholds in Stage 1 (the coloured area identifies the changes).

Note: The new thresholds for ERA 62 in Stage 1 only apply to new operators. Further changes to ERA 62 will occur in Stage 2.

Previous ERAs				New ERAs				
ERA 53 Composting and soil conditioner manufacturing		manufacturing, from organic material or organic waste, 200t or more of compost or soil conditioners in a year	18	ERA 53 Organic material processing	(a)	processing more than 200t of organic material in a year by composting the organic material	18	
					(b)	processing more than 200t of organic material in a year by anaerobic digestion	16	
ERA 60 Waste disposal	1(a)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a) less than 50,000t	50	ERA 60 Waste disposal	1(a)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a) less than 50,000t	65	
	1(b)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a) 50,000t to 100,000t	82		1(b)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a) 50,000t to 100,000t	92	
	1(c)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a) more than 100,000t but not more than 200,000t	100		1(c)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a) more than 100,000t but not more than 200,000t	116	
	1(d)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a) more than 200,000t	110		1(d)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a) more than 200,000t	119	
	2(a)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) 50t to 2,000t	13		2(a)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) less than 2,000t	18	
	2(b)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 2,000t but not more than 5000t	20		2(b)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) 2,000t to 5,000t	27	
	2(c)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 5,000t but not more than 10,000t	29		2(c)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 5,000t but not more than 10,000t	37	
	2(d)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 10,000t but not more than 20,000t	41		2(d)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 10,000t but not more than 20,000t	45	
	2(e)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 20,000t but not more than 50,000t	53		2(e)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 20,000t but not more than 50,000t	56	
	2(f)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 50,000t but not more than 100,000t	58		2(f)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 50,000t but not more than 100,000t	65	
	2(g)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 100,000t but not more than 200,000t	73		2(g)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 100,000t but not more than 200,000t	82	
	2(h)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 200,000t	96		2(h)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b) more than 200,000t	107	
						3(a)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(c) less than 50,000t	28
						3(b)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(c) 50,000t to 100,000t	35
				3(c)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(c) more than 100,000t but not more than 200,000t	40		
				3(d)	operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(c) more than 200,000t	50		
				4	maintaining a decommissioned waste disposal facility	9		
ERA 62 Waste transfer station operation		operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30t or 30m <sup>3</sup> of waste on any day	31	ERA 62 Waste transfer station operation	(a)	operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that stores a total quantity of at least 4t, or 500 equivalent passenger units, of end-of-life tyres at any one time	14	
					(b)	operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that receives a total quantity of at least 30t or 30m <sup>3</sup> of waste on any day	31	