

C.2 End of Waste Code – Digestate

End of Waste Code Digestate (EOWC 010001054)

Waste Reduction and Recycling Act 2011

Version history

Version	Date	Description of changes
1.00	14 October 2022	Commencement of EOW code on gazettal

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1. Explanatory Statement

This End of Waste (EOW) code for **digestate** has been issued by the **chief executive** in accordance with section 159 of the *Waste Reduction and Recycling Act 2011* (WRR Act).

This EOW code states when **digestate** becomes a **resource** and any relevant requirements and/or conditions for its use. If the **resource** is not being used in accordance with the relevant requirements and/or conditions of this EOW code, or another type of permit that allows for its use, it is considered a waste under section 13 of the *Environmental Protection Act 1994* (EP Act) and must be disposed of appropriately at a facility that is **lawfully** able to receive the waste.

2. Guidance

2.1 Resource use versus activity

Under section 155 of the WRR Act, a waste stops being a waste and becomes a **resource** when it meets the requirements and conditions of an EOW code. Under section 159 of the WRR Act, an EOW code specifies the circumstances when a waste becomes a resource; how it must be used to be considered a resource; when it is no longer considered a resource but a waste instead; and conditions that must be complied with by resources users and registered resource producers.

An Environmental Authority (EA) under the EP Act is required where an activity being undertaken triggers the threshold for any environmentally relevant activity (ERA). This means that treating or processing the waste to meet the resource quality criteria under the EOW code may require an EA under the EP Act if the activity meets the threshold for an ERA.

2.2 Resource versus waste

A waste that is a **resource** under an EOW code is considered a **resource** only for the use(s) approved in an EOW code. To be considered a resource under the EOW code, the material used as the resource must meet the requirements of the EOW code and be used in accordance with the conditions of the EOW code, otherwise it is considered a waste and must be managed in accordance with waste management requirements under the EP Act and the WRR Act and their subordinate legislation.

A **resource** under an EOW code, is deemed to be a waste again, if it is not used in accordance with the EOW code; if it is disposed of at a waste disposal site; or if it is deposited at a place in a way that would, apart from its use approved under an EOW code, constitute a contravention of the general littering provision (section 103) or the illegal dumping of waste provision (section 104) under the WRR Act.

2.3 Failure to comply

It is an offence under section 158(1) of the WRR Act for a **registered resource producer** to produce the **resource**, or use, sell or give away the **resource** unless they comply with the requirements under an EOW code. Further, it is an offence under section 158(2) of the WRR Act for a **person** to use the **resource** in a way, or for a purpose, that does not comply with an EOW code for the **resource**. These offences carry a maximum penalty of 1,665 penalty units for an individual and 8,325 penalty units for a corporation¹.

Please refer to Appendix A of this EOW code for general obligations for all **persons** operating under this EOW code, which includes the **resource users**.

¹ The value of a penalty unit is stated in the *Penalties and Sentences Regulation 2015* (Qld).

2.4 Lawfulness of the activity

The issuing of this EOW code for the use of a **resource** does not warrant or imply the lawfulness of the activity under all legislation, or that approvals necessary under other legislation have or will be approved. It is the responsibility of the **registered resource producer** and **resource user** to identify and obtain all other approvals necessary for the relevant activities.

3. Period of this EOW code

This EOW code takes effect from the day of gazettal of this EOW code and remains in force until it is amended, cancelled or suspended by the **chief executive**².

4. Waste to which this EOW code applies

This EOW code is limited to **digestate** consisting of material that is left over following the anaerobic digestion process and is a wet mixture (whole digestate) that usually separated into a solid (solid digestate) and a liquid (liquid digestate). The **digestate** becomes a **resource** when the requirements and conditions under this EOW code are met.

5. Person to whom this EOW code applies

5.1 Registered resource producers of the resource

5.1.1 A **registered resource producer** for this EOW code must comply with the stated registered resource producer requirements in Section 6 – Registered Resource Producer Requirements.

5.2 Resource users

5.2.1 The **resource user** must only use the **resource** in a way, and for a purpose allowed under this EOW code.

5.2.2 The **resource user** must comply with the stated conditions of use in Section 7 – Conditions of Use.

² If an EOW code is to be amended, cancelled or suspended, the chief executive will provide an opportunity to make written submissions by providing a proposed action notice to the registered resource producers; and publishing the proposed action notice on the chief executive's [website \(https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/development-eow-codes\)](https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/development-eow-codes).

6. Registered Resource Producer Requirements

Registration under this EOW code	
(6.1)	Prior to operating under this EOW code, the producer of the resource must register with the chief executive by giving a notice in the approved form ³ to become a registered resource producer for this EOW code.
Approved resource	
(6.2)	The approved resource is digestate which complies with <i>Requirement (6.3)</i> of this EOW code.
(6.3)	<p>The registered resource producer must not use, sell or give away the resource under this EOW code unless the resource complies with all of the following criteria and quality characteristics:</p> <ul style="list-style-type: none"> a) the resource must not contain more than the 'maximum permissible concentration of impurities' for fertiliser in accordance with <i>Table 1: Resource quality criteria</i>. b) only the following materials are used as feedstocks for the digestate: <ul style="list-style-type: none"> i. paunch ii. organic material from agricultural and livestock production iii. liquid digestate iv. green waste sourced only from municipal kerbside collection schemes v. food waste and food processing waste including pet food and beverage manufacturing waste vi. cardboard and paper waste c) that prior to being applied to land or sold to resource users, the digestate undergoes pasteurisation.

³ The approved form, *Registered Resource Producer for an EOW code*, is available on the chief executive's website (<https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-codes>).

Table 1: Resource quality criteria		
Quality characteristics	Total maximum concentration	
	Liquid digestate and Whole digestate (mg/L unless otherwise specified)	Solid digestate (mg/kg dry weight unless otherwise specified)
Arsenic	1	20
Cadmium (Cd)	0.2	10
Chromium (Total)	1	100
Copper	10	150
Lead (Pb)	2.0	100
Mercury (Hg)	0.02	5
Nickel	1.0	60
Selenium	0.5	5
Zinc	20	300
DDT/DDD/DDE	Not detected*	0.5
Aldrin	Not detected*	0.02
Dieldrin	Not detected*	0.02
PCBs	Not detected*	Not detected**
PFAS	Not detected***	Not detected***
Total Plastics	0.5 (% m/m dry matter)	0.5 (% m/m dry matter)
Total Physical Contaminants	0.14 (g/kg)	0.36 (g/kg)
Total Stones	12.8 (g/kg)	32 (g/kg)
<p>*Not detected at a limit of detection of 0.04 mg/L</p> <p>**Not detected at a limit of detection of 0.1 mg/kg</p> <p>***Not detected at a limit of detection of 0.002µg/L</p>		
Resource monitoring		
(6.4)	<p>The registered resource producer must sample, measure and record the composition of the resource for at least the following every six months as a minimum:</p> <ul style="list-style-type: none"> a) <i>Table 1: Resource quality criteria</i>; and b) <i>Table 2: Resource quality (Monitor only)</i>. <p>Table 2: Resource quality (Monitor only)</p>	

	Quality Characteristic Concentration (mg/L unless otherwise specified)	Quality Characteristic Concentration (mg/L unless otherwise specified)
	pH (pH units)	Monitor only
	EC	Monitor only
	TOC	Monitor only
	Total N	Monitor only
	Total P	Monitor only
	Total K	Monitor only
	NH ₄ -N	Monitor only
	Total Solids	Monitor only
	Total Volatile Solids	Monitor only
(6.5)	Any determination of the suitability or characterisation of the resource (including ongoing sampling) for use under this EOW code must be made by an appropriately qualified person .	
(6.6)	All analysis required under this EOW code must be carried out by a laboratory that has NATA certification, or an equivalent certification, for such analyses.	
Information to be provided		
(6.7)	<p>The registered resource producer must provide the following to the resource user each time the resource is supplied for use:</p> <ul style="list-style-type: none"> a) a copy of the EOW code for Digestate (EOWC010001054)⁴; b) the registered resource producer's business name, ABN and address; c) confirmation in writing that the resource being supplied is compliant with the requirements of this EOW code; d) a copy of the most recent testing results for the parameters listed in <i>Table 1: Resource quality criteria</i> and <i>Table 2: Resource quality (Monitor only)</i>; e) safety data sheet for the resource. 	
Records		
(6.8)	<p>The registered resource producer must keep the following records for each load of the resource supplied to a resource user:</p> <ul style="list-style-type: none"> a) quantity (in tonnes or cubic metres) of the resource supplied; b) date of dispatch of the resource; and c) business name, ABN and address of the person receiving the resource; and d) for the approved use(s) of this EOW code: <ul style="list-style-type: none"> i. the quality characteristics listed in <i>Table 1: Resource quality criteria</i>; and 	

⁴ This can be a physical copy, an electronic copy or a link to the chief executive's [website \(https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework\)](https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework) where this EOW code is available.

<i>ii. Table 2: Resource Quality (Monitor Only)</i>	
(6.9)	All records required to be kept by the registered resource producer under this EOW code must be: <ul style="list-style-type: none"> a) kept by the registered resource producer for a period of not less than five (5) years; and b) provided to the chief executive upon request, in the format requested and in the time period specified.
Notification of emergencies , incidents and breaches	
(6.10)	Any breach of a requirement of this EOW code must be reported to the chief executive within 24 hours of becoming aware of the breach ⁵ .
(6.11)	Records of any breach of a requirement of this EOW code, including full details of the breach and any subsequent actions taken, must be kept and provided to the chief executive upon request, in the format requested and in the time period specified.

7. Conditions of Use

Notification under this EOW code	
(7.1)	Prior to operating under this EOW code, a person who intends to use the approved resource must notify the chief executive by giving a notice in the approved form ⁶ at least 10 days prior to the commencement of using the resource .
Approved uses	
(7.2)	The approved resource is digestate which complies with <i>Requirement (6.3)</i> of this EOW code and is used for the following purposes: <ul style="list-style-type: none"> a) as a feedstock in the manufacture of compost; and/or b) as a soil conditioner and/or fertiliser on agricultural land⁷.
Resource use as a soil conditioner and/or fertiliser	
(7.3)	Where the resource is used as a soil conditioner and/or fertiliser : <ul style="list-style-type: none"> a) the resource must only be applied to agricultural land in accordance with the direction of an appropriately qualified person; b) the resource application must be conducted at an agronomic loading rate which considers the resource composition, crop nutritional demand, soil characteristics and terrain characteristics of the site of use;

⁵ Reporting can be via the **chief executive's** Pollution Hotline (1300 130 372 – option 2) or via online reporting through the **chief executive's website** (<https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework>).

⁶ The approved form, *Resource user for an EOW code notification form* is available on the chief executive's **website** (<https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework>).

⁷ '**Agricultural land**' includes forestry.

	<p>c) precision application and/or direct injection must be used to prevent odour nuisance, surface ponding and runoff of the resource; and</p> <p>d) percolation of the resource beyond the plant root zone must be minimised.</p>
Resource use as feedstock in the manufacture of compost	
(7.4)	<p>Use of the resource as a <u>feedstock in the manufacture of compost</u> must only be carried out at:</p> <p>a) an appropriately licensed facility in accordance with the relevant environmental authority held by the resource user.</p>
Storage requirements	
(7.5)	Any storage of the resource on the site of use must not exceed the operational demand for the purpose of the use(s) approved under this EOW code.
(7.6)	The resource must be stored in a way that prevents contact with stormwater or runoff and leaching to groundwater.
Preventing environmental harm	
(7.7)	<p>Application of the resource must be carried out within the following limits:</p> <p>a) The resource must not be applied within 100m of surface waters or 500m of residential dwellings⁸; or</p> <p>b) Where direct injection is conducted, the resource must not be applied within 100m of surface waters or 100m of residential dwellings⁹.</p>
(7.8)	<p>Despite the application method used, the resource must be incorporated into the soil except when applied as direct irrigation water:</p> <p>a) within 36 hours of application if applied via non-injection method in accordance with Requirement 7.7 (a); and</p> <p>b) at a depth of 10-30cm below the surface if direct injection is used in accordance with Requirement 7.7 (b), and the injection furrows must be covered as soon as practicable after injection.</p>
(7.9)	<p>Where the resource is applied as direct irrigation water:</p> <p>a) the resource must only be applied under the direction of an appropriately qualified person;</p> <p>b) the resource application must be conducted at an agronomic loading rate which considers the resource composition, crop nutritional demand and soil characteristics;</p> <p>c) pooling and/or runoff of the resource must be minimised; and</p> <p>d) percolation of the resource beyond the plant root zone must be minimised.</p>
(7.10)	Application of the resource must not impact groundwater.
Records	

⁸ Where a residential dwelling exists on the site of use, occupant's consent must be obtained prior to application of the resource to that site.

⁹ Where a residential dwelling exists on the site of use, occupant's consent must be obtained prior to application of the resource to that site.

(7.11)	<p>The resource user must maintain the following records for all applications of the resource to land:</p> <ul style="list-style-type: none"> a) details of the land on which application occurs (e.g. soil pH, soil EC, slope, and a farm map with location details and/or GPS coordinates); b) date of application of the resource; c) actual application rate expressed as the quantity (e.g. tonnes per hectare) per application for each application; and d) application method.
(7.12)	<p>The resource user must record the following information for each load of the resource received by the resource user under this EOW code:</p> <ul style="list-style-type: none"> a) business name, ABN and address of the registered resource producer who supplied the resource; b) date the resource user received the resource; c) quantity (in tonnes or cubic metres) of the resource received by the resource user; and site of use of resource (e.g. street address, lot on plan and/or GPS coordinates).
(7.13)	<p>All records required to be kept by the resource user under the conditions of this EOW code must be:</p> <ul style="list-style-type: none"> a) kept by the resource user for a period of not less than five (5) years; and b) provided to the chief executive upon request, in the format requested and in the time period specified.
Notification of emergencies , incidents and breaches	
(7.14)	<p>Any breach of a condition of this EOW code must be reported to the chief executive within 24 hours of becoming aware of the breach¹⁰.</p>
(7.15)	<p>Records of any breach of a condition of this EOW code, including full details of the breach and any subsequent actions taken, must be kept and provided to the chief executive upon request, in the format requested and in the time period specified.</p>

¹⁰ Reporting can be via the **chief executive's** Pollution Hotline (1300 130 372 – option 2) or via online reporting through the **chief executive's website** (<https://www.business.qld.gov.au/running-business/environment/waste-management/regulated-waste/eow-framework>).

8. Definitions

Words and phrases used throughout this EOW code **in bold** are defined below. Where a definition for a term used in this EOW code is sought and the term is not defined within this EOW code the definitions provided in the relevant legislation shall be used.

‘**ABN**’ means Australian Business Number which is a unique 11 digit number issued by the Australian Business Register and identifies a business in Australia.

‘**agricultural land**’ means land used for agricultural crops which includes horticulture, turf and land growing field crops or pastures.

‘**anaerobic digestion**’ means microbial break down of organic matter—such as animal manure and food wastes—in the absence of oxygen.

‘**appropriately qualified person**’ means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relating to the subject matter using the relevant protocols, standards, methods or literature.

‘**AS 4454**’ means Australian Standard 4454 Composts, soil conditioners and mulches (2012), or its most recent version.

‘**Biosecurity Regulation 2016**’ means the most recent version of the Queensland Biosecurity Regulation which is in force at the time of generation and/or use of the **resource**.

‘**chief executive**’ means the Department of Environment and Science or its successor.

‘**compost**’ has the meaning in **AS 4454** and is an organic product that has undergone controlled aerobic and thermophilic biological transformation through the **composting** process to achieve **pasteurisation** and reduce phytotoxic compounds, and achieved a specified level of maturity as specified in Appendix N (Determination of Maturity Index) of **AS 4454**.

‘**composted**’ means an organic material that has undergone **composting**.

‘**composting**’ means the process by which organic materials are microbiologically transformed under controlled aerobic conditions to achieve **pasteurisation** and a specified level of maturity as specified in Appendix N (Determination of Maturity Index) of AS 4454.

‘**digestate**’ means the nutrient rich by-product of the **anaerobic digestion** process and is a wet mixture (**whole digestate**) that can be separated into solid (**solid digestate**) and liquid (**liquid digestate**) components.

‘**DDD**’ means dichlorodiphenyldichloroethane which is an organochlorine insecticide that is slightly irritating to the skin. **DDD** is a metabolite of **DDT**.

‘**DDE**’ means dichlorodiphenyldichloroethylene which is a chemical compound formed by the loss of hydrogen chloride from **DDT**, of which it is one of the more common breakdown products

‘**DDT**’ means dichlorodiphenyltrichloroethane which is a synthetic organic compound used as an insecticide.

‘**direct injection**’ means the direct application of **digestate** to soil via the usage of trailing hose, shallow disc injection or trailing shoe methods.

‘**emergency(ies)**’ means a situation where either human health or safety is threatened, or serious or material **environmental harm** has been or is likely to be caused; and urgent action is necessary to protect the health or safety of persons, or prevent or minimise the harm, or rehabilitate or restore the environment because of the harm.

‘**environmental harm**’ means environmental harm as defined in Chapter 1 of the *Environmental Protection Act 1994*.

'fertiliser(s)' (as defined in *Schedule 2 – Code of Practice for the Labelling of Fertilisers and for Contaminants in Fertilisers* of the **Biosecurity Regulation 2016**) means a 'substance that is manufactured, represented, supplied or used for the purpose of directly or indirectly—

- a) fertilising soil; or
- b) supplying nutrients to plants; or
- c) conditioning the soil by altering the chemical, physical or biological condition of the soil;

however, does not include a substance declared, under a Commonwealth Act or regulation, to be an agricultural chemical product or a veterinary chemical product. The fertiliser must also be labelled in accordance with the criteria outlined under Schedule 2, Part 2, Division 1 of the *Biosecurity Regulation 2016*.

'food waste' means food intended for human consumption that is disposed of and sourced from transport & storage, wholesale and distribution, retail, hospitality and food service, such as restaurants, cafes, takeaway, hotels, hospitals, correctional & detention facilities, household source-separated food waste, schools & child care services.

'food processing waste' means waste generated from food processing and manufacturing that includes pet & livestock food manufacturing waste and is disposed of and sourced from primary production and manufacturing, such as harvesting, sorting, cutting, trimming, peeling, processing, manufacturing, quality controlling, spoilage, spillage and packaging.

'green waste' means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

'lawful(ly)' means allowed or permitted by law and not contrary to law.

'liquid digestate' means the liquid fraction of material remaining after separating **solid digestate** from **whole digestate** and which can also be recycled back through the digestion process to provide a liquid input.

'load' means the volume of **resource** put in or on something for conveyance or transportation, carried at one time and to one **site of use**. For example, a truck and trailer carrying the **resource** is considered as one load as well as multiple bins travelling by rail. Where the **resource** is transported via conveyor systems, information should be recorded on a daily basis until the transfer ceases.

'measures' have the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

'NATA' means the National Association of Testing Authorities.

'organic material' means waste from agricultural and livestock production including crop silage and animal manure.

'pasteurised' means an organic product that has undergone **pasteurisation**.

'pasteurisation' means the process whereby the **digestate** is thermally treated to significantly reduce the numbers of plant and animal pathogens. The **digestate** must undergo heating to a minimum temperature of 55°C for at least 3 consecutive days if only **organic material** and/or green waste are used as feedstocks or for 15 consecutive days when using any of the other permitted feedstocks. However, **pasteurisation** at a minimum temperature of 70°C for at least 1 hour is also permitted if preferred.

'paunch' means undigested food remaining in the digestive tract of ruminant animals that have been slaughtered for human consumption. This material usually includes partially digested grass, hay, and other feed products such as grain.

'person' means an individual or a corporation.

'records' include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs and any other record keeping required under the relevant requirements or conditions of this EOW code.

'registered resource producer(s)' means a **person** who produces the **resource** and has registered with the **chief executive** (in accordance with *Requirement (6.1)*) to use, sell or give away the **resource** to be used under this EOW code. Where the registered resource producer uses the resource, notification must also be made in the approved form in accordance with *Condition (7.1)* of this EOW code.

'resource(s)' means **digestate** that meets the criteria and quality characteristics in *Requirement (6.3)* of this EOW code.

'resource user(s)' means a **person** who has notified the **chief executive** (in accordance with *Condition (7.1)*) to receive the **resource** from a **registered resource producer** and uses the **resource** for a use approved under this EOW code and does so in such a manner which does not cause any **environmental harm**.

'safety data sheet' means a document containing data regarding the properties of the **resource** which provides information on handling or working with that substance in a safe manner; and includes information such as physical data toxicity, environmental characteristics, health effects, first aid, reactivity; and storage, disposal, protective equipment and spill handling procedures.

'sharps' means man-made contaminants (such as glass or metal) that are greater than 2 mm in any dimension that might cause physical injury to a person who handles **digestates** without protective gloves or to a person or animal who comes into contact with these materials

'site of use' means the relevant location(s) where the **resource user** uses the **resource** in accordance with this EOW code.

'soil conditioner' means a substance added to soil to improve the growing conditions for plant roots by providing nutritional requirements.

'soil incorporation' means the direct application of digestate to soil via the usage of trailing hose, shallow disc injection or trailing shoe methods.

'solid digestate' means the precipitated solid fraction derived by separating the coarse fibres from **whole digestate**.

'stones' means extraneous, hard mineral matter greater than 5 mm in any dimension

'surface waters' means visible bodies of water on the earth's surface, including rivers, streams, lakes, creeks, dams, reservoirs, ponds, swamps and wetlands, and includes the bed and banks of these bodies of water.

'whole digestate' means **digestate** that has not been separated into solid (**solid digestate**) and liquid (**liquid digestate**) components.

- END -

Appendix A —General obligation for all persons

This appendix is not intended to provide a comprehensive assessment of all obligations under Queensland law. It provides some general information and persons are encouraged to familiarise themselves with all requirements related to their specific operation.

Responsibilities under the *Environmental Protection Act 1994*

All persons within the State of Queensland must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act.

General environmental duty

Section 319 of the *Environmental Protection Act 1994* states that we all have a general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes or is likely to cause environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:

- the nature of the harm or potential harm
- the sensitivity of the receiving environment
- the current state of technical knowledge for the activity
- the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken
- the financial implications of the different measures as they would relate to the type of activity.

It is not an offence not to comply with the general environmental duty. However, maintaining your general environmental duty is a defence against the following acts:

- (a) an act that causes serious or material environmental harm or an environmental nuisance
- (b) an act that contravenes a noise standard
- (c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

More information is available on the Department of Environment and Science website www.des.qld.gov.au.

Some relevant offences under the *Environmental Protection Act 1994*

Causing serious or material environmental harm (sections 437–39)

Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance. Damages, or costs required to rehabilitate the environment, of over \$5000 constitutes material environmental harm and damages, or costs required to rehabilitate the environment, of over \$50,000 constitutes serious environmental harm.

Serious or material environmental harm excludes environmental nuisance.

Causing environmental nuisance (section 440)

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

Depositing a prescribed water contaminant in waters (section 440ZG)

Prescribed water contaminants include a wide variety of contaminants listed in Schedule 10 of the Environmental Protection Regulation 2019.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

Placing a contaminant where environmental harm or nuisance may be caused (section 443)

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Some relevant offences under the *Waste Reduction and Recycling Act 2011*

Littering (section 103)

Litter is any domestic or commercial waste and any material a person might reasonably believe is refuse, debris or rubbish. Litter can be almost any material that is disposed of incorrectly. Litter includes cigarette butts and drink bottles dropped on the ground, fast food wrappers thrown out of the car window, poorly secured material from a trailer. However, litter does not include any gas, dust, smoke or material emitted or produced during, or because of, the normal operations of a building, manufacturing, mining or primary industry.

Illegal dumping of waste (section 104)

Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place.

Failure to comply with EOW code (section 158)

A registered resource producer for an EOW code must not use, sell or give away the resource unless the registered resource producer complies with the requirements of the EOW code relating to the resource.

A person, other than a registered resource producer, must not use a resource in a way, or for a purpose, that does not comply with an EOW code for the resource.

Approved:

30 September 2022

Enquiries:

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