Changes to waste regulations in NSW
About the EPA

The Environment Protection Authority (EPA) manages environmental issues, responds to pollution incidents, and enforces environmental regulations. We also issue environment protection licences.

Waste regulations are changing

We’re working hard to improve the way we manage waste in NSW. That’s why the EPA has tightened rules to better protect people’s health and the environment, and make the system fairer for operators who do the right thing.
Some key changes

- We’ve raised standards across the industry around the storage, processing and transport of waste to further protect the environment. These changes are being rolled out in stages, which began on 1 November 2014.
- A new proximity principle offence means waste destined for landfill must be disposed of within 150 km of where it’s generated, or to one of the two nearest lawful disposal facilities, effective 1 November 2014.
- We’re rolling out new technologies to monitor the transport of asbestos and tyre waste so we know it goes to the right place.
- Starting 1 August 2015 a levy liability will apply to all EPA-licensed waste facilities, not just landfills. There are a limited number of exempt facilities such as facilities licensed only for composting or metallurgical activities. Please see our fact sheet and website.

More information

www.epa.nsw.gov.au/wastechanges
Environment protection licences

What has changed and why?

The rules have changed for which facilities need a licence.

The EPA is lowering the threshold for the amount of waste a facility can store or process before it must hold an EPA licence. This will provide better protection for the environment, level the playing field in the waste industry, and reduce the burden on local government.

What are the new limits?

New waste thresholds

| Resource recovery (recycling) facilities | 1000 tonnes or 1000 m³ on-site at any one time (2500 tonnes for facilities outside regulated area), processing more than 6000 tonnes a year (12,000 tonnes for facilities outside the regulated area) |
| Waste processing |  |
| Waste storage |  |

New waste tyre thresholds

| Waste tyre storage | More than 5 tonnes of waste tyres or 500 waste tyres on-site at any one time |

When do facilities need to hold a licence?

New facilities requiring a licence have a nine-month transition period from 1 November 2014 to obtain a licence. Facilities affected by these changes must hold a licence by 1 August 2015.

Note: You need to obtain development or planning approval before the EPA can issue an environment protection licence.
Waste levy changes

Why a waste levy?
The levy paid in NSW for waste that ends up in landfill makes recycling more attractive and encourages us to make the most of our resources, helping the environment.

What’s changing and why?
The EPA’s changes are designed to stop rogue operators who pretend to recycle but instead simply stockpile waste indefinitely without proper processing, or dispose of it illegally.

Starting 1 August 2015 a levy liability will apply to all EPA-licensed waste facilities, not just landfills. There are a limited number of exempt facilities such as facilities licensed only for composting or metallurgical activities.

How does the levy liability work?
- A liability is activated when waste is received at all licensed resource recovery and processing facilities (recyclers) in NSW.
- There are a limited number of exempt facilities; please see our fact sheet and website.
- The liability for recyclers is extinguished once the waste is sent off-site for lawful recycling, reuse or disposal.
- The liability becomes payable when the waste is stockpiled on that site for more than 12 months or if more waste is stored than is legally allowed.

Authorised amounts
To ensure recyclers are doing the right thing, the EPA is working with industry to set an ‘authorised amount’ of waste permitted on-site for all licensed resource recovery and processing facilities (recyclers) in NSW. This will help ensure waste accepted at the facility is processed and moves back into the productive economy for reuse.
New reporting requirements

The rules have changed for who needs to report annually to the EPA.

From 1 August 2015 all scheduled waste facilities (including recycling facilities) which are not liable for the waste levy will be required to provide an annual report to the EPA on the amount and type of waste that has been processed, stored, recycled and disposed of for that year. This will be an online reporting system.

Improving our systems

The EPA has improved the format of its systems for:

- immobilisation of high-risk contaminants
- resource recovery exemptions and orders

The new formats provide greater clarity about roles and responsibilities of those who generate, process, and dispose of or use the waste.
Weighbridges

What has changed and why?
To accurately measure waste and calculate levy liability, all waste facilities that are liable for the waste levy are now required to install a weighbridge.

Who needs to install a weighbridge?
The requirement applies to all waste facilities that are liable for the waste levy, including EPA-licensed waste processing, recovery and storage facilities.

What steps do I need to take?
You may need to obtain development or planning approval before you install a weighbridge; if this is the case, you should seek approval from local council or NSW Planning.

Is assistance available?
Your facility may be eligible for up to $75,000 from the NSW Government to cover the costs of installing new weighbridges. The EPA will be running a grant program in 2015. Further details will be provided on the EPA website.

What vehicles need to use the weighbridge?
All vehicles that carry waste in and out of a waste facility must enter the facility via the weighbridge. You must record specific details for each vehicle entry and exit.
New limits on waste transport distances

What’s changed and why?
Changes to the waste regulation make it an offence to dispose of waste more than 150 km from where it is generated.
If there is no disposal facility within 150 km, waste must go to one of the two nearest lawful disposal facilities.
Different rules apply for restricted solid waste and trackable (high risk) wastes.
This proximity principle aims to stop the unnecessary transport of waste over long distances and the human health and environmental problems this causes. The changes also ensure local communities take responsibility for their own waste and build local capacity to increase recycling.

What are the penalties for offenders?
- Offenders may receive penalty notices of $15,000 for corporations, and $7500 for individuals.
- If convicted in court, offenders can receive penalties of up to $44,000.
New interstate tracking

From 1 March 2015, the transport of more than 10 tonnes of any waste, from the Metropolitan Levy Area to another state or territory for disposal, recovery or reuse, must be tracked using the EPA’s online waste tracking system (limited exceptions apply).

This will provide the EPA with robust interstate waste transport data for the first time. Robust waste data is essential to set and evaluate the State’s recycling and resource recovery targets and to calculate current and future waste disposal trends.

What do I need to do?

Use the EPA’s online waste tracking system to lodge details about the consignment.

More information:

Monitoring asbestos and waste tyres

We’re doing more to ensure asbestos and waste tyres go to the right place.

Starting 1 July 2015, new monitoring requirements will apply for:

- waste tyre loads greater than 200 kg or more than 20 tyres (whichever weighs less)
- asbestos loads greater than 100 kg, or more than 10 square metres of asbestos sheeting.

To make this quick and easy, we’re developing an electronic system for the industry to use.

To improve industry standards for the storage of waste, we’ve also lowered the threshold for the amount of waste tyres a facility can store or process before it must hold an EPA licence. See page 4 of this brochure for more details.
Land pollution

What’s changed and why?

The new regulations now list wastes that are automatically deemed to be land pollution. They are:

- hazardous waste
- restricted solid waste
- more than 10 tonnes of asbestos waste
- more than 5 tonnes of waste tyres or more than 500 waste tyres.

Penalties of up to $1 million for corporations and $250,000 are in place for individuals found guilty of dumping.

The changes to the regulation also provide a defence against a land pollution charge for unlicensed landfills, if those facilities maintain certain minimum standards. These standards include measures to reduce fire risk; reduce odour, noise and dust; control public access to the site; and generally maintain the facility.
Stronger deterrence

The EPA has stronger penalties, new powers and more tools to tackle illegal waste disposal and fraud in the waste sector.

Serious deterrence for would-be lawbreakers

Repeat offences, including illegally using a place as waste facility, can lead to prison terms of up to two years. Supplying false and misleading information can lead to fines and/or a prison sentence of up to 18 months. The EPA also now has the power to seize and impound vehicles.

Penalty notices carry bigger fines

The EPA has also set higher fines for penalty notices. For example, using land as a waste facility without lawful authority now carries a fine of up to $15,000 for a corporation, and $8000 for an individual. The higher fines commenced on 29 August 2014.

New monitoring powers and tools

The EPA now has the power to require waste operators to install video surveillance at their facilities, to ensure fraudulent activities are detected and halted.

The EPA can also require waste transporters to install GPS devices in their vehicles, to ensure they comply with waste regulations.

More information

www.epa.nsw.gov.au/wastechanges
The NSW EPA’s Waste Less, Recycle More initiative is investing $465.7 million over five years in waste and recycling in NSW.

Funded from the waste levy, it includes grants for infrastructure, new kerbside collections, community recycling centres for problem wastes and projects to reduce litter and tackle illegal dumping.

It also supports compliance and enforcement activities.