

Guide to licensing for the waste industry

What is an environment protection licence?

An environment protection licence is a legally enforceable document for you and your business operation. Issued by the NSW Environment Protection Authority (EPA), it lists the activities you can undertake, and explains your responsibilities and the conditions for operating your business as they relate to the environment. It will help you protect the environment and prevent pollution incidents.

Your licence is issued under the *Protection of the Environment Operations Act 1997* (POEO Act). If you fail to comply with your licence, you are committing an offence.

Do I need a licence?

You must obtain an environment protection licence to carry out certain waste-related activities:

- composting, storing, processing, transporting, and disposing of waste; recovering resources from waste (recycling); and other activities listed in Schedule 1 (Part 1) of the POEO Act
- development work that enables the above activities to be carried out at the premises.

You can find a full list of activities that require a licence under schedule 1 of the POEO Act here: www.austlii.edu.au/au/legis/nsw/consol_act/poteoa1997455/sch1.html

The table below gives some of the limits (thresholds) for the amounts of waste your business can store, process or dispose of before you must hold an EPA licence. It is your responsibility to check whether your business activity requires an EPA licence. Contact the EPA if you are unsure.

Activity	Licensing thresholds
<ul style="list-style-type: none"> • Waste resource recovery (recycling) • Waste processing • Waste storage 	1000 tonnes or 1000 m ³ on-site at any one time (2500 tonnes for facilities outside regulated area); or processing more than 6000 tonnes a year (12,000 tonnes for facilities outside the regulated area).
Waste disposal	<ul style="list-style-type: none"> • Zero threshold for most waste types; or • Building and demolition waste: 200 tonnes (20,000 tonnes for waste generated outside the regulated area)
Waste tyres: <ul style="list-style-type: none"> • storage • processing 	More than 5 tonnes of waste tyres or 500 waste tyres stored on-site at any one time; or processing more than 5000 tonnes of waste tyres per year.
Composting	200 tonnes of organics on-site at any one time (2000 tonnes for facilities outside regulated area); or, receiving more than 5000 tonnes non-putrescible organics or 200 tonnes of putrescible organics per year.

About the EPA

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

How to apply for a licence

Important: before you begin

Before the EPA can issue a licence, you must first obtain any relevant development or planning consents.

Where can I obtain licence application forms?

From EPA offices or our website:

www.epa.nsw.gov.au/licensing/licenceforms.htm

You must complete the 'Licence application – premises' form if your business will carry out storage, processing or disposal of waste.

What supporting documentation do I need for my application?

Your application must include all planning approvals (development consents) and environment plans that show the proposed activities can be lawfully conducted at your site. You must provide:

- a copy of your development consent
- location details (including a map and GPS co-ordinates) of any points where your business activity will discharge pollution into the air, water or land
- approximate quantities of all waste your proposed operation will receive from off-site, and the appropriate classification of this waste
- details about the likely impact of any pollution your business will cause, and practical measures you intend to take to prevent pollution and protect the environment. This includes any relevant environmental plans submitted as part of the development consent process.

What other documentation will I need for my licence?

Most waste facilities must provide a financial assurance or bank guarantee. This ensures funds are available to the EPA for remedial works and post-closure care if licensees are unwilling or unable to pay. The amount and terms of this guarantee will depend on the size of your business, its potential environmental impacts, and your compliance history.

You must have a pollution incident response management plan (PIRMP). It ensures a pollution incident will be reported, managed and communicated appropriately. For more information, read the PIRMP guidelines: www.epa.nsw.gov.au/legislation/20120227egpreppirmp.htm

How long will the EPA take to assess my application?

The EPA will generally contact you about your application within 21 days.

The EPA generally grants or refuses applications within 60 days of their lodgement, if we have all the required information. If the EPA does not notify you with a decision on your completed application within 60 days, you may appeal to the NSW Land

and Environment Court as if your application had been refused. Alternatively, if the EPA has notified you with our decision, you have 21 days to appeal that decision.

Important: if your facility is new, you must apply for and receive an environment protection licence before you start construction or operations, otherwise you will be committing an offence under the POEO Act and be subject to criminal proceedings or a fine.

What initial and ongoing fees must I pay?

Annual administration fee: To pay fees for the first licence period you must attach a cheque to your application or arrange an electronic funds transfer. This fee is based on the nature, size and/or capacity of your activity.

To calculate this fee, read section 4 of the *Guide to Licensing: Part A* at www.epa.nsw.gov.au/licensing/licenceguide.htm or call the EPA's Regulatory and Compliance Support Unit on 9995 5700.

Coming – fees under our new risk-based licensing system:

On 1 July 2015 the EPA will introduce risk-based licensing. This system has been developed to ensure all licence holders receive an appropriate level of regulation for the environmental risk posed by the activity at their facility. We will determine the environmental management category appropriate for your activity. Starting 1 July 2016, we will use this category to calculate your licence administrative fee.

Read more about risk-based licensing at:

www.epa.nsw.gov.au/licensing/licenceintro.htm

Where do I submit my application?

In Sydney, send your application to:

Waste Compliance
Environment Protection Authority
PO Box A290
Sydney South NSW 1232

In regional areas, send your application to your nearest EPA office.

More information

Find out more about environment protection licences at: www.epa.nsw.gov.au/licensing/licencePOEO.htm

Or contact the Environment Line:

Phone: 131 555 or **email:** info@environment.nsw.gov.au
www.epa.nsw.gov.au/wastechanges

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Phone: 131 555 (environment information and publications requests)

TTY users: phone 133 677, then ask for 131 555

Speak and listen users: phone 1300 555 727, then ask for 131 555

Email: info@environment.nsw.gov.au; Web: www.epa.nsw.gov.au

Report pollution and environmental incidents: Environment Line: 131 555 (NSW only)