Permit

Environmental Protection Act 1994

Environmental authority EA0000904

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EA0000904

Environmental authority takes effect on 31 July 2017

Environmental authority holder(s)

Name(s)	Registered address
PORT OF BRISBANE PTY LTD	Port Office 3 Port Central Avenue PORT OF BRISBANE QLD 4178

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 57 - Regulated Waste Transport, 2: Transporting regulated waste, other than tyres, in, (a) 1 to 5 vehicles	State of Queensland

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the Environmental Protection Act 1994 (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term ‘duty to notify’.

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Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Planning Act 2016 or an SDA Approval under the State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.

Kelly Gleeson
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Waste and Contaminated Land Assessment
Department of Environment and Heritage Protection
Phone: 1300 130 372
Email: palm@ehp.qld.gov.au

Date issued: 31 July 2017

Obligations under the Environmental Protection Act 1994

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Legislative Requirements and Conditions of Environmental Authority

Legislative Requirements

PLR025

General obligations for environmental authority holders

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

Responsibilities under the *Environmental Protection Act 1994*

Separate to the requirements of the eligibility criteria and standard conditions, the holder of the environmental authority must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act. For example, the holder must be aware of the following provisions of the *Environmental Protection Act 1994* which may apply unless the environmental harm is authorised by the conditions of the environmental authority.

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:
(a) the nature of the harm or potential harm
(b) the sensitivity of the receiving environment
(c) the current state of technical knowledge for the activity
(d) the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken
(e) 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 Heritage Protection (EHP) website www.ehp.qld.gov.au.

Duty to notify
Section 320A of the *Environmental Protection Act 1994* explains the duty to notify. The duty to notify applies to all persons and requires a person or company to give notice where serious or material environmental harm is caused or threatened. Notice must be given of the event, its nature and the circumstances in which the event happened. Notification can be verbal, written or by public notice depending on who is notifying and being notified.

The duty to notify arises where:
(a) a person carries out activities or becomes aware of an act of another person arising from, or connected to, those activities that causes or threatens serious or material environmental harm
(b) while carrying out activities a person becomes aware of the happening of one or both of the following events:
    (i) the activity negatively affects (or is reasonably likely to negatively affect) the water quality of an aquifer
    (ii) the activity has caused the unauthorised connection of two or more aquifers.
(c) the owner or occupier of contaminated land or an auditor performing an auditor's function (as defined in section 568(b) of the *Environmental Protection Act 1994* becomes aware of:

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(i) the happening of an event involving a hazardous contaminant on the contaminated land; or
(ii) a change in the condition of the contaminates land; or
(iii) a notifiable activity having been carried out, or being carried out, on the contaminated land;

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For more information on the duty to notify requirements refer to the guideline 'Duty to notify of environmental harm' (available at www.qld.gov.au using the publication number ESR/2016/2271 as a search term).

Some relevant offences under the *Environmental Protection Act 1994*

Non-compliance with a condition of an environmental authority (section 430)
Section 430 of the *Environmental Protection Act 1994* requires that a person who is the holder of, or is acting under, an environmental authority must not wilfully contravene, or contravene a condition of the authority.

Environmental authority holder responsible for ensuring conditions complied with (section 431)
Section 431 of the *Environmental Protection Act 1994* requires that the holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority. If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.

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.

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 9 of the Environmental Protection Regulation 2008.

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 of the 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 or grass clippings swept into the gutter. 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.

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Illegal dumping of waste (section 104)
Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place. Illegal dumping can also include abandoned vehicles.

Relevant offence under the Environment Protection Regulation 2008

Waste tracking (Chapter 5, Part 9)
Waste handlers must submit waste tracking information to the Department of Environment and Heritage Protection as part of the process for tracking waste types as listed in Schedule 2E of the Environmental Protection Regulation 2008. The waste tracking enables the department to track waste from its source to the place of storage, recycling, treatment or disposal.

Responsibilities under other legislation

An environmental authority pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any additional approval for the activity that might be required by other state and/or Commonwealth legislation. Other legislation for which a permit may be required includes, but is not limited to, the:
(a) *Aboriginal Cultural Heritage Act 2003*
(b) Australian Dangerous Goods Code
(c) Australian and New Zealand Environment and Conservation Council (ANZECC) Polychlorinated Biphenyls Management Plan Revised Edition - April 2003
(d) Contaminated land provisions of the *Environmental Protection Act 1994*
(e) *Fisheries Act 1994*
(f) *Forestry Act 1959*
(g) *Nature Conservation Act 1992*
(h) *Petroleum and Gas (Production and Safety) Act 2004 / Petroleum Act 1923*
(i) *Queensland Heritage Act 1992*
(j) Safe Work Australia Code of Practice on How to Safely Remove Asbestos 2011 or the Safe Work Australia Code of Practice on How to Manage and Control Asbestos in the Workplace 2011 or any subsequent versions
(k) *Sustainable Planning Act 2009*
(l) Waste Reduction and Recycling Regulation 2011
(m) *Water Supply (Safety and Reliability) Act 2008*
(n) *Water Act 2000*
(o) *Work Health and Safety Act 2011,* Work Health and Safety Regulation 2011 and Work Health and Safety (Codes of Practice) Notice 2011

Environmental authority holders are advised to check with all relevant statutory authorities and comply with all relevant legislation.

Condition

General

G1 Activities conducted under this environmental authority must not be conducted contrary to any of the following limitations:
a) Regulated waste may only be transported within the State of Queensland
b) Regulated waste must only be transported on the following vehicles:
- Flat top barge Topham – registration number 44104QC;
- Flat top barge AJ Marr – registration number 44105QC;
- Tug boat Frank Wilson – registration number 24558.

PMG008 All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.

G3 All vehicles, tanks, containers and secondary containers used to transport regulated waste must be:
a) maintained in good condition at all times to prevent any spillage or leakage or regulated waste or other contaminants; and
b) kept free of regulated waste residues at all times when not in use; and

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c) in the case of containers and secondary containers, mounted securely in a proper and efficient manner.

G4 Regulated waste must not leak or spill from the vehicle.

G5 Notwithstanding condition G4, any loss or spillage of regulated wastes must be cleaned up immediately.

G6 An appropriate spill kit, personal protective equipment and relevant instructions for the management of the regulated wastes transported must be maintained and kept in each vehicle.

G7 All vehicle operators must:
a) have access to a copy of this environmental authority in the vehicle, or through direct communication with the vehicle depot or operations base; and
b) be trained in the requirements of this environmental authority, including the use of all equipment and procedures necessary to comply with the conditions of this environmental authority, and document all training undertaken.

PCG010 The activity must be undertaken in accordance with written procedures that:
(a) identify potential risks to the environment from the activity during routine operations and emergencies; and
(b) establish and maintain control measures that minimise the potential for environmental harm; and
(c) ensure plant, equipment and measures are maintained in a proper and effective condition; and
(d) ensure plant, equipment and measures are operated in a proper and effective manner; and
(e) ensure that staff are trained and aware of their obligations under the Environmental Protection Act 1994; and
(f) ensure that reviews of environmental performance are undertaken at least annually.

PCG011 All records must be kept for a period of at least five years and provided to the administering authority upon request.

G10 All vehicles used to transport regulated waste must be registered with the administering authority.

PMG007 Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.

G12 A written notice detailing the following information must be provided to the administering authority within 14 days of any advice provided in accordance with condition G11:
a) the name of the operator, including their environmental authority number;
b) the name and telephone number of a designated contact person;
c) quantity and substance released;
d) vehicle and registration details;
e) person/s involved (driver and any others);
f) the location and time of the release;
g) the suspected cause of the release;
h) a description of the effects of the release;
i) the results of any sampling performed in relation to the release;
j) actions taken to mitigate any environmental harm caused by the release; and
k) proposed actions to prevent a recurrence of the release.

Waste1 The regulated waste being transported must be compatible with the container.

Waste2 Provide details of changes to the 'licensed vehicle' fleet to the administering authority prior to the use of these vehicles for the transport of any regulated waste.

Waste3	Regulated waste must be handled and transferred in a proper and efficient manner to prevent any leakage or spillage of waste.
Waste4	Any vehicle registered with the administering authority may be replaced with another vehicle provided it is of similar type and no less fit for the transportation of the regulated waste.
Waste 5	All vehicles (including load areas), containers and secondary containers used to transport regulated waste must be: a) maintained in a proper and efficient condition at all times to prevent spillage or leakage of waste; b) be kept clean at all times whilst regulated waste is not being transported; c) in the case of containers and secondary containers, mounted securely in a proper and efficient manner.

Acoustic

PCN006	Other than as permitted within this environmental authority, noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.

Air

PMA001	Other than as permitted within this environmental authority, odours or airborne contaminants must not cause environmental nuisance at a sensitive place or commercial place.

Land

PCL005	Other than as permitted within this environmental authority, contaminants must not be released to land.

Social

Social 1	The following details for all complaints received must be recorded and this information must be provided to the administering authority on request: a) time, date, name and contact details of the complainant; b) reasons for the complaint; c) any investigations undertaken; d) conclusions formed; and e) any actions taken.

Water

PCW014	Other than as permitted within this environmental authority, contaminants must not be released to any waters.
Def1	Definitions Administering authority means the Department of Environment and Heritage Protection or its successors or predecessors.
Def2	Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.
Def3	Contaminants means contaminants listed within Schedule 9 of the Environmental Protection Regulation 2008.
Def4	Environmental nuisance as defined in Chapter 1 of the Environmental Protection Act 1994.

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Def5	Noxious means harmful or injurious to health or physical well-being.
Def6	Offensive means causing offence or displeasure, is unreasonably disagreeable to the sense, disgusting, nauseous or repulsive.
Def7	Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.
Def8	Vehicles includes the part of an aircraft, boat, rolling stock, semi-trailer, tanker, trailer or truck, used to transport the regulated waste.

Definition

PD047	Activity means the environmentally relevant activity, or aspect of the ERA to which this code relates.
PD055	Environmentally relevant activity (ERA) means an activity prescribed by regulation as an ERA.
PD060	Operator means the person carrying out the ERA.
PD063	Regulated waste means 1. waste that- (a) is commercial or industrial waste, whether or not it has been immobilised or treated; and (b) is of a type, or contains a constituent of a type, mentioned in schedule 7. 2. waste prescribed under subsection (1) includes- (a) for an element-any chemical compound containing the element; and (b) anything that contains residues of the waste.
PD066	Release of a contaminant into the environment, includes: (a) to deposit, discharge, emit or disturb the contaminant; (b) to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; (c) to allow the contaminant to escape; and (d) to fail to prevent the contaminant from escaping.
PD071	Sensitive place means- (a) a dwelling (including residential allotment, mobile home or caravan park, residential marina or other residential premises, motel, hotel or hostel); (b) a library, childcare centre, kindergarten, school, university or other educational institution; (c) a medical centre, surgery or hospital; or (d) a public park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.
PD074	Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), and groundwater and any part thereof.

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