Permit

Environmental Protection Act 1994

Environmental authority EA0002536

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

Environmental authority number: EA0002536

Environmental authority takes effect on 09 October 2020

Environmental authority holder(s)

Name(s)	Registered address
Capricorn Property Developments Pty Limited	14 Reef St ZILZIE QLD 4710 Australia
Paul Bryce Czislowski	14 Reef St ZILZIE QLD 4710 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 57 - Regulated Waste Transport, Transporting regulated waste, other than end-of-life tyres	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

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- 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'.

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.

Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Date issued: 09 October 2020

Enquiries:
Department of Environment and Science
GPO Box 2454 Brisbane QLD 4001
Phone: 1300 130 372
Email: palm@des.qld.gov.au

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)

Conditions of environmental authority

Conditions of approval for this environmental authority are the eligibility criteria and standard conditions contained within the attached document(s) entitled:

Environmentally relevant activity standard regulated waste transport (ERA 57) – Version 2

All reasonable steps must be taken to ensure the activity complies with the eligibility criteria and standard conditions.

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Environmentally relevant activity standard
Regulated waste transport (ERA 57) – Version 2

This document provides eligibility criteria and standard conditions for environmentally relevant activity (ERA) 57 – regulated waste transport in a vehicle if the relevant activity is:

- transporting end-of-life tyres; or
- transporting regulated waste, other than end-of-life tyres.

Eligibility criteria

Eligibility criteria are constraints set to ensure environmental risks associated with the operation of the ERA are able to be managed by the standard conditions. Eligibility criteria set out the circumstances in which a standard or variation application for an environmental authority can be made.

Standard conditions

Standard conditions are the minimum operating requirements an environmental authority holder must comply with.

Standard applications

If an applicant can meet all of the eligibility criteria and standard conditions, then they can make a standard application.

Variation applications

If an applicant can meet all of the eligibility criteria but needs to vary one or more of the standard conditions to suit their operational needs, then they can make a variation application.

Site specific applications

Applicants who cannot meet the eligibility criteria must make a site specific application.

Amendment applications

If the holder of an environmental authority needs to amend or add a condition in the issued environmental authority, then the holder must make an amendment application.

How to apply

The Queensland Government's Business Queensland website at www.business.qld.gov.au/ea has information on the standard, variation, site-specific and amendment application processes.

You can apply online through Connect at www.qld.gov.au/environmentconnect.

Alternatively email palm@des.qld.gov.au or phone 1300 130 372 (and select option 4) to obtain an application form to complete and submit.

Definitions

Some terms used in this document are defined in Appendix 1.

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Version history

Version	Date	Description of changes
1	29 June 2018	Eligibility criteria and standard conditions take effect
2	01 July 2019	Minor updates including details of how to apply and the availability of forms, departmental name, legislative title (*Planning Act 2016*), description of ERA thresholds, definition of regulated waste and adding a version history.

Eligibility criteria

Eligibility criteria category	Eligibility criteria
Activity general	• **Regulated waste** is transported by **vehicles**

Standard conditions

Conditions
General
G1: All reasonable steps must be taken to ensure the **activity** complies with the eligibility criteria.
G2: The **activity** must be undertaken by **vehicles** whose registration details must be provided to the administering authority before commencing the activity. The administering authority must be notified within 10 business days of any change to the **vehicle** registration details.
G3: The activity is undertaken by **vehicles** which are covered by a policy of insurance or other form of indemnity, for a sum that is not less than $100,000, in respect of: a) personal injury, death, property damage and other damage (except consequential economic loss) arising out of fire, explosion, leakage or spillage of dangerous goods in, on or from the **vehicle** or a container on the **vehicle**; and b) costs incurred by or on behalf of a Commonwealth, State or Territory government authority in a clean-up resulting from any event of the kind referred to in subparagraph a) of this condition.
G4: 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.
G5: 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 and recorded at least annually.
G6: The activity must not cause **environmental nuisance** at a **sensitive place**.
G7: All **records** required by conditions of this authority must be kept for at least five years and provided to the **administering authority** within 10 business days upon its request.
G8: When required by the **administering authority**, monitoring must be undertaken in the manner prescribed by the **administering authority** to investigate a complaint of **environmental nuisance** arising from the **activity**. The monitoring results must be provided within 10 business days to the **administering authority** upon its request.
G9: All **vehicles**, including tanks, containers and secondary containers used to transport **regulated waste** must be: a) maintained at all times to prevent any spillage or leakage of **regulated waste** or other **contaminants**; and b) kept free of **regulated waste** residues at all times when not in use; and c) must be effectively cleaned and, where used for transporting **clinical waste**, must be disinfected before reuse.

Conditions
G10: At all times, a copy of: a) this environmental authority issued by the **administering authority** for **regulated waste** transport activities; and b) the appropriate emergency guides in relation to the waste transported must be carried in the cabin of each **vehicle** used to transport **regulated waste** and when requested, be presented to an authorised officer of the **administering authority** or relevant **regulatory agency** of the State or Territory in which the **vehicle** is travelling. *Note: Standards Australia publish numerous guides including HB 76-2004 Dangerous Goods – Initial emergency response guide, and emergency procedure guides (AS1678 Series) which are available from SAI Global Business Publishing. Further, when developing emergency guides in relation to PCB's, reference should be made to the United States Environmental Protection Agency 40CFP Part 761: Polychlorinated biphenyls: notification and manifesting for PCB waste activities: clause number 761.125*
G11: When transporting **regulated waste**: a) any **regulated waste** not contained within weatherproof packages must be covered during transport to contain the load and protect it from wind and rain; and b) all **regulated waste** containers must be mounted securely to the vehicle and contained within the tray of the **vehicle**.
G12: When transporting **packaged regulated waste**, the top of any container must not protrude above the sides or gates of the vehicle by more than 30% of the height of the container.
G13: **Road tank vehicles** must: a) be constructed to minimise instability and risk of rollover; and b) be provided with roll-over protection to protect all tanks, components and fittings on the upper and side surfaces of the tank in the event of the vehicle rolling over or becoming inverted; and c) be provided with an effective bumper and/or barrier system to protect the tank and fittings from rear impact.
Waste
W1: Waste transported under the **activity** must be contained within a suitably designed waste containment structure that is constructed, operated and maintained in accordance with accepted engineering standards currently appropriate for the purpose for which the structure is intended to be used.
W2: **Regulated waste** must not be removed or released from the **vehicle** other than: a) for the purpose of consolidating grease trap and/or other oily wastes; or b) at a facility that can lawfully accept the waste.
W3: **Incompatible wastes** must not be placed in the same container or transported in such a way that mixing may occur.
W4: A record of all **regulated waste** (excluding trackable waste) must be kept detailing the following information for every load of waste transported: a) date of pickup of waste, including where loads are consolidated; b) description of waste; c) quantity of waste; d) origin of the waste; and e) destination of the waste. *Note: Additional waste tracking requirements apply to the transportation of trackable waste in accordance with the Environmental Protection Regulation 2008.*

Conditions
W5: All **asbestos waste** transported must be: a) double bagged and **sealed** in heavy duty polythene bags (minimum 200 µm thickness); or b) **sealed** in drums or bins that are lined with heavy-duty plastic (minimum 200 µm thickness); or c) where the volume or size of **asbestos waste** (e.g. large asbestos cement sheets) is greater than the volume or size of a bag, drum or bin: i. for **friable asbestos waste**, **sealed** in double lined heavy-duty plastic sheeting (minimum 200 µm thickness) prior to being placed into a waste skip, **vehicle** tray or similar container; or ii. for **non-friable asbestos waste**, placed in a waste skip, **vehicle** tray or similar container that has been double lined with heavy duty plastic sheeting (minimum 200 µm thickness) and kept damp, and then **sealed** within the plastic sheeting.
W6: All **asbestos waste** transported must be labelled with a warning statement to indicate the presence of asbestos and that dust creation and inhalation needs to be avoided.
W7: All **particulate lead waste** must be: a) double bagged and sealed in heavy duty polythene bags (minimum 200 µm thickness), and placed in containers on the **vehicle**; and b) labelled to indicate the presence of lead and with appropriate lead **risk phrase** and **safety phrase**.
W8: All **clinical** and **related waste** must be provided with a rigid **secondary containment system** during transport.
W9: **Vehicles** and load compartments must be locked when unattended.

Appendix 1: Terms and definitions

Term	Definition
Activity	means the environmentally relevant activity to which this environmental authority relates. An activity may be undertaken on the whole or a part of a site.
ADG Code	means the *Australian code for the transport of dangerous goods by road and rail, 7th edition*, or more recent versions as they become available.
Administering authority	means the Department of Environment and Science or its successor.
Asbestos-containing material	means any material, object, product or debris that contains asbestos.
Asbestos waste	means all removed **asbestos-containing materials** and disposable items used during the asbestos removal work, such as plastic sheeting used for an enclosure or to cover surfaces in the asbestos work area, disposable coveralls, disposable respirators and rags used for cleaning etc.
Clinical waste	means waste that has the potential to cause disease including, for example, the following: a) animal waste; b) discarded sharps; c) human tissue waste; and d) laboratory waste.
Combination vehicle	means a road vehicle that includes one or more trailers.
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.
Contaminant(s)	as defined in Section 11 of the *Environmental Protection Act 1994.*
Environmental harm	as defined in Section 14 of the *Environmental Protection Act 1994.*
Environmental nuisance	as defined in Section 15 of the *Environmental Protection Act 1994.*
Friable asbestos waste	means asbestos-containing material that is in powder form or which, when dry, is or may become crumbled, pulverised or reduced to powder by hand pressure.
Incompatible waste	means waste that may chemically react when: a) placed in proximity to other wastes; and/or b) mixed with other wastes.
Land	means land excluding waters and the atmosphere.
Measures	has the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competencies.

Term	Definition
Minimise	means minimise by taking all reasonable and practical measures to minimise the adverse effect having regard to the following matters: 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 different measures that might be taken to minimise the adverse effects e) the financial implications of the different measures as they would relate to the type of activity f) if the adverse effect is caused by the location of the activity being carried out, whether it is feasible to carry out the activity at another location.
Non-friable asbestos waste	means asbestos-containing material that is not **friable asbestos waste**, including material containing asbestos fibres reinforced with a bonding compound.
Sealed	means fully contained within. Where polythene sheeting has been used, adhesive tape should be applied to the entire length of every overlap.
Sensitive place	includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place: a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or b) a motel, hotel or hostel; or c) a kindergarten, school, university or other educational institution; or d) a medical centre or hospital; or e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or f) a public park or garden; or g) for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.
Packaged regulated waste	means **regulated waste** in a container with: a) a capacity of not more than 450 litres; and b) a net mass of not more than 400 kilograms.
Particulate lead waste	means lead waste that is capable of becoming airborne or unable to be easily recovered if a spill occurs during transport. Examples include waste from foundry filters and lead based paint residues.
Records	includes breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this environmental authority.
Regulated waste	As defined in Section 64 of the *Environmental Protection Regulation 2008.*
Regulatory agency	means the agency of a State or Territory that has responsibility for regulating the transport of regulated wastes in that State or Territory.
Related waste	means waste that constitutes, or is contaminated with, chemicals, cytotoxic drugs, human body parts, pharmaceutical products or radioactive substances.

Term	Definition
Risk phrase	means a phrase stated in the National Occupational Health and Safety Commission's document entitled *National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012(1994)]*, or more recent versions, that gives information about the substance's hazards.
Road tank vehicle	means a truck, trailer or semi-trailer or unit in a road train, incorporating a tank, or having a tank or tanks mounted thereon, either permanently or temporarily (as defined in AS 2809.1–2008 — road tank vehicles for dangerous goods).
Safety phrase	means a phrase stated in National Occupational Health and Safety Commission's document entitled *National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012(1994)]*, or more recent versions, that gives information about: a) the safe use of the substance; or b) the personal protective equipment for the substance.
Secondary containment system	means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.
Vehicle	Means a road vehicle including an articulated or combination vehicle, and does not include a train, boat or aircraft.
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), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

Appendix 2: General obligations for environmental authority holders

This appendix 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:

- 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.

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 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
- while carrying out a resource activity, other than a mining activity, a person becomes aware of the happening of one or both of the following events:
  - the activity negatively affects (or is reasonably likely to negatively affect) the water quality of an aquifer
  - the activity has caused the unauthorised connection of two or more aquifers.
- 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:
  - the happening of an event involving a hazardous contaminant on the contaminated land; or

- a change in the condition of the contaminated land; or
- 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' (ESR/2016/2271).

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.

Relevant offences under the Environment Protection Regulation 2008

Trackable waste to be given only to licensed transporter (section 81ZA)

A generator of trackable waste must not give the waste to another person to transport it for a fee or reward, or in a load of more than 250 kilograms, in a vehicle unless the other person holds, or is acting under, an environmental authority for transporting the waste in the vehicle.

Waste tracking (Chapter 5, Part 9)

Waste handlers must submit waste tracking information to the Department of Environment and Science 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 approvals 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:

- *Aboriginal Cultural Heritage Act 2003*
- Australian Dangerous Goods Code
- Australian and New Zealand Environment and Conservation Council (ANZECC) Polychlorinated Biphenyls Management Plan Revised Edition – April 2003
- Contaminated land provisions of the *Environmental Protection Act 1994*
- *Fisheries Act 1994*
- *Forestry Act 1959*
- *Nature Conservation Act 1992*
- *Petroleum and Gas (Production and Safety) Act 2004* / *Petroleum Act 1923*
- *Planning Act 2016*
- *Queensland Heritage Act 1992*
- 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
- Waste Reduction and Recycling Regulation 2011
- *Water Supply (Safety and Reliability) Act 2008*
- *Water Act 2000*
- *Work Health and Safety Act 2011,* Work Health and Safety Regulation 2011 and Work Health and Safety (Codes of Practice) Notice 2011

Applicants are advised to check with all relevant statutory authorities and comply with all relevant legislation.