Permit[1]

Environmental Protection Act 1994

Environmental authority

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

Permit[1] number: EPSX00752113

The anniversary date of this environmental authority remains as 15 July each year.

Environmental authority holder

Name	Registered address
HMLC Earthmoving Pty Ltd	11 Black Road GLEN INNES NSW 2370

Environmentally relevant activity and location details

Environmentally relevant activity	Location
57-(2a) Regulated waste transport 1 to 5 vehicles	Various locations throughout the State of Queensland

Additional information for applicants

Environmentally relevant activities

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

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority 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 if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

Shari Murphy
Signature

26 Sept 13
Date

Shari Murphy
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Shari Murphy
ES-RSD-SER-Brisbane North
LeveL 8 400 George Street
GPO Box 2454
BRISBANE CITY QLD 4000
Phone: (07) 3339 5840
Fax: (07) 3330 5754
Email: shari.murphy@ehp.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

The conditions of approval for this environmental authority are standard conditions contained within the attached document(s) entitled:

- Code of environmental compliance ERA 57 – Regulated waste transport

END OF PERMIT

Attachments

- Code of environmental compliance for certain aspects of regulated waste transport (ERA 57)

Queensland Government

Department of
Environment and Heritage Protection

Client Ref EPSX00752113

13 October 2014

HMLC Earthmoving Pty Ltd
11 Black Road
GLEN INNES NSW 2370

Dear Sir/Madam

Re: Decision Notice to suspend environmental authority EPSX00752113

The Department of Environment and Heritage Protection has made a decision in relation to the notice of proposed action to suspend your environmental authority - EPSX00752113.

The enclosed decision notice details that the proposed action will be taken and the environmental authority will be suspended.

Where an environmental authority is suspended the operation of all activities approved under that environmental authority must cease. You must stop carrying out all activities approved under EA number EPSX00752113 from the date the suspension takes effect until the outstanding fees are paid. Operating an environmentally relevant activity authorised under the environmental authority while it is suspended is an offence against the *Environmental Protection Act 1994* which may result in prosecution by the department and a maximum penalty of $947,801.25.

You may apply to the department for an internal review of this decision within 10 business days after receiving this notice. Further information on the review and appeals process is enclosed with the decision notice.

Please be aware that the suspension or cancellation of an environmental authority does not exempt you from payment of the outstanding fees and any unpaid fees may be recovered through legal proceedings. The suspension or cancellation of an environmental authority is also grounds to cancel or suspend your registration as a suitable operator.

400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone 1300 130 372
Facsimile 07 3330 5875
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Should you have any further enquiries, please contact the Environmental Regulatory Support Unit of the department by telephone on 1300 130 372 (choose option 4) between the hours of 8:30am to 4:30pm from Monday to Friday.

Yours sincerely

Mark Franco
Assistant Manager
Regulatory Capability and Customer Service

Att: Decision notice
EM1866 – Information sheet: Internal review and appeal to Planning and Environment Court – for prescribed ERAs

400 George Street Brisbane
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone 1300 130 372
Facsimile 07 3330 5875
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Notice

Environmental Protection Act 1994

Decision on proposal to suspend an environmental authority

This notice is issued by the administering authority[1] *pursuant to sections 282 and 283 of the* Environmental Protection Act 1994 *to advise you of the decision made following the proposal to suspend an environmental authority.*

To: HMLC Earthmoving Pty Ltd
11 Black Road
GLEN INNES NSW 2370

Email: hmlcem@gmail.com

Your reference: EPSX00752113
Our reference: 366343

Decision made on the notice proposal to suspend an environmental authority

1. **Environmental authority details**

   Environmental authority number EPSX00752113.

2. **Representations**

   No written representation has been received.

3. **Decision**

   The administering authority has decided to suspend your environmental authority.

   The environmental authority is suspended from 13 October 2014 until all outstanding fees are paid. You must advise the administering authority when payment is made.

   This decision takes effect on 13 October 2014.

4. **Grounds for the decision**

   The suspension of the environmental authority is required because:

   - The holder has been given an annual notice, audit notice or surrender notice and the notice has not been complied with.

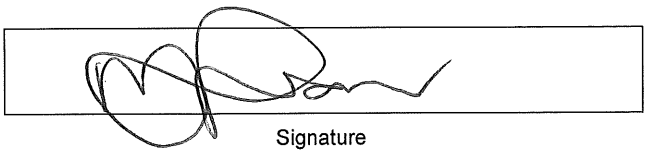
5. **Review and appeal rights**

   You may apply to the administering authority for a review of this decision within 10 business days after receiving this notice. You may also appeal against this decision to the Planning and Environment Court. Information about your review and appeal rights is attached to this notice. This information is guidance only and you may have other legal rights and obligations.

[1] The Department of Environment and Heritage Protection is the administering authority under the *Environmental Protection Act 1994*.

Department of Environment and Heritage Protection
www.ehp.qld.gov.au ABN 46 640 294 485

Queensland Government



Signature

13/10/14

Date

Mark Franco
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Regulatory Capability and Customer Service
GPO Box 2454
BRISBANE QLD 4001
Phone: 1300 130 372 option 4
Fax: (07) 3330 5875
Email: palm@ehp.qld.gov.au

Attachments

Information sheet: Internal Review and Appeal to Planning and Environment Court (EM1866)

Code of environmental compliance

ERA 57—Regulated waste transport

This code of environmental compliance (code) has been made under Schedule 3 of the Environmental Protection Regulation 2008. It contains the standard environmental conditions approved by the Minister, under section 549(2) of the Environmental Protection Act 1994*, for carrying out the aspect of the environmentally relevant activity (ERA) specified in Section 2 of this code.*

Code of environmental compliance for certain aspects* of regulated waste transport (ERA 57)

Version 4

From 31 March 2013, codes of environmental compliance no longer have effect, and an environmental authority is required for this ERA.

The eligibility criteria and standard conditions of this code are taken to be eligibility criteria and standard conditions for the ERA until new eligibility criteria and standard conditions take effect.

Any new operation commencing from 31 March 2013 that meets the eligibility criteria in Section 2 of this code and that can meet all of the standard conditions can apply for a standard approval to carry out this activity. The conditions that apply to the standard approval will be the standard conditions.

Where the operation cannot meet all the standard conditions of this code, a variation application for an environmental authority can be made. The environmental authority will include the standard conditions as modified by any approved variations.

Information on applying for an approval is at www.business.qld.gov.au.

Anyone holding a registration certificate to operate under this code before 31 March 2013 is automatically taken to have an environmental authority for the ERA. The registration certificate becomes an environmental authority and the standard environmental conditions of this code will be the conditions of the environmental authority as standard conditions. The anniversary day of the environmental authority is the anniversary day of the registration certificate.

* This code only applies to the aspects of the ERA that meet with the criteria in section 2 of this code.

ABN 46 640 294 485

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1. Introduction

The Department of Environment and Heritage Protection has introduced an improved environmental compliance framework for **environmentally relevant activities (ERAs)**[1] with a relatively low risk of environmental impact by introducing codes of environmental compliance (codes) that set out **standard environmental conditions**. Codes are appropriate for those activities that can achieve a good level of environmental protection through established practices and compliance with **standard environmental conditions**.

The codes also include advisory notes to help **operators** understand the condition or measures that may be taken to ensure compliance. The advisory notes are a guide only and do not limit the range of measures that may be taken to comply with a condition.

This use of codes simplifies and speeds up environmental approvals for the businesses involved, while retaining appropriate standards of environmental protection and performance.

The Minister responsible for the *Environmental Protection Act 1994* (EP Act), pursuant to section 549 of the EP Act, has approved the **standard environmental conditions** contained in this code. Approved codes are listed in Schedule 3 of the Environmental Protection Regulation 2008 (EP Reg).

2. Scope of the code

This code applies to ERA 57 — Regulated waste transport, where the operation of the ERA will comply with all the criteria outlined in the following table:

Criteria
Regulated waste is transported by road vehicles only (not by train, boat, aircraft, pipeline or other means).

Where the operation of a particular ERA will not meet the above criteria, this code does not apply and a development approval is required to undertake the ERA.

The ERA — Regulated waste transport, is defined in Schedule 2 of the EP Reg as:

"ERA 57. Regulated waste transport consists of —

a) transporting on a non-commercial basis 250kg or more of regulated waste in a vehicle; or

b) transporting on a commercial basis any quantity of regulated waste in a vehicle.

3. When the code takes effect

This code applies immediately to all **operators** of ERA 57 (that meet the criteria in section 2 of this code) who commenced activities on or after 1 July 2006.

Operators who were carrying out ERA 57 under a development approval before 1 July 2006, and continued to carry out the **activity** had a 12 month transitional period to ensure their operations complied with the code. The code became effective for those **operators** on 1 July 2007.

Version 4 of this code contains new and amended **standard environmental conditions** that took effect on 9 November 2012. Version 4 of this code applies immediately to all **operators** of ERA 57 (that meet the criteria in section 2 of this code) who commenced activities on or after 9 November 2012.

Version 3 of this code continues to apply for 12 months to **operators** who were carrying out ERA 57 under version 3 of this code. Those **operators** who continue to carry out the **activity** have a 12 month transitional

[1] Terms used throughout this code that are defined in section 9 are shown in bold type.

period to ensure their operations comply with the new or amended **standard environmental conditions** of version 4 of this code.

4. Enforcement of the code

This code contains **standard environmental conditions** for carrying out the aspects of ERA 57 that meet the criteria outlined in section 2 of this code. Failure to comply with the conditions is an offence under the EP Act and penalties apply. Enforcement guidelines published by the **department** are available at www.ehp.qld.gov.au.

5. Other requirements

In addition to the conditions in this code, a person carrying out ERA 57 must comply with other requirements of the EP Act and any other relevant Commonwealth, State or local government legislative requirements. Without limiting statutory requirements that may apply, some additional obligations under the EP Act include:

- holding a "**registration certificate**" issued by the **department** under section 73F; and
- taking all reasonable and practicable measures to prevent or minimise environmental harm. This is referred to as the "general environmental duty".

It is the **operator's** responsibility to obtain any other approvals before carrying out the **activity**.

6. Amendment of this code

The code may be amended from time to time by gazette notice advising that the Minister has approved new conditions. Proposed changes to the **standard environmental conditions**, other than changes to correct a clerical error, will be made in consultation with stakeholders. Where there is a significant change to the code, the **department** will notify persons affected by the change.

Version 2 did not amend any **standard environmental conditions**. Minor amendments were made to reflect the new description of the ERA as it appears in Schedule 2 of the EP Reg.

Version 3 contains a number of minor amendments that update references to departmental names, contact details for obtaining publications and more recent versions of standards referred to in the advisory notes, It does not amend any **standard environmental conditions**.

Version 4 of the code contains the following changes:
- amendment of condition 7 to allow for the transfer of grease trap and other oily wastes between **road tank vehicles** for the purpose of consolidating loads.
- addition of standard conditions 47 to 49 regarding the transfer of waste.
- addition of the definition of '**oily waste**'.
- addition of the definition of '**sensitive place**'.
- amendment of the definition of '**waters**' to remove stormwater channel, stormwater drain, roadside gutter and stormwater run-off.
- minor administrative amendments to reflect the change in the department name to the Department of Environment and Heritage Protection (formerly known as the Department of Environmental and Resource Management and known as the Environmental Protection Agency prior to that), changes in other departmental names, contact details and condition numbering.

7. Further information or enquiries

Further information is available at www.ehp.qld.gov.au or by contacting a regional office. General enquiries or suggestions for future amendments to the code should be directed to Permit and Licence Management (PALM) on telephone 13 QGOV (13 74 68) or by email at: palm@ehp.qld.gov.au.

8. Standard environmental conditions and advisory notes

The following tables list groups of **standard environmental conditions** that apply to different aspects of regulated waste transport. Table 8.1 contains a general set of conditions that apply to all activities covered by this code. Advisory notes appear beside the conditions to provide guidance on compliance.

Depending on the type of vehicle used, and the nature of waste transported, additional **standard environmental conditions** as specified in Tables 8.2 to 8.8 (see below) may also apply. For example, if an **activity** involves the transport of asbestos in a **rigid vehicle**, Tables 8.1, 8.2 and 8.6 will apply.

Table 8.2 — Asbestos conditions.
Table 8.3 — Lead conditions.
Table 8.4 — Clinical and related waste conditions.
Table 8.5 — Polychlorinated biphenyl (PCB) conditions.
Table 8.6 — Rigid vehicle conditions.
Table 8.7 — Road tank vehicle conditions.
Table 8.8 — Operating 36 or more vehicles.

Table 8.1 General conditions

Conditions applying to all regulated waste transport activities operating under this code.

Standard Environmental Conditions	Advisory Notes
Condition 1 – Vehicle details For new **operators** — details of all vehicles used to transport **regulated waste** must be provided to the **department** before commencing the **activity**.	This information may be provided to the **department** by completing and submitting the *Details of regulated waste vehicles* form. This is available from the department's website or by contacting PALM on 13 QGOV (13 74 68).
Condition 2 – Change of details notification For existing **operators** — if any vehicle registration details change, or any vehicles are added to or removed from the fleet of vehicles used to transport **regulated waste**, details of these changes must be provided to the **department**: a) as soon as practicable after the changes occur; or b) if transporting tyres — prior to each **anniversary day** (see section 9); or c) if transporting other **regulated wastes** — when paying the annual fee to the **department** for the **registration certificate**.	For **operators** transporting tyres, the *Details of regulated waste vehicles* form mentioned in the advisory note for condition 1 may be used for providing details of changes. For **operators** transporting other **regulated wastes**, an annual notice (including the *Details of regulated waste vehicles* form) may be sent to the **operator** when the **registration certificate's** annual fee is due.
Condition 3 – Incompatible wastes **Incompatible wastes** must not be: a) placed in the same container; or b) transported in such a way that mixing may occur.	In general, wastes are incompatible if they are likely to increase the risk to human health and/or the environment when mixed or brought into contact with each other e.g. acids and alkalis and mixing some solid wastes with liquid wastes. If a waste is classified as a dangerous good, the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, 7th edition, (**ADG Code**), or more recent versions should also be observed.
Condition 4 – Design and compatibility **Regulated waste** must only be transported in suitably designed vehicles, tanks, containers or secondary containers that are appropriate for containing the waste being transported.	Design should take into account at least the following matters: • the relevant design requirements prescribed in Schedule 8 of the *Environmental Protection (Waste Management) Regulation 2000* (see Appendix 1 of this code); • the corrosive nature of the waste being transported (e.g. acid waste must be transported in acid resistant containers); • the physical state of the waste (e.g. liquids should only be transported in drums, tanks or tankers); • the requirements outlined in the **ADG Code**;

Standard Environmental Conditions	Advisory Notes
	and • any relevant Australian Standards.
Condition 5 – Maintenance and cleaning All vehicles, tanks, containers and secondary containers used to transport **regulated waste**: a) must be maintained in a good condition 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.	Regular inspections, cleaning and maintenance programs should be documented and implemented. For example, tankers and tanks used for transporting liquid wastes should have appropriate integrity tests conducted at regular intervals. The **operator** will also need to comply with any workplace health and safety requirements in relation to this matter. Contact the Department of Justice and Attorney-General (Division of Workplace Health and Safety Queensland) for advice on telephone 1300 369 915.
Condition 6 – Partitioning of load A solid impervious partition must be provided to separate the load compartment/area of the **regulated waste** transport vehicle from the driver's compartment.	The partition will need to be of suitable design and, construction to prevent the load characteristics from affecting its performance and prevent wastes from entering the driver's compartment.
Condition 7 – Disposal **Regulated waste** must not be removed or released from any vehicle other than: a) at a facility that can lawfully receive the **regulated waste**; or b) for the purpose of consolidation grease trap and/or other oily wastes in a larger **road tank vehicle** where access to the waste source is restricted to smaller **road tank vehicles**.	Check with the operator of the receiving facility or the **department** to ensure that the receiving facility can lawfully accept the **regulated waste**. The transfer of waste between tankers is to be undertaken in accordance with conditions 47-49 of Table 8.7 Road tank vehicle conditions.
Condition 8 – Prevention of spillage **Regulated waste** must not leak or spill from the vehicle.	Adequate containment devices (e.g. spill trays or sumps) that are inspected and cleaned regularly should be fitted to prevent spills from leaving the vehicle.
Condition 9 – Clean up of spills Notwithstanding condition 8, any leakage or spillage of **regulated wastes** must be contained immediately, recovered and disposed of to a facility that can lawfully accept the waste.	Any leakages or spillages should be contained, recovered and disposed of appropriately, not washed into the stormwater system, **waters** or onto the ground.

Standard Environmental Conditions	Advisory Notes
Condition 10 – Spill kit 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.	A designated storage area within or on the vehicle and easily accessible in an emergency should be provided for this purpose.
Condition 11 – Notification of spills (interstate) If operating interstate, any spillage, leak, escape or other loss of **regulated waste** from the vehicle must be reported as soon as practicable to the relevant **regulatory agency** of the State or Territory in which the vehicle is travelling when the incident occurs.	Details for the relevant agencies should be kept in the vehicle, or be readily available through communication with the **operator's** head office, or operations base.
Condition 12 – Notification of spills (Queensland) When operating in Queensland, any **release** of contaminants not in accordance with the conditions of this code must be reported by telephone to the **department's** Pollution Hotline or regional office located in the area where the **release** occurred. Any such **release** must be reported as soon as practicable, but no later than 24 hours (depending on the level of risk to the environment), after becoming aware of the **release**.	The **department** may need to respond quickly to some spills that have the potential to cause environmental harm. Priority should be given to notifying the **department** of these spills immediately after they occur. The Pollution Hotline number is 1300 130 372. Notification of spills under this section does not remove the duty to notify environmental harm in sections 320 to 320G of the EP Act.
Condition 13 – Information about spills A written notice detailing the following information must be provided to the **department** within 14 days of any advice provided in accordance with condition 12: a) the name of the **operator**, including the operator's **registration certificate** number; b) the name and telephone number of a designated contact person; c) substance and quantity released; d) vehicle and vehicle 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 the risk or extent of environmental harm caused by the **release**; k) the success of any actions taken to mitigate the risk or extent of environmental harm; and l) proposed actions to prevent a recurrence of the **release**.	This written advice should be provided to the **department's** regional office located in the area where the **release** occurred.

Standard Environmental Conditions	Advisory Notes
Condition 14 – Insurance All vehicles used to transport **regulated wastes** (that are not classified as dangerous goods, or as a placard load of dangerous goods), must be 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.	If the **regulated waste** is classified as a placard load of dangerous goods, consult with the Dangerous Goods Unit in the Department of Transport and Main Roads and the **ADG Code** regarding any additional levels of insurance that may be required.
Condition 15 – Records All records required by this code must be kept for 5 years and be made available to an authorised officer of the **department** when requested.	Records should verify the provision of training programs and schedules of routine inspections.
Condition 16 – Waste records 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; b) description of waste; c) quantity of waste; d) origin of the waste; and e) destination of the waste.	Trackable wastes, as listed in Schedule 1 of the *Environmental Protection (Waste Management) Regulation 2000,* are covered by recording as required in that Regulation instead of this condition. The regulation is available for viewing at www.legislation.qld.gov.au. Recording requirements for trackable wastes (under the waste tracking system established under the above Regulation) are similar to this condition.
Condition 17 – Documentation At all times, a copy of: a) the **registration certificate** issued by the **department** 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 **department** or relevant **regulatory agency** of the State or Territory in which the vehicle is travelling.	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[2]. The **ADG Code** may require additional documents to be carried if the **regulated waste** is also classified as a dangerous good.

[2] SAI Global can be contacted on 131 242 or via their website www.saiglobal.com/shop.

Standard Environmental Conditions	Advisory Notes
Condition 18 – Training All vehicle drivers must: a) have access to a copy of this code in the vehicle, or through direct communication with the vehicle depot or operations base; and b) be trained in the requirements of this code, including the use of all equipment and procedures necessary to comply with the conditions of this code, and document all training undertaken.	A copy of this **code of environmental compliance** should be available for reference at a vehicle depot, operations base or place where the vehicle is garaged. If permanent communication is not available to someone with this code, a copy of this code should be kept in the cabin of the vehicle. Details of training provided should be documented by the registered operator to demonstrate compliance with this condition.
Condition 19 – Complaint response The following details must be recorded: 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.	This information should be made available to the **department** on request. If the complainant does not provide their name and contact details, record this as an anonymous complaint.

Table 8.2 Asbestos conditions

Additional conditions applying to the transport of asbestos waste under this code.

Standard Environmental Conditions	Advisory Notes
Condition 20 – Asbestos containment All asbestos transported must be: a) double bagged and sealed in heavy-duty polythene bags (minimum 200 μm thickness); or b) contained in sealed 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**, kept damp and contained in a waste skip, vehicle tray or similar container that has been double lined with heavy duty plastic sheeting (minimum 200 μm thickness) and then completely sealed with the plastic sheeting and adhesive	Refer to the *Work Health and Safety Act 2011, Work Health and Safety Regulation 2011 and Work Health and Safety (Codes of Practice) Notice 2011* for any additional requirements that may apply. These are available from the Office of the Queensland Parliamentary Counsel website www.legislation.qld.gov.au. In addition, the requirements of the *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, may also apply. These are available on the Safe Work Australia website www.safeworkaustralia.gov.au. Additional requirements may apply under the **ADG Code**.

tape.	
Condition 21 – Asbestos handling All asbestos transported must be: a) labelled with a warning statement to indicate the presence of asbestos and that dust creation and inhalation needs to be avoided; b) securely loaded and stowed on the vehicle during transit in such a way that does not cause the packaging to rupture; c) off loaded carefully to prevent the packaging from rupturing; and d) repackaged immediately if rupturing of the packaging does occur.	The *Safe Work Australia Code of Practice on How to Safely Remove Asbestos provides the following example of a warning statement which might be used:* "Caution – Asbestos Do not damage or open bag Do not inhale dust Cancer and lung disease hazard" If repackaging is required due to rupturing, workplace health and safety requirements will apply. Contact the Department of Justice and Attorney-General (Division of Workplace Health and Safety Queensland) for advice on 1300 369 915.

Table 8.3 Lead conditions

Additional conditions applying to the transport of particulate lead waste under this code.

Standard Environmental Conditions	Advisory Notes
Condition 22 – Lead 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; b) labelled to indicate the presence of lead and with appropriate lead **risk** and **safety phrases** (see definitions "**risk phrase**" and "**safety phrase**" in section 9 of this code); c) securely loaded and stowed on the vehicle during transit in such a way that does not cause the packaging to rupture; d) off loaded carefully to prevent the packaging from rupturing; and e) repackaged immediately if rupturing of the packaging does occur.	Particulate lead waste is waste that is capable of becoming airborne or unable to be easily recovered if a spill occurs during transport. Examples of particulate lead wastes include waste from foundry filters and lead based paint residues. Please refer to the *Workplace Health and Safety Regulation 2008 (Qld)* (or any subsequent versions) for any additional requirements that may apply. If the lead is a dangerous good, additional requirements may apply under the **ADG Code**.

Table 8.4 Clinical and related waste conditions

Additional conditions applying to the transport of clinical and related waste under this code.

Standard Environmental Conditions	Advisory Notes
Condition 23 – Vehicle compartment All **clinical** and **related wastes** must be transported in a fully enclosed load compartment of a vehicle that: a) is bunded or otherwise designed to contain any spills and leaks; b) is lockable; and c) has internal surfaces which are rigid and seamless to facilitate cleaning and disinfection.	Refer to Appendix 1 of this code for specific design rules as required by the *Environmental Protection (Waste Management) Regulation 2000*. For interstate transport, refer to Australian Standard *3816:1998 — Management of Clinical and Related Waste* (or subsequent versions) for any additional requirements that may apply. For radioactive wastes, contact the Queensland Health Radiation Health Unit on (07) 3328 9987 for any licensing requirements that may apply under the *Radiation Safety Act 1999*. For wastes also classified as dangerous goods, refer to the **ADG Code**.
Condition 24 – Security Vehicles and load compartments must be locked when unattended.	This is required to prevent unauthorised access.
Condition 25 – Secondary containment All **clinical** and **related wastes** must be provided with rigid secondary containment during transport.	Secondary containment may be achieved if the waste is fully contained in: • appropriate bags that comply with the design rules in Appendix 1 of this code (primary containment); and • a rigid-walled waste container that complies with the design rules in Appendix 1 of this code (secondary containment). Additional requirements may apply if the waste is also classified as a dangerous good (refer to the Dangerous Goods Unit in the Department of Transport and Main Roads or other relevant authority in the State or Territory in which the vehicle is travelling).
Condition 26 – Cleaning and disinfection Secondary containers used for the transportation of **clinical** and **related wastes** must be effectively cleaned and disinfected before reuse.	The local council should be consulted prior to the disposal of any effluent to sewer. The **operator** will also need to comply with any workplace health and safety requirements in relation to this matter. Contact the Department of Justice and Attorney-General (Division of Workplace Health & Safety Queensland) for advice on 1300 369 915.

Standard Environmental Conditions	Advisory Notes
Condition 27 – Compaction systems **Clinical** and **related wastes** must not be transported in vehicles fitted with compaction systems.	Compaction may cause rupturing of containers and leakage of **clinical** and **related wastes**. These wastes need to be transported in totally enclosed, intact, and leak proof containers for treatment and disposal in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.
Condition 28 – Odour nuisance Noxious or offensive odours must not be released from any vehicle transporting **clinical** or **related wastes**.	Refrigeration may be necessary to comply with this condition. When determining if the waste should be refrigerated during transport, consideration should be given to any Queensland Health and workplace health & safety requirements and other factors such as: • specific type of **clinical** and **related waste** being transported; • time held in transit; • temperature; • distance travelled; and • state of the waste when received.

Table 8.5 Polychlorinated biphenyl (PCB) conditions

Additional conditions applying to the transport of PCB waste under this code.

Standard Environmental Conditions	Advisory Notes
Condition 29 – PCB management The transport of wastes containing PCBs that are also classified as scheduled wastes under the Australian and New Zealand Environment and Conservation Council (ANZECC) *Polychlorinated Biphenyls Management Plan – July 1999* must comply with the requirements of that Plan.	The *Polychlorinated Biphenyls Management Plan – July 1999* includes the requirement for: • PCBs to be transported in accordance with the **ADG Code**; and • the development of emergency containment and clean up procedures for the accidental **release** of PCBs into the environment. A copy of the ANZECC *Polychlorinated Biphenyls Management Plan* is available from the Commonwealth Department of Sustainability, Environment, Water, Population and Communities website www.environment.gov.au.

Condition 30 – PCB trained personnel Personnel suitably trained in methods of handling and containing spilled PCBs must accompany any vehicle transporting waste containing PCBs.	As required by condition 18, details of training provided should be documented to demonstrate compliance with this condition.

Table 8.6 Rigid vehicle conditions

Additional conditions applying to the transport of regulated waste **in rigid vehicles and trailers under this code.**

Standard Environmental Conditions	Advisory Notes
Condition 31 – Vehicle tray When transporting **regulated waste** in **rigid vehicles** and trailers, the tray of the vehicles must be: a) constructed of an impervious material; b) maintained in a sound condition; and c) designed to contain any spills on the tray.	Trays should be inspected regularly and any corrosion or other defect should be attended to so that the integrity of the tray is maintained. Any containment system or sump should be designed to facilitate the collection and removal of spilt waste (e.g. by pumping liquids or shovelling solids).
Condition 32 – Covers When transporting **regulated waste** in **rigid vehicles** and trailers, any waste not fully contained within weatherproof packages must be covered during transport to contain the load and protect it from wind and rain.	The covers should be designed to prevent particulate matter becoming airborne and to prevent ingress of rain into the waste, which may result in dangerous reactions, or the runoff of contaminants.
Condition 33 – Securing of load When transporting **regulated waste** in **rigid vehicles** and trailers, all regulated waste containers must be: a) mounted securely to the vehicle; and b) contained within the tray of the vehicle.	All loads should be restrained in accordance with the requirements of the National Transport Commission and Road & Traffic Authority NSW; *Load Restraint Guide, 2nd Edition* (or subsequent versions). The guide is available from the National Transport Commission website at www.ntc.gov.au Additional requirements may apply under the **ADG Code** if the waste is classified as a dangerous good.
Condition 34 – Containment When transporting **regulated waste** in **rigid vehicles** and trailers, the vehicle must be fitted with: a) adequate cargo securing devices; and b) in the case of vehicles transporting **packaged regulated waste** (see definitions in section 9 of this code), rigid sides or gates that contain the load while in transit.	These must be appropriate for the type of containers or cargo being transported and suitable to withstand the rigours of transport and heavy braking.

Standard Environmental Conditions	Advisory Notes
Condition 35 – Height of load When transporting **packaged regulated waste** in **rigid vehicles** and trailers, 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.	This is intended to prevent toppling of the load if the primary restraint fails.

Table 8.7 Road tank vehicle conditions

Additional conditions applying to the transport of liquescent and dry particulate regulated waste in road tank vehicles under this code.

Standard Environmental Conditions	Advisory Notes
Condition 36 – Vehicle stability **Road tank vehicles** must be constructed to minimise instability and risk of rollover.	As a guide, refer to Australian Standard 2809.1—2008 *Road Tank Vehicles for Dangerous Goods – General requirements for all road tank vehicles* (or subsequent versions). This provides information about design features requiring particular attention, e.g. centre of gravity, tyre track, suspension, effect of prime mover, steering geometry and axle alignment, tyres and brakes.
Condition 37 – Roll-over protection **Road tank vehicles** must 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.	As a guide, refer to the Australian Standard 2809 series. For example, this includes requirements for certain tanks to be fitted with roll-over protection with the following characteristics: • a guard in the form of inverted U-coamings, (the thickness of which depends on the type of tank and construction material, e.g. large-compartment made of low carbon steel, must not be less than 5mm in thickness); • any guard, dome or coaming shall project at least 25mm above the top of the fitting, which it protects.
Condition 38 – Transfer equipment Waste transfer equipment, including discharge point and pipe-work on **road tank vehicles**, must be: a) fitted to the vehicle so as to not extend beyond the outer body line of the vehicle; or b) designed to provide sufficient inherent resistance to damage; or c) provided with protection to prevent damage.	Transfer couplings should be located in a position on the tank(s) that will minimise the risk of the couplings being damaged or severed by an impact. For further information, refer to the Australian Standard 2809 series.

Standard Environmental Conditions	Advisory Notes
Condition 39 – Sampling points **Road tank vehicles** used for the transport of liquid **regulated waste** must have sampling points on the top of each compartment that are readily accessible for the purposes of a roadside inspection.	Where appropriate, additional sampling valves may need to be provided at the bottom of the compartments.
Condition 40 – Transfer hoses **Regulated waste** material must not leak or spill from waste transfer hoses to the ground while the **road tank vehicle** is in transit.	Waste transfer hoses should be cleared before disconnection and maintained in good condition so as to prevent spillage or leakage of **regulated waste**. The following are examples of how hoses can be transported to minimise the risk of spills: • carry them in spill proof compartments on the vehicle; • fit them with leak proof caps with captive chains; or • connect them end-to-end. In addition, the **ADG Code** may include the requirement for hose assemblies to be: • inspected at least monthly; and • hydrostatically tested at least yearly.
Condition 41 – Road clearance All tank filling and discharge points on **road tank vehicles** must have adequate ground clearance and be rigidly connected to the tank.	As a guide, refer to Australian Standard 2809.1:2008 — *Road Tank Vehicles for Dangerous Goods – General requirements* for all **road tank vehicles** (or subsequent versions), which includes the following requirements: • Tank filling and discharge connections should not extend lower than 40mm below the plane through the centre-line of the axles. • Tank components and protection devices should not be less than 250mm within 1 metre of any axle, or 350mm from any other location when the vehicle is unladen.
Condition 42 – Vacuum system All **road tank vehicle** vacuum pump systems must be fitted with operational: a) pressure and/or vacuum relief valves; and b) pump shut-off valves.	Testing of the system should be carried out regularly and the results recorded, including details of any repairs and/or maintenance conducted.

Standard Environmental Conditions	Advisory Notes
Condition 43 – Volume measurement Where **regulated waste** is transported in **road tank vehicles**, the tank capacity must not be exceeded and a mechanism for volume measurement that is readily visible and calibrated to show maximum volume of waste in the tank must be fitted to each tank.	Sight glasses are an example of a mechanism for volume measurement. Depending on the type of **regulated waste**, sufficient **ullage** space should be provided (e.g. 10% or more of the tank capacity) to allow for thermal expansion of the waste during transport.
Condition 44 – Manholes Where **regulated waste** is transported in **road tank vehicles**, manholes of sufficient size to allow internal inspection, cleaning and maintenance of the tanks must be fitted.	As a guide, refer to the Australian Standard 2809 series, which specifies a minimum diameter of 400mm for certain types of cargo. The **operator** will also need to comply with any workplace health and safety requirements in relation to this matter. Contact the Department of Justice and Attorney-General (Division of Workplace Health and Safety Queensland) for advice on 1300 369 915 or via their website www.deir.qld.gov.au/workplace/.
Condition 45 – Outlets All filling and discharge points of **road tank vehicles** must be fitted with suitable leak proof caps and captive chains when **regulated wastes** are in transit.	Road conditions, vibration and heavy braking are some considerations that should be taken into account when determining what is suitable.
Condition 46 – Rear impact protection Each **road tank vehicle** must be provided with an effective bumper and/or barrier system to protect the tank and fittings from rear impact.	As a guide, see Australian Standard 2809.1:2008 — *Road Tank Vehicles for Dangerous Goods – General requirements* for all **road tank vehicles** (or subsequent versions). This has a requirement for rear impact protection to be fitted so that: • the inner surface is not less than 150mm from the tank or any component or fitting; • the width is not less than the width of the tank; and • it is attached to the sub-frame or the chassis of the vehicle or trailer.
Condition 47 – Transfer of waste The transfer of grease trap and/or **oily wastes** as permitted in condition 7 must: a) only occur directly from one **road tank vehicle** to another; b) be conducted using a closed vacuum system; and c) be supervised at all times.	The person supervising the transfer of waste must be trained in the use of a spill response kit. Spill response kits should be easily accessible to allow for a quick response.

Standard Environmental Conditions	Advisory Notes
Condition 48 – Location of transfer The transfer of grease trap waste and/or **oily wastes** must: a) not take place at a **sensitive place;** b) not take place on a road adjacent to a **sensitive place;** c) not cause odour nuisance at a **sensitive place**. The transfer of grease trap waste and/or oily wastes must take place at least 10 metres up gradient from any **waters** or stormwater drain inlet.	It is an offence under the *Environmental Protection Act 1994* to cause an environmental nuisance and to deposit waste in (or in a place where the waste can move into) **waters**, a roadside gutter or stormwater drainage. This 10 metres is a minimal buffer and does not negate the need to use temporary bunding where there may be a **release** to any **waters** or stormwater drain inlet.
Condition 49 – Temporary bunding Where practicable the transfer of waste must be conducted on a bunded, hardstand area to minimise any **releases** of contaminants to land or water if a spill occurs. Where there is potential for a **release** to **waters** or stormwater during a transfer, temporary bunding and/or containment devices must be used to minimise the potential for **release**.	In particular, bunding/containment devices must be used where the transfer takes place near a roadside gutter or stormwater drainage infrastructure. The type and size of bunding and containment devices should be sufficient to contain a spill and be placed close to the vehicles to minimise the clean up area if a spill occurs. Variables to consider when assessing whether or not there is potential for a **release** to **waters** or stormwater during a transfer include distance from any **waters** or stormwater, slope, surface type and waste viscosity. Examples of where there is no potential for a **release** to **waters** or stormwater include where the transfer is carried out: a) on a bunded hardstand area; b) on a large flat grassed area; or c) in a hollow

Table 8.8 Operating 36 or more vehicles.

Additional conditions applying to an activity that involves the operation of 36 or more regulated waste **transport vehicles (i.e. ERA 57(2)(c)) under this code.**

Standard Environmental Conditions	Advisory Notes
Condition 50 – Operational management system When an **activity** involves the operation of 36 or more **regulated waste** transport vehicles, an Operational Management System (OMS) must be developed for implementation by the person carrying out the **activity**. The OMS must be implemented on commencement of the **activity** and provide for: a) identification of actual and potential **releases** of all contaminants, their environmental impacts and the actions to be taken to prevent the likelihood of environmental harm; b) establishment and maintenance of procedures to identify the potential for accidents; c) activation of appropriate responses to emergency situations; d) training of staff to achieve awareness of the potential for environmental harm and competence in the application of preventative measures and emergency response procedures; and e) a review of, and continual improvement to, the overall environmental performance of the business operations.	The OMS documents do not need to be submitted to the **department**, but should be kept at the head office address and any transport or operations depots. Staff should be suitably trained in and aware of the requirements and provisions of the OMS. When requested, a copy of the current version of the OMS should be provided to an authorised departmental officer for review when conducting a compliance inspection. Following an incident, the **department** may ask the company to demonstrate how they complied with relevant provisions of the OMS. The company may be able to use the document to demonstrate compliance with their general environmental duty.

9. Definitions

Note: If a word or phrase is not defined it must be given the meaning it has under the EP Act or its subordinate legislation, as amended from time to time. If a word or phrase is not defined in this code or the EP Act or its subordinate legislation, it has its ordinary meaning.

Activity means the **environmentally relevant activity**, or aspect of the ERA to which this code relates.

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. The ADG Code is available for purchase from Canprint — Telephone: (02) 6293 8383 or from the National Transport Commission website at www.ntc.gov.au

Anniversary day, for a **registration certificate** is defined in Schedule 4 of the EP Act.

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.

Code of environmental compliance means a code of environmental compliance approved or made under a regulation of the EP Act.

Department means the Department of Environment and Heritage Protection or its successor.

Environmentally relevant activity (ERA) means an activity prescribed by regulation as an ERA.

Friable asbestos means **asbestos-containing material** which, when dry, is or may become crumbled, pulverised or reduced to powder by hand pressure.

Note: This may include asbestos containing materials that have been subjected to conditions, such as weathering, physical damage, water damage etc., that leave them in a state where they meet the above definition.

Incompatible wastes means wastes that are likely to interact and increase the risk to human health and/or the environment when mixed or brought into contact.

Liquescent waste means waste tending toward a liquid state; waste that is not spadeable.

Oily waste means hydrocarbons and water mixtures or emulsions, including oil and water mixtures or emulsions, which is the **regulated waste** item 37 of Schedule 7 of the Environmental Protection Regulation 2008. **Oily waste** does not include mineral oil (item 34) that is not in a mixture or emulsion with water. Vegetable oil (item 63) is also excluded.

Operator means the person carrying out the ERA.

Packaged regulated waste means **regulated waste** in a container with:

a) a capacity of not more than 450 litres; and
b) a nett mass of not more than 400 kilograms.

Registration certificate means a **registration certificate** given under section 73F of the EP Act to the **operator** of an ERA.

Regulated waste means waste that—

1. 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.

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.

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.

Rigid vehicle means a vehicle the load carrying area of which is fixed to the vehicle's chassis or frame (as defined in the ADG Code).

Risk phrase means a phrase stated in the National Occupational Health and Safety Commission's (NOHSC'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.

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.

Standard environmental conditions for a **code of environmental compliance**, means the **standard environmental conditions** approved for the ERA, or aspect of the ERA, under section 549 of the EP Act.

Ullage means a vapour space which is left above the liquid surface after filling, to permit a degree of thermal expansion of the liquid without loss of cargo (as defined in AS 2809.1–2008 — *Road Tank Vehicles for Dangerous Goods*)

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.

Appendix 1 — Design rules

General rules applicable to rigid-walled waste containers and waste transport vehicles

It must be designed in a way that ensures:

a) it performs the intended function when used in accordance with the manufacturer's instructions; and
b) waste does not spill from it during usual usage or servicing; and
c) it is not adversely affected by environmental conditions, including, for example, heat, humidity or sunlight; and
d) it is not adversely affected by the cleaning procedures specified by the manufacturer.

The inner surfaces must be smooth, free of recesses and be able to be readily cleaned.

The inner surfaces must be designed to allow easy removal of waste.

If it has internal seams, the seams must be fully welded.

The following matters must be taken into account in designing it:

a) the type of waste to be collected, removed or conveyed;
b) the likelihood of abrasion by solid waste;
c) the likelihood of chemical attack;
d) the need to exclude rain or other liquid that may be likely to leach a contaminant from the waste.

It must be constructed of a material that will not undergo a change that impairs its life or performance when it comes into contact with waste.

If it is constructed from plastic, the plastic must be UV resistant for the container's life.

If it is a waste container or waste transport compartment within a waste transport vehicle, it must be constructed:

a) of a durable material that is capable of withstanding normal operating conditions; and
b) in a way that ensures it minimises the entry of insects and vermin.

If it is a container designed for use to transport waste, it must be designed in a way that provides a permanent way of securing the lid so that waste is not released during transportation.

Specific design principles for waste transport vehicles

If the vehicle is to be used for transporting waste in containers, the vehicle design must include a permanent method of securing the containers in an upright position.

If the vehicle incorporates a tanker body, the vehicle must be designed in a way that ensures:

a) each discharge point on the body is protected from possible damage; and
b) each discharge point is capable of being locked in the off position; and
c) it is fitted with signs detailing the direction and movement needed to shut the discharge and loading valves; and
d) effective covers are provided for all manholes; and
e) the manhole covers are capable of being secured at all times when the manholes are not being used; and
f) a storage area is provided for the vehicle's hoses.

Specific design principles for plastic bags used for clinical and related waste

It must have sufficient strength to safely contain the waste it is designed to hold.

It must be designed to allow for secure final closure when the bag is filled to a maximum of two-thirds of its capacity or 6kg, whichever is the lesser.

It must not be designed with closure devices that have sharp protuberances, including, for example, staples.