



Queensland

Environmental Protection (Waste ERA Framework) Amendment Regulation 2018

Subordinate Legislation 2018 No. 198

made under the

Environmental Protection Act 1994

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental Protection (Waste ERA Framework) Amendment Regulation 2018*.

2 Commencement

- (1) Part 3 commences on 4 February 2019.
- (2) Part 4 commences on 1 July 2019.

3 Regulation amended

This regulation amends the *Environmental Protection Regulation 2008*.

Part 2 Amendments commencing on notification

4 Amendment of s 21 (Untreated clinical waste disposal)

Section 21(2), ‘section 60(1)’—
omit, insert—
section 60(1)(a) or (b)

5 Insertion of new ch 9, pt 12

Chapter 9—
insert—

[s 5]

Part 12

Transitional provisions for Environmental Protection (Waste ERA Framework) Amendment Regulation 2018

Division 1

Preliminary

182 Definitions for part

In this part—

former, for a provision of this regulation, means as in force immediately before the commencement of the section in which the term is used.

new, for a provision of this regulation, means as in force on the commencement of the section in which the term is used.

Division 2

Transitional provisions for amendments commencing on notification

183 Existing environmental authorities for particular prescribed ERAs

- (1) This section applies to a person who, immediately before the commencement, held an environmental authority (the *existing environmental authority*) to carry out a prescribed ERA mentioned in—
 - (a) schedule 2, former section 53; or
 - (b) schedule 2, former section 60(1)(a); or

- (c) schedule 2, former section 60(1)(b).
- (2) From the commencement, the person is taken to be the holder of an environmental authority (the ***replacement environmental authority***) to carry out the prescribed ERA mentioned in—
- (a) if subsection (1)(a) applies—schedule 2, new section 53; or
- (b) if subsection (1)(b) applies—schedule 2, new section 60(1)(a); or
- (c) if subsection (1)(c) applies—schedule 2, new section 60(1)(b).
- (3) If the existing environmental authority was subject to a condition, the replacement environmental authority is taken to be subject to the condition.
- (4) Subsection (5) applies to an annual fee, for the replacement environmental authority, due before—
- (a) the first anniversary day for the authority after 15 November 2019; or
- (b) if the authority is amended before 15 November 2019—the first anniversary day for the authority after the day the authority is amended.
- (5) The annual fee is to be calculated as if—
- (a) the replacement environmental authority were the existing environmental authority; and
- (b) the *Environmental Protection (Waste ERA Framework) Amendment Regulation 2018* had not commenced.
- (6) If an amendment application for the existing environmental authority was made, but not decided, before the commencement—

[s 5]

- (a) the amendment application is taken to relate to the replacement environmental authority; and
- (b) if the application fee for the amendment application has been paid—no further application fee is required to be paid in relation to the amendment application.

184 Existing applications for particular prescribed ERAs

- (1) This section applies to an application (the *existing application*) that—
 - (a) is for an environmental authority to carry out a prescribed ERA mentioned in—
 - (i) schedule 2, former section 53; or
 - (ii) schedule 2, former section 60(1)(a); or
 - (iii) schedule 2, former section 60(1)(b); and
 - (b) was made, but not decided, before the commencement.
- (2) On the commencement—
 - (a) the application is taken to be an application (the *new application*) for an environmental authority to carry out the prescribed ERA mentioned in—
 - (i) if subsection (1)(a)(i) applies—schedule 2, new section 53; or
 - (ii) if subsection (1)(a)(ii) applies—schedule 2, new section 60(1)(a); or
 - (iii) if subsection (1)(a)(iii) applies—schedule 2, new section 60(1)(b); and
 - (b) if the application fee for the existing application was paid—the application fee

for the new application is taken to have been paid.

6 Replacement of sch 2, s 53 (Composting and soil conditioner manufacturing)

Schedule 2, section 53—

omit, insert—

53 Organic material processing

- (1) Organic material processing (the *relevant activity*) consists of operating a facility for processing, by way of composting or anaerobic digestion, more than 200t of organic material in a year.
- (2) The relevant activity does not include—
 - (a) manufacturing mushroom growing substrate; or
 - (b) the composting of organic material from agriculture or livestock production if—
 - (i) the organic material is either—
 - (A) composted at the site where it was produced; or
 - (B) transported to another site, where agriculture or livestock production is carried out, and composted at that site; and
 - (ii) the composted organic material is supplied, free of charge, for use at a site where agriculture or livestock production is carried out; or
 - (c) the anaerobic digestion of organic material at a facility—
 - (i) to which section 63 applies; or

[s 6]

- (ii) where an activity, to which section 25 applies, is carried out.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
processing more than 200t of organic material in a year—		
(a) by composting the organic material	18	C
(b) by anaerobic digestion	16	C

- (4) In this section—

anaerobic digestion, of organic material, means the decomposition of the organic material by microorganisms in the absence of oxygen.

organic material means—

- (a) animal matter, including, for example, dead animals, animal remains and animal excreta; or
- (b) plant matter, including, for example, bark, lawn clippings, leaves, mulch, pruning waste, sawdust, shavings, woodchip and other waste from forest products; or
- (c) organic waste.

organic waste—

- (a) includes the following—
- (i) a substance used for manufacturing fertiliser for agricultural, horticultural or garden use;
- (ii) animal manure;

-
- (iii) biosolids;
 - (iv) cardboard and paper waste;
 - (v) fish processing waste;
 - (vi) food and food processing waste;
 - (vii) grease trap waste;
 - (viii) green waste;
 - (ix) poultry processing waste;
 - (x) waste generated from an abattoir; but
- (b) does not include—
- (i) clinical or related waste; or
 - (ii) contaminated soil; or
 - (iii) quarantine waste; or
 - (iv) synthetic substances, other than synthetic substances to which paragraph (a)(i) applies.

7 Replacement of sch 2, s 60 (Waste disposal)

Schedule 2, section 60—

omit, insert—

60 Waste disposal

- (1) Waste disposal (the *relevant activity*) consists of only 1 of the following—
- (a) operating a facility for disposing of—
 - (i) only regulated waste; or
 - (ii) regulated waste and any, or any combination, of the following—
 - (A) general waste;
 - (B) limited regulated waste;

[s 7]

- (C) if the facility is in a scheduled area—no more than 5t of untreated clinical waste in a year;
 - (b) operating a facility for disposing of—
 - (i) only general waste; or
 - (ii) general waste and either, or a combination, of the following—
 - (A) a quantity of limited regulated waste that is no more than 10% of the total amount of waste received at the facility in a year;
 - (B) if the facility is in a scheduled area—no more than 5t of untreated clinical waste;
 - (c) operating a facility for disposing of only inert waste;
 - (d) maintaining a decommissioned waste disposal facility.
- (2) The relevant activity does not include using clean earth as fill.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(a)—		
(a) less than 50,000t	65	C
(b) 50,000t to 100,000t	92	C

Threshold	Aggregate environmental score	3
(c) more than 100,000t but not more than 200,000t	116	C
(d) more than 200,000t	119	C
2 operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(b)—		
(a) less than 2,000t	18	C
(b) 2,000t to 5,000t	27	C
(c) more than 5,000t but not more than 10,000t	37	C
(d) more than 10,000t but not more than 20,000t	45	C
(e) more than 20,000t but not more than 50,000t	56	C
(f) more than 50,000t but not more than 100,000t	65	C
(g) more than 100,000t but not more than 200,000t	82	C
(h) more than 200,000t	107	C
3 operating a facility for disposing of, in a year, the following quantity of waste mentioned in subsection (1)(c)—		
(a) less than 50,000t	28	C
(b) 50,000t to 100,000t	35	C
(c) more than 100,000t but not more than 200,000t	40	C
(d) more than 200,000t	50	C

[s 7]

Threshold	Aggregate environmental score	3
4 maintaining a decommissioned waste disposal facility	9	

(4) In this section—

decommissioned waste disposal facility—

- (a) means a facility, for which a person holds or held an environmental authority, that—
 - (i) was used for disposal of waste; and
 - (ii) no longer accepts waste for disposal; and
 - (iii) has had final capping installed in accordance with the environmental authority; but
- (b) does not include a landfill if the environmental authority for the landfill has been surrendered under chapter 5, part 10 of the Act.

facility—

- (a) includes a naturally occurring or constructed hollow or pit, including, for example, a gully, mining shaft or quarry; but
- (b) does not include a hollow or pit on a farm used for receiving and disposing of general waste produced on the farm.

inert waste means—

- (a) bricks, pavers, ceramics, concrete, glass or steel; or
- (b) similar general waste that does not biodegrade or decompose.

8 Amendment of sch 2, s 62 (Waste transfer station operation)

(1) Schedule 2, section 62(1), from ‘that’—

omit, insert—

that—

- (a) stores a total quantity of at least 4t, or 500 equivalent passenger units, of end-of-life tyres at any one time; or
- (b) receives a total quantity of at least 30t or 30m³ of waste on any day.

(2) Schedule 2, section 62(3)—

omit, insert—

(3) The relevant activity does not include operating—

- (a) a waste transfer station on a site if an activity to which section 60 applies is carried out on the site; or
- (b) a container refund point under the *Waste Reduction and Recycling Act 2011*, chapter 4, part 3B.

(3) Schedule 2, section 62(4), table—

omit, insert—

Threshold	Aggregate environmental score	3
operating, on a commercial basis or in the course of carrying on a commercial enterprise, a waste transfer station that—		
(a) stores a total quantity of at least 4t, or 500 equivalent passenger units, of end-of-life tyres at any one time	14	C
(b) receives a total quantity of at least 30t or 30m ³ of waste on any day	31	C

[s 9]

9 Amendment of sch 12 (Dictionary)

Schedule 12, part 2—

insert—

clean earth means any natural substance found in the earth that is not contaminated with waste or a hazardous contaminant.

Examples—

clay, gravel, loam, rock, sand or soil

end-of-life tyre means a used tyre that is not attached to a vehicle.

Part 3 Amendment commencing on 4 February 2019

10 Amendment of sch 2E (Trackable waste and waste codes)

Schedule 2E—

insert—

per- and poly-fluoroalkyl substances

M270

Part 4 Amendments commencing on 1 July 2019

11 Amendment of s 101 (Particular prescribed ERAs)

(1) Section 101(1)(b)—

omit, insert—

(b) surface coating, for anodising, electroplating, enamelling or galvanising, using 1t to 100t of surface coating materials in a year;

(2) Section 101(1), note, ‘20, 38, 49 and 61’—

omit, insert—

38 and 49

12 Insertion of new ch 8, pt 3, div 4

Chapter 8, part 3—

insert—

Division 4 Supplementary annual fee for regulated waste transport

135 Supplementary annual fee for regulated waste transport

- (1) This section applies if—
- (a) a person holds an environmental authority for regulated waste transport; and
 - (b) the activity carried out under the authority is transporting regulated waste, other than end-of-life tyres; and
 - (c) the AES for the activity increases (the *increased AES*); and
 - (d) the increased AES would result in an annual fee being payable that is higher than the annual fee for the authority as stated in the last annual notice for the authority.

Note—

See schedule 2, section 57.

- (2) The administering authority may, by written notice, require the person to pay a supplementary annual fee worked out using the following formula—

[s 13]

$$S = (A - P) \times \frac{N}{365}$$

where—

A is the amount of the annual fee for the authority that would be payable based on the increased AES.

N is the number of days from the day the AES increased until the next anniversary day for the authority.

P is the amount of the annual fee stated in the last annual notice for the authority.

S is the amount of the supplementary annual fee.

- (3) The person must pay the supplementary annual fee within 20 business days of the date of the notice.
- (4) If the person does not pay the supplementary annual fee, the administering authority may recover the supplementary annual fee as a debt owed to the authority.

13 Insertion of new ch 9, pt 12, div 3

Chapter 9, part 12 as inserted by section 5—

insert—

Division 3 Transitional provisions for amendments commencing on 1 July 2019

185 Administration and enforcement

- (1) This section applies if—

-
- (a) immediately before the commencement, a local government was exercising a power, or performing a function, devolved to the local government under former section 101; and
 - (b) the power or function is no longer devolved to the local government under new section 101.
- (2) The local government may continue to exercise the power, or perform the function, as if the *Environmental Protection (Waste ERA Framework) Amendment Regulation 2018* had not commenced.
 - (3) For this regulation, the exercise of the power, or performance of the function, by the local government is taken to be the exercise of the power, or performance of the function, by the chief executive.

186 Existing environmental authorities for particular prescribed ERAs

- (1) This section applies to a person who, immediately before the commencement, held an environmental authority (the *existing environmental authority*) to carry out a prescribed ERA mentioned in—
 - (a) schedule 2, former section 20; or
 - (b) schedule 2, former section 33(2); or
 - (c) schedule 2, former section 52; or
 - (d) schedule 2, former section 55; or
 - (e) schedule 2, former section 56; or
 - (f) schedule 2, former section 57; or
 - (g) schedule 2, former section 58; or
 - (h) schedule 2, former section 59; or
 - (i) schedule 2, former section 61; or

[s 13]

- (j) schedule 2, former section 62.
- (2) From the commencement, the person is taken to be the holder of an environmental authority (the ***replacement environmental authority***) to carry out the prescribed ERA mentioned in—
- (a) if subsection (1)(a) applies and the activity carried out under the existing environmental authority is a prescribed ERA mentioned in a relevant section—the relevant section; or
 - (b) if subsection (1)(b) applies—schedule 2, new section 54; or
 - (c) if subsection (1)(c) applies—schedule 2, new section 62; or
 - (d) if subsection (1)(d) applies and the activity carried out under the existing environmental authority is a prescribed ERA mentioned in a relevant section—the relevant section; or
 - (e) if subsection (1)(e) applies—schedule 2, new section 62; or
 - (f) if subsection (1)(f) applies—schedule 2, new section 57; or
 - (g) if subsection (1)(g) applies and the activity carried out under the existing environmental authority is a prescribed ERA mentioned in a relevant section—the relevant section; or
 - (h) if subsection (1)(h) applies—schedule 2, new section 54; or
 - (i) if subsection (1)(i) applies—schedule 2, new section 61; or
 - (j) if subsection (1)(j) applies and the activity carried out under the existing environmental authority is a prescribed ERA mentioned in a relevant section—the relevant section.
- (3) If the existing environmental authority was

subject to a condition, the replacement environmental authority is taken to be subject to the condition.

- (4) Subsection (5) applies to an annual fee, for the replacement environmental authority, due before—
- (a) the first anniversary day for the authority after 15 November 2019; or
 - (b) if the authority is amended before 15 November 2019—the first anniversary day for the authority after the day the authority is amended.
- (5) The annual fee is to be calculated as if—
- (a) the replacement environmental authority were the existing environmental authority; and
 - (b) the *Environmental Protection (Waste ERA Framework) Amendment Regulation 2018* had not commenced.
- (6) If an amendment application for the existing environmental authority was made, but not decided, before the commencement—
- (a) the amendment application is taken to relate to the replacement environmental authority; and
 - (b) if the application fee for the amendment application has been paid—no further application fee is required to be paid in relation to the amendment application.
- (7) In this section—
- relevant section** means—
- (a) for subsection (2)(a) or (2)(j)—schedule 2, new section 54 or 62; or

[s 13]

- (b) for subsection (2)(d)—schedule 2, new section 53, 54, 55, 61 or 62; or
- (c) for subsection (2)(g)—schedule 2, new section 54 or 55.

187 Application of s 135

Section 135 does not apply to an environmental authority if the annual fee, stated in the last annual notice for the authority, was calculated under section 186(5).

188 Existing applications for particular prescribed ERAs

- (1) This section applies to an application (the *existing application*) that—
 - (a) is for an environmental authority to carry out a prescribed ERA mentioned in—
 - (i) schedule 2, former section 20; or
 - (ii) schedule 2, former section 33(2); or
 - (iii) schedule 2, former section 52; or
 - (iv) schedule 2, former section 55; or
 - (v) schedule 2, former section 56; or
 - (vi) schedule 2, former section 57; or
 - (vii) schedule 2, former section 58; or
 - (viii) schedule 2, former section 59; or
 - (ix) schedule 2, former section 61; or
 - (x) schedule 2, former section 62; and
 - (b) was made, but not decided, before the commencement.
- (2) On the commencement—

- (a) the application is taken to be an application (the *new application*) for an environmental authority to carry out the prescribed ERA mentioned in—
 - (i) if subsection (1)(a)(i) applies and the activity that is the subject of the application is a prescribed ERA mentioned in a relevant section—the relevant section; or
 - (ii) if subsection (1)(a)(ii) applies—schedule 2, new section 54; or
 - (iii) if subsection (1)(a)(iii) applies—schedule 2, new section 62; or
 - (iv) if subsection (1)(a)(iv) applies and the activity that is the subject of the application is a prescribed ERA mentioned in a relevant section—the relevant section; or
 - (v) if subsection (1)(a)(v) applies—schedule 2, new section 62; or
 - (vi) if subsection (1)(a)(vi) applies—schedule 2, new section 57; or
 - (vii) if subsection (1)(a)(vii) applies and the activity that is the subject of the application is a prescribed ERA mentioned in a relevant section—the relevant section; or
 - (viii) if subsection (1)(a)(viii) applies—schedule 2, new section 54; or
 - (ix) if subsection (1)(a)(ix) applies—schedule 2, new section 61; or
 - (x) if subsection (1)(a)(x) applies and the activity that is the subject of the application is a prescribed ERA

[s 14]

mentioned in a relevant section—the relevant section; and

(b) if the application fee for the existing application was paid—the application fee for the new application is taken to have been paid.

(3) In this section—

relevant section means—

(a) for subsection (2)(a)(i) or (2)(a)(x)—schedule 2, new section 54 or 62; or

(b) for subsection (2)(a)(iv)—schedule 2, new section 53, 54, 55, 61 or 62; or

(c) for subsection (2)(a)(vii)—schedule 2, new section 54 or 55.

14 Omission of sch 2, s 20 (Metal recovery)

Schedule 2, section 20—

omit.

15 Amendment of sch 2, s 33 (Crushing, milling, grinding or screening)

(1) Schedule 2, section 33(2)—

omit.

(2) Schedule 2, section 33(3)(a)—

insert—

(iii) waste; or

(3) Schedule 2, section 33(3)(b), ‘, 55 or 61’—

omit.

(4) Schedule 2, section 33(3) and (4)—

renumber as schedule 2, section 33(2) and (3).

16 Omission of sch 2, s 52 (Battery recycling)

Schedule 2, section 52—

omit.

17 Insertion of new sch 2, s 54

Schedule 2—

insert—

54 Mechanical waste reprocessing

- (1) Mechanical waste reprocessing (the *relevant activity*) consists of operating a facility for receiving and mechanically reprocessing waste.
- (2) The relevant activity does not include—
 - (a) baling or compacting clean paper, cardboard, aluminium cans or plastics; or
 - (b) reprocessing liquid waste; or
 - (c) reprocessing clean earth.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 operating a facility for receiving and mechanically reprocessing, in a year, more than 5,000t of inert, non-putrescible waste or green waste only	8	
2 operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of general waste—		
(a) 5,000t or less	19	C

[s 17]

Threshold	Aggregate environmental score	3
(b) more than 5,000t but not more than 10,000t	25	C
(c) more than 10,000t	31	C
3 operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of category 2 regulated waste—		
(a) 5,000t or less	29	C
(b) more than 5,000t but not more than 10,000t	43	C
(c) more than 10,000t	56	C
4 operating a facility for receiving and mechanically reprocessing, in a year, the following quantity of category 1 regulated waste—		
(a) 5,000t or less	32	C
(b) more than 5,000t but not more than 10,000t	50	C
(c) more than 10,000t	73	C

(4) In this section—

mechanically reprocessing waste includes mechanically crushing, milling, grinding, shredding or sorting waste.

Examples—

reprocessing waste using a trommel, glass imploder, concrete crusher, green waste shredder or tyre shredder

18 Replacement of sch 2, s 55 (Regulated waste recycling or reprocessing)

Schedule 2, section 55—

omit, insert—

55 Other waste reprocessing or treatment

- (1) Other waste reprocessing or treatment (the **relevant activity**) consists of operating a facility for receiving waste and—
 - (a) reprocessing the waste; or
 - (b) treating the waste to render it non-hazardous or less hazardous.
- (2) The relevant activity does not include an activity to which section 53, 54, 61 or 62 would apply if the activity were carried out within a stated threshold under that section.

Examples of the relevant activity—

operating a facility for receiving waste and reprocessing or treating the waste using bioremediation, chemical fixation, microwaves or an autoclave

- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 operating a facility for receiving and reprocessing or treating, in a year, the following quantity of general waste—		
(a) 5,000t or less	28	C
(b) more than 5,000t but not more than 10,000t	39	C
(c) more than 10,000t	48	C

[s 19]

Threshold	Aggregate environmental score	3
2 operating a facility for receiving and reprocessing or treating, in a year, the following quantity of category 2 regulated waste—		
(a) 5,000t or less	38	C
(b) more than 5,000t but not more than 10,000t	52	C
(c) more than 10,000t	65	C
3 operating a facility for receiving and reprocessing or treating, in a year, the following quantity of category 1 regulated waste—		
(a) 5,000t or less	46	C
(b) more than 5,000t but not more than 10,000t	65	C
(c) more than 10,000t	82	C
4 operating a facility for receiving and reprocessing or treating clinical waste or quarantine waste	46	C

19 Omission of sch 2, s 56 (Regulated waste storage)

Schedule 2, section 56—

omit.

20 Replacement of sch 2, s 57 (Regulated waste transport)

Schedule 2, section 57—

omit, insert—

57 Regulated waste transport

- (1) Regulated waste transport (the *relevant activity*) consists of transporting regulated waste in a vehicle.
- (2) The relevant activity does not include—
 - (a) transporting not more than 175kg of asbestos in a vehicle; or
 - (b) self-haul transportation of not more than 250kg of regulated waste.
- (3) If the relevant activity is transporting end-of-life tyres, the aggregate environmental score for the relevant activity is 2.
- (4) If the relevant activity is transporting regulated waste, other than end-of-life tyres, the aggregate environmental score for the relevant activity is the lesser of the following—
 - (a) the number of registered vehicles for the relevant activity;
 - (b) 36.
- (5) In this section—

registered vehicle, for the relevant activity, means a vehicle that is registered, with the department, as a vehicle used to carry out the activity.

self-haul transportation, of waste, means the transportation of waste by or for a person if—
 - (a) the person is the occupier of commercial premises where the waste is produced; and
 - (b) the waste is transported from the premises free of charge.

vehicle includes a part of an aircraft, boat, rolling stock, semi-trailer, tanker, trailer or truck used to transport waste.

[s 21]

21 Omission of sch 2, ss 58 and 59

Schedule 2, sections 58 and 59—
omit.

22 Replacement of sch 2, ss 61 and 62

Schedule 2, sections 61 and 62—
omit, insert—

61 Thermal waste reprocessing and treatment

- (1) Thermal waste reprocessing and treatment (the **relevant activity**) consists of operating a facility for thermally reprocessing or treating waste.
- (2) The relevant activity does not include burning waste under the *Fire and Emergency Services Act 1990*.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 thermally reprocessing or treating, in a year, the following quantity of general waste—		
(a) not more than 5,000t	33	C
(b) more than 5,000t but not more than 10,000t	39	C
(c) more than 10,000t	45	C
2 thermally reprocessing or treating, in a year, the following quantity of category 2 regulated waste—		
(a) not more than 5,000t	43	C

Threshold	Aggregate environmental score	3
(b) more than 5,000t but not more than 10,000t	57	C
(c) more than 10,000t	70	C
3 thermally reprocessing or treating, in a year, the following quantity of category 1 regulated waste—		
(a) not more than 5,000t	51	C
(b) more than 5,000t but not more than 10,000t	69	C
(c) more than 10,000t	87	C
4 thermally reprocessing or treating clinical waste or quarantine waste	51	C

(4) In this section—

thermally reprocessing or treating, in relation to waste, means reprocessing or treating the waste by applying heat to the waste to change its chemical composition.

Examples—

gasification, incineration, pyrolysis or use of a plasma arc

62 Resource recovery and transfer facility operation

- (1) Resource recovery and transfer facility operation (the *relevant activity*) consists of operating a facility for—
- (a) receiving and sorting, dismantling or baling waste; or
 - (b) receiving and temporarily storing waste before it is moved to a waste facility.

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- (2) The relevant activity does not include—
- (a) in-transit storage of waste; or
 - (b) operation, by a local government, of a facility that receives a total quantity of not more than 11,000t or 11,000m³ of waste in a year; or
 - (c) sorting and storing waste, generated by or because of a disaster situation, during the period of, and in the declared area for, the disaster situation; or
 - (d) storing waste, for not more than 28 days, in accordance with an accredited product stewardship scheme; or
 - (e) storing clinical waste consisting only of sharps in sharps containers that comply with AS 4031 or AS/NZS 4261; or
 - (f) storing chemically-treated power poles; or
 - (g) operation of a container refund point under the *Waste Reduction and Recycling Act 2011*, chapter 4, part 3B; or
 - (h) sorting or storing—
 - (i) a total quantity of not more than 6t or 6m³ of general waste at any one time; or
 - (ii) a total quantity of not more than 4t or 4m³ of category 2 regulated waste at any one time; or
 - (iii) a total quantity of not more than 1t or 1m³ of category 1 regulated waste at any one time.
- (3) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the activity is carried out.

Threshold	Aggregate environmental score	3
1 operating a facility for receiving and sorting, dismantling, baling or temporarily storing—		
(a) scrap steel, non-putrescible waste or green waste only	6	
(b) general waste	14	C
(c) category 2 regulated waste	26	C
(d) category 1 regulated waste	35	C
2 operating a facility for receiving and sorting, baling or temporarily storing end-of-life tyres only	14	C

(4) In this section—

accredited product stewardship scheme see the *Waste Reduction and Recycling Act 2011*, section 87(2).

AS 4031 means AS 4031—1992 (Non-reusable containers for the collection of sharp medical items used in health care areas).

AS/NZS 4261 means AS/NZS 4261—1994 (Reusable containers for the collection of sharp items used in human and animal medical applications).

declared area, for a disaster situation, see the *Disaster Management Act 2003*, schedule.

disaster situation see the *Disaster Management Act 2003*, schedule.

in-transit storage, of waste, means storage of the waste in a vehicle or container for not more than 5 days at a place if, during the storage, the waste is not removed from the vehicle or container.

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period, of a disaster situation, see the *Disaster Management Act 2003*, schedule.

23 Amendment of sch 3B (Approved ERA standards for environmentally relevant activities)

Schedule 3B, 'Eligibility criteria and standard conditions for tyre recycling (ERA 59) –version 2' —

omit.

ENDNOTES

- 1 Made by the Governor in Council on 22 November 2018.
- 2 Notified on the Queensland legislation website on 23 November 2018.
- 3 The administering agency is the Department of Environment and Science.

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