



## INDUSTRIAL WASTE RESOURCE GUIDELINES

# INTRODUCTION TO THE ENVIRONMENT PROTECTION (INDUSTRIAL WASTE RESOURCE) REGULATIONS 2009

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## INTRODUCTION

At one time hazardous wastes, known as prescribed industrial wastes (PIWs) in Victoria's environment protection legislation, were disposed of to landfill just like other forms of household or industrial wastes. The potential chemical, physical and toxicological risks posed by these materials warranted regulatory attention to ensure their safe management. EPA provides a regulatory framework for the handling, management and disposal of these materials due to the potential risks that they pose to human health and the environment.

The Victorian community has been working for many years to reduce the existence of PIW, and bring about a reduction in the disposal of these materials to landfill.

Industry has also recognised that the disposal of these materials to landfill represents a loss of economic potential, as in many instances the waste is a loss of raw materials from production. Where industry can recover, reprocess or reuse the materials, they can save money on the purchase of raw materials.

Since 2007, rising landfill disposal costs have led to an increase in the availability of waste treatment, recovery and recycling opportunities. This has resulted in a reduction in Victoria's landfill disposal of higher hazard manufacturing PIW from approximately 89,000 tonnes in 2005<sup>1</sup>, to less than 60,000 tonnes in the 2007-08 financial year<sup>2</sup>. Programs, such as the funding of reduction, reuse, recycling and treatment technologies through the HazWaste Fund, and

industry's implementation of Environment and Resource Efficiency Plans (EREPs) will continue this trend.

## WHAT THIS MEANS FOR THE NEW REGULATIONS

Changes in industry practices, the increasing availability of treatment and recycling infrastructure, and an improved understanding of these materials, has meant that regulation can now adapt to provide more opportunity for resource efficiency. The need to protect human health and the environment remains, however, there is an increased need to support resource efficiency through regulation.

Over time, there has been a greater acceptance that there are varying degrees of hazard posed by PIWs. Consequently, the management and regulation of these materials needs to be more commensurate to risk, with attention focused on the most hazardous materials. In recognising this, the new regulatory framework has been amended to better define, manage and regulate the potential hazard posed by industrial waste resources.

The new regulations are focused on:

- resource efficiency
- significantly enhanced reuse & recycling
- better hazard and risk management
- simplified compliance for industry

1 For more information visit [www.epa.vic.gov.au/waste/docs/AttachmentC-PIW-Disposal-Historical-Trends.pdf](http://www.epa.vic.gov.au/waste/docs/AttachmentC-PIW-Disposal-Historical-Trends.pdf)

2 For more information visit [www.epa.vic.gov.au/waste/docs/AttachmentD-PIW-Disposal-Annual-Trends.pdf](http://www.epa.vic.gov.au/waste/docs/AttachmentD-PIW-Disposal-Annual-Trends.pdf)

This guidance forms part of the Industrial Waste Resource Guidelines, which offer guidance for wastes and resources regulated under the *Environment Protection (Industrial Waste Resource) Regulations 2009*. Publication IWRG100 – June 2009.

## CHANGES TO THE REGULATORY FRAMEWORK

Until recently, the regulatory framework for managing PIWs across Victoria was provided through the *Environment Protection (Prescribed Waste) Regulations 1998*, and the *Industrial Waste Management Policy (Prescribed Industrial Waste) 2000*.

This framework, which was effective in significantly reducing the generation and disposal of hazardous waste in Victoria, was reviewed through 2008 and 2009 with the intent of providing a new framework. The review guided the development of the *Environment Protection (Industrial Waste Resource) Regulations 2009*.

EPA engaged with a broad range of stakeholders in the development of the new Regulations. This was to ensure the new regulatory framework delivered sustainable outcomes for the community, the economy and the environment.

EPA received numerous responses to a discussion paper released in July 2008, seeking stakeholder thoughts on what worked well, what didn't work, and what new initiatives were needed to improve the regulation and management of PIWs. EPA also hosted four workshops during July and August 2008, exploring these questions in greater detail.

The feedback EPA received was enormously useful in the drafting of the new Regulations. It was clear that the new regulatory framework needed to be simple, measurable and transparent.

The new regulatory framework is concise and streamlined, and presented in a logical flow, intended to enable industry, and other stakeholders, to implement the waste management hierarchy. It also aims to make compliance easier, and improve the understanding of what is needed to identify and manage PIWs.

In identifying PIWs, there was a desire from stakeholders to move away from a list of these wastes towards a framework that prescribed wastes for regulation based on the potential hazard of the material. The list of prescribed wastes that was included in the former regulatory framework was thought to be too constrictive, potentially not capturing some hazardous wastes, while at the same time capturing some materials that were non-hazardous.

To address this, all industrial wastes will be subject to hazard categorisation, with the exception of a short list of industrial wastes. Wastes will be categorised on the basis of their chemical composition or physical attributes, and those that are identified as Category A, B or C wastes, will be regulated as PIWs. Less

hazardous wastes, that fall below the Category C threshold, will be managed as industrial wastes.

Consultation during the development of the Regulations also highlighted that the lengthy approval process for reusing or recycling was a significant roadblock to reuse, occasionally resulting in market opportunities being missed with the waste then consigned to landfill. The process was often protracted due to inefficiencies in the review, assessment and approval process.

Previously, the reuse and recycling of PIW was authorised under exemptions issued by EPA. A waste receiver would apply to EPA to be exempted to receive PIW for reuse and EPA would assess each application on its merits, determining whether to grant an exemption. This process has been overhauled to provide a streamlined and more consistent approval process.

The new Regulations allow a waste producer or receiver to notify EPA that they intend to divert, or receive material for secondary beneficial reuse (SBR). Once the notification is authorised by EPA, the material is managed as a product and exempt from the Regulations. In notifying EPA, the Regulations require that a detailed package of information be provided in support of the proposed SBR, principally to ensure the potential risks to human health and the environment are adequately considered and managed. To streamline the approval, but also provide robustness to the process, the Regulations require independent third party review of this information.

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EPA has also recognised that the former regulatory framework was complicated and navigating the many related publications was often difficult.

One step in overcoming this was to reduce the number of supporting guidance documents and to arrange them in an easy to find web-based system. As such, the new regulatory framework is supported by the Industrial Waste Resource Guidelines.

## EXPECTED OUTCOMES

The title of the *Environment Protection (Industrial Waste Resource) Regulations 2009* is intended to recognise and realise the resource potential of industrial wastes, including PIWs. The Regulations allow industrial waste resources to be managed within a risk-based regulatory system, with the key intent being to significantly improve the rates of reuse and recycling of industrial waste resources in a sustainable way.

Through the implementation and application of the Regulations, it is intended that greater volumes of PIWs will be avoided, or at least diverted to reuse and



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recycling, resulting in significant reductions in the volumes requiring landfill disposal.

Of particular focus is the reduction of Category B PIWs, with the intent of achieving the State government's objective of eliminating its disposal to landfill by 2020.

The Regulations provide a base-line level of performance for the management of PIWs, ensuring human health and the environment continue to be protected, while not stifling innovation and investment by industry in waste minimisation, reuse, recycling or treatment infrastructure.

They will work alongside EPA's other waste minimisation services, including the HazWaste Fund and the Environment and Resource Efficiency Plans (EREPs), to provide further assistance to industry as it works to avoid, reduce, reuse or recycle its industrial waste resources.