



INDUSTRIAL WASTE RESOURCE GUIDELINES

SECONDARY BENEFICIAL REUSE NOTIFICATION

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INTRODUCTION

A waste producer or receiver can submit a notification to EPA for material to be diverted, or received, for secondary beneficial reuse (SBR).

The Regulations require that detailed information be provided in support of the proposed SBR, so the potential risks to human health and the environment are adequately considered and managed. Prior to lodging the notification, an independent third party must review the information. This ensures that the proposal has been considered in sufficient detail and streamlines the approval process.

Once the notification is authorised by EPA, the material is then managed as a product and exempt from the Regulations.

WHAT THIS MEANS FOR YOU

If you hold a current exemption issued by EPA, it will remain valid until it expires or is revoked by EPA.

If you are a waste producer or receiver, you will need to prepare and lodge the SBR notification via a web-based application, which enables you to input all the information required by the Regulations. When you have completed all the relevant details, you will need to provide them for review by the independent third party. Once you have received a signed declaration from the third-party reviewer, attach it to the online system and lodge with EPA.

The online system will only allow complete notifications to be submitted to EPA for authorisation.

EPA has 28 days from the date of receipt of a complete notification in which to authorise or reject the notification. If EPA fails to provide written notice to the applicant that the notification has been refused within seven days following the 28-day decision-making period, then the SBR is deemed to be authorised for a period of 12 months.

The EPA must be notified as soon as practicable of any changes related to the SBR.

IMPLEMENTATION

Applicants are required, by the Regulations, to provide a set of information which supports the proposed SBR, including particulars of the generator and the receiver as well as details of the waste stream and the reuse opportunity.

The following sections provide additional information to help applicants complete the various sections of the online forms. Completion of the online form should ensure that all information required under the Regulations is included. Regulation 40 (1) contains a complete list of the information to be declared in the notification.

Applicant details

Include:

- Applicant address and contact information or particulars of the person authorized on behalf of the applicant.
- Client address and contact details, including the full name of the company or individual (if not a company), company details, the registered address (registered or principal office in Victoria), the site address and the postal address.

Waste details

This section requires that the waste be categorised. For further information on the categorisation of solid industrial waste, see [Industrial Waste Resource Guidelines](#) (IWRG) *Solid industrial waste hazard categorisation and management*. Further information for contaminated soils can be found in [IWRG Soil hazard categorisation and management](#).

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 IWRG411 – June 2009.

Information required in this section of the application includes the following:

- Waste category (A,B or C)
- Physical form of the waste
- Quantity and frequency of generation
- Contaminant details
 - This information will be collected as part of the hazard categorisation work in accordance with [IWRG Solid industrial waste hazard categorisation and management](#). Further information for contaminated soils can be found in [IWRG Soil hazard categorisation and management](#).
 - Guidance on the sampling and analysis of waste streams can be found in the [IWRG Sampling and Analysis](#) section.
 - Analysis must be completed at a NATA accredited laboratory.
 - If the waste stream has more than four contaminants, further information may be attached.
- Samples, analysis and reports
 - Attach relevant information. This may include a summary of sampling undertaken, laboratory analysis, site history reports or process diagrams.
- Summary of the proposal
 - Information on the entire process from waste generation and treatment to input in the reuse process.
 - Further information may be attached, such as process flow diagrams.

Producer/treater details

- Name, company details, and address information.

Regulation checklist

This section requires information on how each of the Regulations has been satisfied. Drop down areas are available for each part with a space for your comments.

The following provides some suggestions on what to consider in your response to each Regulation.

- **40(1)(c)** Any recognised specifications or standards for the material resulting from the reuse or recycling of the waste or the recovery of energy from the waste.
 - Raw material specifications
 - End product specifications
 - Australian Standards (e.g. Compost)
- **40(1)(d)** An assessment of the likelihood of an unacceptable risk of harm to human beings or the environment.
 - What are the differences between the raw material and the reuse material?
 - What is the plan to manage the differences?
 - If the reuse material requires different handling procedures, what actions are going to be taken to minimise risks of harm to human beings or the environment?
 - How does the risk of using the reuse material compare with the risks that already exist?
 - The level of control will need to be proportionate to the risk.
 - Risks that will require consideration are those over and above those that already exist.
 - When assessing a risk, consider the consequence and the likelihood of an incident occurring.
 - Has consultation with the local council and neighbours been undertaken?
 - What was the outcome of that consultation?
- **40(1)(e)** An assessment of the potential for diversion of the material to a higher value use.
 - If a higher hierarchy option exists for the waste stream, why is it not being pursued?
- **40(1)(f)** An assessment of the commonly available or best available technologies, methods or processes for reuse or recycling of the waste or the recovery of energy from the waste.
 - How is this material, or similar material, managed elsewhere?
 - How does this plan compare with uses elsewhere?
 - If this is a novel reuse, what makes it unique and what are the benefits?
- **40(1)(g)** Consideration of any applicable waste minimisation plans or waste management plans.
 - This may be at the Local, State or Federal level.
- **40(1)(h)** Consideration of any applicable national environment protection measure (NEPM) made by the National Environment Protection Council.
 - Consider relevant current or future NEPMs.
- **40(1)(i)** Consideration of any applicable State environment protection policy (SEPP) or waste management policy (WMP) may include, but is not limited to:

- SEPP Air Quality Management
- SEPP Ambient Air Quality
- SEPP N1 Control of Noise from Commerce, Industry and Trade
- SEPP Groundwaters of Victoria
- SEPP Prevention and Management of Contamination of Land
- SEPP Waters of Victoria
- Buffer Distance Guidelines
- Bunding Guidelines
- IWMP Movement of Controlled Waste between States and Territories

Statement Provider

- Details for the person who will be providing the independent third-party review.
- An independent environmental auditor, appointed by EPA, is required for materials that are Category A or B.
- The review for Category C materials may be provided by an independent, suitably experienced professional.

Attachment

- This page provides a summary of all attachments that have been added and includes the date of attachment.
- These will be used to form the basis of the third-party review and the EPA assessment. It is important that the versions that are reviewed are the same as those that are attached.

Lodgement

- Applicants must be authorised to accept the terms and conditions prior to lodgement.
- The responsibility for the information being correct, and the responsibility for all outcomes from the reuse of the material, resides with the party submitting the notification to EPA.

ROLE OF THE INDEPENDENT THIRD-PARTY REVIEWER

A notification for proposed reuse, or recycling from materials that could otherwise be categorised as category A or B prescribed industrial waste (PIW), must include a declaration from an independent environmental auditor, appointed by the Authority, that the information provided in the notification is, to

the best of the environmental auditor's knowledge, correct.

It is important to note that a notification for proposed reuse or recycling of materials that could otherwise be categorised as Category C PIW, must include a declaration from an independent, suitably qualified and experienced professional, that the information provided in the notification is, to the best of that person's knowledge, correct.

The third-party reviewer must be independent from the party preparing and submitting the SBR notification.

The intention of the independent third-party review is to ensure, to the extent possible, that the information provided in a notification is correct. The responsibility for the information being correct, and the responsibility for all outcomes from the reuse of the material, resides with the party submitting the notification to EPA, and this will be confirmed at the point of lodgement.

A third-party reviewer will need to review the package of information, to ensure it satisfies the Regulations in line with the advice provided in this and other relevant sections of the IWRG. Once satisfied, the third-party reviewer will need to sign the declaration and provide this to the applicant.

INDEPENDENCE OF THE THIRD-PARTY REVIEWER

An important part of the SBR process is that the third-party reviewer be able to demonstrate a sufficient level of independence to satisfy a reasonable person that the outcome of the SBR will not be influenced by a relationship between the reviewer and those involved in the SBR or potential benefits to the third party or the company for which he or she works. The reviewer must also consider the independence of any support team member to be used during a review.

It is expected that the reviewer avoid, at all times, any situation in which he or she (or his or her employer):

- a) may benefit from a particular outcome of a SBR
- b) is the owner or occupier of any part of a company that is included in the SBR, or is related to a person who is the owner or occupier
- c) is an employee of the owner or occupier of any part of a company that is to be included in the SBR
- d) has a financial or proprietary interest in any part of a company to be included in the SBR or any activity carried out by it



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e) has entered into any agreement or arrangement that may be reasonably perceived to constitute a conflict of interest

or

f) act as an advocate for the company or activity that is the subject of the SBR.

A reviewer must be able to demonstrate a professional detachment from the subject of the SBR that would satisfy a reasonable person.

It is the responsibility of auditors to satisfy themselves of their independence.

FURTHER INFORMATION

1. [IWRG Solid industrial waste hazard categorisation and management](#)
2. [IWRG Soil hazard categorisation and management](#)
3. [IWRG Sampling and analysis section](#)