



## Controlled waste fact sheet

# Controlled waste transit facilities

## What is a controlled waste transit facility?

Regulation 2 of the Environmental Protection (Controlled Waste) Regulations 2004 (the Regulations) states:

**transit facility** means a waste facility that may be used for the temporary storage of a controlled waste...

Temporary storage means holding material in one place with the intention to relocate, reuse or dispose of the material within a time limit specified by the Chief Executive Officer (CEO).

A transit facility does not treat, recycle, reuse or dispose of controlled waste transiting through the facility.

According to regulation 2:

**waste facility** means —

- (a) prescribed premises in respect of which a licence has been issued under Part V of the Act to store, treat, reuse or dispose of a controlled waste; or
- (b) a facility licensed, registered or otherwise approved to store, treat, reuse or dispose of a controlled waste under a corresponding law; or
- (c) a facility at which a controlled waste may be lawfully unloaded for transportation to another State or a Territory or overseas; or
- (d) a dangerous goods site licensed under the *Dangerous Goods Safety (Storage and Handling of*

*Non-explosives) Regulations 2007 Part 4; or*

- (e) a sewer of a licensee under the *Water Services Act 2012*; or
- (f) premises registered under the Environmental Protection Regulations 1987 regulation 5B to store, treat, reuse or dispose of a controlled waste; or
- (g) a site approved by the CEO as a waste facility; or
- (h) a facility at which a controlled waste may be lawfully unloaded, stored, treated, reused or disposed of otherwise than as provided for in another paragraph of this definition;

For more information about a [waste facility and controlled waste](#), please refer to the department website or contact the department on 08 6364 7000.

## How do I list a controlled waste transit facility in the Controlled Waste Tracking System (CWTS)?

If a transit facility meets one of the above definitions of a waste facility, it may be eligible to apply to the department to be listed on the Controlled Waste Tracking System (CWTS) as a transit facility.

Listing of a transit facility in the CWTS provides the occupier of a transit facility with a tool to assist compliance with his or her obligations under the Regulations as a waste facility and waste holder.



In order for a transit facility to be listed in the CWTS as a waste facility for the temporary receipt and storage of transiting controlled waste, the occupier of the transit facility may complete and submit to the department:

- [Form CW14 – Application to list a waste facility or transit facility in CWTS](#)
- supporting documentation, including evidence of meeting a definition of a waste facility as outlined in the Regulations.

There is no fee to list a transit facility as a waste facility in the CWTS.

The department will list an approved transit facility in the CWTS, provide the occupier of the transit facility with written confirmation on the types of controlled waste they are listed in the CWTS to accept, and provide user login details for access to the CWTS.

It is the occupier of the transit facility's responsibility to ensure that any waste it accepts is in accordance with the facility's authorisation.

The listing of a facility as a controlled waste transit facility is not an authorisation to accept controlled waste.

The acceptance of any waste, including controlled waste, at a facility must always be in accordance with the conditions of the transit facility's licence or authorisation.

### **Obligations of a transit facility receiving controlled waste**

A transit facility must only accept waste in accordance with the licence, authorisation and/or approvals for the premises.

Transit facilities that accept controlled waste have waste facility and waste holder obligations under the Regulations.

The occupier of a transit facility who receives a controlled waste must always give or send a receipt to the carrier for the controlled waste unloaded at the facility. This receipt must contain the controlled waste tracking form (CWTF) number for the load and be signed by the occupier or a representative of the transit facility.

Further obligations on the transit facility vary depending on if the load transits the facility on the original CWTF or if the load of controlled waste is collected on an independent CWTF as outlined below.

### **Obligations of a transit facility where the transportation of the controlled waste from the transit facility occurs on the original CWTF**

When a driver presents controlled waste at a transit facility for unloading, the occupier of the transit facility must record the following details under the relevant section on the CWTF:

- name of the transit facility
- occupier name and signature
- date unloaded
- amount and unit (litres, kilograms or cubic metres).

The transit site must also ensure that a copy of the CWTF remains with the load of controlled waste listed on the CWTF.



### Obligations of a transit facility where the transportation of the controlled waste from the transit facility occurs on a new CWTF

When a driver presents controlled waste at a transit facility for unloading, the transit facility representative must record the following details under the 'Unloading Details' section on the CWTF:

- name and address of the transit facility
- date of receipt at the transit facility
- controlled waste category and amount
- type of disposal method
- any discrepancies.

For at least three years from the day the waste was unloaded at the facility, the occupier of the transit facility must keep a copy of the original CWTF, or the CWTF number and the information required under Schedule 2 Division 4 of the Regulations. The information required under Schedule 2, Division 4 is:

- name and address of waste facility
- date of receipt at waste facility
- type of controlled waste
- amount of controlled waste
- type of disposal, treatment or handling of controlled waste at the waste facility
- any discrepancies.

Within 14 days of the waste being unloaded the transit facility must provide the details of the waste to the department, with the original CWTF number and information detailed in Schedule 2 Division 4 of the Regulations. The occupier of the

transit facility may submit this information electronically via the CWTS.

The regulatory obligations of a waste holder apply to a transit facility when arranging the transportation (on a new CWTF) of the controlled waste from the facility and require that:

- an appropriately licensed controlled waste carrier is employed to transport the controlled waste
- packaged controlled waste is in a container that is fit for safe transport
- the description of the waste provided to the controlled waste carrier is accurate, complete and includes information on the waste type, amount and containment type
- the receipt from the controlled waste carrier is kept for at least three (3) years from the date the waste was loaded onto the controlled waste carrier's vehicle.

Loads of packaged controlled waste less than 200 kilograms or 200 litres do not require CWTFs. According to regulation 2:

**packaged controlled waste** means a controlled waste that is transported otherwise than as a bulk controlled waste ...

**bulk controlled waste** means a controlled waste that is transported in a tank ...

**tank** means an enclosed space that is on, attached to or part of a vehicle and used, or designed to be used, for the transportation of a liquid or gas in bulk ...



## Controlled waste tracking form validity

For continuing use of the original CWTF in the transportation of the load of controlled waste from the transit facility then it is valid:

- in the case of bulk controlled waste, for a period of seven days beginning on the consignment day
- in the case of any other controlled waste, for the period of 21 days beginning on the consignment day.

However, where the new CWTF has been issued for the transportation of the controlled waste from the transit facility then:

- the original CWTF's validity period ends on the day on which the waste is unloaded at the transit facility
- the new CWTF validity period begins:
  - in the case of bulk controlled waste, for a period of seven days beginning on the consignment day
  - in the case of any other controlled waste, for the period of 21 days beginning on the consignment day.

## Other information for the occupier of a transit facility to check

- For bulk controlled waste the driver must present a valid controlled waste driver identification card before unloading.
- Confirm the CWTF is valid. CWTFs are valid for seven days (for bulk waste) and 21 days (for packaged waste) from the day

the first part of the waste was loaded onto the vehicle.

- CWTFs cease to be valid as soon as any waste is unloaded from the vehicle except at an approved transit facility or during a truck-to-truck transfer.
- Check the controlled waste presented for acceptance at the waste facility matches the waste type on the CWTF and is consistent with the facility's authorisation to accept waste.

## Unoccupied waste facilities

If the occupier of a transit facility is not present when the controlled waste is unloaded at the premises the obligations of the transit facility remain the same.

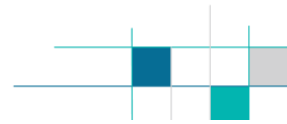
However, the carrier has seven days after unloading the waste to provide the occupier of the transit facility with a copy of the CWTF, or the CWTF number and required information.

The transit facility must provide the CWTF or relevant information to the department within 14 days of the waste being unloaded at the waste facility.

According to regulation 41(6):

The occupier of a waste facility who receives a controlled waste must send to the CEO within 14 days after the day on which the waste was unloaded at the waste facility —

- (a) a copy of the controlled waste tracking form to be kept by the occupier under subregulation (3); or
- (b) if subregulation (2) applies, the information to be recorded and kept by the occupier under that subregulation.



## Non-compliant loads

There may be occasions when a load of controlled waste presented at the transit facility for unloading does not meet certain statutory requirements.

There are three common statutory reasons that a load of controlled waste presented for unloading may not be compliant:

### 1. Licences are invalid – situations likely to arise and suggested actions:

- Bulk driver is unlicensed – the suggested action is for the transit facility to accept the load if it is accompanied by a valid CWTF and the waste meets the statutory waste acceptance criteria for the transit facility.

It is suggested that, within 24 hours, the transit facility completes [Form CW19 – Notification of non-conforming load](#), and submits the form to the department.

- Bulk tank or vehicle is unlicensed – the suggested action is for the transit facility to accept the load if it is accompanied by a valid CWTF and the waste meets the statutory waste acceptance criteria for the transit facility.

It is suggested that, within 24 hours, the transit facility completes [Form CW19 – Notification of non-conforming load](#), and submits the form to the department.

- Carrier is unlicensed – if the carrier is unlicensed, then the load is unlikely to be

accompanied by a CWTF. Without a valid CWTF the transit facility may be unable to meet its statutory obligations. It is suggested that the department is contacted for advice.

- It is then suggested that, within 24 hours, the transit facility completes [Form CW19 – Notification of non-conforming load](#), and submits the form to the department.

### 2. Controlled waste tracking forms not completed or presented - situations likely to arise and suggested actions:

- No CWTF presented, or an invalid or expired CWTF is presented – without a valid CWTF, a transit facility may be unable to meet its statutory obligations.

In this instance contact the department for advice.

Complete and submit [Form CW19 – Notification of non-conforming load](#) to the department.

The above information relates only to the transit facility's inability to fulfil their obligations under the Regulations.

The occupier of a transit facility is responsible for not breaching other applicable legislation and authorisation.

### 3. Waste characteristics issues - situations likely to arise:

- The waste unloaded is not consistent with the waste recorded on the CWTF
- A package or container is not





securely stowed and is leaking on arrival

- A package or container is not labelled with the waste type and code
- Bulk waste in a non-dangerous goods tanker contains hexavalent chromium exceeding 100 milligrams per litre (mg/L)
- Bulk waste in a non-dangerous goods tanker contains free cyanide lower than a concentration of 5 mg/L
- Bulk waste in a non-dangerous goods tanker has a flashpoint of lower than °61 C
- Bulk waste in a non-dangerous goods tanker has a pH outside the range of 2–12.5, or
- Controlled waste categories are mixed in a tank and the carrier is unable to provide evidence that he possesses approval to mix those wastes.

A variety of management scenarios apply to these situations, depending upon the nature of the non-conformance.

In some situations the waste may need to be returned to the waste holder for additional management or transported to a different transit facility.

For advice in regard to these situations contact the department, or complete and forward to the department [Form CW19 – Notification of non-conforming load](#).

Note: It is always the responsibility of the occupier of the transit facility to ensure that waste accepted into the facility is in accordance with its waste acceptance approvals.

A transit facility has the right to refuse the acceptance of waste.

### Reporting non-compliant loads

It is recommended that a non-conforming load is reported in writing to the department as soon as possible.

[Form CW19 – Notification of non-conforming load](#) identifies relevant information for a non-conforming load, and can be forwarded to the department via email at [controlled.waste@dwer.wa.gov.au](mailto:controlled.waste@dwer.wa.gov.au) or by post at Locked Bag 10, Joondalup DC, WA 6919.

### Controlled waste tracking system (CWTS)

The CWTS is an electronic web-based system that provides a tool to approved users for recording CWTF information and identifying any discrepancies.

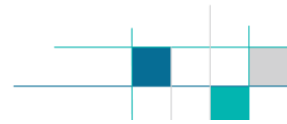
When a transit facility is listed in the CWTS to receive controlled waste, the nominated representative is emailed user login details for access to the CWTS.

CWTF information can be submitted to the department via the CWTS.

For more information on [controlled waste tracking](#), please refer to the department website, or contact the department on 08 6364 7000.

### Receiving waste from other states and territories

If a transit facility is receiving controlled waste that has originated in another state or territory, the same obligations apply as if the waste originated in Western Australia.



However, there is a range of additional requirements under the [National Environmental Protection \(Movement of Controlled Waste between States and Territories\) Measure](#).

For more information on [transporting controlled waste](#), please refer to the department website, or contact the department on 08 6364 7000.

## Penalties

Breaches of the Regulations may attract fines of \$250 or \$500, or a penalty up to \$5,000 as determined by a court. Pursuant to s 40(5) of the *Sentencing Act 1995*, offences committed by corporations may attract a fine of up to \$25,000 as determined by a court.

Penalties can be considerably greater if an offence takes place under the *Environmental Protection Act 1986* such as pollution caused by illegal disposal of controlled waste or breach of licence conditions. Prosecution can result in fines of up to \$1 million, jail sentences or both.

## More information

For advice on compliance with the Regulations or any other controlled waste matter, please contact the department on 08 6364 7000, or email [controlled.waste@dwer.wa.gov.au](mailto:controlled.waste@dwer.wa.gov.au).

This document is available in alternative formats and other languages on request.

## Related documents

Additional [publications about controlled waste](#) and related [controlled waste fact sheets](#) are available on the department website, or by contacting the department on 08 6364 7000.

## Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation.

Please refer to the Regulations and the *Environmental Protection Act 1986* available from the Parliamentary Counsel's Office. Free electronic copies are available from the [Parliamentary Counsel's Office website](#).



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## Legal advice

The information provided to you by the department in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, the department recommends that you obtain independent legal advice.