



Controlled waste—waste facilities

What is a waste facility for the purposes of accepting controlled waste?

Under the *Environmental Protection (Controlled Waste) Regulations 2004* (the Regulations):

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...

Examples and instances of facilities under these definitions are:

- (a) For definition (a), an example is a liquid waste treatment facility that holds a category 61 environmental licence for the acceptance and treatment of septage waste;
- (b) For definition (b), an example is facilities located in other states and territories that hold appropriate licences and approvals in that jurisdiction;
- (c) For definition (c), an example is a port facility or railway yard that lawfully allows controlled waste to be unloaded and loaded;
- (d) For definition (d), an example is a dangerous goods site licensed under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* Part 4;
- (e) For definition (e), an example is a site that holds a Water Corporation Discharge to Sewer permit
- (f) For definition (f), this type of facility will be registered with the Department of Environment Regulation;

- (g) For definition (g) this refers specifically to a site that has written approval from the Chief Executive Officer (CEO) of the Department of Environment Regulation to accept asbestos waste for disposal; or
- (h) For definition (h) this is limited to facilities where the production or design capacity does not require an environmental licence or registration.

The facility must hold all required approvals and authorisations from other state government agencies and local government.

For more information about [controlled waste](#) please refer to the Department's website or contact the Department on +61 8 6467 5000.

How to list a waste facility in the Controlled Waste Tracking System (CWTS)

Listing of a waste facility in the Controlled Waste Tracking System (CWTS) provides the occupier of the waste facility with a tool to assist compliance with its obligations under the Regulations.

If a waste facility meets one of the definitions of a controlled waste facility (outlined earlier in this fact sheet), it may be eligible to apply to the Department to be listed in the CWTS as a controlled waste facility.

In order for a waste facility to be listed in the CWTS for the receipt of a controlled waste, the occupier of the waste facility completes and submits to the Department:

- [Form 14 – Application to list a waste facility](#) or transit facility in CWTS; and

- supporting documentation, including evidence of meeting the definition of a waste facility.

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

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

The listing of a facility as a controlled waste 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 facility's licence or authorisation.

Obligations of a waste facility receiving controlled waste

Waste facilities must only accept waste in accordance with the licence, authorisation and/or approvals applicable to the premises.

Waste facilities that accept controlled waste have specific obligations under the *Environmental Protection (Controlled Waste) Regulations 2004*.

The occupier of a waste facility who receives a controlled waste must:

1. Record on the controlled waste tracking form (CWTF):
 - the name and address of waste facility;
 - the date of receipt at waste facility;
 - the type and amount of controlled waste;
 - the treatment method; and
 - any discrepancies.

2. Immediately after the waste is unloaded at the facility, give or send to the carrier a receipt for the controlled waste unloaded at the facility. This receipt must contain the CWTF number for the load and be signed by the occupier of the waste facility, or a representative of the occupier.
3. Within 14 days after the day on which the waste was unloaded, submit to the Department the CWTF or the CWTF number and the information (required under Schedule 2 Division 4 of the Regulations) to the CEO. This may be electronically submitted via the CWTS.

For at least three years from the day the waste was unloaded at the facility, keep a copy of the completed CWTF, or the CWTF number and the information (required under Schedule 2 Division 4 of the Regulations).

Additional information

- A load of packaged controlled waste that is less than 200 kilograms or 200 litres may be transported on a road without a CWTF by a packaged controlled waste carrier.

Under regulation 2:

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

- If the waste is bulk controlled waste then the driver is required to present a valid controlled waste driver's licence to the occupier of the waste facility before unloading.

Under regulation 2:

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...

- A driver who unloads a controlled waste at a waste facility with an expired CWTF for the transportation of that waste commits an offence.

CWTFs are valid for seven (7) days (for bulk controlled waste) and 21 days (for packaged controlled 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.

- Prior to accepting a load of waste at the waste facility for acceptance, it should be checked that the waste matches the waste type recorded on the CWTF, and is consistent with the waste facility's authorisation to accept waste.

If the waste is not consistent there is the risk that the facility may breach other statutory requirements.

Unoccupied waste facilities

If the occupier of a waste facility is not present when the controlled waste is unloaded, the waste facility's obligations remain the same.

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

The waste 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 waste facility for unloading does not meet certain statutory requirements.

Where an occupier of a waste facility is unsure or perceives there is a risk of breaching statutory requirements by accepting the waste load, it is recommended that he/she immediately contacts the Department on +61 8 6467 5000 for advice.

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 then 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 then 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 waste 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 waste facility's inability to fulfil their obligations under the Regulations. A waste facility is responsible for not breaching other applicable legislation or 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 greater than a concentration of 5mg/L;
- bulk waste in a non-dangerous goods tanker has a flashpoint of lower than 61 degrees Celsius;
- bulk waste in a non-dangerous goods tanker has a pH outside the range of 2 to 12.5; or
- controlled waste categories are mixed in a tank and the carrier is unable to provide evidence that s/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 waste 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 waste facility to ensure that waste accepted into the facility is in accordance with its waste acceptance approvals.

A waste 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, using [Form CW19 – Notification of non-conforming load](#) identifies relevant information for a non-conforming load.

The form can be forwarded to the Department via [email](#) or [mail](#).

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 waste 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's website, or contact the Department on +61 8 6467 5000.

Receiving waste from other states and territories

If a waste 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 are additional requirements under the *National Environmental Protection (Movement of Controlled Waste between States and Territories) Measure*.

For more information on [transporting controlled waste into Western Australia](#), please refer to the Department's website, or contact the Department on +61 8 6467 5000.

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. 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 +61 8 6467 5000, or email Controlled Waste on cwts@der.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 online on DER's website, or by contacting the Department on +61 8 6467 5000.

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 State Law Publisher. Free electronic copies are available from [State Law Publisher website](#).

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Legal advice

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