



## Requirements of waste holders

### Who is a waste holder?

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

2. **waste holder** means a person —
- (a) who is in possession or control of a controlled waste on premises; or
  - (b) whose apparatus or activities produce controlled waste.

Examples of waste holders include:

- a householder who has a septic tank containing septage on their premises;
- a company responsible for a site that produces waste oil as a result of performing mechanical works; and
- a company in control of a site containing drums of waste solvent that were generated on another site.

For information on what is a controlled waste, please refer to [fact sheet 'What is controlled waste?'](#).

### What are the statutory obligations of a waste holder?

Under regulation 25 a waste holder is required to:

1. Use a carrier licensed to transport that type of controlled waste on a road.
2. Ensure packaged controlled waste is in a container that is fit for safe transport.
3. Provide to the carrier information on the type of controlled waste, amount and containment type, and the physical state of the controlled waste.

4. Sign or cause a representative to sign the controlled waste tracking form (CWTF) held by the person collecting the controlled waste.
5. For not less than three years from the date the waste was loaded onto the carrier's vehicle or tank, keep a receipt issued by the carrier's driver that sets out information about the waste.

Note: failure to comply with requirements 1–5 is an offence.

The carrier's licence requires the carrier to ensure that bulk controlled waste is in the pH range of 2 and 12.5 prior to being transported on a road under the *Road Traffic Act 1974*:

**road** means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon...

The carrier may request information from the waste holder on the pH of the controlled waste to be transported.

There are specific controlled waste types that a carrier cannot transport on a road without particular characteristics of the controlled waste being made evident in an accredited laboratory certificate received from the waste holder. The waste types and required characteristics are:

- solvents wastes – must have a minimum flashpoint of 61°C;
- chromium wastes – must have been reduced from a hexavalent state to a trivalent state where the hexavalent

chromium is less than 100 milligrams per litre (mg/L); and

- cyanide wastes – must have been oxidized to destroy free cyanide with total free cyanide concentration not exceeding 5mg/L.

For the above waste types, the waste holder must first obtain an accredited laboratory analysis certifying that the waste meets the relevant aforementioned criteria, and provide a copy of that certificate to the carrier prior to the transportation of the controlled waste.

### Who can I use to transport my controlled waste?

The Department of Environment Regulation regulates the transport of controlled waste under the provisions of the *Environmental Protection (Controlled Waste) Regulations 2004*. In accordance with the Regulations, controlled waste must be transported by a licensed carrier to an approved waste facility.

### How do I find a licensed carrier?

The Department has a list of licensed carriers available. For a list of licensed carriers go to [Controlled Waste Tracking System](#) and “Search for Carrier”, or contact DER on +61 8 6467 5000.

### What should I receive from my carrier?

When the carrier collects the controlled waste, the driver, on behalf of the carrier, must provide the waste holder with a receipt detailing the:

- controlled waste tracking form number;
- type of controlled waste;
- amount of controlled waste loaded onto their vehicle or into the tank; and
- date the waste was loaded into the vehicle or tank.

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### Do I need to be present when my waste is collected?

No; however, if present, the waste holder must sign the controlled waste tracking form to confirm the accurate description of the waste, and that the waste is in a suitable condition for transport.

The waste holder’s signature authorises the carrier to collect the waste and transfers responsibility for that waste to the carrier.

### How to register as a waste holder in the Controlled Waste Tracking System (CWTS)

The Department uses the Controlled Waste Tracking System (CWTS) to track the transportation of controlled waste from point of generation to unloading at an approved waste facility.

Waste holders may register for access to the CWTS to obtain reports regarding how much waste was collected from their premises.

The waste holder can gain access to the [CWTS](#) and following the prompts to register as a holder of controlled waste.

After completing the requested information, CWTS provides a unique waste holder identification number that may be provided to the carrier by the registered waste holder when the waste is collected.

### Do I have to remove controlled waste from my premises?

The Regulations provide that the Department may issue a notice of controlled waste requiring the waste holder to provide the Department with information on the type, quantity and location of controlled waste at a premise

within 14 days of receiving the request.  
Under the Regulations:

#### 26. Notice of controlled waste

- (1) The CEO may require a waste holder in possession or control of a controlled waste to give the CEO a notice containing any one or more of the following items of information —
  - (a) the type of controlled waste in the possession or control of the waste holder;
  - (b) the quantity of the controlled waste in the possession or control of the waste holder;
  - (c) the location of the premises and the place on those premises where the controlled waste is held.
- (2) A waste holder who is required to give the CEO a notice under subregulation (1) and who fails to give the notice within 14 days of receiving the request from the CEO commits an offence.

The Department may also issue a waste holder with a notice requiring controlled waste to be transported to an appropriate waste facility within a specified time period.

#### 27.

- (2) The CEO may give a waste holder a notice requiring the waste holder to cause a specified waste to be transported to a waste facility disposal site in the manner and within the time specified in the notice.

## Penalties

Committing an offence under the Regulations, such as providing information that is false or misleading, may attract on-the-spot fines of \$250 or \$500, or a penalty of up to \$5,000. 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.

Significantly larger penalties may result if an offence takes place under the *Environmental Protection Act 1986*, such as pollution caused from the illegal disposal of controlled waste.

Note: Under the *Environmental Protection Act 1986* thresholds may apply to the amount of waste stored, treated, reused or disposed of at a waste holder's premises.

## 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](mailto: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

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