

# How to read and comply with a waste determination



Publication 2005 June 2021

Business information

## Who this factsheet is for

This information is for any business that generates an industrial waste that environment Protection Authority Victoria's (EPA) waste determinations cover and that want to safely reuse it instead of sending it to landfill. EPA's website has the list of current [waste determinations](https://www.epa.vic.gov.au/about-epa/laws/legislation-regulations-and-policies/determinations) (<https://www.epa.vic.gov.au/about-epa/laws/legislation-regulations-and-policies/determinations>).

## Find out whether your waste is covered

Classify your waste and then check the **application** and **definition** sections of the determination to see if your waste matches the description in the determination. Your waste must also meet the **specifications** set out in the determination.

## Find out whether you need EPA's approval to supply or receive and use these industrial wastes

A determination gives authority to receive industrial wastes, and discharges your waste duties under the *Environment Protection Act 2017* (the Act). The waste determination is limited to the receipt and reuse of industrial waste where the wastes comply with the **specifications** and **conditions**. You don't need additional EPA approval or paperwork.

However, waste determinations are not a substitute for, or an exemption from, an [EPA permission](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/permissions) (<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/permissions>) when you engage in a prescribed permitted activity; for example, waste recycling or processing. Storing or processing of waste materials for the purposes of resource recovery, off-site transfer or disposal requires an EPA permission.

## Specifications and conditions in determinations

The **specifications** and **conditions** in a determination vary depending on the waste. Their purpose is to minimise risks of harm. This can include:

- restrictions on when and how wastes can be reused
- physical, biological or chemical limits
- testing requirements
- record keeping requirements.

Check the **specifications** and **conditions** sections of the determination for details on those that apply to your waste, and when they apply. You must follow all these requirements to meet your legal obligations and to prevent risk of harm to human health and the environment. The **notes** section in the determination has extra information, usually about the determination itself.

## How to manage risks to human health and the environment from waste

The [general environmental duty](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/general-environmental-duty) (GED) (<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/general-environmental-duty>) applies to all individuals or businesses who supply or reuse wastes. The GED requires you to take reasonable steps to manage any risks your activity presents to human health and the environment. This means you must follow use and safety instructions for that waste, industry best practices, including WorkSafe requirements, and any Australian Standards that apply.

# How to read and comply with a waste determination



## How to prove you're complying with a waste determination

As determinations relate to the waste duties, obligations are passed along the chain as waste moves from producer to transporter to receiver. Under the Act, whoever is in management or control of a waste must ensure that it will be sent to a [lawful place](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place) (<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place>), before relinquishing control of the waste. A determination is one way to meet that duty. When waste is transported to a place that a determination authorises to receive that waste, waste generators should take reasonable steps to ensure the waste meets the determination's specifications. Similarly, a waste receiver should take reasonable steps to ensure the industrial waste meets a determination's specifications before receiving the waste.

It is good practice to keep records because they demonstrate that you're meeting your duties. Receivers may want to understand the history of the waste being deposited, and any records relating to the waste's history may be valuable. An example of a record could include a consignment note or invoice. EPA officers have powers to enter and inspect a place or premises in a range of circumstances – for example, to determine or monitor compliance with the Act and Environment Protection Regulations 2021 – and can make enquiries or ask to see documents.

## Ways to reuse waste if your waste doesn't match a determination definition

If the waste you have doesn't meet the specifications of a determination, you must find another pathway for it, such as sending it to a permissioned resource recovery facility. Read more information on [lawful place](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place) (<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place>).

## Disclaimer

EPA guidance does not impose compliance obligations. Guidance is designed to provide information to help duty holders understand their obligations under the Act and subordinate instruments, including by providing examples of approaches to compliance. In doing so, guidance may refer to, restate or clarify EPA's approach to statutory obligations in general terms. It does not constitute legal or other professional advice and should not be relied on as a statement of the law. Because it has broad application, it may contain generalisations that are not applicable to you or your particular circumstances. You should obtain professional advice or contact EPA if you have any specific concern. EPA Victoria has made every reasonable effort to provide current and accurate information, but does not make any guarantees regarding the accuracy, currency or completeness of the information.

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EPA acknowledges Aboriginal people as the first peoples and Traditional custodians of the land and water on which we live, work and depend. We pay respect to Aboriginal Elders, past and present and recognise their continuing connection to, and aspirations for Country.



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