

NORTHERN TERRITORY OF AUSTRALIA

WASTE MANAGEMENT AND POLLUTION CONTROL (ADMINISTRATION) REGULATIONS

As in force at 1 January 2013

Table of provisions

1	Citation	1
2	Interpretation	1
2A	Listed wastes.....	1
2B	Application fee for approvals	1
2C	Application fee for licences.....	2
2D	Application fees for multiple activities or premises	2
2E	Fee for amendment or revocation of condition	3
3	Period in which application to renew licence to be made	3
3A	Fee for renewal of licence.....	3
3B	Annual fee	4
3C	Annual fees for multiple activities or premises.....	4
4	Application fee for registration as qualified environmental auditor	5
5	Exemption from application fee	5
6	Issuing of infringement notices	5
7	Particulars to be shown on infringement notice	6
8	Payment before expiry date of infringement notice.....	6
9	General.....	6
10	Review of decisions.....	7
11	Records	7
12	Amendment to Schedule 2 to Act.....	7

Schedule 1 Offences

Schedule 2

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 1 January 2013. Any amendments that commence after that date are not included.

WASTE MANAGEMENT AND POLLUTION CONTROL (ADMINISTRATION) REGULATIONS

Regulations under the *Waste Management and Pollution Control Act*

1 Citation

These Regulations may be cited as the *Waste Management and Pollution Control (Administration) Regulations*.

2 Interpretation

- (1) In these Regulations, unless the contrary intention appears:

infringement notice means an infringement notice issued in pursuance of these Regulations.

offence means an offence against a provision specified in Schedule 1.

offender means a person who an authorised officer reasonably believes has committed an offence.

- (2) For the purposes of these Regulations, in calculating an amount of a fee by reference to the amount of a substance that could be, was or is handled in premises under an environment protection approval or licence, all the activities in relation to the substance under the approval or licence after the substance were introduced into the premises are to be taken to together comprise a single handling of the substance.

2A Listed wastes

For the purposes of the definition of *listed waste* in section 4(1) of the Act, the wastes specified in Schedule 2 are prescribed.

2B Application fee for approvals

- (1) The fees specified in this regulation are prescribed for section 31(2) of the Act.

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- (2) The fee for an application for an environmental protection approval that is required under section 30(1) of the Act to conduct an activity specified in item 3 of Part 1 of Schedule 2 to the Act is \$0.00575 per tonne of hydrocarbons that the NT EPA determines could in the 12 month period following the grant of the approval be handled in the premises to which the approval is to relate during the conduct of an activity specified in item 5 of Part 2 of Schedule 2 to the Act.
 - (3) Subject to subregulation (4), the fee for an application for an environmental protection approval that is required under section 30(2) of the Act in relation to an activity specified in item 3 of Part 1, or item 5 of Part 2, of Schedule 2 to the Act is 345 revenue units.
 - (4) If the NT EPA determines that more hydrocarbons could be handled in the premises to which an environmental protection approval that is required under section 30(2) of the Act relates in the 12 month period after the approval is granted than were handled in the 12 month period before the approval was granted, the fee for the application for the approval is \$0.00575 for each additional tonne of hydrocarbons.
 - (5) The fee for an application for an environmental protection approval that is required under section 30(1) or (2) of the Act to conduct an activity specified in Schedule 2 to the Act in relation to which a fee is not prescribed elsewhere in this regulation is 345 revenue units.
 - (6) In determining the amount of hydrocarbons that could be handled in premises, the NT EPA is to have regard to the intended design and likely processing capacity of the premises.

2C Application fee for licences

- (1) For section 31(2) of the Act, the fee for an application for a licence to conduct an activity that is specified in item 5 of Part 2 of Schedule 2 to the Act is 345 revenue units.
- (2) For section 31(2) of the Act, the fee for an application for a licence to conduct an activity that is specified in Schedule 2 to the Act in relation to which a fee is not prescribed in subregulation (1) is 345 revenue units.

2D Application fees for multiple activities or premises

- (1) Subject to subregulation (3), if an application for an environmental protection approval or licence relates to more than one activity that is specified in Schedule 2 to the Act, the fee for the application is the sum of each of the fees specified in regulation 2B or 2C for an activity to which the application relates.

(2) Subject to subregulation (3), if an application for an environmental protection approval or licence relates to an activity that is specified in Schedule 2 to the Act that is undertaken, or is to be undertaken, at more than one premises, the fee for the application is the fee specified in regulation 2B or 2C in relation to the activity, multiplied by the number of those premises.

(3) If the NT EPA determines that it is unreasonable for subregulation (1) or (2) to apply in relation to an application because:

(a) although the operation to be conducted under the approval or licence consists of more than one of the activities specified in Schedule 2 to the Act, the activities form part of a single operation; or

(b) the activities form part of a single operation but are to be conducted at more than one premises,

the NT EPA may determine that only one fee for the application is payable for all the activities or all of the premises, or both.

(4) The application fee determined under subregulation (3) is to be the highest fee payable under regulation 2B or 2C, as the case may be, for an activity to which the application relates.

2E Fee for amendment or revocation of condition

For section 37(2) of the Act, the fee for an application for an amendment to, or a revocation of, a condition of an environment protection approval or a licence is 115 revenue units.

3 Period in which application to renew licence to be made

For the purposes of section 40(2)(a) of the Act, the prescribed period is not earlier than 90 days and not later than 30 days before the licence expires.

3A Fee for renewal of licence

For section 40(2)(c) of the Act, the fee for the renewal of a licence is:

(a) if the licence to be renewed was, at the request of the applicant for the licence, granted for a period of less than 2 years – a fee equivalent to the annual fee that would have been payable under these Regulations if the licence had been granted for 2 years or more; or

(b) in any other case – 345 revenue units.

3B Annual fee

- (1) The fees specified in this regulation are prescribed for section 42(2) of the Act.
- (2) The annual fee for a licence to conduct an activity specified in item 1 of Part 2 of Schedule 2 to the Act is 345 revenue units plus \$0.0575 for each person by which the population that is to be serviced by the activity is determined by the NT EPA to exceed 1 000 persons.
- (3) The annual fee for a licence to conduct an activity specified in item 2 of Part 2 of Schedule 2 to the Act is:
 - (a) for the first 12 month period in which the licence is to be in force – 345 revenue units; and
 - (b) for each subsequent 12 month period that the licence is to be in force – 345 revenue units plus \$0.0575 per each tonne or kilolitre of listed waste that the NT EPA determines to have been handled under the licence in the previous 12 month period in which the licence was in force.
- (4) The annual fee for a licence to conduct an activity specified in item 3 of Part 2 of Schedule 2 to the Act is:
 - (a) for the first 12 month period in which the licence is to be in force – 345 revenue units; and
 - (b) for each 12 month period after the first 12 month period in which the licence is to be in force – 345 revenue units plus \$0.0575 per each tonne or kilolitre of listed waste that the NT EPA determines to have been handled under the licence in the previous 12 month period in which the licence was in force.
- (5) The annual fee for a licence to conduct an activity specified in item 5 of Part 2 of Schedule 2 to the Act is \$0.00115 for each tonne of hydrocarbons the NT EPA determines, having regard to the design of the premises in which the activity is to be conducted, is likely to be handled in the premises in a 12 month period.

3C Annual fees for multiple activities or premises

- (1) Subject to subregulation (3), if a licence relates or is to relate to more than one activity that is specified in Schedule 2 to the Act, the annual fee for the licence for the purposes of section 42(2) of the Act is the sum of each of the fees specified in regulation 3B for an activity to which the licence relates or is to relate.

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- (2) Subject to subregulation (3), if a licence relates or is to relate to an activity specified in Schedule 2 that is undertaken at more than one premises, the annual fee for the licence for the purposes of section 42(2) of the Act is the fee specified in regulation 3B in relation to the activity, multiplied by the number of those premises.
- (3) If the NT EPA determines that it is unreasonable for subregulation (1) or (2) to apply to a licence because:
- (a) although the operation to be conducted under the licence consists of more than one of the activities specified in Schedule 2 to the Act, the activities form part of a single operation; or
 - (b) the activities form part of a single operation but are conducted at more than one premises,

the NT EPA may determine that for the purposes of section 42(2) only one annual fee is payable in relation to the licence for all the activities or all of the premises, or both.

- (4) The fee determined under subregulation (3) for a licence is to be the highest fee payable under regulation 3B for an activity to which the licence relates or is to relate.

4 Application fee for registration as qualified environmental auditor

For section 68(2) of the Act, the fee to apply to be registered as a person qualified to perform environmental audits for the purposes of an environmental audit program is 1 495 revenue units.

5 Exemption from application fee

The NT EPA may exempt from the requirement to pay a fee under section 68(2) of the Act a person who:

- (a) is accredited by a body or organisation approved by the NT EPA under section 69 of the Act; or
- (b) is a person, or is a member of a class of persons, who or which the NT EPA has approved under section 69(2) of the Act.

6 Issuing of infringement notices

If an authorised officer has reason to believe that an offence has been committed, the officer may serve an infringement notice on the offender.

7 Particulars to be shown on infringement notice

An infringement notice is to have clearly shown on it:

- (a) the name of the offender, if known;
- (b) the date, time and place of the offence;
- (c) the nature of the offence and the penalty payable in accordance with section 8 of the *Environmental Offences and Penalties Act*;
- (d) the place or places at which the penalty may be paid;
- (e) the date of the infringement notice and a statement that the penalty may be paid within 28 days after that date;
- (f) a statement to the effect that, if the appropriate amount specified in the infringement notice as the penalty for the offence is tendered at a place referred to in the notice within the time specified in the notice, no further action will be taken; and
- (g) any other approved particulars.

8 Payment before expiry date of infringement notice

- (1) If the total amount of the penalty specified in an infringement notice is paid in accordance with the notice, the offender is to be taken to have expiated the offence by paying the penalty and no further proceedings are to be taken in respect of the offence.
- (2) If the amount of a penalty specified in an infringement notice is paid by cheque, the amount is not to be taken to have been paid unless the cheque is cleared on presentation.

9 General

Nothing in these Regulations:

- (a) prevents more than one infringement notice being served in relation to the same offence but it is sufficient for the application of regulation 8 to a person on whom more than one notice has been served for the person to pay the amount of the penalty in accordance with any one of the notices;
- (b) prejudices or affects (except as provided by regulation 8) proceedings being instituted or prosecuted, or limits the penalty that may be imposed by a court, in relation to an offence; or

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- (c) is to be construed as requiring an infringement notice to be served or as affecting the liability of a person to be prosecuted in a court in relation to an offence in respect of which an infringement notice has not been served.

10 Review of decisions

For the purposes of section 108(1)(r) of the Act, a determination by the NT EPA under regulation 2B, 2C, 3B or 3C is prescribed.

11 Records

- (1) A person who holds a licence in relation to an activity specified in item 2 or 3 of Part 2 to Schedule 2 to the Act must:

- (a) retain, for 2 years after the end of the 12 month period to which the record relates; and
- (b) make available for inspection by an authorised officer at his or her request,

accurate records of the amount, calculated in tonnes or kilolitres, of listed waste that is collected, transported, stored, recycled, treated or disposed of in each successive 12 month period as part of the activity to which the licence relates.

- (2) An offence against subregulation (1) is an environmental offence level 4.

12 Amendment to Schedule 2 to Act

Schedule 2 to the Act is amended:

- (a) by omitting item 1 from Part 2 and substituting the following:

Operating premises for the disposal of waste by burial that service, or are designed to service, the waste disposal requirements of more than 1 000 persons.; and

- (b) by omitting item 4 from Part 2.

Schedule 1 Offences

regulation 2

1. *Waste Management and Pollution Control Act*

Sections 14(1), 30(1), (2) and (3), 39(2), 43(1), 51(1), 58(2), 61(5), 63(2), 67, 76(c), 80(2), 83(5) and (7) and 112(2), (3), (4) and (5).

2. *Environment Protection (National Pollutant Inventory) Objective*

Clauses 3, 6, 7 and 8.

Schedule 2

regulation 2A

Acidic solutions or acids in solid form
Animal effluent and residues (abattoir effluent, poultry and fish processing waste)
Antimony, antimony compounds
Arsenic, arsenic compounds
Asbestos
Barium compounds other than barium sulphate
Basic solutions or bases in solid form
Beryllium, beryllium compounds
Boron compounds
Cadmium, cadmium compounds
Ceramic-based fibres with physico-chemical characteristics similar to those of asbestos
Chlorates
Chromium compounds that are hexavalent or trivalent
Clinical and related wastes
Cobalt compounds
Containers that are contaminated with residues of a listed waste
Copper compounds
Cyanides (inorganic)
Cyanides (organic)
Encapsulated, chemically fixed, solidified or polymerised wastes
Ethers
Filter cake
Fire debris and fire washwaters
Fly ash
Grease trap waste
Halogenated organic solvents
Highly odorous organic chemicals (including mercaptans and acrylates)
Inorganic fluorine compounds excluding calcium fluoride
Inorganic sulfides

Isocyanate compounds
Lead, lead compounds
Mercury, mercury compounds
Metal carbonyls
Nickel compounds
Non-toxic salts
Organic phosphorus compounds
Organic solvents excluding halogenated solvents
Organohalogen compounds that are not otherwise specified in this Schedule
Perchlorates
Phenols, phenol compounds including chlorophenols
Phosphorus compounds other than mineral phosphates
Polychlorinated dibenzo-furan (any congener)
Polychlorinated dibenzo-p-dioxin (any congener)
Residue from industrial waste treatment or disposal operations
Selenium, selenium compounds
Sewerage sludge and residues including nightsoil and septic tank sludge
Soils contaminated with a listed waste
Surface active agents (surfactants) that contain principally organic constituents and that may contain metals and inorganic materials
Tannery wastes (including leather dust, ash, sludges and flours)
Tellurium, tellurium compounds
Thallium, thallium compounds
Triethylamine catalysts for setting foundry sands
Tyres
Vanadium compounds
Waste chemical substances arising from research and development or teaching activities, including those substances which are not identified and/or are new and the effects of which on human health and/or the environment are not known
Wastes containing peroxides other than hydrogen peroxide
Waste, containing cyanides, from heat treatment and tempering operations
Waste from the manufacture, formulation and use of wood-preserving chemicals
Waste from the production, formulation and use of biocides and phytopharmaceuticals

Waste from the production, formulation and use of inks, dyes, pigments, paints lacquers and varnish

Waste from the production, formulation and use of organic solvents

Waste from the production, formulation and use of photographic chemicals and processing materials

Waste from the production, formulation and use of resins, latex, plasticisers, glues and adhesives

Waste from the production and preparation of pharmaceutical products

Waste mineral oils unfit for their original intended use

Waste mixtures, or waste emulsions, of oil and water or hydrocarbon and water

Waste pharmaceuticals, waste drugs and waste medicines

Waste resulting from surface treatment of metals and plastics

Waste tarry residues arising from refining, distillation and any pyrolytic treatment

Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)

Waste of an explosive nature not subject to the *Dangerous Goods Act* or the *Work Health and Safety (National Uniform Legislation) Act*

Wool scouring waste

Zinc compounds

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
<i>Gaz</i> = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Waste Management and Pollution Control (Administration) Regulations (SL No. 65, 1998)***

Notified	13 January 1999
Commenced	13 January 1999

Amendments of Waste Management and Pollution Control (Administration) Regulations (SL No. 53, 2001)

Notified	19 December 2001
Commenced	19 December 2001

Statute Law Revision Act (No. 2) 2004 (Act No. 54, 2004)

Notified	15 September 2004
Commenced	27 October 2004 (<i>Gaz</i> G43, 27 October 2004, p 3)

Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)

Notified	14 December 2009
Commenced	1 January 2010 (r 2)

Work Health and Safety (National Uniform Legislation) Implementation Act 2011 (Act No. 38, 2011)

Assent date	14 December 2011
Commenced	1 January 2012 (<i>Gaz</i> S78, 30 December 2011)

Northern Territory Environment Protection Authority Act 2012 (Act No. 28, 2012)

Assent date	6 December 2012
Commenced	1 January 2013 (<i>Gaz</i> S82, 21 December 2012)

3 LIST OF AMENDMENTS

r 2	amd No. 53, 2001, r 2
r 2A	ins No. 53, 2001, r 3
r 2B	ins No. 53, 2001, r 3 amd No. 34, 2009, r 12; Act No. 28, 2012, s 57
r 2C	ins No. 53, 2001, r 3 amd No. 34, 2009, r 12
r 2D	ins No. 53, 2001, r 3 amd Act No. 28, 2012, s 57
r 2E	ins No. 53, 2001, r 3 amd No. 34, 2009, r 12
r 3A	ins No. 53, 2001, r 4 amd No. 34, 2009, r 12
r 3B	ins No. 53, 2001, r 4 amd No. 34, 2009, r 12; Act No. 28, 2012, s 57
r 3C	ins No. 53, 2001, r 4 amd Act No. 28, 2012, s 57
r 4	amd No. 34, 2009, r 12
r 5	amd Act No. 28, 2012, s 57
r 10	ins No. 53, 2001, r 5 amd Act No. 28, 2012, s 57
rr 11 – 12	ins No. 53, 2001, r 5
sch 1	amd No. 53, 2001, r 6; Act No. 54, 2004, s 8
sch 2	ins No. 53, 2001, r 7 amd Act No. 38, 2011, s 31