

Waste Management and Pollution Control Act

**GUIDE TO LICENSING AND APPROVALS UNDER THE WASTE
MANAGEMENT AND POLLUTION CONTROL ACT (1998)**

INTRODUCTION

As at 1 May 2003, a number of waste management activities require an environmental protection approval or licence to operate. These activities are outlined under Schedule 2 of the *Waste Management and Pollution Control Act* (1998) ("the Act" hereafter). The information is summarised here, but the Act should be referred to for further clarification. For further information or assistance, please contact the Environment, Heritage and the Arts Division, Department of Natural Resources, Environment, The Arts and Sport on telephone (08) 8924 4139.

KEY POINTS

- An Approval may be required to construct certain types of facilities.
- A Licence may be required to operate certain types of facilities or to conduct particular activities.
- There are two types of licences - a basic "Environment Protection Licence" and a "Best Practice Licence".
- Approval and licensing provisions in the Act commenced on 1 May 2003.

DO I NEED AN APPROVAL OR LICENCE?

A person is required to obtain an approval in order to construct:

- a landfill (rubbish dump) (an approval is not required if the landfill is for domestic waste generated on the premises; domestic waste from temporary construction camps; waste generated by pastoral activities that is disposed of on the land on which the pastoral activities are carried out; or waste rock, rubble and other inert materials used for the purpose of reclaiming land);
- a facility for storing, recycling, treating, or disposing of listed (hazardous) wastes on a commercial basis;
- a liquefied natural gas (LNG) and/or methanol plant which will produce more than 500,000 tonnes per annum; or
- the Blacktip on shore gas plant.

You will also require an approval if you are modifying or altering the above

premises (except for an LNG and/or methanol plant), which will result in significant potential increase in environmental impact from the premises. An increase in environmental impact is considered to be an increase or alteration in the waste generated, stored, treated or disposed of; or a significant increase in pollution, or the risk of pollution, resulting in environmental harm.

A person is required to obtain a licence in order to:

- operate a landfill (rubbish dump) which serves a population of 1,000 persons or more.
- collect, transport, store, recycle, treat or dispose of listed (hazardous) wastes on a commercial basis; operate a facility for storing, recycling, treating, or disposing of listed (hazardous) wastes on a commercial basis.
- operate a liquefied natural gas (LNG) and/or methanol plant which produces more than 500,000 tonnes per annum.
- operate the Blacktip on shore gas plant.

“Listed wastes” are defined in Schedule 2 of the Waste Management and Pollution Control (Administration) Regulations. A copy of this list is attached as Appendix 1.

Through amendment to Schedule 2, other activities, which have a significant capacity to pollute or generate wastes, may require approval or licensing in the future.

Approvals will be used to ensure that environmental management has been appropriately factored into the design and construction of a facility. Licences will be used to address ongoing environmental issues associated with the operation of a facility or activity.

An application for a licence may relate to more than one activity specified above or an activity that is to be conducted at more than one location.

WHAT IS INVOLVED IN OBTAINING AN APPROVAL OR LICENCE?

If you undertake one or more of the above activities, you will need to apply for either an approval or a licence. The onus is on the person conducting these activities to ensure they hold appropriate approvals or licences. Penalties exist for conducting the above activities without an approval or licence.

Application forms can be obtained by contacting the Environment, Heritage and the Arts Division, Department of Natural Resources, Environment, The Arts and Sport on telephone (08) 8999 4139 or found on our web site, <http://www.nt.gov.au/nretas/environment/licences/guides.html> . In completing the application, information about the scope of activities will need to be provided. Supporting documentation may also be required.

WHAT ARE THE FEES?

Fees for approvals and licences are set out in the Waste Management and Pollution Control (Administration) Regulations.

<http://www.dcm.nt.gov.au/dcm/legislation/current.html>

Environmental Approval Fees

The application fee for an approval to construct a liquefied natural gas and/or methanol plant is \$0.005 per tonne of hydrocarbons which may be processed in the premises, once operational, in a 12 month period.

The application fee for an approval to modify or alter premises either for the construction or operation of a liquefied natural gas and/or methanol plant is \$300, if it is determined that the quantity of hydrocarbons which can be processed in the following 12 month period is not likely to increase. If it is determined that the amount of hydrocarbons processed will increase as a result of the alterations or modifications, the approval fee is equivalent to \$0.005 per tonne of hydrocarbons by which the processing could increase.

The application fee for an approval all other activities requiring an approval is \$300.

Licence Fees

Activity	Application fee	Annual fee	Renewal fee
Operating a landfill (rubbish dump) serving a population of 1,000 persons or more	\$300	\$300 + \$0.05 for each person exceeding 1,000 persons	\$300
Collecting, transporting, storing, recycling, treating or disposing of a listed waste on a commercial basis.	\$300	\$300 for first 12 month period, then \$300 plus \$0.05 per tonne or kilolitre of listed waste handled under the licence in the previous 12 month period.	\$300
Operating premises associated with collecting, transporting, storing, recycling, treating or disposing of a listed waste on a commercial basis.	\$300	\$300 for first 12 month period, then \$300 plus \$0.05 per tonne or kilolitre of listed waste handled under the licence in the previous 12 month period.	\$300
Operating a liquefied natural gas and/or methanol plant which processes more than 500,000 tonnes	\$300	\$0.001 per tonne or kilolitre of hydrocarbons which may be handled by the premises during a 12	\$300

annually.		month period.	
Operate the Blacktip onshore gas plant	\$300		\$300

The fee for an application for an amendment to, or a revocation of, a condition of an environment protection approval or a licence is \$100.

An annual fee must be paid for licences granted for a period of two years or more. If the fee is for the first year, the fee is due on the grant of the licence, and if it is for a subsequent year or part of a year, on the date specified on the licence.

Where a person does not pay an annual fee, they will be notified in writing that if they do not pay the fee within 14 days of the notice, their licence will be suspended.

WHAT IF I UNDERTAKE MORE THAN ONE ACTIVITY?

If an application for an approval or licence relates to more than one activity (eg operating a landfill and separately operating an incinerator on a commercial basis on the landfill), the fee is the combined sum of each of the fees specified above. If an application for a licence related to the same activity undertaken at more than one location, the application fee is that specified for the activity, multiplied by the number of locations at which the activity is to be undertaken. The same circumstances apply to annual licence fees.

In some cases, the Chief Executive may determine that the above arrangements for either an application or annual fee are unreasonable. For example, a person by conducting a single operation may trigger licensing under more than one activity specified in Schedule 2 of the Act. In these circumstances it may be unreasonable for a fee to be additive, as normally required. In these cases, the Chief Executive may only require payment of a single fee in respect of all activities (equivalent to the highest fee prescribed for the activities).

HOW WILL AN APPROVAL OR LICENCE AFFECT MY ACTIVITIES?

An approval or licence, in addition to giving permission to lawfully undertake certain activities, will impose a number of conditions on the recipient. These conditions are aimed to minimise the environmental and health risks associated with undertaking these activities. Such conditions **may** include, but are not limited to:

- provision of financial assurance.
- carry out specified measures or to achieve specified results necessary to manage wastes or control pollution.
- conform to specified standards.
- carry out specified testing or monitoring and provide the results.
- incorporation of an Environmental Management Plan, of which all or part may be publicly available.

Due consideration will be given to a range of relevant issues when framing licence conditions. All licensees will receive a draft licence and have opportunity to comment before a final licence is issued.

Failure to comply with licence conditions is an offence under the *Waste Management and Pollution Control Act (1998)*. Failure to obtain an approval or licence when required under the Act is a Level 4 environmental offence, carrying a maximum fine of \$5,000 for individuals and \$25,000 for a body corporate. Failure to comply with the approval or licence is also a Level 4 environmental offence, while intentional failure to comply with the licence is a Level 3 environmental offence, carrying a maximum fine of \$50,000 for individuals and \$250,000 for a body corporate.

Section 45 of the Act states that a licence may be suspended if the annual fee has not been paid, and suspended or cancelled by the Chief Executive if it has not been complied with.

FOR WHAT TERM WILL LICENCES AND APPROVALS BE GRANTED?

The term of an approval or licence will be determined by the Chief Executive and specified in the approval or licence. The term of the licence will depend on a number of factors including the nature and scale of the activity.

Licence renewal will require completion of a licence renewal application form, which can be obtained from the Department of Natural Resources, Environment, The Arts and Sport (or is available on our web site, address above). Licence renewal applications must be submitted with the necessary fee, not earlier than 90 days, and not later than 30 days, before the licence expires.

In determining whether to renew licences and what conditions will be imposed the extent of compliance with the licence and other regulatory tools will be considered.

An approval remains in force until either a licence comes into force in relation to the premises, or the period specified on the approval expires, whichever occurs first.

WHAT IF I WANT TO CHANGE AN APPROVAL OR LICENCE CONDITION?

You will need to complete an Application to transfer approval or licence form or Application to amend or revoke conditions a Licence form, available through the Department of Natural Resources, Environment, The Arts and Sport or on our website,

<http://www.nt.gov.au/nretas/environment/licences/guides.html>

This form will ask you to nominate whether you are ceasing, or commencing new, scheduled activities, whether the scale of operations is changing, or for which other licence conditions you wish to amend or revoke.

A fee of \$100 must be submitted with this application.

The Chief Executive of the Department of Natural Resources, Environment, The Arts and Sport may also amend an approval or licence condition or impose a new condition if the Act has not been complied with, if there is a risk of pollution resulting in material or serious environmental harm or if it is necessary for the purposes of an environment protection objective. This may also occur if the licence is being downgraded from a Best Practice Licence or upgraded to a Best Practice Licence or the approval or licence is being transferred.

WHAT IF I NEED TO TRANSFER MY APPROVAL OR LICENCE?

An approval or licence may, at the discretion of the Chief Executive, be transferred to another person if an application form is submitted along with the approval or licence. This form is available from the Department of Natural Resources, Environment, The Arts and Sport or on our website,

<http://www.nt.gov.au/nretas/environment/licences/guides.html>

WHAT IF I CEASE OPERATIONS?

If a licence holder ceases an activity to which a licence they hold relates, they must notify the Chief Executive, Department of Natural Resources, Environment, The Arts and Sport within 14 days after ceasing the activity. Failure to do so is an environmental offence level 4, with a maximum fine of \$5,000 for individuals and \$25,000 for a body corporate.

WHAT IS A BEST PRACTICE LICENCE?

The Act provides for two types of licence:

- An Environment Protection Licence which is the basic licence; and
- A Best Practice Licence which rewards excellence in environmental performance.

To obtain a Best Practice Licence an operator must:

- have held a licence and complied with the Act for the two years prior to the application;
- implement a program of voluntary environmental audits;
- implement an improvement plan which leads to environmental performance which is beyond compliance;
- implement an environmental management system (EMS); and
- implement a program for reporting to the community on environmental performance and involving the community in environmental performance and management.

In return for these commitments the holder of a best practice licence may receive benefits such as reduced fees and modified reporting arrangements, as well as the potential marketing opportunities through demonstration of environmental credentials.

SUSPENSION OR CANCELLATION OF LICENCES

A licence may be suspended or cancelled if the Act has not been complied with, or there is a risk of pollution causing material or serious environmental harm. A licence may also be suspended if the annual fee has not been paid by the date specified in a notice to the licensee.

IS THIS INFORMATION PUBLICLY AVAILABLE?

Licences and approvals are public documents, which are displayed on the public register. However, commercially confidential information may be withheld if an application form is submitted which details which information is considered commercially confidential. The onus of establishing commercial confidentiality rests with the approval holder or licensee.

ANY OTHER QUESTIONS?

Please call the Environment, Heritage and the Arts Division of the Department of Natural Resources, Environment, The Arts and Sport on telephone (08) 8924 4216 if you have any further questions.

APPENDIX A
“Listed wastes” from Schedule 2 of the
Waste Management and Pollution Control (Administration) Regulations

Acidic solutions or acids in solid form	Fire debris and fire washwaters
Animal effluent and residues (abattoir effluent, poultry and fish processing waste)	Fly ash
Antimony, antimony compounds	Grease trap waste
Arsenic, arsenic compounds	Halogenated organic solvents
Asbestos	Highly odorous organic chemicals (including mercaptans and acrylates)
Barium compounds other than barium sulphate	Inorganic fluorine compounds excluding calcium fluoride
Basic solutions or bases in solid form	Inorganic sulfides
Beryllium, beryllium compounds	Isocyanate compounds
Boron compounds	Lead, lead compounds
Cadmium, cadmium compounds	Mercury, mercury compounds
Ceramic-based fibres with physico-chemical characteristics similar to those of asbestos	Metal carbonyls
Chlorates	Nickel compounds
Chromium compounds that are hexavalent or trivalent	Non-toxic salts
Clinical and related wastes	Organic phosphorus compounds
Cobalt compounds	Organic solvents excluding halogenated solvents
Containers that are contaminated with residues of a listed waste	Organohalogen compounds that are not otherwise specified in this Schedule
Copper compounds	Perchlorates
Cyanides (inorganic)	Phenols, phenol compounds including chlorophenols
Cyanides (organic)	Phosphorus compounds other than mineral phosphates
Encapsulated, chemically fixed, solidified or polymerised wastes	Polychlorinated dibenzo-furan (any congener)
Ethers	Polychlorinated dibenzo-p-dioxin (any congener)

Filter cake	Waste from the production, formulation and use of photographic chemicals and processing materials
Soils contaminated with a listed waste	
Surface active agents (surfactants) that contain principally organic constituents and that may contain metals and inorganic materials	Waste from the production, formulation and use of resins, latex, plasticisers, glues and adhesives
Tannery wastes (including leather dust, ash, sludges and flours)	Waste from the production and preparation of pharmaceutical products
Tellurium, tellurium compounds	Waste mineral oils unfit for their original intended use
Thallium, thallium compounds	
Triethylamine catalysts for setting foundry sands	Waste mixtures, or waste emulsions, of oil and water or hydrocarbon and water
Tyres	Waste pharmaceuticals, waste drugs and waste medicines
Vanadium compounds	Waste resulting from surface treatment of metals and plastics
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	Waste tarry residues arising from refining, distillation and any pyrolytic treatment
Wastes containing peroxides other than hydrogen peroxide	Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated naphthalenes (PCNs), polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
Waste, containing cyanides, from heat treatment and tempering operations	Waste of an explosive nature not subject to the <i>Dangerous Goods Act</i>
Waste from the manufacture, formulation and use of wood-preserving chemicals	Wool scouring waste
Waste from the production, formulation and use of biocides and phytopharmaceuticals	Zinc compounds".
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	