



Australian Environment Business Network (AEBN) Webinar

Reducing Regulatory Barriers to a Circular Economy

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Acknowledgment of country

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.

As Victoria's environmental regulator, we pay respect to how Country has been protected and cared for by Aboriginal people over many tens of thousands of years.

We acknowledge the unique spiritual and cultural significance of land, water and all that is in the environment to Aboriginal people and Traditional custodians. We recognise their intrinsic connection to and aspirations for Country.



Overview

- Current legislative context
- Victorian Waste framework
- Waste reuse in a Circular Economy
- Reducing Regulatory Barriers using waste determinations and designations

Who are we?

Environment Protection Authority Victoria (EPA) is Victoria's environmental regulator.

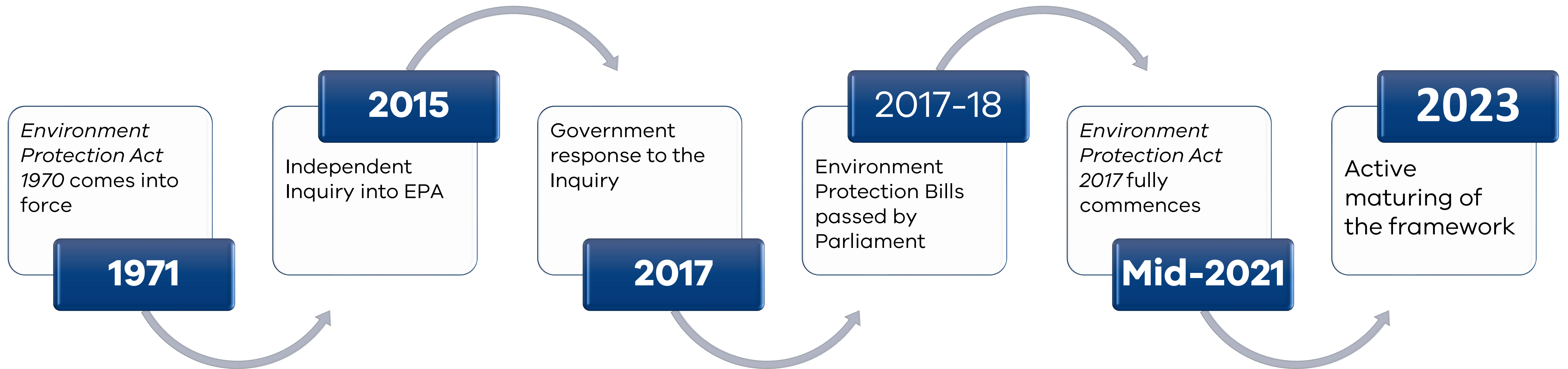
We work with community, industry and business to prevent and reduce the harmful effects of pollution and waste on Victoria's environment and people.

The environment is everyone's business.

epa.vic.gov.au



New legislation - two years on





Waste framework





Regulation in proportion to risk

Which duties apply?



GENERAL ENVIRONMENTAL DUTY



- Duties of persons **depositing** industrial waste
- Duties of persons **receiving** industrial waste
- Duty of persons involved in **transporting** industrial waste



- Duties of persons **managing** priority waste (duty to investigate alternatives to waste disposal)



- Duty to notify of **transaction** in reportable priority waste
- Duties of persons **transporting** reportable priority waste

Framework tool: Designations

Made under Regulation 86 of the Environment Protection Regulations 2021

Setting a classification if the waste is not pre-classified under Schedule 5 of the Regulations

Changing a classification, generally to a lower classification

Cannot designate a waste to be 'not waste'

[List of individual designations](#)



Lawful Place

Industrial waste may only be received at a lawful place:

- Deemed lawful place (Reg 63)
- Permission (Regulations Schedule 1)
- Permission exemption
- Declaration of use (Reg 64)
- Determination (Reg 5 – creation of lawful place for industrial waste)
- Determination (Section 48 – permission not required)
- Authorisation of discharges or disposal (Section 157)

[EPA Publication 1946: How to establish lawful place](#)

Framework tool – Waste Determinations

Made under Regulation 5

Creates authorization to receive industrial waste

Typically required for application of waste to land

Receiver must check that the material meets the specifications in the determination

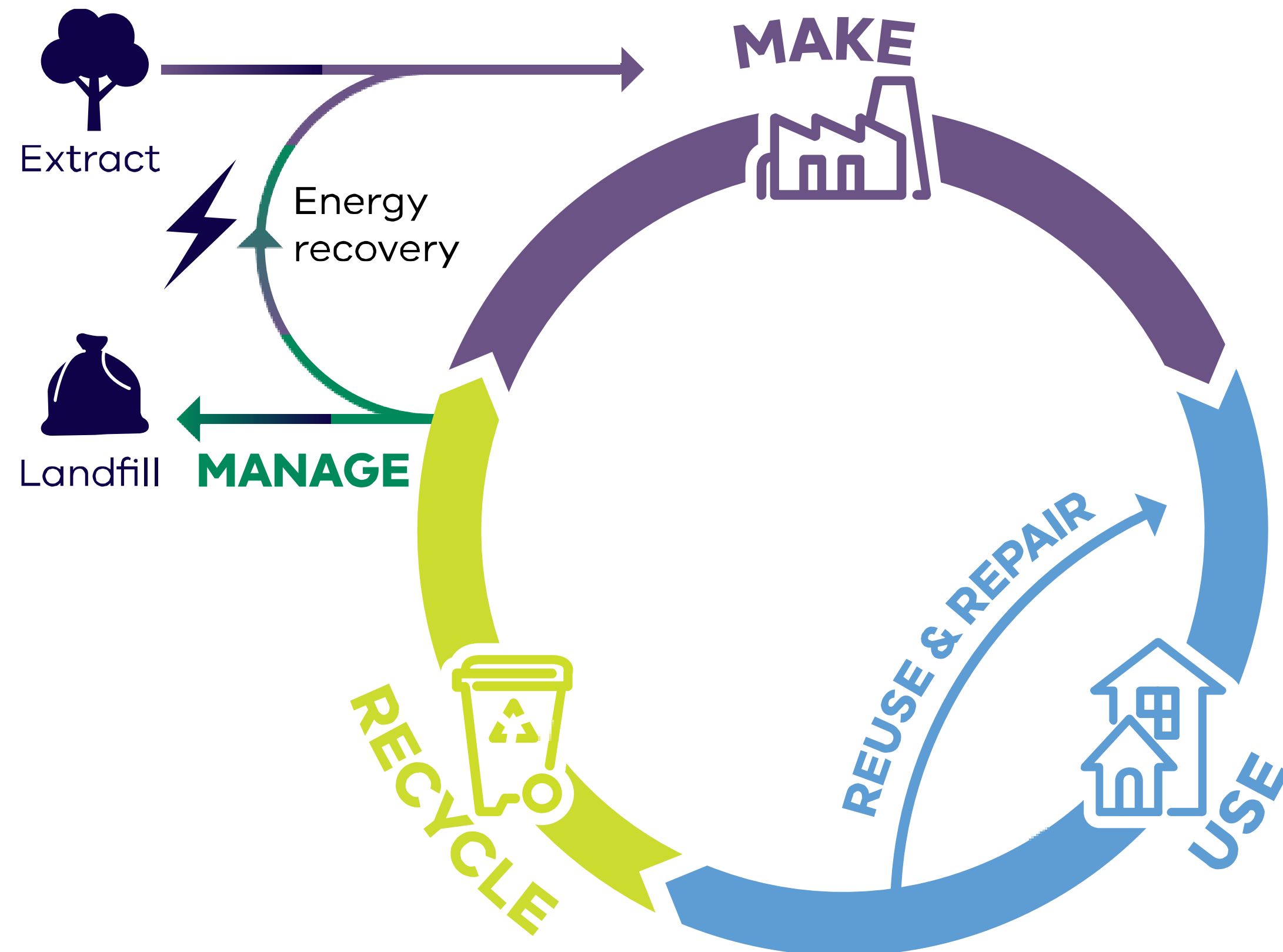


Recycling Victoria: a new economy

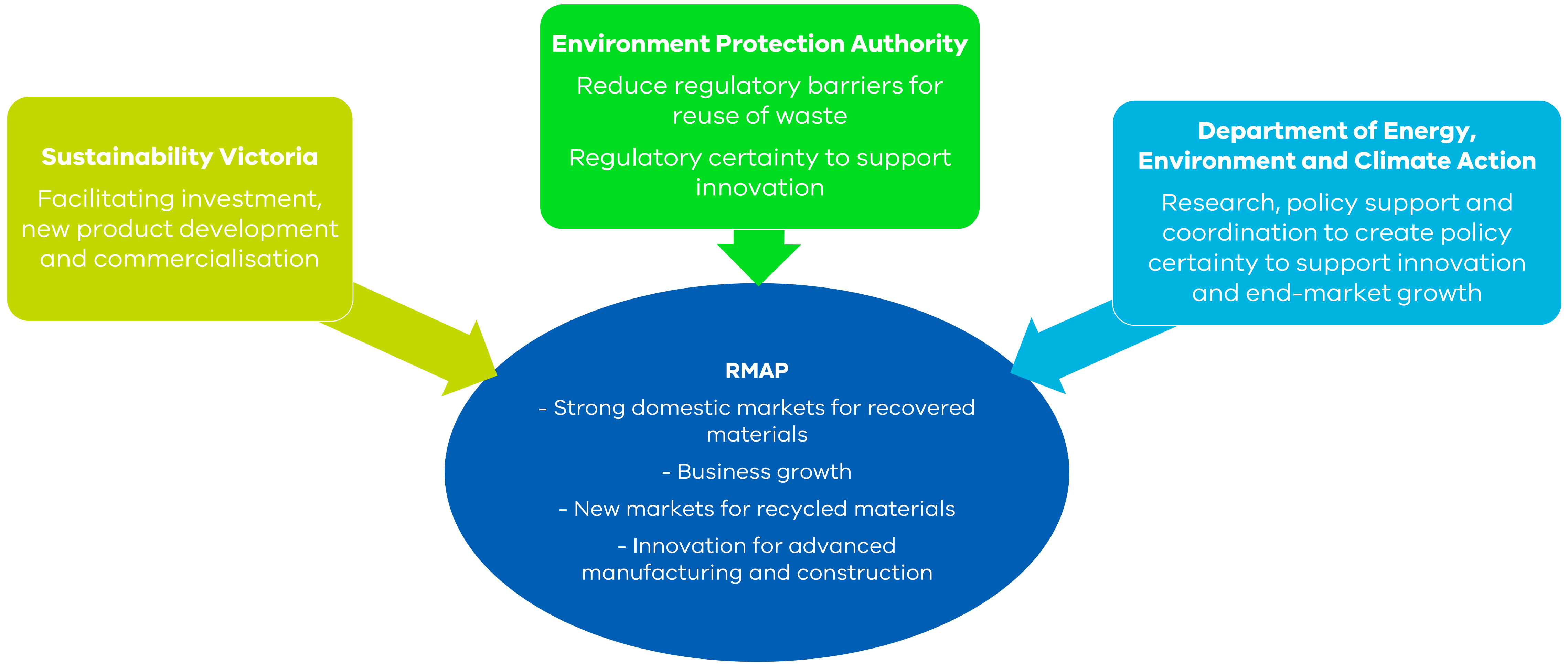
Announced in 2020 as a ten-year plan that will steer Victoria to a more circular economy.

Supported by more than \$380 million of funding the package aims to:

- ♻️ transform Victoria's recycling sector
- 💰 generate jobs and create a new economy
- 💡 drive investment and innovation to reduce waste.



Recycling Markets Acceleration Package



Reducing Regulatory Barriers

Diversion of waste from landfill

Support safe recycling and reuse

Regulatory requirements not proportionate to risk of harm

No lawful place under the framework

Functioning recycling market demonstrating risks are controlled

Identify emerging waste issues

Assess and compare regulatory frameworks and state of knowledge

Science research into risks and controls

Consultation

Review and refine

Make and implement

Waste Determinations

Livestock manure and effluent

Fill material

Recycled Aggregates

Processed Organics

epa.vic.gov.au/about-epa/laws/compliance-and-directions/determinations

[EPA Publication 2005: How to read and comply with a waste determination](#)

Example - Fill material determination



Chemical contamination

- Soil must be fill material as defined in Regulation 4 of the Regulations; or
- Be classified as fill material by a designation issued by the authority



Physical contamination

- Must not contain, or have removed as far as practicable, wastes or physical contaminants (e.g: concrete, bricks, plastics, glass, metal, organic matter)



Aesthetic Considerations

- Must not be odorous or have unnatural chemical discolouration

General Waste Designations

Classification of agricultural and veterinary chemical waste for the purposes of the ChemClear program

Classification of pharmaceutical waste for the purposes of the RUM project

Classification of arsenic-contaminated waste from the City of Greater Bendigo

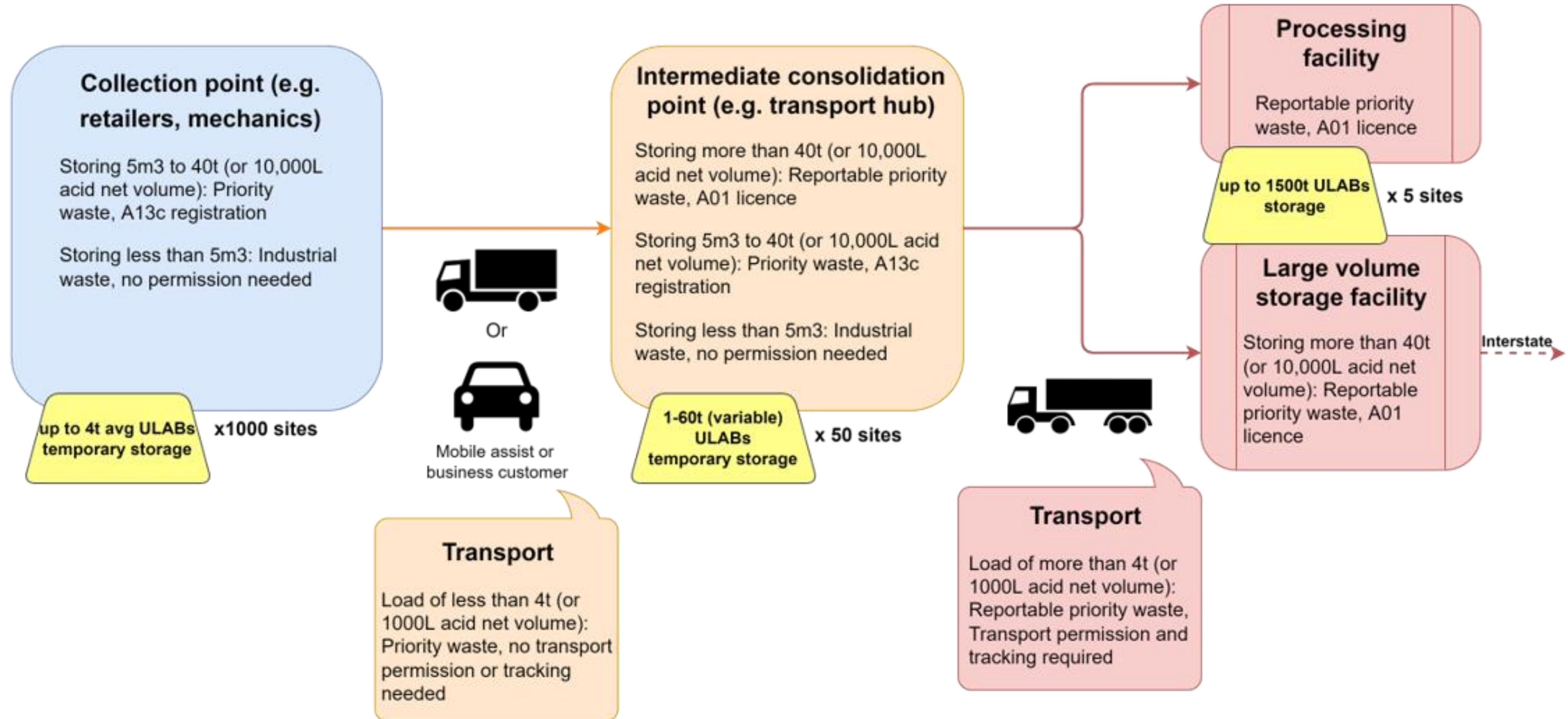
Classification of architectural and decorative waste paint for the purposes of the Paintback stewardship scheme

Classification of used-lead acid batteries

Classification of PFAS impacted soil.

epa.vic.gov.au/about-epa/public-registers/waste-information

Used Lead Acid Batteries – General Designation



Underway - Digestates



- Nutrient-rich waste output of Anaerobic Digestion (AD) – organic waste to energy technology
- Use of digestate poses a **risk of harm** to human health and the environment – physical, chemical and biological contamination.
- Due to these risks, digestate is pre-classified as N205 - **Reportable Priority Waste (RPW)**

- For some digestates, the **regulatory burden of RPW is disproportionate** to the risk
- The proposed instruments are designed to alleviate the regulatory burdens associated with low-risk digestates, whilst also mitigating these risks
- engage.vic.gov.au/digestate-specification-for-safe-use

Underway – Black Coal Fly Ash

Currently proposing a general designation and determination for reuse of black coal fly ash

The use of black coal fly ash (from interstate black coal fired power plants) is well established and critical to the construction industry in the making of cement products and concrete.

Further information on Engage Vic:

engage.vic.gov.au/black-coal-fly-ash-reducing-the-regulatory-barriers



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