

REQUIREMENTS FOR THE BENEFICIAL REUSE OF WASTE IN THE ACT

This Information Sheet outlines the Environment Protection Authority's (EPA) requirements for the beneficial reuse of waste in the Australian Capital Territory (ACT). The beneficial reuse of waste is supported provided it is managed in accordance with EPA's guidance and the requirements of the *Environment Protection Act 1997* (the Act), including the need to adopt the general environmental duty under the Act to minimise environmental harm.

Background

The key objective of this information sheet is to ensure that the environment and human health are protected during the beneficial reuse of waste¹.

The EPA considers beneficial reuse of waste as the application of commercial waste, whether processed or not, as a substitute for raw materials or inputs to another process or product in a way that provides a functional benefit and does not cause harm to human health or the environment.

Scope

Activities such as the reuse of soil², contaminated or not, drilling mud waste³, virgin excavated natural material⁴, and composting activities⁵ are not in the scope of this information sheet.

This information sheet supports the objects and principles of the *Environment Protection Act 1997* and *Waste Management and Resource Recovery Act 2016* and is in line with the *2018 National Waste Policy* overarching principles underpinning a circular economy.

It also supports the management targets of the *ACT Waste Management Strategy 2011–2025*, which establishes a hierarchy for waste management, which aims to extract the maximum practical benefits from products while generating the minimum amount of waste.

Note 1: The *ACT Waste-to-Energy Policy 2020-25* covers non thermal means of energy recovery from residual non-hazardous waste materials which can no longer be reused or recycled.

¹ The meaning of waste is that defined in Schedule 1 of the *Environment Protection Act 1997*.

² *Contaminated Sites Information Sheet 4* outlines the EPA's requirements for the classification of known and potentially contaminated soil for reuse and disposal in the ACT.

³ *Information Sheet 8* provides the requirements for classification and reuse of drilling mud waste in the ACT.

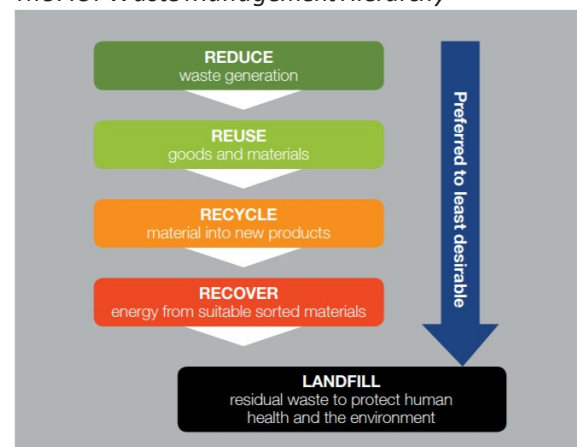
⁴ *Contaminated Sites Information Sheet 10* provides clarification of the definition of virgin excavated natural material (VENM) and advice on its use, placement and disposal in the ACT.

⁵ The EPA's *Commercial Composting Guide* provides information on commercial composting operations and resources.

Note 2: The beneficial reuse options covered in this information sheet do not apply to liquid wastes or wastes classified as 'hazardous' in the [ACT's Environmental Standards: Assessment and Classification of Liquid and Non-liquid Wastes 2021](#).

Further information on the management of hazardous materials and chemicals and be found in the EPA [Hazardous Material Environment Protection Policy 2022](#).

The ACT Waste Management Hierarchy



Beneficial reuse options

The following options are considered as beneficial reuse of waste:

- application of waste to land (for example, as a soil amendment or 'fill');
- reuse of waste in municipal infrastructure construction (for example use of recycled glass as bedding material); or
- reuse of waste in a manufacturing process where product is applied to land (for example, use of recycled plastics in asphalt).

Applications and Approvals

The EPA will consider and generally support existing beneficial reuse approvals issued by another jurisdiction. For example, a waste reuse would be acceptable in the ACT for commonly recovered and reused wastes to which

a resource recovery order and exemption was granted by NSW EPA, provided all conditions of the order and exemption can be met for the reuse of the waste to be lawful in the ACT.

A Beneficial reuse application must be submitted for all waste reuse proposals to the EPA including:

- details of proposed waste reuse.
- a signed statement declaring that the proposed reuse:
 - is genuine, rather than a means of waste disposal,
 - is beneficial or fit-for-purpose, and
 - will not cause harm to human health or the environment.
- a current approval for that specific waste reuse and jurisdiction in which it was granted, including:
 - details of the waste reuse policy, framework or equivalent in the jurisdiction the approval was granted;
 - an assessment indicating that the approval would be applicable to the ACT, considering local environmental and land use conditions, restrictions and requirements.
- If there is no current reuse approval for the waste from another jurisdiction, undertake a beneficial reuse assessment in accordance with:
 - an existing waste reuse policy, framework or equivalent from another jurisdiction; or
 - the [US EPA's 'Beneficial Use Compendium: A collection of Resources and Tools to Support Beneficial Use Evaluations'](#); or
 - an assessment methodology acceptable to the EPA.
- description of the site(s) where the waste will be reused.
- development consent or permission from the owner and occupier of the site where the waste will be reused (if applicable).
- quality assurance/quality control measures to be employed to ensure waste is used for intended reuse purpose.
- applications for the beneficial reuse of waste should consider best environmental practice and best available technology.
- Beneficial reuse applications along with any supporting information must be submitted to Environmental.Standards@act.gov.au

on a case-by-case basis, and applicants will be advised of the EPA's decision within 20 working days.

In all cases it is highly recommended that applicants discuss the proposal with the EPA before applying for an approval.

Failure to comply with a beneficial reuse approval will be taken as a person not complying with their general environmental duty under the [Environment Protection Act 1997](#).

Useful resources

Additional information on current waste reuse authorisations/approvals (or equivalent), application processes and effective waste reuse policies and frameworks in Australia can be found in the following links:

NSW EPA Resource Recovery Framework

<https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework>

NSW EPA current orders and exemptions

<https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework/current-orders-and-exemption>

EPA Victoria Waste Duties

<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste>

QLD Department of Environment and Science End of Waste Framework

<https://environment.des.qld.gov.au/management/waste/business/end-of-waste-classification>

For more information

Contact the Office of the EPA by calling Access Canberra on 13 22 81 or email: Environmental.Standards@act.gov.au.

Last updated July 2022

Beneficial reuse applications will be assessed by the EPA

Note: This guidance material has been prepared using the best information available to the Environment, Protection and Sustainable Development Directorate (EPSDD). Any information about legislative obligations or responsibilities included in this Information Sheet is only applicable to the circumstances described in the Information Sheet. You should always check the legislation referred to and make your own judgement about what action you may need to take to ensure you have complied with the legislation. Accordingly, EPSDD extends no warranties as to the suitability of the information for your specific situation.