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ENVIRONMENTAL PROTECTION ACT 1986

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**ENVIRONMENTAL  
PROTECTION (LIQUID  
WASTE) AMENDMENT  
REGULATIONS 2001**



Environmental Protection Act 1986

## **Environmental Protection (Liquid Waste) Amendment Regulations 2001**

Made by the Governor in Executive Council, on the recommendation of the Environmental Protection Authority.

**1. Citation**

These regulations may be cited as the *Environmental Protection (Liquid Waste) Amendment Regulations 2001*.

**2. Commencement**

These regulations come into operation on 1 April 2001.

**3. The regulations amended**

The amendments in these regulations are to the *Environmental Protection (Liquid Waste) Regulations 1996\**.

[\* *Published in Gazette 7 June 1996, pp. 2335-70.*  
*For amendments to 6 March 2001 see 1999 Index to Legislation of Western Australia, Table 4, p. 72.]*

**4. Regulation 2 amended**

Regulation 2 is amended as follows:

- (a) by deleting the definitions of “carrier”, “certificate of registration” or “certificate”, “driver”, “registered”, and “registered occupier”;

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- (b) in the definition of “collection tank” by inserting after “means” —  
“ a grease trap, oil interceptor, or ”;
- (c) in the definition of “collection tank” by inserting after “storage” —  
“ , transfer ”;
- (d) in the definition of “collection tank” by deleting paragraphs (a), (b), and (c) and the word “or” after paragraph (c);
- (e) in the definition of “disposal site” by deleting “or specified in Schedule 4”;
- (f) in the definition of “grease trap” by deleting “, with a capacity of not more than 5 000 litres,”;
- (g) by deleting the definition of “transfer facility” and the full stop after it and inserting —

“

**“waste management programme”** means a programme to ensure that waste created as a result of the use of a product or the provision of a service on licensed premises is managed so as to protect the environment from pollution.

”.

**5. Regulation 3 amended**

- (1) Regulation 3(1) is amended as follows:
  - (a) by deleting “transported,”;
  - (b) by deleting “the municipalities of local government districts specified in Schedule 2.” and inserting instead —

“

—

- (a) the region described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*; and

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- (b) a local government district that the Chief Executive Officer has, by order published in the *Gazette*, directed is one in which these regulations apply.

”.

- (2) After regulation 3(1) the following subregulation is inserted —

“

- (1a) An order made under subregulation (1)(b) may be revoked or varied by a subsequent order.

”.

- (3) Regulation 3(2) is amended as follows:

- (a) in paragraph (a), by deleting “transported,”;  
(b) in paragraph (a), by deleting “Part 2 of Schedule 2 and in the notice” and inserting —

“ an order made under subregulation (1)(b) ”.

**6. Part 2 heading amended**

The heading to Part 2 is amended by deleting “and registration”.

**7. Regulation 4 amended**

- (1) Regulation 4(1) is amended by deleting “or certificate of registration”.
- (2) Regulation 4(2) is amended by deleting “or certificate of registration”.

**8. Regulation 5 amended**

- (1) Regulation 5(1) is amended by deleting “or certificate of registration as the case requires”.
- (2) Regulation 5(2)(a) is amended by deleting “transport,”.

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- (3) After regulation 5(2)(c) the following paragraph is inserted —

“

- (ca) any fees that the applicant is or has been required to pay under these regulations have not been paid;

”.

- (4) Regulation 5(2)(d) is amended by deleting the words “or registered”.
- (5) Regulation 5(2)(d) is amended by deleting the words “or registration”.

**9. Regulation 6 amended**

- (1) Regulation 6(1) is amended by deleting “or certificate of registration”.
- (2) Regulation 6(2) is amended as follows:
- (a) in paragraph (a) by deleting “or certificate of registration”;
- (b) in paragraph (c) by deleting “or to a carrier or driver”.
- (3) Regulation 6(3)(a) is amended by deleting “or certificate”.
- (4) Regulation 6(4) is amended by deleting the words “or certificate of registration” in both places where they occur.
- (5) After regulation 6(4) the following subregulation is inserted —

“

- (5) A person who holds a licence may apply to the Chief Executive Officer for a condition of the licence to be changed or removed by application —
- (a) made in the approved form; and
- (b) accompanied by the appropriate fee specified in Schedule 3.

”.

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**10. Regulation 7 amended**

Regulation 7 is amended as follows:

- (a) by deleting the words “or certificate of registration” in the first place where they occur;
- (b) by deleting “to the applicant if the application is not granted or the licence or certificate of registration is granted for a period of less than one year but no refund is demandable” and inserting instead —

“

to the applicant or licensee if —

- (a) the application is not granted or the licence is granted for a period of less than one year; or
- (b) the applicant is or a licensee becomes a participant in an approved waste management programme,

but no refund is demandable.

”.

**11. Regulation 8 amended**

Regulation 8 is amended as follows:

- (a) in paragraph (a) by deleting “15 September” and inserting —  
“ 30 June ”;
- (b) after paragraph (a) by deleting the semicolon and inserting a full stop;
- (c) by deleting paragraphs (b) and (c) and “and” after paragraph (b).

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**12. Regulation 9 amended**

- (1) Regulation 9(1) is repealed and the following subregulation is inserted instead —

“

- (1) Upon application made before 31 July in the year of renewal of a licence accompanied by the appropriate fee specified in Schedule 3, the Chief Executive Officer may renew the licence.

”.

- (2) Regulation 9(2) is amended as follows:

- (a) by deleting “or as a carrier”;
- (b) by deleting “or certificate of registration”;
- (c) by deleting “or 3 years”.

- (3) Regulation 9(3) is repealed.

- (4) Regulation 9(4) is amended by deleting the words “or certificate” in both places where they occur.

**13. Regulation 10 amended**

- (1) Regulation 10(1) is amended as follows:

- (a) by deleting the words “or certificate of registration” in both places where they occur;
- (b) in paragraph (a) by deleting “transport,”;
- (c) after paragraph (a) by inserting the following paragraph —

“

- (ab) any fee that the holder is or has been required to pay under these regulations is unpaid;

”;

- (d) in paragraph (c) by deleting “or certificate”.



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- (2) Regulation 10(1a) is amended as follows:
  - (a) by deleting the words “or certificate of registration” in both places where they occur;
  - (b) by deleting “transport or”.
- (3) Regulation 10(2) is amended as follows:
  - (a) by deleting “or certificate of registration”;
  - (b) by deleting “or certificate”.
- (4) Regulation 10(4) is amended as follows:
  - (a) by deleting “or certificate of registration”;
  - (b) by deleting “or certificate”.

**14. Regulation 11 amended**

- (1) Regulation 11(1) is amended as follows:
  - (a) by deleting “or certificate of registration”;
  - (b) by deleting the words “or certificate” in the 3 places where they occur.
- (2) Regulation 11(3) is amended by deleting “or certificate”.

**15. Regulation 12 replaced**

Regulation 12 is repealed the following regulation is inserted instead —

“

**12. Certain premises to be licensed**

- (1) In this regulation —
  - “**liquid waste**” does not include waste —
    - (a) that is discharged under a licence under Part V of the Act; or
    - (b) from an apparatus for the treatment of sewage.

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- (2) An occupier of premises on which a liquid waste is produced as a result of a process the purpose of which is to make a profit or gain must not cause or permit liquid waste to be removed from the premises unless —
  - (a) the premises are licensed and the category of liquid waste removed is specified in the relevant licence; or
  - (b) the liquid waste is removed from the premises in accordance with a valid permit issued under the *Environmental Protection (Controlled Waste) Regulations 2001*.
- (3) Subregulation (2) does not apply if liquid waste from more than one premises owned by the same person is discharged into the same collection tank but the occupier of each premises must not cause or permit liquid waste to be discharged into the tank unless the premises have been licensed by the owner or managing agent of the premises.
- (4) If liquid waste is discharged into a collection tank in accordance with subregulation (3), the owner or managing agent of the premises must not cause or permit liquid waste to be removed from the premises unless —
  - (a) the premises are licensed and the category of liquid waste removed is specified in the relevant licence; or
  - (b) the liquid waste is removed from the premises in accordance with a valid permit issued under the *Environmental Protection (Controlled Waste) Regulations 2001*.
- (5) The requirements prescribed by subregulation (2) and (3) are prescribed standards for the purpose of section 51 of the Act.

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- (6) A person who fails to comply with a requirement under subregulation (4) commits an offence.

”.

**16. Regulation 13 amended**

- (1) Regulation 13(1) is amended as follows:

- (a) after paragraph (a) by deleting “and”;
- (b) in paragraph (b) by inserting after “to be situated” —

“

, bunding that may be required around  
collection tanks,

”;

- (c) after paragraph (b) by deleting the full stop and inserting —

“

;

- (c) if an organic solvent is used on the premises,  
that a report is to be made to the Chief  
Executive Officer by a date specified in the  
licence setting out the quantity of the solvent  
taken on to the premises, recycled on the  
premises, and removed from the premises  
during such period as is specified in the licence;  
and

- (d) the manner in which, and the intervals at which,  
a grease trap or oil interceptor on the premises  
is to be serviced.

”.

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- (2) After regulation 13(2) the following subregulations are inserted —

“

- (3) The Chief Executive Officer is to specify in a licence issued under these regulations in respect of premises on which a collection tank is located but on which a liquid waste is not produced the categories of liquid waste that may be discharged into the tank.
- (4) An owner of premises referred to in subregulation (3) who fails to notify the Chief Executive Officer in writing immediately if liquid waste of a category other than a category specified in the licence for the premises is discharged into the tank commits an offence.

”.

**17. Regulation 13A inserted**

After regulation 13 the following regulation is inserted —

“

**13A. Premises with collection tank to be licensed**

- (1) An owner of premises must not allow or permit a collection tank to be located on the premises unless the premises have been licensed by the owner or the occupier of the premises.
- (2) A person who contravenes subregulation (1) commits an offence.

”.

**18. Part 2 Divisions 3, 4, 5, 6, and 7 repealed**

Part 2 Divisions 3, 4, 5, 6, and 7 are repealed.

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**19. Regulations 15, 16, and 17 inserted**

Before regulation 35 the following regulations are inserted in Part 2 —

“

**15. Inspection of premises including a collection tank on the premises**

- (1) Before an application for a licence or renewal of a licence of premises is determined, the Chief Executive Officer is to inspect the premises including a collection tank on the premises and may, if considered necessary, direct that the premises or a collection tank on the premises is to be tested as specified in the direction.
- (2) A licence is not to be issued or renewed in respect of premises on which a collection tank is situated unless the Chief Executive Officer is satisfied that the collection tank is —
  - (a) sealable so as to prevent escape of odour;
  - (b) calibrated at 500 litre intervals using a dipstick or other approved system so that the volume of the contents can be quickly and accurately measured;
  - (c) impervious; and
  - (d) appropriately designed to avoid spillage and contain spilled material and odour.
- (3) The applicant for a licence or a renewal of a licence is liable to pay the fee specified in Schedule 3 for the inspection of the premises.

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**16. Occupier to notify Chief Executive Officer of changes**

- (1) An occupier of licensed premises on which a grease trap or oil interceptor is situated must give written notice to the Chief Executive Officer not later than 14 days after —
  - (a) ceasing to occupy those premises; or
  - (b) there ceases to be a grease trap or oil interceptor on the premises.
- (2) A person who contravenes subregulation (1) commits an offence.
- (3) The Chief Executive Officer may cancel the licence of premises in relation to which a notice has been given under subregulation (1).

**17. Functions of Chief Executive Officer**

The Chief Executive Officer may —

- (a) collect moneys payable under conditions of a licence for premises from occupiers of the premises;
- (b) pay moneys collected under paragraph (a) for the treatment of liquid waste to disposal site operators;
- (c) issue treatment vouchers to occupiers of licensed premises who have paid moneys to the Chief Executive Officer for the treatment of liquid waste from a grease trap or oil interceptor; and

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- (d) refund moneys collected under paragraph (a) for the treatment of liquid waste to an occupier of licensed premises if the occupier ceases to occupy the premises on which there is a grease trap or oil interceptor or if there ceases to be a grease trap or oil interceptor on the premises.

”.

**20. Part 3 heading replaced**

The heading to Part 3 is deleted and the following heading is inserted instead —

“ **Part 3 — Storage of liquid waste** ”.

**21. Regulations 36, 37, 38, 39, 40, 41, 42, and 43 repealed**

Regulations 36, 37, 38, 39, 40, 41, 42, and 43 are repealed.

**22. Regulation 44 repealed**

Regulation 44 is repealed.

**23. Regulation 46A amended**

Regulation 46A is amended as follows:

- (a) by inserting after paragraph (a)(ii) the word “and”;
- (b) after paragraph (a)(iii) by deleting “; and” and inserting a full stop;
- (c) by deleting paragraph (a)(iv);
- (d) in paragraph (c) by deleting “at least 3 days”;
- (e) by deleting paragraph (d).

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**24. Regulation 48 replaced**

Regulation 48 is repealed and the following regulation is inserted instead —

“

**48. Exemption from requirement of licence or these regulations for participants in a waste management programme**

- (1) The Chief Executive Officer may by written notice exempt a person from compliance with a specified condition of a licence for premises or any of these regulations if the person is a participant in an approved waste management programme for waste produced on those premises.
- (2) The Chief Executive Officer may by further written notice revoke or vary an exemption made under subregulation (1).

”.

**25. Regulation 49 amended**

Regulation 49 is amended by deleting the words “, certificate of registration” in both places where they occur.

**26. Regulation 50 amended**

Regulation 50(1) is amended by deleting “or a certificate of registration”.

**27. Regulation 51 amended**

Regulation 51(1) is amended by deleting “or certificate of registration”.



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Regulation 52(1) is amended by deleting “6(1), 10, 20 or 25” and inserting instead —

“ 6(1), 6(5), 10, 13(3), or 48 ”.

**29. Regulation 54 repealed**

Regulation 54 is repealed.

**30. Schedule 2 repealed**

Schedule 2 is repealed.

**31. Schedule 3 replaced**

Schedule 3 is repealed and the following Schedule is inserted instead —

“

**Schedule 3 — Fees**

For period commencing:

	1 Jan 2001 – 30 June 2001	1 July 2001 – 30 June 2002	1 July 2002 – 30 June 2003
	\$	\$	\$
1. Issue of licence in respect of premises (r. 4(1))	226	226	275
2. Application for change or removal of a condition of a licence (r. 6(5))	96	98	100
3. Renewal of licence in respect of premises (r. 9(1))	70	160	215
4. Inspection fee (r. 15(1))	96	98	100

”.

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**32. Schedules 4 and 5 repealed**

Schedules 4 and 5 are repealed.

**33. Transitional and savings**

Schedule 1 has effect with respect to transitional and savings arrangements.

**34. *Environmental Protection Regulations 1987* amended**

Schedule 6 of the *Environmental Protection Regulations 1987*\* is amended in the entry relating to the *Environmental Protection (Liquid Waste) Regulations 1996* by deleting items 4-16, 18-26, and 28 and inserting the following items —

“

4.	regulation 12(6)	250	500
5.	regulation 13(4)	250	500
6.	regulation 16(2)	250	500

”.

[\* Reprinted as at 9 February 2001.]

*Environmental Protection (Liquid Waste) Amendment Regulations 2001*Transitional and savings **Schedule 1****Schedule 1 — Transitional and savings**

[r. 33]

**1. Interpretation**

In this Schedule —

“**the regulations**” means the *Environmental Protection (Liquid Waste) Regulations 1996*.

**2. Licence of premises to continue to operate**

A licence of premises issued under the regulations and in force immediately before the commencement of these regulations, on and after the commencement of these regulations is to be taken —

- (a) if the licence is for one year, to expire on 30 June 2002;
- (b) if the licence is for 3 years, to expire on 30 June 2004.

**3. Licence of carrier to continue to operate**

A licence as a carrier issued under the regulations and in force immediately before the commencement of these regulations, on and after the commencement of these regulations has effect as if the licence were a licence as a carrier issued under the *Environmental Protection (Controlled Waste) Regulations 2001* and is to be taken —

- (a) if the licence is for one year, to expire on 30 June 2002;
- (b) if the licence is for 3 years, to expire on 30 June 2004.

**4. Licence of driver to continue as a licence of an operator**

A licence as a driver issued under the regulations and in force immediately before the commencement of these regulations, on and after the commencement of these regulations has effect as if the licence were a licence as an operator issued under the *Environmental Protection (Controlled Waste) Regulations 2001* and is to be taken to expire on 30 June 2002.

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**Schedule 1**      Transitional and savings

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**5.      Licence of vehicle to continue as a licence of a vehicle**

A registration of vehicle under the regulations and in force immediately before the commencement of these regulations, on and after the commencement of these regulations has effect as if the registration of the vehicle were a licence for the vehicle issued under the *Environmental Protection (Controlled Waste) Regulations 2001* and is to be taken to expire on 30 June 2002.

Recommended by the Environmental Protection Authority.

BERNARD BOWEN, Chairman.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

  

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