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ENVIRONMENTAL PROTECTION ACT 1986

**ENVIRONMENTAL
PROTECTION (LIQUID
WASTE) REGULATIONS
1996**

WESTERN AUSTRALIA

**ENVIRONMENTAL PROTECTION
(LIQUID WASTE) REGULATIONS 1996**

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ENVIRONMENTAL PROTECTION ACT 1986
ENVIRONMENTAL PROTECTION (LIQUID WASTE)
REGULATIONS 1996

Made by His Excellency the Governor in Executive Council, on the recommendation of the Authority.

PART 1 — PRELIMINARY

Citation

1. These regulations may be cited as the *Environmental Protection (Liquid Waste) Regulations 1996*.

Interpretation

2. In these regulations, unless the contrary intention appears —

“apparatus for the treatment of sewage” means any apparatus for the bacteriolytic or aerobic treatment of sewage or any other apparatus for the treatment of sewage approved by the Executive Director, Public Health under the *Health Act 1911*;

“approved” means approved by the Chief Executive Officer;

“carrier” means a person licensed as a carrier;

“category” means a category specified in Schedule 1;

“certificate of registration” or **“certificate”** means a certificate of registration under these regulations;

“collection tank” means an apparatus or impervious vessel for the collection, storage or treatment of liquid waste but does not include —

- (a) a transfer facility;
- (b) a grease trap on the premises of a registered occupier;

- (c) an oil interceptor on the premises of a registered occupier; or
- (d) an apparatus for the treatment of sewage;

“disposal site” means a sewage or waste water treatment plant licensed under Part V of the Act;

“driver” means a person licensed as a driver;

“grease trap” means a tank or pit, with a capacity of not more than 5 000 litres, designed to separate and collect grease and oily waste resulting from food preparation processes;

“licence” means a licence under these regulations;

“liquid waste” means any waste specified in Schedule 1 except waste that is —

- (a) discharged under a licence under Part V of the Act;
- (b) discharged under a disposal licence under section 47 of the *Waterways Commission Act 1976* or a permit to discharge industrial waste under the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* (unless it is a condition of the licence or permit that the discharge of the waste is to be subject to these regulations);
- (c) stormwater that is not contaminated with material likely to be harmful to health or the environment; or
- (d) re-used under a permit issued under regulation 45;

“oil interceptor” means a device that is designed to separate and collect solid material and mineral oils;

“registered” means registered under these regulations;

“registered occupier” means a person registered as the occupier of premises on which a grease trap or oil interceptor is situated;

“repealed regulations” means the *Health (Liquid Waste) Regulations 1993*;

“transfer facility” means an immobile container into which liquid waste is discharged temporarily before delivery to a disposal site.

Application of regulations

3. (1) Subject to subregulation (2), these regulations apply in respect of liquid waste produced, collected, transported, stored, or disposed of, in the municipalities of local government districts specified in Schedule 2.

(2) The Chief Executive Officer may, by order published in the *Gazette*, direct that all or any of the provisions of these regulations do not apply according to the order —

- (a) in respect of liquid waste produced, collected, transported, stored, or disposed of, in a municipality of a local government district specified in Part 2 of Schedule 2 and in the notice; or
- (b) in respect of liquid waste of a class or type specified in the order.

(3) An order made under subregulation (2) may be —

- (a) subject to such conditions as the Chief Executive Officer specifies in the order; and
- (b) revoked or varied by a subsequent order.

PART 2 — LICENSING AND REGISTRATION

Division 1 — General matters

Application for licence or certificate of registration

4. (1) An application for a licence or certificate of registration is to be —

- (a) made in the approved manner and form; and
- (b) accompanied by the appropriate fee specified in Schedule 3.

(2) The Chief Executive Officer may, before determining an application for a licence or certificate of registration, require the applicant to provide the Chief Executive Officer with such further information as the Chief Executive Officer requires in any particular case.

Licensing or registration

5. (1) Subject to subregulation (2), the Chief Executive Officer is to grant an application made under regulation 4 and issue to the applicant a licence or certificate of registration as the case requires.

(2) The Chief Executive Officer may refuse an application for a licence made under regulation 4 on the grounds that —

- (a) the applicant, or where the applicant is a body corporate, an individual concerned with the control and management of the body corporate, has been convicted of an offence against the Act, these regulations or the repealed regulations or any other offence that relates to the collection, transport, storage or disposal of liquid waste;
- (b) the applicant, or where the applicant is a body corporate, an individual concerned with the control and management of the body corporate, is not of good character and repute and fit to be involved in the business in respect of which the application is made;
- (c) the applicant's licence is suspended;
- (d) the applicant, or where the applicant is a body corporate, an individual concerned with the control and management of the body corporate, has previously been licensed or registered under these regulations or the repealed regulations and that licence or registration has been cancelled or refused renewal;
- (e) the application contains or is accompanied by information that is false or misleading to a significant extent; or
- (f) the applicant is already the holder of a licence, or where the applicant is a body corporate, an individual concerned with the control and management of the body corporate, is already the holder of a licence or is concerned with the control and management of a body corporate that is already the holder of a licence.

Conditions

6. (1) The Chief Executive Officer may issue or renew a licence or certificate of registration subject to such conditions as the Chief Executive Officer thinks fit.

- (2) The Chief Executive Officer may at any time by written notice —
 - (a) impose conditions upon a licence or certificate of registration that has been granted;
 - (b) add to, change or remove conditions already imposed; and
 - (c) in the case of a licence issued in respect of premises or to a carrier or driver, add or remove a category of waste specified in the licence.
- (3) If the Chief Executive Officer decides to act under subregulation (2) —
 - (a) the Chief Executive Officer is to give written notice of the decision to the holder of the licence or certificate; and
 - (b) the decision does not take effect until 7 days after the notice is given, or such later time as is set out in the notice.
- (4) A person who holds a licence or certificate of registration and who contravenes a condition to which that licence or certificate of registration is subject commits an offence.

Refund of fee

7. A full or partial refund of the fee accompanying an application for a licence or certificate of registration may be made at the discretion of the Chief Executive Officer 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.

Validity of licence or registration

8. Subject to these regulations —
- (a) a licence expires on 15 September after it is granted;
 - (b) a certificate of registration of a transfer facility expires 3 years after it is granted; and
 - (c) a certificate of registration of a vehicle expires on 15 September after it is granted.

Renewal of licence or certificate

- 9.** (1) Upon application made —
- (a) before 15 October in the year renewal of a licence or certificate of registration, other than a certificate of registration of a transfer facility, is due; or
 - (b) within 28 days of the expiry of a certificate of registration of a transfer facility,

accompanied by the appropriate fee specified in Schedule 3, the Chief Executive Officer may renew the licence or certificate.

(2) An applicant for renewal of a licence in respect of premises or as a carrier may apply to renew the licence or certificate of registration for a period of one year or 3 years and subject to these regulations the renewal, if granted, is to have effect for that period.

- (3) Subject to these regulations —
- (a) the renewal of a licence as a driver has effect for a period of one year;
 - (b) the renewal of a certificate of registration of a transfer facility has effect for a period of 3 years; and
 - (c) the renewal of a certificate of registration of a vehicle has effect for a period of one year.

(4) A renewal of a licence or certificate takes effect on the day immediately succeeding the day on which the previous licence or certificate expired or will expire.

Cancellation or suspension of, refusal to renew, licence or certificate

- 10.** (1) Subject to this regulation, the Chief Executive Officer may cancel, suspend for a fixed period or refuse to renew a licence or certificate of registration on the grounds that —
- (a) the holder has been convicted of an offence against the Act, these regulations or the repealed regulations or any other offence that relates to the collection, transport, storage or disposal of liquid waste;

- (b) the Chief Executive Officer is of the opinion that there has been a breach of a condition to which the licence or certificate of registration is subject; or
- (c) the licence or certificate was obtained by fraud or misrepresentation.

(2) Unless otherwise provided in these regulations, if the Chief Executive Officer proposes to cancel, suspend or refuse to renew a licence or certificate of registration, the Chief Executive Officer is to give to the holder of the licence or certificate written notice of the proposal and the reasons for the proposal.

(3) A notice given under subregulation (2) is to state that within 14 days after the notice is given, the person to whom it is given may make written representations to the Chief Executive Officer concerning the matter, and the Chief Executive Officer is not to determine the matter without considering any representations received within that period of 14 days.

(4) If the Chief Executive Officer cancels, suspends, or refuses to renew, a licence or certificate of registration the Chief Executive Officer is to give to the holder of the licence or certificate written notice of the cancellation, suspension or refusal to renew.

Return of licence or certificate

11. (1) The Chief Executive Officer may require the holder of a licence or certificate of registration to return the licence or certificate to the Chief Executive Officer where —

- (a) the licence or certificate has been cancelled or suspended or has not been renewed; or
- (b) conditions or further details are to be endorsed on the licence or certificate.

(2) A person who fails to comply, within 21 days of receiving notice of the requirement, with a requirement made of that person by the Chief Executive Officer under subregulation (1), commits an offence.

(3) It is a defence to a prosecution for an offence against subregulation (2) if the defendant satisfies the court that the failure to surrender the licence or certificate was due to its loss or destruction.

Division 2 — Premises

Certain premises to be licensed

12. (1) An occupier of premises must not cause or permit more than 205 litres of liquid waste to be removed from the premises in any period of 12 months 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 regulation 36.

(2) In subregulation (1) —

“liquid waste” does not include waste from an apparatus for the treatment of sewage, or waste from a grease trap or oil interceptor on the premises of a registered occupier.

(3) The requirements prescribed by subregulation (1) are prescribed standards for the purposes of section 51 of the Act.

Licence to specify certain matters

13. (1) The Chief Executive Officer is to specify in a licence issued under these regulations in respect of premises on which liquid waste is produced —

- (a) the categories of liquid waste that may be removed from the licensed premises; and
- (b) the number of collection tanks that may be situated on the premises, the places where those collection tanks are to be situated and the liquid waste that may be placed in those collection tanks.

(2) The holder of a licence issued in respect of premises on which liquid waste is produced who fails to notify the Chief Executive Officer immediately if liquid waste of a category other than a category specified in the licence is produced on the premises commits an offence.

Tanks on licensed premises

14. (1) The Chief Executive Officer may issue an identification plate in respect of an individual collection tank or a group of collection tanks used for the same category of liquid waste.

(2) The holder of a licence issued in respect of premises on which liquid waste is produced must ensure that each collection tank on the premises —

- (a) has an identification plate, or is part of a group of collection tanks with an identification plate, issued by the Chief Executive Officer and endorsed with a number allocated to it or to the group by the Chief Executive Officer; and
- (b) has attached to it, or in close proximity to it, in a place that has been specified in writing by the Chief Executive Officer, or, if no place has been so specified, in a place that is clearly visible, the identification plate issued for that collection tank or group of tanks.

(3) The requirements prescribed by subregulation (2) are prescribed standards for the purposes of section 51 of the Act.

Division 3 — Grease traps and oil interceptors

Occupiers to be registered

15. (1) Subject to subregulation (2), an occupier of premises on which a grease trap or oil interceptor into which liquid waste may be discharged is situated must be registered as the occupier of those premises.

(2) If premises have more than one occupier required to be registered under subregulation (1), the Chief Executive Officer may give written direction that only the owner of those premises, or the managing agent for the premises, is required to be so registered, and in that case the other occupiers are not required to be so registered.

(3) The requirement prescribed by subregulation (1) is a prescribed standard for the purposes of section 51 of the Act.

Conditions of registration

16. Without limiting the generality of regulation 6, registration of an occupier of premises on which a grease trap or oil interceptor is situated may be subject to conditions specified in, or attached to, the certificate of registration as to —

- (a) the payment of charges in relation to the treatment of liquid waste from the premises and administrative costs associated with registration and that treatment;
- (b) the time and manner of payment of those charges; and
- (c) the manner in which, and intervals at which, the grease trap or oil interceptor is to be serviced.

Occupier to notify Chief Executive Officer of changes

17. (1) A registered occupier of 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 is to cancel the registration of a registered occupier who gives notice under subregulation (1).

Functions of Chief Executive Officer

18. The Chief Executive Officer may —

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

- (d) refund moneys collected under paragraph (a) for the treatment of liquid waste to a registered occupier if the occupier ceases to occupy 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.

Division 4 — Carriers

Carrier to be licensed

19. (1) A person who collects or transports more than 205 litres of liquid waste at any one time and who is not licensed as a carrier commits an offence.

(2) Subregulation (1) does not apply to a driver employed or engaged by a carrier.

(3) The Chief Executive Officer is to specify in a licence issued to a carrier —

- (a) the categories of liquid waste the carrier may collect and transport;
- (b) the categories of liquid waste the carrier may mix; and
- (c) the areas in which the carrier may collect and transport liquid waste.

(4) The Chief Executive Officer may give a carrier written permission to collect and transport liquid waste in an area outside the areas specified in the carrier's licence and may specify in the permit the period within which the liquid waste may be so transported and in that case the carrier's licence is taken to be varied accordingly.

(5) It is a condition of each licence authorizing a carrier to collect and transport liquid waste from a grease trap or oil interceptor that the carrier is to comply with the Code of Practice published by the Chief Executive Officer, as amended from time to time, on the collection and transport of that liquid waste.

Refusal of licence

20. In addition to the grounds specified in regulations 5 and 10, the Chief Executive Officer may refuse an application for, or for renewal of, a licence as a carrier, or suspend or cancel the licence of a carrier, if the Chief Executive Officer is not satisfied that the applicant or carrier has adequate technical competence or financial resources to operate as a carrier.

Automatic cancellation of licence

21. Notwithstanding regulation 10, upon the conviction of a carrier for an offence against section 49 or 51 of the Act, the licence of the carrier is immediately cancelled.

Sub-contractors

22. (1) If a carrier sub-contracts the collection and transportation of liquid waste, the sub-contractor must —

- (a) be licensed as a carrier;
- (b) operate under the licence issued to that sub-contractor as a carrier; and
- (c) use the forms issued to that sub-contractor as a carrier under these regulations.

(2) A sub-contractor who contravenes subregulation (1) commits an offence.

Employment of unlicensed driver

23. A carrier who employs or engages a person not licensed as a driver to collect or transport liquid waste commits an offence.

Division 5 — Drivers

Drivers to be licensed

24. (1) A person who —

- (a) is employed or engaged by a carrier to collect or transport liquid waste;
- (b) is not licensed as a driver under this Part; and
- (c) collects or transports more than 205 litres of liquid waste at any one time,

commits an offence.

(2) The Chief Executive Officer is to specify in a licence issued to a driver —

- (a) the categories of liquid waste the driver may collect and transport;
- (b) the categories of liquid waste the driver may mix; and
- (c) the areas in which the driver may collect and transport liquid waste.

(3) The Chief Executive Officer may give a driver written permission to collect and transport liquid waste in an area outside the areas specified in the driver's licence and may specify in the permit the period within which the liquid waste may be so transported and in that case the driver's licence is taken to be varied accordingly.

Refusal of licence

25. In addition to the grounds specified in regulations 5 and 10, the Chief Executive Officer may refuse an application for, or for renewal of, a licence as a driver or suspend or cancel the licence of a driver if the Chief Executive Officer is not satisfied that the applicant or driver has adequate technical competence to collect and transport the categories of liquid waste specified, or proposed to be specified, on the licence.

Driver identification card

26. (1) The Chief Executive Officer is to issue a driver identification card to each person licensed as a driver.

(2) A person licensed as a driver who fails to —

- (a) carry his or her driver identification card at all times while engaged in the collection or transport of liquid waste;
- (b) when required to do so by an inspector produce for inspection the driver identification card; or
- (c) notify the Chief Executive Officer within 24 hours of losing his or her driver identification card,

commits an offence.

Notification of change of particulars

27. (1) A person licensed as a driver must give the Chief Executive Officer written notice of details of any change of employer or principal of that person that is relevant to the collection or transport of liquid waste within 7 days of changing employer or principal.

(2) A driver who contravenes subregulation (1) commits an offence.

Division 6 — Transfer facilities

Transfer facilities to be registered

28. (1) Subject to subregulation (3), a person who uses a container as a transfer facility for more than 205 litres of liquid waste commits an offence unless the container is individually registered as being suitable for that purpose.

(2) A container is not to be taken to be registered in accordance with subregulation (1) by reason only of its being mounted on a registered vehicle.

(3) An unregistered transfer facility may be used if the use is necessitated by urgent circumstances and the transfer facility is used under and in accordance with permission given for that purpose by the Chief Executive Officer.

Application for registration of transfer facility

29. (1) An application for registration of a transfer facility may only be made by a carrier.

(2) In addition to the fee for registration, the application is to be accompanied by —

- (a) the inspection fee specified in Schedule 3; and
- (b) evidence satisfactory to the Chief Executive Officer that the relevant local authority has approved the installation of the transfer facility.

Inspection of transfer facility

30. (1) Before an application for registration of a transfer facility or renewal of registration is determined, the Chief Executive Officer is to inspect the transfer facility and may, if considered necessary, direct that the transfer facility is to be tested as specified in the direction.

(2) A certificate of registration is not to be issued or renewed in respect of a transfer facility unless the Chief Executive Officer is satisfied that the transfer facility 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.

Division 7 — Vehicles

Vehicles of carriers to be registered

31. A carrier who transports liquid waste in a vehicle other than a vehicle registered under this Part commits an offence.

Application and inspection of vehicles

32. (1) An application for registration of a vehicle may only be made by a carrier.

(2) Before an application for registration of a vehicle is determined the applicant is to submit the vehicle for inspection at a time and place satisfactory to the Chief Executive Officer.

(3) The Chief Executive Officer may by written notice require the owner of a registered vehicle to submit the vehicle for inspection at a time and place specified in the notice.

(4) The Chief Executive Officer may by written notice direct that a registered vehicle is to be modified as specified in the notice if the Chief Executive Officer is of the opinion that the vehicle requires that modification in order to comply with regulation 33 or a condition subject to which the vehicle is registered.

(5) An owner of a vehicle who fails to comply with a notice issued under subregulation (3) or (4) commits an offence.

Issue of certificate of registration

33. A certificate of registration is not to be issued in respect of a vehicle of a carrier unless the vehicle has —

- (a) approved sight gauges;
- (b) an impervious tank —
 - (i) calibrated to not less than 500 litre intervals using a dipstick or other approved system so that the volume of contents can be quickly and accurately measured; and
 - (ii) with signs as required under regulation 40 (2) (b) and (c);
- (c) sampling taps at places specified by the Chief Executive Officer;
- (d) on each side of the vehicle, a permanent affixed sign with the name, or approved trading name, of the carrier displayed in writing at least 150 millimetres high; and
- (e) such other equipment, including equipment for monitoring the geographic position of the vehicle and equipment for monitoring the level of liquid waste in the vehicle's tank, and modifications as the Chief Executive Officer may require as a condition of registration of the vehicle.

Validity of registration

34. (1) The Chief Executive Officer may cancel or suspend the registration of a vehicle if —

- (a) modifications relating to any of the matters referred to in regulation 33 (a) to (e) are made to the vehicle without the approval of the Chief Executive Officer; or

- (b) the vehicle, or any of the equipment on the vehicle, is not kept in good working order.
- (2) The registration of the vehicle of a carrier remains valid only while the licence of the carrier is valid.
- (3) If the licence of a carrier is suspended, the registration of each vehicle of the carrier is suspended for the period of the suspension of the licence.

PART 3 — REMOVAL OF LIQUID WASTE GENERALLY

Categories of waste stored

35. (1) Subject to subregulation (2), a person who places in a collection tank on licensed premises liquid waste of a category other than a category specified in the licence of those premises commits an offence.

(2) Subregulation (1) does not apply if the Chief Executive Officer has, by written notice, approved the storage of that category of liquid waste in the collection tank.

Permit for removal of liquid waste

36. (1) A person requiring a permit to remove more than 205 litres of liquid waste from premises may apply to the Chief Executive Officer for that permit.

(2) An application is to be —

- (a) made in the approved manner and form; and
- (b) in the case of an application for a permit to remove waste from premises other than licensed premises, accompanied by the fee specified in Schedule 3.

(3) The Chief Executive Officer may grant, or refuse to grant, a permit under this regulation or may impose such conditions or require such testing of the liquid waste and further information as the Chief Executive Officer thinks fit.

(4) A permit is to be numbered and is valid for one removal operation only by a carrier from the premises specified in the permit.

- (5) A permit expires 14 days after it is granted.
- (6) A person is not to be granted —
 - (a) more than one permit in any period of 12 months;
 - (b) a permit to remove more than 2 000 litres of liquid waste unless the Chief Executive Officer is satisfied that the waste is required to be removed in exceptional circumstances or as a result of an accidental spillage, a process modification or a plant closure; or
 - (c) a permit to remove liquid waste from licensed premises if the waste is of a category specified in the licence issued in respect of the premises.

Procedure when removing waste from an apparatus for the treatment of sewage

37. When removing liquid waste from an apparatus for the treatment of sewage, a driver who fails to substantially comply with the Code of Practice for removal of liquid waste from an apparatus for the treatment of sewage, as amended from time to time, published by the Chief Executive Officer commits an offence.

Obligations as to removal of liquid waste

38. (1) A driver who removes liquid waste from a collection tank at licensed premises that does not have an identification plate affixed in accordance with regulation 14 commits an offence.

- (2) Subregulation (1) does not apply to the removal of —
 - (a) liquid waste from an apparatus for the treatment of sewage;
 - (b) liquid waste from a grease trap or oil interceptor on the premises of a registered occupier; or
 - (c) liquid waste removed from licensed premises under a permit.

(3) A driver discharging or removing liquid waste who fails to ensure that only one category of liquid waste is placed in a transfer facility or in a tank used by the driver at any time (unless the categories are specified on the licence of the driver as categories the driver is permitted to mix) commits an offence.

(4) A driver discharging or removing liquid waste who fails to ensure that no liquid waste is discharged into, or removed from, a transfer facility except by a vehicle registered by the carrier responsible for the discharge or removal commits an offence.

Obligations as to disposal of liquid waste

39. (1) Unless otherwise approved or directed by the Chief Executive Officer, a driver must discharge all liquid waste collected by the driver —

- (a) if no direction has been given under subregulation (4), at a disposal site specified in Schedule 4 or approved under subregulation (3); or
- (b) if a direction has been given under subregulation (4) to discharge the liquid waste at a specified disposal site, at that disposal site.

(2) Unless otherwise approved or directed by the Chief Executive Officer, a driver must discharge liquid waste collected by the driver not later than 14 days after it is collected.

(3) A carrier must ensure that all liquid waste collected by or on behalf of the carrier is discharged in accordance with subregulations (1) and (2).

(4) The Chief Executive Officer may approve the disposal of liquid waste at a disposal site other than a disposal site specified in Schedule 4.

(5) The Chief Executive Officer may direct a carrier or driver to dispose of liquid waste —

- (a) at a disposal site specified in the direction; and
- (b) at a time specified in the direction.

(6) A failure to comply with the requirements of subregulation (1), (2) or (3) is a prescribed alteration of the environment for the purposes of paragraph (c) of the definition of “pollution” in section 3 (1) of the Act.

(7) It is a defence in proceedings against a carrier under Part V of the Act (by the application of subregulation (6)) to prove that —

- (a) the carrier issued proper instructions and took reasonable precautions to ensure that the driver complied with subregulations (1) and (2);

- (b) the offence was committed by the driver without the carrier's knowledge; and
- (c) the carrier could not by the exercise of reasonable diligence have prevented the commission of the offence.

Obligations of carriers as to vehicles and tanks

40. (1) A carrier who fails to ensure that each registered vehicle of the carrier —

- (a) is of a construction that is sound and suitable for the transport of liquid waste; and
- (b) is kept in good working order and used in such a way as to prevent the spillage of liquid waste and the emission of fumes and effluvia from the vehicle,

commits an offence.

(2) A carrier who fails to display on permanently affixed signs, in writing at least 150 millimetres high —

- (a) on each side of every registered vehicle of the carrier, his or her name or approved trading name;
- (b) on each side of every tank used by the carrier to carry liquid waste, the carrying capacity, in litres, of the tank, and the licence number assigned to the carrier by the Chief Executive Officer; and
- (c) on each side and the rear of every tank used by the carrier to carry liquid waste, the carrier's name or approved trading name,

commits an offence.

Obligations of drivers as to records

41. (1) Prior to leaving premises from which liquid waste has been collected, the driver of the carrier's vehicle must —

- (a) record —
 - (i) the name of the person from whom the liquid waste was collected;

- (ii) the address of the person from whom the liquid waste was collected;
 - (iii) the category of the liquid waste;
 - (iv) if a permit for the removal of the liquid waste was issued under regulation 36, the permit number;
 - (v) if the liquid waste is collected from a collection tank, the identification number of the collection tank or group of tanks;
 - (vi) the date of the collection; and
 - (vii) the volume of the liquid waste collected,
in an approved form prepared in duplicate;
- (b) obtain the signature on both copies of the form of the person from whom the liquid waste was collected; and
 - (c) sign both copies of the form.

(2) The driver must leave one copy of the form at the premises from which the liquid waste is collected.

(3) Subregulations (1) and (2) do not apply if the liquid waste is collected from a grease trap or oil interceptor on the premises of a registered occupier in accordance with the conditions of registration of the registered occupier.

(4) A driver who contravenes subregulation (1) or (2) commits an offence.

Transfer facilities — reconciliation statements

42. (1) Not later than 7 days after 6 p.m. Friday of each week, each carrier who holds a certificate of registration for a transfer facility must submit to the Chief Executive Officer a reconciliation statement in an approved form showing —

- (a) the particulars referred to in regulation 41 (1) (a) in respect of all liquid waste discharged into the transfer facility during that week;
- (b) the site at which the liquid waste was discharged;
- (c) the volume and categories of waste discharged from the transfer facility during the week; and

- (d) the registration number of any vehicle into which waste was discharged from the transfer facility during the week.
- (2) A carrier who contravenes subregulation (1) commits an offence.

Procedure on discharge

- 43.** (1) Before discharging liquid waste at a disposal site, the driver of the vehicle from which the waste is to be discharged must —
- (a) present the driver's identification card to the attendant in charge of the disposal site;
 - (b) if the driver was required to complete forms under regulation 41 (1) in relation to that liquid waste, give all of the forms held by the driver in relation to that liquid waste to the attendant in charge of the disposal site; and
 - (c) if the liquid waste was collected from a grease trap or oil interceptor on the premises of a registered occupier, give all of the treatment vouchers held by the driver in relation to that liquid waste to the attendant in charge of the disposal site.
- (2) A driver who contravenes subregulation (1) commits an offence.

PART 4 — MISCELLANEOUS

Responsibility of carrier

- 44.** (1) If a driver commits an offence against these regulations, the carrier by whom the driver is employed or engaged is taken to have committed the same offence.
- (2) It is a defence in proceedings against a carrier for an offence against these regulations (by the application of subregulation (1)) for the carrier to prove that —
- (a) the carrier issued proper instructions and took reasonable precautions to ensure compliance with these regulations;
 - (b) the offence was committed by the driver without the carrier's knowledge; and

- (c) the carrier could not by the exercise of reasonable diligence have prevented the commission of the offence.

(3) A carrier may be charged and convicted of an offence against these regulations by virtue of subregulation (1) whether or not the driver who committed the offence has been proceeded against and convicted of the offence.

Approval to re-use liquid waste

45. (1) The Chief Executive Officer may give written approval to a person to re-use liquid waste.

(2) The approval is to specify —

- (a) the type of liquid waste that may be re-used under the approval;
- (b) directions as to the manner in which the liquid waste is to be re-used; and
- (c) the period for which the approval is of effect.

(3) The Chief Executive Officer may by written notice revoke or vary an approval given under subregulation (1).

(4) A person must not use liquid waste unless —

- (a) the person has an approval under subregulation (1); and
- (b) the liquid waste is re-used in accordance with the directions specified in the approval.

(5) A person who contravenes subregulation (4) commits an offence.

Condition of Part V licence for treatment plant

46. For the purposes of section 62 (1) (h) of the Act the Chief Executive Officer may specify as a condition of a licence under Part V of the Act held by an occupier of a sewage or waste water treatment plant that the occupier must —

- (a) ensure that liquid waste is discharged at the treatment plant in an approved manner;

- (b) record in an approved manner and form information on the discharge of liquid waste, and the persons discharging liquid waste, under these regulations at that plant; and
- (c) report that information to the Chief Executive Officer in an approved manner and form.

Exemptions

47. (1) The Chief Executive Officer may by written notice exempt a person from compliance with any of the regulations in Parts 2 and 3 if the Chief Executive Officer is satisfied that —

- (a) the circumstances in which the exemption is requested are exceptional; and
- (b) the exemption will not adversely affect the operation of these regulations.

(2) The Chief Executive Officer may by further written notice revoke or vary an exemption made under subregulation (1).

Vehicles not to be used for other purposes

48. A carrier who, except with the written permission of the Chief Executive Officer, carries material other than liquid waste in the tank of a vehicle that has been used to carry liquid waste, commits an offence.

Inspection of licences, etc.

49. A person required to hold a licence, certificate of registration or permit under these regulations who, when required to do so by an inspector, fails to produce for inspection the licence, certificate of registration or permit commits an offence.

Meeting

50. (1) The Chief Executive Officer may by written notice require a person who is the holder of a licence or a certificate of registration under these regulations to attend at a meeting with the Chief Executive Officer at a time and place specified in the notice.

(2) A person who fails to comply with a requirement under subregulation (1) commits an offence.

Records

51. (1) Subject to these regulations, the holder of a licence or certificate of registration must retain any forms or vouchers given to that person under these regulations and any receipts or other records (however compiled, recorded or stored) of the discharge or collection of liquid waste for a period of not less than 2 years from the date on which they were made.

(2) A person who fails to comply with subregulation (1) commits an offence.

Appeals

52. (1) A person who is aggrieved by a decision of the Chief Executive Officer under regulation 5 (2), 6 (1), 10, 20 or 25 may within 21 days after the day on which the person is notified of the decision lodge with the Minister an appeal in writing setting out the grounds of the appeal.

(2) An appeal lodged under subregulation (1) is to be treated as if it were an appeal under section 102 of the Act, and for that purpose sections 106 to 110 of the Act apply as if the appeal were an appeal under section 102.

Penalties

53. A person who commits an offence against these regulations is liable to a penalty of \$200.

Transitional and savings

54. Schedule 5 has effect with respect to transitional and savings arrangements.

SCHEDULE 1

[Regulation 2]

LIQUID WASTE

Category Number	Waste Category	Examples
1.	Animal waste	Processing waste from meat, dairy foods and smallgoods; tallow
2.	Waste from an apparatus for the treatment of sewage	Septic tank waste, leach drains, french drains, soak wells, holding tanks
3.	Grease waste	Waste resulting from food preparation processes
4.	Vegetable oils and derivatives and organic waste other than waste referred to in categories 1, 2 and 3	Vegetable and fruit processing wastes, starch wastes
5.	Paints and resins	
6.	(a) Oil interceptor waste	
	(b) Oils and emulsions	
7.	Solvents	
8.	Organic chemicals other than organic chemicals referred to in categories 5 to 7	
9.	Acids	
10.	Alkalis	

Category Number	Waste Category	Examples
11.	Chromium waste	
12.	Cyanide	
13.	Inorganic chemicals other than inorganic chemicals referred to in categories 9 to 12	
14.	Low strength waste water	Pond water, cooling tower water, wash waters

SCHEDULE 2

[Regulation 3]

AREA OF APPLICATION OF THE REGULATIONS

PART 1 — METROPOLITAN

Cities	Towns	Shires
Armadale	Bassendean	Kalamunda
Bayswater	Cambridge	Mundaring
Belmont	Claremont	Peppermint Grove
Canning	Cottesloe	Serpentine-Jarrahdale
Cockburn	East Fremantle	Swan
Fremantle	Kwinana	
Gosnells	Mosman Park	
Melville	Shepperton	
Nedlands	Vincent	
Perth		
Rockingham		
South Perth		
Stirling		
Subiaco		
Wanneroo		

PART 2 — COUNTRY

City of Bunbury
Shire of Capel
Shire of Dardanup

SCHEDULE 3**FEEES**

	\$
1. Licence (r. 4 (1)) —	
(a) in respect of premises	320
(b) as a carrier	320
(c) as a driver	20
2. Renewal of licence (r. 9) —	
(a) in respect of premises or as a carrier —	
for one year	120
for 3 years	280
(b) as a driver	20
3. (a) Grant of transfer facility registration (r. 4 (1))	50
(b) Renewal of transfer facility registration (r. 9)	50
(c) Inspection of transfer facility (r. 29 (2))	50
4. Grant or renewal of vehicle registration (r. 4 (1), 9)	50
5. Permit to remove liquid waste (r. 36 (1))	30

SCHEDULE 4

[Regulation 39 (1)]

DISPOSAL SITES

1. Metropolitan Septage Treatment Plant
Waterworks Road
Forrestdale.
2. Industrial Liquid Waste Treatment Plant
Waterworks Road
Forrestdale.

SCHEDULE 5

[Regulation 54]

TRANSITIONAL AND SAVINGS

Licences, certificates of registration and permits continue to operate

1. A licence in respect of premises, licence as a carrier, certificate of registration of a transfer facility or vehicle, or a permit, issued under the repealed 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, certificate of registration or permit were a licence, certificate of registration or permit issued for the same purpose under these regulations.

Identification plates to continue

2. An identification plate issued under the repealed regulations in respect of a collection tank, on and after the commencement of these regulations is taken to be an identification plate issued for the same purpose under these regulations.

Driver's registration to continue to operate

3. A certificate of registration issued to a driver under the repealed regulations and in force immediately before the commencement of these regulations, on and after the commencement of these regulations has effect as if the certificate of registration were a licence issued to the driver under these regulations.

Time allowed to become registered occupier

4. (1) Despite regulation 15, a person who, immediately before the commencement of these regulations, was the occupier of premises on which a grease trap is situated may continue as such without being registered as an occupier of those premises until 30 June 1996.

(2) Despite regulation 15, a person who, immediately before the commencement of these regulations, was the occupier of premises on which an oil interceptor is situated may continue as such without being registered as an occupier of those premises until the expiration of the period of 6 months after the commencement of these regulations.

Pending proceedings

5. Notwithstanding the repeal of the *Health (Liquid Waste) Regulations 1993*, any proceeding under those regulations that is commenced and pending on the commencement of these regulations may be continued and concluded under those regulations as if that repeal had not been effected.

Applications

6. An application made and not finally dealt with under the repealed regulations before the commencement of these regulations is to be treated as an application made under these regulations.

Exemption

7. An exemption granted under the repealed regulations and in force immediately before the commencement of these regulations, on and after the commencement of these regulations has effect as if it were an exemption granted under these regulations.

Recommended by the Environmental Protection Authority.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

