

How to establish lawful place for management of on-farm wastes

This decision tool covers the most common issues facing the dairy farm sector and is for general information purposes only. It is not intended to be comprehensive of all situations facing dairy farms. It does not constitute legal advice. You may need to seek specialist advice for your particular circumstances. Links to relevant EPA information are provided throughout the document should you like further information on key topics.

Industrial waste duties and lawful place

You must comply with the new industrial waste duties under the [Environment Protection Act 2017 \(Vic\) \(new Act\)](#) which will apply to all waste produced from on-farm (commercial) activities. You must also comply with the General Environmental Duty.

After [identifying and classifying](#) your industrial waste, you must ensure that it is taken to a 'lawful place'. **This tool will help you decide which of six different pathways is right to establish lawful place for your waste.**

Click the following links for more information on [drumMUSTER](#) and [ChemClear](#) recycling programs.

What is waste?

Waste includes any matter (solid, liquid and gas) that is deposited, discharged, emitted or disposed of into the environment in a manner that alters the environment. Waste also includes matter that is discarded, rejected, abandoned, unwanted or surplus, irrespective of any potential use or value as well as waste intended for, or undergoing, resource recovery.

Under the new Act, waste is further [categorised](#) into **industrial waste**, **priority waste** and **reportable priority waste**, with each category of waste having a higher risk and increased management obligations.

Industrial waste is defined as waste arising from commercial, industrial or trade activities or from laboratories; or waste prescribed to be industrial waste. Some examples include effluent, animal bedding, or spoiled milk.

Priority waste and **reportable priority waste** are higher risk industrial wastes classified as such in Schedule 5 of the [Environment Protection Regulations 2021](#).

Examples include:

- some pesticides including herbicides and insecticides such as organophosphorus pesticides and organochlorine pesticides
- grease trap waste and used oil filters are classified as reportable priority waste (transactions and transport)
- waste tyres are classified as reportable priority waste (transactions, but not transport)
- timber treated with hazardous substances, including sawdust, is classified as priority waste.

How do I know what is a 'lawful place'?

You must only dispose of or discharge industrial waste at a 'lawful place', that is, a place that is authorised to receive that particular type of waste.

If you are receiving industrial waste, you must ensure that your premises is a 'lawful place', that is, it is authorised to receive the particular type of waste you are receiving.

There are six different pathways to lawful place that you could follow. Use the following decision making tool starting on the next page to help work out the right pathway to 'lawful place' for your type of waste.

PATHWAY 1

Low-risk circumstances specified in Regulation 63¹

Is the waste:

- **trade waste** being discharged or deposited into the sewerage system of a water corporation in accordance with a trade waste agreement under the Water Act 1989?
- **less than 20 m³ per month of manure**, including any mixture of manure and biodegradable animal bedding from agricultural sources, being discharged or deposited to land?
- **not more than 5 m³ of industrial waste that is not priority waste**, where:
 - receipt of that waste at the place or premises does not require an EPA permission; and
 - the waste is *not* for application to land?
For example, waste cardboard, concrete, bricks, rubble and untreated timber, including sawdust, from a commercial activity are industrial wastes but not priority wastes. Therefore, you could receive 5m³ or less of these types of waste under this Pathway provided you do not otherwise need an EPA permission for your activities and you are not applying them to land.
- **not more than 5 m³ of the following types of priority waste**, and receipt of that waste at the place or premises does *not* require an EPA permission:
 - **timber** treated with hazardous substances, including sawdust?
 - **tyres**, including tyre pieces greater than 250mm in size measured in any dimension?
 - **e-waste**, excluding batteries?
- **reclaimed wastewater** which:
 - is being used at a place or premises that: (1) has a current 'Reclaimed wastewater supply or use' permit under the new Act; or (2) meets the description of a class of premises in that permit as a place or premises where the reclaimed wastewater can be used; and
 - will be used immediately for the purposes and circumstances set out in the permit?
- **biosolids** which:
 - are being used at a place or premises that: (1) has a 'Biosolids supply or use' permit under the new Act; or (2) meets the description of a class of premises in that permit as a place or premises where the biosolids can be used; and
 - will be used immediately for the purposes and circumstances set out in the permit?
- **reportable priority waste (transport) (other than soil)**² which:
 - is being used at a place or premises that: (1) is identified in a 'Supply or use of reportable priority waste' permit under the new Act; or (2) that meets the description of a class of premises in that permit as a place or premises where the waste can be used; and
 - will be used immediately for the purposes and circumstances set out in the permit?

¹ For a full list of Pathway 1 situations refer to [Regulation 63](#).

² To find out what is classified as 'reportable priority waste (transport)' refer to the classifications in Schedule 5 of the [Environment Protection Regulations 2021](#).

PATHWAY 2

Received in accordance with specifications set out in a Waste Determination (Regulation 5(3)(a) of the Environment Protection Regulations 2021)

Is the waste:

- 1 **Manure and/or effluent (or a mixture of both)** and ALL of the following applies:³
 - The waste is:
 - *manure*, that is livestock faecal matter, a mixture of livestock faecal matter and biodegradable animal bedding such as straw or sawdust; or
 - effluent, where effluent is livestock faecal matter in liquid form and wastewater from collection or treatment systems that are ancillary to livestock management; or
 - a combination of the manure and effluent; and
 - The waste is for the purposes of depositing to land as a soil amendment or for irrigation (Note that if the waste is to be used for another purpose this pathway will not apply); and
 - The waste receiver has checked each consignment of waste when received at the receiving site and confirmed that the consignment only contains livestock manure, effluent or a mixture of both; and
 - The activity does *not* require an EPA permission (e.g. licence, permit or registration)?
- 2 **Processed organics** and meets the **EPA Determination – Specifications acceptable to the Authority for receiving processed organics (Organics Determination)**?
- 3 **Recycled aggregates** and meets the **EPA Determination – Specifications Acceptable to the Authority for Receiving Recycled Aggregates (Aggregates Determination)**?
- 4 **Clean fill** and meets the **EPA Determination – Specifications acceptable to the Authority for receiving fill material (Fill Determination)**?

³ EPA Determination – Specifications for receiving livestock manure and effluent (Manures Determination)

PATHWAY 3

Received under a Declaration of Use

(Regulation 64 of the Environment Protection Regulations 2021)

Does the waste meet ALL of the following:

- Is not reportable priority waste that requires a transport permission; and
- Is intended for IMMEDIATE USE for:
 - resource recovery; or
 - use as a substitute for an input or raw material in commercial, industrial, trade or laboratory activity, and is not soil; and
- Is not for application to land **or** where it is for application to land then only where the waste is:
 - commercial garden and landscaping organics that does not contain any physical or chemical contamination; or
 - untreated timber, including sawdust; or
 - natural organic fibrous waste; and
- The receiving activity does not require an EPA permission (e.g. licence, permit or registration)?



PATHWAY 4

A place licenced to receive this type of waste

Does the place or premises you intend to take the waste have an EPA permission (e.g. licence, permit or registration) to receive your type of waste?

This could be a licensed landfill or transfer station, for example. Check with the waste receiver and confirm by checking the EPA's online permissions search tool or searching on the web, for example.



PATHWAY 5

A place that comes within a Permission Determination or has a Permission Exemption

Is the place or premises you intend to take the waste not required to have an EPA permission to receive waste under a Permission Determination or has it obtained an exemption from the need to hold a permission from the EPA?

Check with the waste receiver and confirm by checking the EPA's [online permissions search tool](#) or searching on the web, for example.

PATHWAY 6

Temporary emergency authorisation from the EPA

Do you need to dispose of, discharge, emit, deposit, store, treat or handle waste in a temporary emergency or unexpected situation? (for example spoiled or contaminated milk.)