Requirements of controlled waste carriers

What is a carrier?

Under the *Environmental Protection (Controlled Waste) Regulations 2004* (the Regulations):

> ***carrier*** means a person licensed as a carrier under these regulations.

A carrier may be:

- a waste transport company that employs drivers to transport controlled waste in the company's vehicles; or
- a person who transports controlled waste in his or her own vehicle for gain or reward.

Carrier licences are issued by the Department of Environment Regulation.

Carriers licensed to transport bulk controlled waste also require each vehicle or tank and driver transporting bulk controlled waste to be licensed.

For more information about these licences, please refer to the Department's website, or contact the Department on +61 8 6467 5000.

Carriers licensed to transport only packaged controlled waste also have specific obligations under their licence conditions to list controlled waste vehicles and drivers with the Department, (details within this fact sheet).

For more information about controlled waste please refer to the Department's website, or contact the Department on +61 8 6467 5000.

The following table summarises controlled waste licence or registration requirements:

Table 1. Controlled waste licence requirements

Licence Type	Bulk waste	Packaged waste
Carrier	Licence	Licence
Driver	Licence	List with the Department
Vehicle	Licence	List with the Department

Carrier licence

Under the Regulations a carrier must hold a valid carrier licence relevant to the type of controlled waste the carrier will transport on a road. A licence is valid for one, three, or five years.

If a company licensed as a carrier has one or more subsidiary companies (either fully or partially owned), operating under separate Australian Company Numbers (ACN), and each subsidiary will be transporting controlled waste, then each company must hold a separate carrier licence.

A carrier licence may contain licence conditions. It is an offence to contravene any condition of a carrier licence. Under regulation 6:

> (4) A person who holds a licence and who contravenes a condition to which that licence is subject commits an offence…

How do I apply for a carrier licence?

Before applying for a carrier licence a person is advised to establish:

- what type of controlled waste will be transported;
- whether transportation will be in bulk or packaged form; and
- which waste facility will be used for which type of waste.

The person completes and submits to the Department Form CW4 – Application enquiry for becoming a carrier.

On receiving this information, the Department consults with the person to identify relevant licensing obligations, and provides the person with a reference number to include if or when submitting Form CW1 – Application for carrier licence.

The applicant is not yet licensed to transport controlled waste; however, the allocated reference number assists the Department in tracking correspondence related to that enquiry.

To be licensed as a carrier, an applicant completes and submits Form CW1 – Application for carrier licence, adding the reference number, and:

- attaches business or company documentation;
- attaches a spill management plan;
- attaches a confirmation letter from proposed waste facility(s) stating it is able to accept the type of controlled waste the applicant intends to transport;
- pays the scheduled licence fee (refer to Schedule of controlled waste fees, or contact the Department on +61 8 6467 5000); and
- attaches information/documentation on the drivers and vehicles that will be used to transport bulk controlled waste.

Complete and legible applications will be determined within 30 days.

According to regulation 5:

> (3) If the CEO has not determined an application made under regulation 4 by the end of the period of 30 days —
>
> (a) beginning on the day on which the application was made to the CEO; or
>
> (b) beginning on the day on which information required to be provided under regulation 4(2) is received by the CEO,
>
> whichever is the later, he or she is taken to have made a decision to refuse the application on the last day of that period.

If approved by the Chief Executive Officer (CEO), the carrier licence will be sent via Australia Post to the nominated postal address.

The applicant is not licensed to transport controlled waste on a road until the licence is received by them.

Bulk carrier licensing

Under the Regulations a carrier licensed to transport bulk controlled waste must ensure that all drivers and vehicles used to transport bulk controlled waste are also licensed.

Bulk controlled waste driver

Each driver employed or engaged by a carrier to transport bulk controlled waste must hold a valid controlled waste driver licence.

Attached to each carrier licence application is:

- for each of the carrier's drivers who does not hold a controlled waste licence, a completed Form CW2 – Application for bulk controlled waste driver licence; and
- for each of the applicant's drivers who already holds a controlled waste driver licence, a completed Form CW7 – Notification of change of driver's employer.

For more information please refer to fact sheet 'Requirements of bulk controlled waste drivers' on the Department's website, or contact the Department on +61 8 6467 5000.

Bulk controlled waste vehicle or tank

Under the Regulations all vehicles or tanks transporting bulk controlled waste must be licensed.

An application for a carrier licence for each vehicle or tank that will be used by a carrier to transport controlled waste must include a completed Form CW3 – Application to licence vehicle or tank to transport bulk controlled waste vehicle or tank.

For more information, please refer to fact sheet 'Bulk controlled waste vehicles and tanks' on the Department's website, or contact the Department on +61 8 6467 5000.

Packaged carrier

To enable electronic tracking of controlled waste transported on a road, packaged carriers must provide the Department with details of the drivers employed and vehicles used by the packaged carrier.

Attached to each packaged carrier licence application is:

- a completed Form CW5 – List of vehicle(s) or trailer(s) used to transport packaged controlled waste, which lists all the carrier's vehicles and trailers; and
- a completed Form CW6 – List of driver(s) transporting packaged controlled waste, which lists all drivers of packaged waste.

A packaged carrier may also track controlled waste transported on a road with a paper CWTF.

Packaged controlled waste driver

Packaged controlled waste drivers are not licensed by the Department.

Packaged controlled waste drivers only transport packaged controlled waste when licensed as a packaged controlled waste carrier, or when employed by a licensed packaged controlled waste carrier.

For more information, please refer to fact sheet 'Requirements of packaged controlled waste drivers' on the Department's website, or contact the Department on +61 8 6467 5000.

Packaged controlled waste vehicle

Packaged controlled waste vehicles are not licensed by the Department.

Packaged carrier licences have conditions relating to the operation of vehicles used to transport packaged controlled waste.

A carrier's licence sets out signage requirements for packaged controlled waste vehicles.

For more information on signage requirements please refer to fact sheet 'Packaged controlled waste vehicles' on the Department's website, or contact the Department on +61 8 6467 5000.

Can my carrier licence be refused, cancelled or suspended?

Yes, under the Regulations the CEO may cancel, suspend or refuse a carrier licence if:

- the applicant or carrier is not competent;
- the applicant or carrier has been convicted of an offence against environmental legislation relating to the transportation, storage or disposal of controlled waste;
- there are reasonable grounds to suspect the applicant or carrier is not of good character and repute and fit to be involved in the business;
- the applicant or carrier had a previous licence cancelled, suspended, or refused in another state or territory;
- there are reasonable grounds to suspect the information the applicant or carrier provided is false or misleading; or
- the carrier does not pay the applicable fee for the controlled waste tracking number issued by the Department within the time specified by the Department.

When a carrier licence is suspended or cancelled, all of the carrier's vehicles and tanks licensed under that carrier licence are also deemed to be suspended or cancelled.

Licence validity

When an applicant applies for a carrier licence, he/she may choose a one-year, three-year or five-year period for the licence to be valid.

Prior to the expiry of the licence period, the carrier may choose to renew the licence for one year, three years or five years.

For more information about controlled waste fees please refer to the Schedule of controlled waste fees on the Department's website, or contact the Department on +61 8 6467 5000.

Licence renewal

Prior to its expiry the carrier is responsible for renewing its controlled waster carrier licence.

The Department may send the carrier a renewal invoice up to five weeks prior to the expiry of the licence.

If a licence renewal invoice has not been received, the Department should be contacted prior to the licence expiry date.

A carrier cannot lawfully transport controlled waste when the licence has expired. Failure by a carrier to renew the carrier licence before the due date will result in the licence expiring.

If a carrier wants to transport controlled waste after its carrier licence has expired, a new carrier licence application must be submitted accompanied by the full licence fee for the selected period.

What happens to my carrier licence if I sell my business, tank or vehicle?

Within 30 days of assigning a controlled waste business, licensed vehicle or tank, a carrier must notify the Department in writing that the assignment has occurred.

If the new owner (the assignee) wants to carry on the business, or operate the vehicle or tank under the existing carrier licence, they must complete and submit Form CW10 – Application for transfer of controlled waste vehicle/tank licence to assignee and/or Form CW21

– Application to transfer controlled waste carrier licence, to the Department, within 30 days of the assignment together with payment of the scheduled transfer fee.

If the new owner follows the process above, and complies with all conditions the licence was subject to at the time of assignment, then the new owner is considered to be the licenceholder during the period between the assignment occurring and the licence transfer being completed.

Prior to making a decision to transfer a carrier licence to the assignee, the Department may request additional information from the assignee. If the transfer is approved, subject to any conditions to the contrary, the licence shall remain valid for its original period.

The original licence holder remains liable for any statutory obligations of the original licence incurred immediately prior to assignment to the new owner, such as any fees payable, or submission of outstanding tracking forms.

Changing business details, drivers or vehicles

In the event of any change in details for the carrier business or existing licensed vehicles or tanks, the carrier must complete and submit Form CW8 – Amendment to a controlled waste licence to the Department.

Under the Regulations, a carrier must notify the Department in writing within 14 days of a licensed driver commencing or ceasing to be employed by the carrier.

The carrier completes and sends the forms to the Department:

- Form CW7 – Notification of change of driver's employer for drivers commencing or ceasing employment with the carrier;
- Form CW6 – List of drivers transporting packaged controlled waste for changes to listed drivers; and
- Form CW5 – List of vehicles or trailers used to transport packaged controlled waste for changes to listed vehicles.

Sub-contractors

A sub-contractor who transports controlled waste on a road in Western Australia (WA) on behalf of a licensed carrier, must not transport or cause to be transported a type of controlled waste on a road if the sub-contractor is not licensed as a carrier for the type of controlled waste.

Interstate waste transport

Specific requirements apply where a carrier or equivalent licence-holder in another state or territory seek to transport controlled waste into or out of WA.

For more information, please contact the Department on +61 8 6467 5000.

Spill management plan

Carrier licence conditions generally specify the need for a carrier to have a documented spill management plan (SMP). An SMP outlines the actions to be taken in the event of a controlled waste spill.

The carrier must ensure a copy of the SMP accompanies any vehicle or tank. Spill management equipment must also accompany vehicles when transporting controlled waste on a road.

The purpose of an SMP is to limit harm to the environment and the public in the event of a controlled waste spill. The SMP must clearly outline the actions to be taken should a spill occur (stop, contain, report, clean up and record).

It is recommended that the SMP included the following key information:

Management

- Spill management procedures—how will the spill be managed?
- Spill management people—which people and resources are in charge of the spill management process?
- Equipment—what equipment will be used to contain and manage the spill and where will it come from?
- Disposal—where will the spilled controlled waste be disposed and who will dispose of it?

Communication

- Notification flow-path—who will be contacted in the event of a spill? Include full name, organisation and contact phone number.

Reporting

- Type of report—how will the spill be reported?
- Report recipient—who will receive the spill report?
- Report content—what will be reported?
- Timeline for reporting—the carrier and driver are both obliged to immediately notify the Department in the event of any waste discharging at a location other than a waste facility, or any waste spilling or falling from a vehicle used to transport controlled waste.

Background

- Controlled waste codes—what are the controlled waste codes being transported?
- Controlled waste properties—what are the properties of the controlled waste being transported?
- Transportation—how is the controlled waste transported?
- Routing—where is the controlled waste transported and where are the likely locations of a spill?
- Environmental impacts—what are the likely environmental impacts of a spill?

For more information the following is suggested reference material:
Standards Australia (2001), HB76:1997–*Dangerous Goods – Initial Emergency Response Guide*. Appendix F – State and Territory.

Carrier responsibilities

A carrier is responsible for the transport of controlled waste on a road by any vehicle or driver employed or engaged by the carrier. It has responsibility for the drivers and vehicles operating under it. Regulation 48 provides:

Responsibility of carrier

(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 under subregulation (1) whether or not the driver who committed the offence has been proceeded against and convicted of the offence.

Transporting controlled waste

A controlled waste tracking form (CWTF) is to accompany all vehicles transporting controlled waste on a road, unless the load is packaged controlled waste and the total weight or volume of the packaged controlled waste on the vehicle or in a tank of the carrier is less than 200 kilograms or 200 litres at any one time.

Before collecting controlled waste

Before collecting controlled waste the carrier is to be aware of its obligations under the Regulations, such that the carrier:

- holds a valid controlled waste carrier licence issued by the Department;
- ensures all bulk drivers employed or engaged by the carrier hold a valid controlled waste driver licence for bulk waste;
- ensures all vehicles or tanks for transport of bulk waste have a valid controlled waste licence and are compliant with the conditions of that licence; and
- ensures a CWTF has been opened for the waste load and provided to the driver to carry in the vehicle.

The carrier ensures the carrier's licence conditions are met, such that the carrier:

- has provided the Department the details of all packaged drivers;
- has provided the Department the details of all packaged vehicles;
- ensures a copy of the spill management plan (SMP) is in all vehicles and tanks, the drivers have access to the SMP and the carrier has taken reasonable precautions and given proper instruction to ensure the drivers know how to follow the SMP; and
- ensures all vehicles have appropriate spill management equipment on board the vehicle.

When collecting controlled waste from a waste holder

When collecting waste from a waste holder the carrier takes all reasonable precautions and gives proper instruction to ensure their drivers (both packaged and bulk) are aware of their obligations under the Regulations, such that the driver:

- provides the waste holder with a receipt detailing the controlled waste tracking number, type and amount of controlled waste collected, and the date the waste was loaded onto the vehicle or tank (Schedule 2 Division 1 of the Regulations); and prior to transporting the controlled waste on a road from the waste holder's premises, the driver completes the CWTF and includes the applicable information as set out in Schedule 2 Division 3 of the Regulations.

The carrier takes all reasonable precautions and gives proper instruction to ensure their drivers (both packaged and bulk) are aware of the waste holder's obligations under the Regulations, such that:

- if the waste holder is present at the time of the controlled waste collection, the driver provides the waste holder the opportunity to sign the CWTF.

The carrier takes all reasonable precautions and gives proper instruction to ensure their bulk controlled waste drivers meet the carrier's licence conditions, and that the driver **will not** transport:

- Waste code D140 – chromium compounds as a bulk controlled waste on a road without receiving from the waste holder an accredited laboratory analysis that certifies that the chromium has been reduced from a hexavalent state to a trivalent state, with the total hexavalent chromium concentration not exceeding 100 milligrams per liter (mg/L).
- Waste codes A110 – waste from heat treatment and tempering processes which use cyanide; A130 – inorganic cyanide; and M210 – cyanides and nitriles, as a bulk controlled waste on a road without receiving from the waste holder an accredited laboratory analysis certifying that the cyanide has been oxidised to destroy the free cyanide with the total free cyanide concentration not exceeding 5mg/L.
- Waste codes G110 – non halogenated organic solvents; G130 – dry cleaning waste; G150 – halogenated organic solvents; and G160 – waste from production, use and formulation of organic solvents not otherwise specified as a bulk controlled waste on a road without receiving from the waste holder an accredited laboratory analysis certifying that the controlled waste has a flashpoint greater than 61 degrees Celsius.

The carrier takes all reasonable precautions and gives proper instruction to ensure their bulk controlled waste drivers meet the carrier's licence conditions and the bulk controlled waste drivers licence conditions, such that prior to transporting the bulk controlled waste on a road the driver will:

- ensure the bulk controlled waste has a pH range of 2–12.5; and
- make a record on the controlled waste tracking form of the pH for all waste codes of bulk controlled waste, with the exception of waste codes K110 – waste from grease traps; K130 – sewage waste; K210 – septage wastes; and J130 – oil interceptor waste.

The carrier ensures that the driver is aware of conditions of the carrier's licence including:

- different waste codes of packaged controlled waste are not mixed within individual packages, with the exception of J100 – waste mineral oils unfit for their intended purpose together with coolant waste categorised in waste code M130 – non halogenated organic chemicals;
- prior to being transported each unit of packaged controlled waste is clearly labelled with the waste code and waste name it contains;
- when transporting packaged controlled waste, the waste is transported in a separate compartment from the driver;
- all packaged controlled waste is stowed securely during transport; and

- no controlled waste package protrudes above the sides or gates of the vehicle by more than 30 per cent of the height of the package.

During transport of controlled waste

The carrier takes all reasonable precautions and gives proper instruction to ensure their drivers (both packaged and bulk) are aware of their obligations under the Regulations when transporting controlled waste on a road, such that the driver ensures:

- the vehicle or tank is used in such a way as to prevent waste spilling, discharging or falling from the vehicle or tank.

The carrier takes all reasonable precautions and gives proper instruction to ensure their bulk controlled waste drivers are aware of their obligations under the Regulations, such that the driver ensures:

- a non-controlled waste is not transported in a licensed vehicle or tank prior to receiving written permission from the Department.

The carrier ensures that the driver is aware of the condition of the carrier's licence that, in the event of any controlled waste spilling or falling from a vehicle or tank used to transport controlled waste, the Department is notified as soon as practicable and in writing within 24 hours of the spill.

When unloading controlled waste at a waste facility

The carrier takes all reasonable precautions and gives proper instruction to ensure their drivers (both packaged and bulk) are aware of their obligations under the Regulations when unloading waste at a waste facility, such that the driver ensures:

- the CWTF for the load is valid; and
- the controlled waste is only unloaded at a waste facility that may lawfully receive that type of controlled waste.

The carrier ensures that the driver is aware of the condition of the carrier's licence that:

- the Department is notified as soon as practicable, verbally or electronically followed by written notification, when a bulk controlled waste load presented at a waste facility does not comply with licence conditions WTB5, WTB7 and WTB8.

Unoccupied waste facilities

Drivers unloading at unoccupied waste facilities will not be able to present the controlled waste driver identification card to the occupier of the waste facility, or provide a copy of the CWTF before unloading the controlled waste.

Within seven days of unloading controlled waste at an unoccupied waste facility, the carrier or the driver provides the occupier of the waste facility with a copy of the CWTF or the information set out in Schedule 2, Division 3 of the *Environmental Protection (Controlled Waste) Regulations 2004* that the CWTF contains.

After unloading controlled waste at a waste facility

The carrier takes all reasonable precautions and is aware of their obligations under the Regulations after the controlled waste has been unloaded at the waste facility, such that the carrier ensures:

- the CWTF contains all of the information listed in Schedule 2, Division 3 of the Regulations;
- within 14 days of the controlled waste being unloaded from the vehicle or tank at a waste facility, a copy of the CWTF or the controlled waste tracking number and the information in Schedule 2, Division 3 is provided to the Department; and
- a record of CWTF information is held for at least three years from the day the tracking form becomes valid.

For more information please refer to fact sheet 'Controlled waste tracking' on the Department's website, or contact the Department on +61 8 6467 5000.

Compliance and inspections

DER officers periodically perform inspections to assess compliance with licences and the Regulations.

Penalties

Failure to meet these statutory requirements may constitute an offence under the Regulations and penalties may apply.

Breaches of the Regulations may attract on-the-spot fines of $250 or $500, or a penalty of up to $5,000. Pursuant to s 40(5) of the *Sentencing Act 1995*, offences committed by corporations may attract a fine of up to $25,000 as determined by a court.

More information

For advice on compliance with the Regulations or any other controlled waste matter, please contact the Department on +61 8 6467 5000, or email Controlled Waste at cwts@der.wa.gov.au.

This document is available in alternative formats and other languages on request.

Related documents

Additional publications about controlled waste and related controlled waste fact sheets are available online on DER's website, or by contacting the Department on +61 8 6467 5000.

Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation.

Please refer to the Regulations and the *Environmental Protection Act 1986* available from the State Law Publisher. Free electronic copies are available from State Law Publisher website

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