



# Victoria Government Gazette

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## Environment Protection Act 2017

### DESIGNATION OF THE AUTHORITY UNDER REGULATION 86 OF THE ENVIRONMENT PROTECTION REGULATIONS 2021

#### Classification of Agricultural and Veterinary Chemical Waste for the Purposes of the ChemClear Program

#### 1. Citation

This designation is 02 of 2021 and may be cited as: EPA Designation – classification of agricultural and veterinary chemical waste for the purposes of the ChemClear program.

#### 2. Summary

This designation is issued by the Environment Protection Authority (Authority), under Regulation 86 of the Environment Protection Regulations 2021 (Regulations) for the purposes of classifying specified expired, unwanted or unknown agricultural and veterinary chemical waste (called agvet chemical waste in this designation) in relation to the ChemClear program, a product stewardship scheme under Regulation 86(11) of the Regulations.

This designation classifies agvet chemical waste, which would otherwise be classified as priority waste under the **Environment Protection Act 2017** (Act) and the Regulations, as not priority waste for the purposes of the ChemClear program.

The effect of this designation is that a person transporting, or consigning for transport, agvet chemical waste that has been registered for the purposes of the ChemClear program, does not have to comply with the priority waste duties under Part 6.5 of the Act, or, obtain a permission from the Authority to transport priority waste.

This designation ceases to apply to agvet chemical waste once it is collected by the ChemClear retrieval team at a drop-off collection site. At that point, the classification of the agvet chemical waste returns to being priority waste (and reportable priority waste) under the Act. A person receiving, storing, transporting or consigning for transport agvet waste other than in accordance with this designation, must comply with the relevant obligations under the Act and Regulations, including applying for any relevant permissions.

#### 3. Definitions

In this designation, words and phrases have the same meaning as in the Act and the Regulations unless otherwise specified, and –

**agricultural chemical product** has the same meaning as in the Agvet Code of Victoria;

**agvet chemical waste** means expired or unwanted agricultural chemical waste, veterinary chemical waste, or both, set out in Clause 4;

**Agvet Code of Victoria** means the Code set out in the Schedule to the Agricultural and Veterinary Chemicals Code Act 1994 of the Commonwealth as it applies as a law of Victoria under section 5 of the **Agricultural and Veterinary Chemicals (Victoria) Act 1994**;

**ChemClear program** means the national product stewardship scheme established in 2003 and managed by AgSafe Limited, to provide agricultural and veterinary chemical users and holders a safe disposal path for agvet chemical waste;

**ChemClear retrieval team** means representatives of the ChemClear program who facilitate the storage, transport and ultimate disposal of the agvet chemical waste collected from a drop-off collection site for the purposes of the ChemClear program;

**drop-off collection site** is a site approved under the ChemClear program as the designated collection point where the waste generator transports or consigns for transport the agvet chemical waste and the ChemClear retrieval team collects it for the purposes of the ChemClear program;

**SPECIAL**

**veterinary chemical product** has the same meaning as in the Agvet Code of Victoria;

**waste generator** means a person in management or control of agvet chemical waste registered for the purpose of the ChemClear program.

#### 4. Application

This designation applies to agvet chemical waste, which is waste or a combination of wastes –

- (a) from an agricultural chemical product; or
- (b) from a veterinary chemical product; or
- (c) included within the following items in the Table in Schedule 5 to the Regulations:
  - (i) item 9, Waste Code D130, Arsenic and arsenic compounds;
  - (ii) item 24, Waste Code D300, Non-toxic salts including sodium chloride, calcium chloride;
  - (iii) item 32, Waste Code E100, Oxidising agents (including peroxides);
  - (iv) item 41, Waste Code H100, Waste from the production, formulation and use of biocides, fungicides and phytopharmaceuticals, not otherwise specified in items 42 to 44 of the Table;
  - (v) item 42, Waste Code H110, Organophosphorus pesticides;
  - (vi) item 43, Waste Code H120, Organochlorine pesticides;
  - (vii) item 44, Waste Code H170, Waste from manufacture, formulation and use of wood-preserving chemicals;
  - (viii) item 45, Waste Code J100, Waste oils, hydrocarbons, emulsions and transformer fluids excluding poly-chlorinated biphenyls;
  - (ix) item 77, Waste Code M250, Surface active agents.

#### 5. Designation

- (1) Subject to subclause (2), for the purposes of Regulations 86(7)(e) and 86(11) of the Regulations, the Authority determines that agvet chemical waste is not priority waste, provided the conditions set out in Clause 6 are met.
- (2) This designation ceases to apply to agvet chemical waste at the point of its collection by the ChemClear retrieval team at the drop-off collection site.

#### 6. Conditions

The waste generator must:

- (i) register the agvet chemical waste for the purposes of the ChemClear program before it is transported or consigned for transport to the drop-off collection site;
- (ii) store the agvet chemical waste in safe and secure containers which are labelled with the applicable registration reference number allocated by the ChemClear program;
- (iii) when transporting the agvet chemical waste to the drop-off collection site, do so in accordance with the **Dangerous Goods Act 1985** and **Occupational Health and Safety Act 2004**.

#### 7. Duration

This designation commences on 1 July 2021 and remains in effect until the revocation of the Regulations, unless earlier revoked by the Authority.

**8. Notes**

- (1) Persons in management or control of agvet chemical waste when the designation ceases to apply pursuant to Clause 5(2) must obtain the appropriate permissions from the Authority.
  - (2) The Authority may amend or repeal this designation by way of written notice in the Government Gazette.
  - (3) This designation does not satisfy, alter or remove any requirement under the Act, except to the extent the designation expressly states otherwise.
  - (4) This designation and others can be found on the Authority's website: [www.epa.vic.gov.au](http://www.epa.vic.gov.au)
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