

AMENDMENTS TO THE *ENVIRONMENTAL PROTECTION (CONTROLLED WASTE) REGULATIONS 2004*

The *Environmental Protection (Controlled Waste) Regulations 2004* (the “Regulations”) were implemented on 1 July 2004 to provide for the licensing of controlled waste carriers, vehicles and drivers to ensure controlled wastes are transported safely from point of generation to an approved disposal or treatment site.

The Regulations are designed to ensure the safe transportation of controlled waste to an approved location and to monitor and track controlled waste to prevent unauthorised discharge into the environment. The ability to track the movement of controlled waste is a requirement under the Regulations, and the Controlled Waste Tracking System (CWTS) provides the Department of Environment and Conservation (DEC) with suitable tools to carry out this function. The information from the tracking system is collated by DEC to provide data on priority waste management issues within the State.

The Regulations are applied across the State and DEC aims to provide an equitable and competitive system for carriers in the controlled waste industry.

DEC is currently reviewing the Regulations and will be implementing amendments relating to the removal of Regulation 3(1) and 3(2) relating to powers of the Chief Executive Officer (CEO) and an increase in the Schedule of Fees to achieve full cost recovery for controlled waste functions.

Removal of Regulation 3(1) and 3(2), relating to powers of the CEO

Regulations 3(1) and 3(2) provide the CEO with certain powers to regulate controlled waste. A more appropriate provision for these powers is already provided for under Section 6(1) of the *Environmental Protection Act 1986* and therefore 3(1) and 3(2) will be removed from the Controlled Waste Regulations.

An amendment to the Schedule of Fees to achieve full cost recovery for controlled waste functions

DEC has been directed by the Expenditure Review Committee of State Cabinet to achieve full cost recovery of the controlled waste function. An independent consultancy was engaged to review the full cost of implementing the Controlled Waste Regulations taking into account the range of licensing and inspection functions DEC carries out across the State.

Administration and enforcement of the Regulations, including relevant support areas within DEC, are required to be funded directly from controlled waste licence and controlled waste tracking form (CWTF) fees in order to achieve full cost recovery. These fees will be allocated directly to the controlled waste function and will ensure an adequate service is provided to industry. The Minister for the Environment has endorsed this proposal.

A revised fee structure will allow for resources to improve and increase several key areas of service delivery including:

1. Continued enforcement of the *Environmental Protection (Controlled Waste) Regulations 2004* across the State to provide for an equal level of regulation in the metropolitan and regional areas;
2. Streamlining the controlled waste licensing process;
3. Increasing the number of inspections of carriers, disposal/treatment facilities and waste generators premises, focusing on businesses that are not complying with the Regulations;
4. Improved training resources and use of the electronic CWTS amongst industry; and
5. Timely processing of paper controlled waste tracking forms received by DEC.

An amendment to the fee structure within the Controlled Waste Regulations will come into effect on 1 March 2007. Tracking forms used for waste collections on or after this date will incur the new fees.

New Fee Structure

The proposed fee structure is set out in Attachment 1.

The proposal takes into account the current fee structure. Since gazettal of the Regulations on 1 July 2004 fees set in Schedule 3 of the Regulations increased on 1 October 2004. Currently the Regulations specify fees from that date and therefore an amendment to Regulation 54 (Fees) and Schedule 3 (Fee structure) is required.

The new fee proposal features:

1. No increase to fees for new, renewal and amendments to controlled waste licences;
2. An overall increase in fees for controlled waste tracking forms (CWTF);
3. A discount in CWTF fees for carriers utilising the electronic (CWTS); and
4. A general increase in CWTF fees by approximately 5% each financial year.

To cater for small to medium sized operators, operators in regional areas and controlled waste drivers, DEC has kept licence fees at the current nominal fee amounts to minimise their operation costs.

The fees associated with CWTFs are passed directly on to waste generators. Given that there is a large number of waste generators, this allows for the increase to be a small amount per waste collection spread over a large group of generators. This is in line with the user-pays principle. The generator of the waste should pay the full costs associated with the treatment/disposal and tracking of that waste.

In addition to the general increase in CWTF fees, DEC has taken into account the carriers utilising the electronic CWTS and allowed for a discount in the CWTF fee for electronic tracking forms. It is unreasonable for carriers utilising the electronic CWTS to subsidise carriers using paper tracking forms. The cost of administering the paper tracking system places a substantial burden on controlled waste resources which would be more appropriately

allocated to achieving key service delivery improvements as outlined above. Accordingly the fee for processing paper CWTFs will now be charged.

It is important to remember that tracking forms utilised for waste collections prior to 1 March 2007 will be invoiced at the current tracking form fee of \$22.50. Tracking forms utilised for waste collections on or after 1 March 2007 will incur the new fee structure. An invoice for controlled waste tracking forms will be issued as usual and will list the tracking form numbers and associated fee.

Applications for new controlled waste licences, renewal of controlled waste licenses and amendments to controlled waste licenses will remain at the current scheduled fee. Invoices will be received as usual outlining the type of application and the associated fee.

If you would like to comment on these changes, your written response is required to be received at DEC by 5pm on Friday 26 January 2007.

Responses should be directed to:

The Manager, Controlled Waste
Department of Environment and Conservation
Locked Bag 104
Bentley DC WA 6983

Attachment 1: Summary of Proposed Fee Changes

For the purposes of Regulation 54 the fees for controlled waste licences are set out in the Table below:

Item	Description	Fee
1	Licence as a carrier (r. 4(1), 11(1))	\$225.00
2	Licence as a driver (r. 4(1), 17, 20(1))	\$225.00
3	Licence as a vehicle or tank (r. 4(1), 21)	\$225.00
4	Renewal of licence as a carrier (r. 9(1))	\$165.00
5	Renewal of licence as a driver (r. 9(1))	\$60.00
6	Renewal of licence as a vehicle or tank (r. 9(1))	\$60.00
7	Application for a condition of a licence to be changed or removed (r. 6(5))	\$105.00

For the purposes of Regulation 54 the fees for controlled waste tracking forms are set out in the Table below:

Period	Description	Fee
Beginning on 1 March 2007 and ending on 29 February 2008	Controlled waste tracking form issued electronically	\$29.00
	Controlled waste tracking form issued other than electronically	\$34.50
Beginning on 1 March 2008 and ending on 28 February 2009	Controlled waste tracking form issued electronically	\$30.50
	Controlled waste tracking form issued other than electronically	\$36.00
Beginning on 1 March 2009 and ending on 28 February 2010	Controlled waste tracking form issued electronically	\$32.00
	Controlled waste tracking form issued other than electronically	\$37.50
Beginning on 1 March 2010 and ending on 28 February 2011	Controlled waste tracking form issued electronically	\$33.50
	Controlled waste tracking form issued other than electronically	\$39.00
Beginning on 1 March 2011 and ending on 29 February 2012	Controlled waste tracking form issued electronically	\$35.00
	Controlled waste tracking form issued other than electronically	\$40.50