

Used Lead Acid Batteries: Interim Regulatory Approach

Stakeholder Session
30 September 2021



Environment
Protection
Authority Victoria



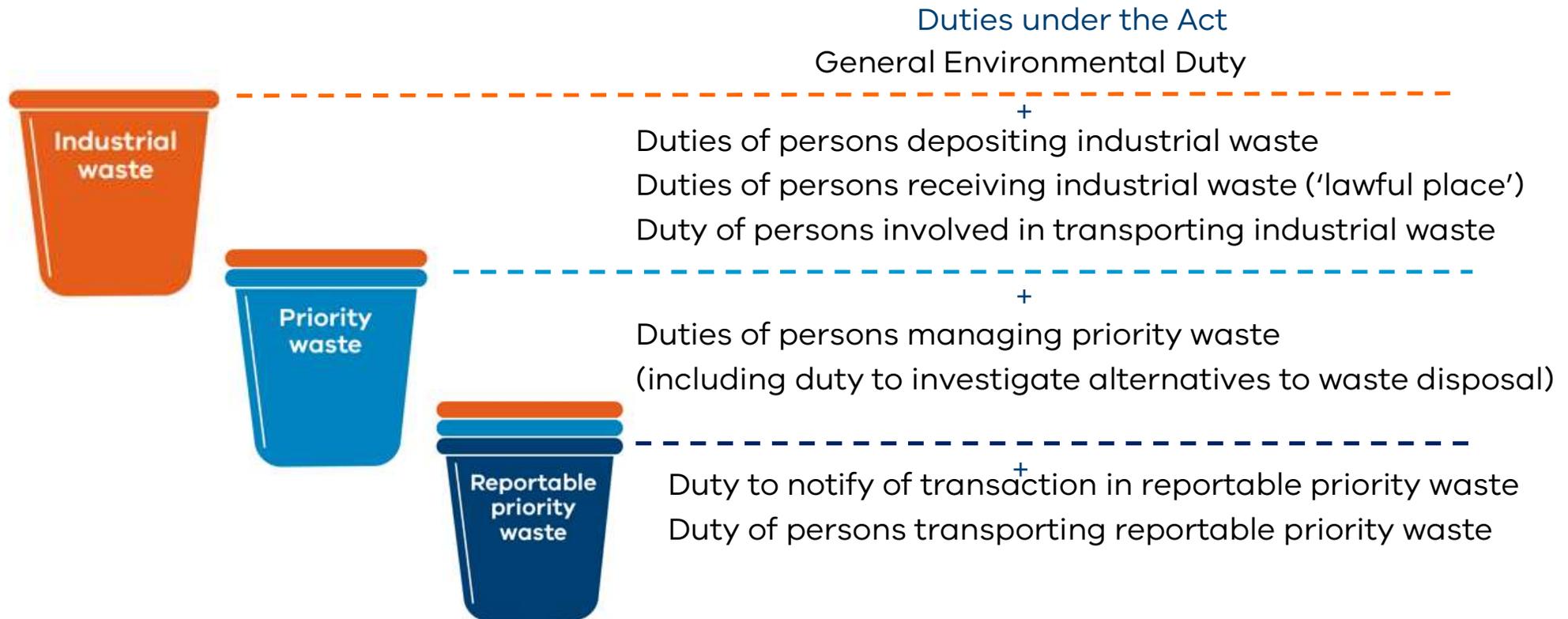
Agenda

- Welcome
- Waste framework overview
- Batteries – Lead and lead compounds
- Interim Regulatory Approach
- General Designation
- Next steps

Waste framework overview



Waste: Classification



Batteries - Lead and Lead Compounds

For batteries, the appropriate waste classification will depend on the components:

- Nationally, Used Lead Acid Batteries (ULAB) have been often classified as D220 (lead and lead compounds). In Victoria, these have been classified in different ways over time.
- Battery types such as nickel-cadmium batteries may also be considered Reportable Priority Waste under D150 due chemical composition e.g. Cadmium and cadmium compounds.
- Other batteries are classified as Priority Waste under T300 (e-waste). If a waste can be considered Reportable Priority Waste then this classification would apply.

Priority Waste - Batteries

E-waste which broadly includes batteries has an assigned waste code of T300 and is classified as a priority waste.

To meet the Priority Waste duties, you must:

- classify your waste to understand correct storage, handling, treatment, movement and disposal
- take reasonable steps to contain your waste, to prevent escape or contamination
- isolate your waste to enable resource recovery to occur
- take reasonable steps to identify and assess alternatives to waste disposal

Transportation

- take all reasonable steps to ensure that the industrial waste will be **transported to and received** at a place or premises that is **authorised to receive** industrial waste
- provide information regarding the waste to the next person in the supply chain so that they can meet their duties.

Reportable Priority Waste – ULAB

Managing Reportable Priority Waste is a **similar process** as managing Priority Waste.

In addition, you would also need to comply with transport permission and waste transaction tracking duties – D220 (lead and lead compound).

To meet the Reportable Priority Waste duties, you must:

- classify your waste
- take reasonable steps to contain the waste to prevent escape or contamination
- isolate the waste to enable resource recovery to occur
- take reasonable steps to identify and assess alternatives to waste disposal

Transportation

- take all reasonable steps to ensure that the industrial waste will be transported to and received at a place or premises that is authorised to receive industrial waste
- **report to EPA each time the waste is exchanged – Waste Tracker**
- **transport only in a permitted vehicle**, except for waste tyres
- provide information regarding the waste to the next person in the supply chain.

Interim Regulatory Approach (IRA)

EPA are committed to working with industry to examine the regulatory framework for ULAB.

While this work continues, it is important that EPA apply a consistent compliance and enforcement approach to all activities as they relate to ULAB.

EPA has developed an Interim Regulatory Approach (IRA) to maintain current business practice for ULAB.

This will run for the next **8-12 months**. The IRA **only applies to ULAB** and **does not** include any other waste.

Interim Regulatory Approach (IRA)

In general, during the Interim Regulatory Approach:

EPA recognizes that industry will maintain current business practice: i.e. ULAB – D220 (lead and lead compounds) treated as non-Reportable Priority Waste. EPA will exercise its regulatory discretion.

EPA will be enforcing the General Environmental and Priority Waste Duties to ensure risks are being managed effectively for ULAB.

IRA – Risks and your obligations

EPA's regulatory focus will be on ensuring duty holders are adhering to the General Environmental Duty and the Priority Waste duties.

There will be a particular focus on preventing and managing the risk of fire from ULAB so far as reasonably practicable.

EPA will maintain a **zero-tolerance approach to fire risk for ULAB** and maintains all available compliance and regulatory discretion during this period.

IRA – Your duties and responsibilities

General Environmental Duty

Part 3.3 of the *Environment Protection Act 2017* establishes the General Environmental Duty (GED) that requires a person engaging in an activity that may give rise to risks of harm to human health or the environment, to minimise those risks, so far as reasonably practicable.

Under the GED duty holders are required to have reasonable knowledge about the risks of storing ULAB and putting in controls that are proportionate to the risk.

Dangerous Goods Act 1985

As a Class 8 dangerous good, the Dangerous Goods Act and subordinate legislation, still applies to ULAB.

IRA – Your duties and responsibilities

Priority Waste duties – you must take reasonable steps to ensure:

- waste is classified and correct storage, handling, treatment, transport and disposal options have been identified
- take reasonable steps to contain your waste, to prevent escape or contamination, this may include on-site controls such as bunding
- isolate your waste to ensure resource recovery remains possible
- take all reasonable steps to ensure that the industrial waste will be transported to and received at a place or premises that is authorised to receive industrial waste
- provide information regarding the waste to the next person in the supply chain so that they can meet their duties
- ULAB and E-waste is banned from landfill

IRA – Permissions (licencing and registration)

Duty holders will **not** be required to:

- obtain an A01 licence;
- hold a vehicle permission under A10b; or
- use waste tracker.

Requirements for handling industrial waste under category A13 may still apply.

Processing and recycling ULAB still requires an A02 or A01 licence due to the risks of this activity.

Further guidance

EPA publications to support you to meet your duties and obligations

- **General Environmental Duty**
1741.1: Industry guidance: supporting you to comply with the General Environmental Duty
- **Waste duties framework**
<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/waste-duties>
- **Classifying waste**
<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/waste-duties/waste-classification>
- **Victoria's new waste framework – Webinar**
<https://www.epa.vic.gov.au/for-community/get-involved/past-events/waste-framework-overview>

Interim Regulatory Approach

Any questions about your duties and obligations?



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General Designation

- A designation of general application applies to anyone managing waste under the circumstances covered by the designation.
- EPA is seeking your advice and support to develop a General Designation for ULAB.
- When a General Designation is formulated, this will become the new regulatory framework for ULAB.
- Developing a General Designation usually takes between 8-12 months.

General Designation – Your role

- EPA will seek to test and measure new approaches and duties to ULAB that meet industry expectation while maintaining the protection of the environment and human health.
- EPA will seek further information from you directly or through ABRI on areas of interest.
- EPA will be seeking your expertise and advice on issues like...
 - What is the average volume (kgs) of ULAB that you hold or transport?
 - How many consolidation points do you use before a 1 tonne load is reached?
 - What risks do you perceive in the storage or transport of 1 tonne of ULAB?

Next steps

EPA will run another stakeholder sessions to test the new regulatory framework for used lead acid batteries.

EPA contacts

- To discuss your duties and responsibilities during the Interim Regulatory Approach, please contact:
1300 EPA VIC (1300 372 842) or by emailing contact@epa.vic.gov.au
- For further information regarding the General Designation, please contact
James Pardy, Senior Policy Officer – james.pardy@delwp.vic.gov.au