

# Checklist for operators of scrap metal recycling and auto wrecking activities

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## 1. Background

On 1 July 2019, legislative reforms came into effect transitioning all scrap metal recycling and auto wrecking activities from the various local governments to being regulated by the Queensland Department of Environment and Science (the Department). Before 1 July 2019, scrap metal recycling and auto wrecking activities were conducted under Environmentally Relevant Activity (ERA) 20. The legislative reforms repealed ERA 20 and introduced two new ERAs that now apply to scrap metal recycling and auto wrecking activities:

- Environmentally relevant activity (ERA) 54 - Mechanical Waste Processing (fragmentising activities) and/or
- ERA 62 - Resource Recovery and Transfer Station (scrap metal recycling and auto wrecking activities)

Because of the differences in how scrap metal recycling and auto wrecking activities were regulated between local governments, the department has compiled this document to assist operators with understanding the requirements to comply with license obligations and the Department's expectations. This is mostly predicated on complying with the conditions of the issued Environmental Authority (EA), as well as understanding and complying with obligations under the *Environmental Protection Act 1994* (EP Act) and the *Waste Reduction and Recycling Act 2011* (WRR Act). Note that what is provided in this document is guidance only and does not limit your legal responsibilities and obligations under the *Environmental Protection Act 1994*, *Waste Reduction and Recycling Act 2011* or any other relevant legislation. Please seek additional technical or legal expertise as required.

## 2. Key Concepts of the *Environmental Protection Act 1994*

The EP Act defines a few concepts that are referred to in this document. These concepts are briefly outlined in this section.

### 2.1. Environmental Value

An environmental value is a quality or physical characteristic of the environment that contributes to ecological health or public health/safety (see [section 9](#) of the EP Act for the full definition). Examples of environmental values are air, water, and land.

Activities being undertaken may have an impact on an aspect of an environmental value. A simple example of an impact is the operation of the operation of machinery with diesel exhaust causing the output of gases and smoke into the air and generating noise.

### 2.2. Environmental Harm and Environmental Nuisance

Environmental harm is where a temporary or permanent adverse effect (or a potential adverse effect) has occurred to an environmental value (see [section 14](#) of the EP Act). A simple example of environmental harm is the discharge of contaminated stormwater waste into a drain which leads to a local creek (potential harm), which then causes a fish kill (actual harm).

Environmental nuisance is a lesser form of, but still environmental harm. It is unreasonable interference with an environmental value caused by things such as fumes, smoke, light or noise (see [section 15](#) of the EP Act for more examples). A simple example is where light at night affects a neighbour trying to sleep, causing nuisance.

### 2.3. Environmentally Relevant Activity (ERA)

An ERA is defined as an activity that is environmentally relevant because undertaking the activity will (or has the potential to) release a contaminant which will potentially or actually cause environmental harm (see [section 19](#) of the EP Act). An example for an auto wrecking yard activity (ERA 62) is where a vehicle is being dismantled and waste oil is accidentally released to land.

### 2.4. Summary

In the context of the operation of an ERA, the department will be interested in:

- the environmental values present at the site,
- what the likely impacts may be to these environmental values from the activity,
- whether there are any actual impacts to environmental values, and
- what measures are being taken to mitigate or reduce impacts on the environmental values.

## 3. General Obligations under the *Environmental Protection Act 1994*

### 3.1. General Environmental Duty

This provision of the EP Act states that a person or company should not undertake an activity the causes or is likely to cause environmental harm - unless all reasonable measures are taken to prevent or minimise the harm. This is a requirement for any person irrespective of holding a license with the Department. This is a requirement for you in addition to any conditions that are specific to your environmental authority. More information is contained in [section 319](#) in the EP Act.

### 3.2. Best Practice Environmental Management

This provision of the EP Act relates to the management of an activity so that:

- Environmental harm from the activity is minimised,
- The measures used to achieve the minimisation of harm are cost-effective, and
- The applied management is effective when compared to other management approaches for similar activities nationally and internationally.

[Section 21](#) of the EP lists some of the measures that are considered to determine 'best practice.' Additional information relevant to your activity can be found within the Department's Guideline: '[Best practice management guideline for scrap metal activities operating fragmentisers](#)' (July 2019).

### 3.3. Tracking of Regulated Waste

The Environmental Protection Regulation 2019 (EP Regulation) contains several provisions relating to the tracking of regulated wastes in Queensland. There are three 'parties' involved in the movement of waste, the generator, transporter and receiver, which are all defined in the EP Regulation. Generally, a scrap metal yard or automotive dismantler will be a generator of regulated waste, usually in the form of aggregating waste oils or lead acid batteries. It is important to ensure that all requirements for tracking the movement of regulated wastes are being met. More information about tracking regulated wastes can be found on the [Business Queensland website](#).

## 4. General Obligations under the *Waste Reduction and Recycling Act 2011*

### 4.1. Waste Levy

A waste levy commenced operation in Queensland on 1 July 2019. This levy applies to all waste which is disposed of to a landfill and is priced according to the type of the waste which is being disposed of. The levy operates on the principle that the generators of waste are the party that ultimately pays the levy, however it is passed through the transporter and receiver to the State.

The general aims of the introduction of the levy are:

- Reduce the amount of interstate waste coming into Queensland, especially in south-east Queensland.
- Create better financial incentives to find ways of reusing and recycling wastes

Most direct obligations under the *Waste Reduction and Recycling Act 2011* apply to the waste transporters. However there may be some cases where a scrap metal yard or automotive dismantler may need to provide information to the transporter about the waste being taken to landfill. An example of this is where a yard provides some end-of-life tyres to a transporter for disposal at a landfill.

## 5. What can I expect from a compliance inspection?

The Department is responsible for administration and regulation of several pieces of legislation, including the EP Act and the WRR Act (and subordinate legislation). Compliance activities seeks to provide a level playing field for operators and addresses concerns about impacts to the environment when potential or actual harm is occurring. Some examples of how the Department does this are as follows:

- conducting announced and unannounced inspections,
- reviewing and investigating complaints made in relation to the impacts from an activity, and
- audits and targeted compliance projects.

An authorised person from the Department assesses compliance and undertakes inspections and audits. They have certain powers to investigate matters of interest to the Department, including impacts to the environment, and appropriate management of waste.

### 5.1. What happens during and following an inspection?

In most cases, the Department will contact an operator prior to an inspection. This notification will advise of the intent to hold an onsite meeting with relevant people from the activity and conduct an inspection with those persons present. The Department aims to view and discuss matters in an open, transparent and fair manner so that an operator can discuss their operations and any concerns.

During an inspection you can expect an opening meeting to introduce you to the authorised officers from the Department who will be undertaking the inspection. They will demonstrate to you that they do hold the relevant authorisations under legislation to lawfully inspect and audit your site. They will review the conditions of any environmental authority, or any other licenses held in relation to the site that the Department is administers or regulates. If you have any questions about your conditions, you will be able to have a discuss this with the officers at this time.

Following the meeting an inspection of the site will be conducted. During the inspection authorised officers will discuss your operations. They will also identify areas of your operation with the potential or actual risk to the environment and review current waste management practices in line with legislative requirements. Officers will collect information by taking notes, voice recording, taking photographs, or requesting documentation from you.

At the end of the inspection officers will provide interim feedback about the compliance of the activity relative to the conditions of the environmental authority, and environmental legislation which the Department regulates. Following the inspection, a follow up letter is usually provided advising you of the outcome of the inspection. If you have further questions, you will be provided contact details to discuss anything further.

Whilst the department generally seeks to conduct an announced inspection, there are some occasions where it will conduct an unannounced inspection. This usually occurs when there is a concern that evidence relating to an offence will be destroyed by an operator.

It is important to note that the department may take enforcement action if non-compliance is identified. The department will use information and evidence gathered during the inspection and from other processes to inform the enforcement action. There are a range of enforcement options available and the department uses it [Enforcement Guidelines](#) to assist with making a decision on the appropriate enforcement response.

## 6. How can I prepare for a compliance inspection?

The below checklist (Table 1) goes through aspects of the information provided above and provides an indication of what might be covered during the inspection and some of the department's expectations.

### Table 1 – Site Inspection Readiness Checklist

Please note that this list is intended to be a guide only. It is not exhaustive and there may be some aspects covered that are not applicable to your operations. It is your responsibility to ensure compliance with relevant legislation. If you are concerned you should seek technical expertise from relevant legal or technical consultants.

Item No.	Requirement	Check
<b>Documentation</b>		
1	<p>The activities listed on the environmental authority cover all aspects of the business operation.</p> <p>There have not been any substantial changes in the business operation since the permit was issued.</p> <p><i>Please refer to the following information sheets to understand what activities are encompassed by ERA 54 and ERA 62:</i></p> <ul style="list-style-type: none"> <li>• <a href="#">Mechanical Waste Processing Information Sheet (ERA 54)</a></li> <li>• <a href="#">Resource recovery and transfer facility operation Information sheet (ERA 62)</a></li> </ul> <p><i>Changes to your business operations may require your EA to be amended. Information regarding the amendment of EAs is available on the <a href="#">department's webpage</a>.</i></p>	<input type="checkbox"/>
2	The registered business/company name listed on the EA is current and correct.	<input type="checkbox"/>
3	The address details listed on the EA are correct and describes all areas that the business operates within. Consider whether your business moved or expanded beyond what is listed on the EA.	<input type="checkbox"/>
4	There are no expiry dates on the EA and the take effect date (if there is one) indicates the EA is still in force.	<input type="checkbox"/>
5	I have a signed copy of the EA that includes all pages.	<input type="checkbox"/>
6	A copy of the EA is readily available to employees at the site.	<input type="checkbox"/>
<b>General Considerations</b>		
7	Site security is managed appropriately to prevent unauthorised access	<input type="checkbox"/>
8	Procedures are in place to manage the site during times when the site is not manned.	<input type="checkbox"/>
9	The business is operating in accordance with the conditions listed upon the EA	<input type="checkbox"/>
10	All persons or companies operating under the EA, including employees and contractors, always operate in a manner that complies with all conditions of the EA.	<input type="checkbox"/>
11	A site-based management plan (SMBP) or written procedures are in place to ensure the business is operated in a manner which will not cause environmental harm or environmental nuisance and fulfils the conditions of the EA. The plan should include management of waste and fire as a potential risk.	<input type="checkbox"/>
12	The SBMP or written procedures have been reviewed within the past twelve months and updated as required.	<input type="checkbox"/>
13	<p>All staff are:</p> <ul style="list-style-type: none"> <li>• trained in the environmental management of the business</li> <li>• are aware of the EA conditions</li> <li>• are aware of the SBMP and/or written procedures in place to fulfil the conditions of the EA</li> </ul>	<input type="checkbox"/>

Item No.	Requirement	Check
	Good housekeeping is undertaken at the site including:	
14	<ul style="list-style-type: none"> <li>Floor wastes are captured and disposed of appropriately (e.g. sweep and bag, wet/dry vacuum used rather than hosing); and</li> <li>Waste storage is kept at minimum levels.</li> <li>Site is tidy/well organised and maintained</li> </ul>	<input type="checkbox"/>
<b>Registers</b>		
	A complaints register is kept on the premises to document any complaints received about the activity, particularly from members of the public or neighbours. The complaints register includes:	
15	<ul style="list-style-type: none"> <li>time, date and nature of the complaint;</li> <li>how the complaint was made (e.g. by telephone);</li> <li>details of the person making the complaint;</li> <li>details of the investigation into the complaint;</li> <li>details of the person who investigated the complaint; and</li> <li>details of the action taken to remedy the complaint.</li> </ul>	<input type="checkbox"/>
	An incidents register is kept at the premises which records:	
16	<ul style="list-style-type: none"> <li>time, date and details of the incident;</li> <li>how the incident occurred;</li> <li>details of the investigation into the incident;</li> <li>the recommendations from the investigation; and</li> <li>details of the action taken to remedy the incident.</li> </ul>	<input type="checkbox"/>
	(Note: 'incident' includes: a spill, leak, fire etc.)	
17	There is a procedure in place to report emergencies or anything that occurs which results in non-compliance with a condition of the EA.	<input type="checkbox"/>
<b>Reporting and Recording</b>		
18	A copy of the Departments Pollution Line Phone number (a 24/7 number) is readily available for staff, and they are aware and trained sufficiently to alert the Department of an emergency or noncompliance.	<input type="checkbox"/>
19	All events/incidents involving the spillage, leakage, exposure, combustion, mobilisation or other form of dispersal of a contaminant at the site which is not in accordance with the conditions of the EA or likely to cause serious or material environmental harm have been reported the department within 24 hours via the Pollution Hotline on 1300 130 372 or <a href="mailto:pollutionhotline@des.qld.gov.au">pollutionhotline@des.qld.gov.au</a>	<input type="checkbox"/>
20	The Department has been notified of your scrap metal recycling/automotive dismantling activity as a Notifiable Activity under Schedule 3 of the EP Act in relation to the Environmental Management Register. The relevant form for notifying the department can be found <a href="#">here</a> . <i>Note: The department's guideline entitled 'Duty to Notify for Contaminated Land Guideline' (EM1430) provides information regarding when notifications are required, however Scrap Metal Yards and Auto Dismantlers are listed in Schedule 3 of the EP Act as a notifiable activity.</i>	<input type="checkbox"/>
21	All records required to be kept by the conditions of the EA are kept and are available for inspection by compliance officers upon request.	<input type="checkbox"/>
22	All monitoring required to be completed by the conditions of the EA are completed by an appropriately qualified person and records are available for inspection by compliance officers upon request.	<input type="checkbox"/>
<b>Waste Management</b>		
23	Only wastes approved by the EA are accepted at the site.	<input type="checkbox"/>
24	Wastes permitted to be accepted at the site are clearly communicated to customers.	<input type="checkbox"/>

Item No.	Requirement	Check
25	Waste is screened by experienced staff, familiar with site specific product receipt conditions.	<input type="checkbox"/>
26	There is a process for documenting loads of waste which may be received at the site, which does not comply with what can be accepted at the site in accordance with the EA.	<input type="checkbox"/>
27	Regulated waste is transported by a regulated waste transporter and disposed of in accordance the <i>Environmental Protection Regulation 2019</i> . <i>Note: If regulated waste is removed from your site you are a 'Waste Generator.' The department's <a href="#">Waste tracking guideline</a> ESR2016/2425 details the waste tracking system and your responsibilities with regards to movements of regulated waste.</i>	<input type="checkbox"/>
28	Records of the prescribed information relating to each transaction of regulated waste are kept for a minimum of five years.	<input type="checkbox"/>
29	I understand there may be a need to provide information to a transporter to meet requirements of the <i>Waste Reduction and Recycling Act 2011</i> in some cases.	<input type="checkbox"/>
<b>Noise</b>		
30	The business is only operated during the hours approved by the Development Approval, or in accordance with local planning laws.	<input type="checkbox"/>
31	Noise generating equipment and processes (e.g. compressors, sanders) are located and controlled so that noise does not impact surrounding premises. <i>Note: The EA may impose noise limitations.</i>	<input type="checkbox"/>
32	Plant and equipment are operated and maintained in a condition that does not generate unnecessary noise.	<input type="checkbox"/>
<b>Air</b>		
33	Dust, odour and particulate emissions are controlled so that nuisance is not caused to surrounding premises. For example, excess dust is not being deposited on adjoining properties.	<input type="checkbox"/>
34	No burning is conducted on site unless within an approval to do so.	<input type="checkbox"/>
35	Separation of metal from plastic coated wires and mattresses is conducted by mechanical stripping.	<input type="checkbox"/>
36	All persons undertaking air conditioning or refrigerant system decommissioning are appropriately qualified.	<input type="checkbox"/>
37	Air conditioning gases are recovered and stored in appropriate cylinders. Cylinders must be within 10 years of manufacture.	<input type="checkbox"/>
38	Refrigerant gases are not released into the atmosphere.	<input type="checkbox"/>
39	Metals and non-metals are separated prior to shredding/ fragmenting operations.	<input type="checkbox"/>
40	Particle filters or water scrubbers are used to capture contaminants released from shredding/ fragmenting equipment.	<input type="checkbox"/>
41	A cut-off saw is used for cutting parts in preference to oxy-acetylene where practicable.	<input type="checkbox"/>
42	Volatile solvents are stored in lidded containers.	<input type="checkbox"/>
<b>Water</b>		
43	I understand the drainage systems on the site, specifically the entry and exit points and pathways through the site.	<input type="checkbox"/>
44	I am aware of blind sumps or systems that prevent the first flush of water leaving the site.	<input type="checkbox"/>



Item No.	Requirement	Check
45	Contaminated stormwaters are captured and treated or disposed of appropriately. <i>Note: Appropriate disposal methods include: disposal to sewer under a trade waste approval, removed by a licensed waste transporter or treated onsite and reused.</i>	<input type="checkbox"/>
46	Appropriate spill kits are provided and accessible in all areas of the site.	<input type="checkbox"/>
47	Pollutant traps/bunding are well maintained/functional and do not pose any risk of allowing contaminated waters to leave the site.	<input type="checkbox"/>
48	Gross pollutant traps are installed at all stormwater drains at the site where gross pollutants may enter the stormwater system.	<input type="checkbox"/>
49	There is no contamination along drainage features that enter or leave the site.	<input type="checkbox"/>
50	Dismantling areas are covered and contained with storm water excluded from the area.	<input type="checkbox"/>
51	Any operations that may result of the spill or leak of fluid is conducted in an area which is able to contain that spill or leak. For example, a bunded, rooved area which does not have a stormwater drain present.	<input type="checkbox"/>
52	Drip trays to be used to collect fluids under vehicles.	<input type="checkbox"/>
53	Cutting and shredding areas are covered and contained with stormwater excluded from the area.	<input type="checkbox"/>
54	Liquid sludge released by shredder/fragmentiser is captured and disposed of as regulated waste.	<input type="checkbox"/>
55	All flammable/ hazardous products are separated, drained and collected prior to storage. <i>Note: batteries, engine oils, hydraulic fluids, petrol, asbestos are examples of hazardous/ flammable products.</i>	<input type="checkbox"/>
56	All waste and products with a potential to release contaminants are stored on hardstand and under cover. Stormwater is excluded from the storage area.	<input type="checkbox"/>
57	Liquid products and wastes are stored in an area where a spill will not result in a release to the environment. (e.g. waste oil, glycol, brake fluid, solvent)	<input type="checkbox"/>
<b>Light</b>		
58	Lighting of the premises is directed and controlled so that annoyance is not caused to the occupants of neighbouring areas.	<input type="checkbox"/>
<b>Fire</b>		
<i>Note: The department works closely with Queensland Fire and Rescue Service to ensure that fire risks are managed at environmentally relevant activity sites. In addition to any conditions upon the EA relating to fire risk management you should ensure the following are in place.</i>		
59	All potential sources of fire onsite are identified and procedures are in place to manage the risks posed by those sources.	<input type="checkbox"/>
60	All waste types are segregated and managed appropriately in case a fire occurred <i>Note: Placement of the materials should be made in consideration of reducing the risk of fire spreading from one material type to another. Combustible materials (e.g. paper) should be separated from materials with a high risk of self-combustion (e.g. organics).</i>	<input type="checkbox"/>
61	Appropriate measures are in place for access to all areas of the site in case of a fire emergency.	<input type="checkbox"/>



Item No.	Requirement	Check
62	<p>Appropriate measures and equipment are in place to manage a fire, such as available firefighting water supply.</p> <p><i>Note: This could include onsite hydrants, a dedicated water tank with couplings, or council hydrant on street or footpath within 30 metres of front boundary.</i></p>	<input type="checkbox"/>
63	<p>Procedures and facilities for the management of any potential firewater generated onsite are in place, including preventing its release.</p>	<input type="checkbox"/>