



End of Waste Code
ACQ Treated Timber Shavings (ENEW07607119)

Waste Reduction and Recycling Act 2011



Queensland
Government

Version history

Version	Date	Description of changes
1.00	14 February 2020	Commencement of EOW code on gazettal
1.01	23 June 2023	Minor update to reflect the definition of waste moving into the <i>Waste Reduction and Recycling Act 2011</i> . This does not impact the interests of the producer or user of the resource.
1.02	28 March 2024	Updated department name to reflect machinery of government changes and the definition of serious or material harm.

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Contents

1. Explanatory Statement	4
2. Guidance	4
2.1 Resource use versus activity	4
2.2 Resource versus waste	4
2.3 Failure to comply	4
2.4 Lawfulness of the activity	4
3. Period of this EOW code	5
4. Waste to which this EOW code applies	5
5. Person to whom this EOW code applies	5
5.1 Registered resource producers of the resource	5
5.2 Resource users	5
6. Registered Resource Producer Requirements	6
7. Conditions of Use	7
8. Definitions	9
Appendix A —General obligation for all persons	11

1. Explanatory Statement

This End of Waste (EOW) code for **ACQ treated timber shavings** has been issued by the **chief executive** in accordance with section 159 of the *Waste Reduction and Recycling Act 2011* (WRR Act).

This EOW code states when the **ACQ treated timber shavings** waste becomes a **resource** and any relevant requirements and/or conditions for its use. If the resource is not being used in accordance with the relevant requirements and/or conditions of this EOW code, or another type of permit that allows for its use, it is considered a waste under section 8AA of the WRR Act and must be disposed of appropriately at a facility that is **lawfully** able to receive the waste.

2. Guidance

2.1 Resource use versus activity

An EOW code states when a waste stops being a waste following any necessary processing or treatment. A waste becomes a **resource** when it has been determined to meet the requirements of an EOW code. It may be necessary to treat or process the waste prior to meeting those requirements. An Environmental Authority (EA) under the *Environmental Protection Act 1994* (EP Act) is required where an activity being undertaken triggers the threshold for any environmentally relevant activity (ERA). This means that treating or processing the waste to meet the resource quality criteria under the EOW code may require an EA under the EP Act if the activity meets the threshold for an ERA.

2.2 Resource versus waste

A waste that is a **resource** under an EOW Code is considered a **resource** only for the use(s) approved in an EOW code. If a **resource** does not meet the requirements of the EOW code and/or is not used in accordance with the EOW code, it is not deemed a **resource**. It remains a waste and must be managed in accordance with waste management requirements under the EP Act and the WRR Act, and their subordinate legislation.

A **resource** approved under an EOW code is deemed to be a waste again, if it is disposed of at a waste disposal facility, or if it is deposited at a place in a way that would, apart from its use approved under an EOW code, constitute a contravention of the general littering provision or the illegal dumping of waste provision under the WRR Act.

2.3 Failure to comply

It is an offence under section 158(1) of the WRR Act for a **registered resource producer** to produce the **resource**, or use, sell or give away the **resource** if they do not comply with the requirements under an EOW code. Further, it is an offence under section 158(2) of the WRR Act for a **person** to use the **resource** in a way, or for a purpose, that does not comply with an EOW code. These offences carry a maximum penalty of 1,665 penalty units for an individual and 8,325 penalty units for a corporation¹.

Please refer to Appendix A of this EOW code for general obligations for all **persons** operating under this EOW code, which includes **resource users**.

2.4 Lawfulness of the activity

The issuing of this EOW code for the use of a **resource** does not warrant or imply the **lawfulness** of the activity under all legislation, or that approvals necessary under other legislation have or will be approved. It is the

¹ The value of a penalty unit is stated in the *Penalties and Sentences Regulation 2015* (Qld).

responsibility of the **registered resource producer** and **resource user** to identify and obtain all other approvals necessary for the relevant activities.

3. Period of this EOW code

This EOW code takes effect from 14 February 2020 and remains in force until it is amended, cancelled or suspended by the **chief executive**².

4. Waste to which this EOW code applies

This EOW code is limited to **ACQ treated timber shavings**. The **ACQ treated timber shavings** becomes a **resource** when the requirements and conditions under this EOW code are met.

5. Person to whom this EOW code applies

5.1 Registered resource producers of the resource

5.1.1 A **registered resource producer** for this EOW code must comply with the stated registered resource producer requirements in Section 6 — Registered Resource Producer Requirements.

5.2 Resource users

5.2.1 The **resource user** must only use the **resource** in a way, and for a purpose, allowed under this EOW code.

5.2.2 The **resource user** must comply with the stated conditions of use in Section 7— Conditions of Use.

² If an EOW code is to be amended, cancelled or suspended, the chief executive will provide an opportunity to make written submissions by providing a proposed action notice to the registered resource producers; and publishing the proposed action notice on the chief executive's [website](#).

6. Registered Resource Producer Requirements

Registration under this EOW code	
(6.1)	Prior to operating under this EOW code, the producer of the resource must register with the chief executive by giving a notice in the approved form ³ to become a registered resource producer for this EOW code.
Approved resource	
(6.2)	The approved resource is ACQ treated timber shavings that complies with <i>Requirement (6.3)</i> of this EOW code.
(6.3)	The registered resource producer must not use, sell or give away the resource unless it complies with all of the following criteria and quality characteristics: <ul style="list-style-type: none"> a) is sourced from operators operating under a quality management system to ensure the resource meets the specifications listed in Table B3 of Appendix B of AS 1604.1; and b) only contains ACQ wood preservative chemical as defined in Appendix B of AS 1604.1.
Information to be provided	
(6.4)	The registered resource producer must provide the following to the resource user each time the resource is supplied for use: <ul style="list-style-type: none"> a) a copy of the EOW code for <i>ACQ Treated Timber Shavings (ENEW07607119)</i>⁴; b) the registered resource producer's business or individual's name, ABN and address; c) confirmation in writing that the resource being supplied is compliant with the requirements of this EOW code; and d) an information sheet that: <ul style="list-style-type: none"> i. identifies that the resource contains only ACQ wood preservative chemical; and ii. provides information on how the resource should be handled to prevent environmental harm.
Records	
(6.5)	The registered resource producer must keep the following records for each load of the resource provided to the resource user : <ul style="list-style-type: none"> a) origin of the resource (e.g. address, lot on plan and/or GPS coordinates); b) quantity (in cubic metres) of the resource supplied; c) date of dispatch of the resource; and d) business or individual's name, ABN and address for the person receiving the resource.

³ The approved form, *Registered Resource Producer for an EOW code*, is available on the Queensland Government website at www.qld.gov.au, using the publication number (ESR/2018/4082) as a search term.

⁴ This can be a physical copy, an electronic copy or a link to the chief executive's [website](#) where this EOW code is available.

(6.6)	All records required to be kept by the registered resource producer under this EOW code must be: <ul style="list-style-type: none"> a) kept by the registered resource producer for a period of not less than five (5) years; and b) provided to the chief executive upon request and in the format requested and time period specified.
Notification of emergencies, incidents and breaches	
(6.7)	Any breach of a requirement of this EOW code must be reported to the chief executive as soon as practicable and within 24 hours of becoming aware of the breach.
(6.8)	Records of any breach of a requirement of this EOW code, including full details of the breach and any subsequent actions taken, must be kept and provided to the chief executive upon request and in the format requested and time period specified.

7. Conditions of Use

Notification under this EOW code	
(7.1)	Prior to operating under this EOW code, a person who intends to use the approved resource must notify the chief executive by giving a notice in the approved form ⁵ at least 10 days prior to the commencement of using the resource .
Approved uses	
(7.2)	The approved resource must only be used as a feedstock in the manufacturing of compost and/or mulch in accordance with the conditions of this EOW code.
Resource use	
(7.3)	Use of the resource to manufacture compost and/or mulch must only be carried out at an appropriately licensed facility in accordance with the relevant environmental authority held by the resource user .
(7.4)	Notwithstanding <i>Condition (7.3)</i> , the resource must not exceed 5% of the total solid feedstock per batch used in the manufacture of compost and/or mulch .
Sampling requirements	
(7.5)	Compost and/or mulch manufactured under this EOW code must be sampled (per batch) in accordance with guidance provided in Appendix A (Methods for sampling, sample handling and preparation prior to analysis) of AS 4454 .
(7.6)	The resource user must keep records of the sampling carried out under <i>Condition (7.5)</i> , in accordance with <i>Condition (7.15)</i> .

⁵ The approved form, *Notification of use of a resource* is available on the Queensland Government website at www.qld.gov.au, using the publication number (ESR/2018/4552) as a search term.

Monitoring requirements	
(7.7)	Representative samples of each batch of the compost and/or mulch manufactured under this EOW code, and obtained as per <i>Condition (7.5)</i> , must be analysed using SPLP to establish the potential residual leachable concentrations of DDAC resulting from natural occurrences such as rainfall.
(7.8)	The resource user must keep records of all analysis carried out under <i>Condition (7.7)</i> , in accordance with <i>Condition (7.15)</i> .
(7.9)	All analysis required under this EOW code must be carried out by a laboratory that has NATA certification, or an equivalent certification (where possible ⁶), for such analyses.
Quality requirements	
(7.10)	Each batch of compost and/or mulch manufactured under this EOW code must not exceed the 'Unrestricted use upper limits' for contaminants listed in Table 3.1 (C) of AS 4454 .
(7.11)	For each batch of compost and/or mulch manufactured under this EOW code, total levels of copper (Cu) must not exceed 150mg/kg.
(7.12)	Compost and/or mulch that contains levels of total copper (Cu) greater than 100 mg/kg but less than 150 mg/kg must provide a warning label in accordance with the labelling requirements of Clause 5.3 of AS 4454 .
(7.13)	Leachable concentrations of DDAC must not exceed 5.5 µg/L in each batch of the compost and/or mulch manufactured under this EOW code.
Records	
(7.14)	The resource user must record the following information for each load of the resource received by the resource user under this EOW code: <ul style="list-style-type: none"> a) business or individual's name, ABN and address of the registered resource producer who supplied the resource; b) date the resource user received the resource; c) quantity (in cubic metres) of the resource received by the resource user; and d) site of use of resource (e.g. street address, lot on plan and/or GPS coordinates).
(7.15)	All records required to be kept by the resource user under this EOW code must be: <ul style="list-style-type: none"> a) kept by the resource user for a period of not less than five (5) years; and b) provided to the chief executive upon request and in the format requested and time period specified.
Notification of emergencies , incidents and breaches	
(7.16)	Any breach of a condition of this EOW code must be reported to the chief executive as soon as practicable and within 24 hours of becoming aware of the breach.
(7.17)	Records of any breach of a condition of this EOW code, including full details of the breach and any subsequent actions taken, must be kept and provided to the chief executive upon request and in the format requested and time period specified.

⁶ At the time of drafting this EOW code, it was understood that **DDAC** analysis is commercially available, but not **NATA** Accredited.

8. Definitions

Words and phrases used throughout this EOW code **in bold** are defined below. Where a definition for a term used in this EOW code is sought and the term is not defined within this EOW code the definitions provided in the relevant legislation shall be used.

'ABN' means Australian Business Number which is a unique 11 digit number issued by the Australian Business Register and identifies a business in Australia.

'ACQ' means Ammoniacal Copper Quaternary wood preservative chemical as defined in Appendix B (Composition of Preservatives Specified in this Standard) of the **AS 1604.1**.

'ACQ treated timber shavings' means the shavings and sawdust produced from cutting and shaping timber treated with **ACQ** wood preservative chemical.

'appropriately licensed facility' means a facility operating under an **environmental authority** for environmentally relevant activity 53 (Organic material processing) as authorised under the *Environmental Protection Act 1994*.

'AS 1604.1' means the Australian Standard Specification for preservative treatment - Part 1: Sawn and round timber.

'AS 4454' means Australian Standard 4454 Composts, soil conditioners and mulches (2012), or its most recent version.

'batch' means a quantity of the **resource** blended for the production of **compost** and/or **mulch** at the same time.

'business' means a body of persons, whether incorporated or unincorporated.

'chief executive' means the chief executive of the *Waste Reduction and Recycling Act 2011*, being the Department of Environment, Science and Innovation or its successor.

'compost' has the meaning in **AS 4454** and is the organic product that has undergone controlled aerobic and thermophilic biological transformation through the composting process to achieve pasteurisation, reduce phytotoxic compounds, and achieved the specified level of maturity required for compost.

'DDAC' means didecyl dimethyl ammonium chloride.

'emergency(ies)' means a situation where either human health or safety is threatened, or serious or material environmental harm has been or is likely to be caused; or urgent action is necessary to protect the health or safety of persons, or prevent or minimise the harm, or rehabilitate or restore the environment because of the harm.

'environmental authority' means a permit granted under the *Environmental Protection Act 1994* for carrying out an environmentally relevant activity.

'environmental harm' means environmental harm as defined in Chapter 1 of the *Environmental Protection Act 1994*.

'lawfully' means allowed or permitted by law and not contrary to law.

'load' means the volume of **resource** put in or on something for conveyance or transportation, carried at one time. A truck and trailer carrying the **resource** is considered as one load as well as multiple bins travelling by rail. Where the **resource** is transported via conveyor systems, information should be recorded on a daily basis until the transfer ceases.

'mulch' means mulch that has undergone controlled aerobic and thermophilic biological transformation through the composting process and achieved a specified level of maturity in accordance with Appendix N (Determination of Maturity Index) of **AS 4454**.

'person(s)' means an individual or a corporation.

'quality management system' means a formalised system that documents processes, procedures and responsibilities for achieving product quality policies and objectives.

'records' include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition or requirement of this EOW code.

'registered resource producer(s)' means a **person** who produces the **resource** and has registered with the **chief executive** (in accordance with *Requirement (6.1)*) to use, sell or give away the **resource** to be used under this EOW code.

'representative sample' means a sample taken in accordance with Appendix A (Methods for sampling, sample handling and preparation prior to analysis) of **AS 4454**.

'resource(s)' means **ACQ treated timber shavings** that meets the criteria and quality characteristics stated in *Requirement (6.3)* of this EOW code.

'resource user(s)' means a **person** who has notified the **chief executive** (in accordance with *Condition (7.1)*) to receive the **resource** from a **registered resource producer** and uses the **resource** for a use approved under this EOW code and does so in such a manner which does not cause any **environmental harm**.

'site of use' means the relevant location or locations where the **resource user** uses the **resource** in accordance with this EOW code.

'SPLP' means Synthetic Precipitation Leaching Procedure.

- END -

Appendix A —General obligation for all persons

This appendix is not intended to provide a comprehensive assessment of all obligations under Queensland law. It provides some general information and persons are encouraged to familiarise themselves with all requirements related to their specific operation.

Responsibilities under the *Environmental Protection Act 1994*

All persons within the State of Queensland must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act.

General environmental duty

Section 319 of the *Environmental Protection Act 1994* (EP Act) states that we all have a general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes or is likely to cause environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:

- the nature of the harm or potential harm
- the sensitivity of the receiving environment
- the current state of technical knowledge for the activity
- the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken
- the financial implications of the different measures as they would relate to the type of activity.

More information is available on the Department of Environment, Science and Innovation website www.des.qld.gov.au.

Some relevant offences under the *Environmental Protection Act 1994*

Causing serious or material environmental harm (sections 437–39)

Material and serious environmental harm are defined in sections 16 and 17 of the EP Act. Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance. Damages, or costs required to rehabilitate the environment, of over thresholds amounts in the EP Act also constitutes material or serious environmental harm. Serious or material environmental harm excludes environmental nuisance.

Causing environmental nuisance (section 440)

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

Depositing a prescribed water contaminant in waters (section 440ZG)

Prescribed water contaminants include a wide variety of contaminants listed in Schedule 10 of the Environmental Protection Regulation 2019.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you

must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

Placing a contaminant where environmental harm or nuisance may be caused (section 443)

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

Some relevant offences under the *Waste Reduction and Recycling Act 2011*

Littering (section 103)

Litter is any domestic or commercial waste and any material a person might reasonably believe is refuse, debris or rubbish. Litter can be almost any material that is disposed of incorrectly. Litter includes cigarette butts and drink bottles dropped on the ground, fast food wrappers thrown out of the car window, poorly secured material from a trailer or grass clippings swept into the gutter. However, litter does not include any gas, dust, smoke or material emitted or produced during, or because of, the normal operations of a building, manufacturing, mining or primary industry.

Illegal dumping of waste (section 104)

Illegal dumping is the dumping of large volumes of litter (200 litres or more) at a place. Illegal dumping can also include abandoned vehicles.

Failure to comply with EOW code (section 158)

A registered resource producer for an EOW code must not use, sell or give away the resource unless the registered resource producer complies with the requirements of the EOW code relating to the resource.

A person, other than a registered resource producer, must not use a resource in a way, or for a purpose, that does not comply with an EOW code for the resource.

Approved:

3 February 2020

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