



End of Waste Code

Chemically Treated Solid Timber (ENEW07503218)

Waste Reduction and Recycling Act 2011



**Queensland
Government**

Version history

Version	Date	Description of changes
1.00	10 July 2019	FINAL
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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1. Explanatory Statement

This End of Waste (EOW) code for **chemically treated solid timber** 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 **chemically treated solid timber** 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 that point. 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 and/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**.

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

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 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 the day of gazettal of this EOW code 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 **chemically treated solid timber** which may contain **wood preservative chemicals**.

The waste 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 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 form³ that the **person** intends to become a **registered resource producer** for this EOW code.
- 5.1.2 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 department's website for anyone interested.

³The 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

6. Registered Resource Producer Requirements

(6.1)	The approved resource is chemically treated solid timber .
(6.2)	<p>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:</p> <ul style="list-style-type: none"> a) is sourced from operators operating under a quality management system intended to ensure the resource meets the specifications of AS 1604.1; b) only contains wood preservative chemical active ingredients limited to those specified in AS 1604.1 and/or approved by Australian Pesticide and Veterinary Medicines Authority for use in Australia; c) is surface dry; and d) does not contain: <ul style="list-style-type: none"> i. affixed or embedded plastic; ii. bandages and wraps for maintenance; and iii. surface deposits.
Information to be provided	
(6.3)	<p>The registered resource producer must provide the following to the resource user each time the resource is provided :</p> <ul style="list-style-type: none"> a) a copy of the EOW code for <i>Chemically Treated Solid Timber (ENEW07503218)</i>; b) the registered resource producer's business 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 wood preservative chemicals; and ii. provides information on how the resource should be handled to prevent environmental harm.
Records	
(6.4)	<p>The registered resource producer must keep the following records for each load of the resource provided to the resource user:</p> <ul style="list-style-type: none"> a) origin of the resource (e.g. address, lot on plan or GPS coordinates); b) date of dispatch of the resource; c) destination of the resource (including the site address, and business name of the resource user); d) business name, ABN and address for the person receiving the resource; and e) quantity (in tonnes) of the resource supplied.
(6.5)	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	
(6.6)	Any breach of a requirement of this EOW code must be reported to the chief executive as soon as practicable within 24 hours of becoming aware of the breach.
(6.7)	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

Approved uses	
(7.1)	The approved resource is chemically treated solid timber that complies with the resource criteria listed in <i>Requirement (6.2)</i> and is used to manufacture the following products: <ul style="list-style-type: none"> a) engineered wood products; or b) dimensioned timber products.
(7.2)	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by storage and/or use of the resource .
(7.3)	All waste generated from the approved use(s) of the resource , must be removed to a facility that can lawfully accept the waste.
Records	
(7.4)	For each load of the resource received, the resource user must keep the following records : <ul style="list-style-type: none"> a) date of receipt of the resource; b) business name, ABN and address of the registered resource producer who supplied the resource; and c) quantity (in tonnes) of the resource received.
(7.5)	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	
(7.6)	Any breach of a condition of this EOW code must be reported to the chief executive as soon as practicable within 24 hours of becoming aware of the breach.
(7.7)	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.

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.

‘**AS 1604.1**’ means the Australian Standard Specification for preservative treatment Part 1: Sawn and round timber.

‘**bandage and wraps**’ means carrier systems applied to the outside of in-service power poles at the ground line zone. Bandages and wraps may be held in place using one or more external methods and are a way of delivering remedial chemicals to the ground line zone of the pole.

‘**chemically treated solid timber**’ is **solid wood** that has been treated by **wood preservative chemicals** (e.g. out of service power poles, bridge timbers and treated timber off-cuts).

‘**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.

‘**contaminants**’ (as defined in Section 11 of the *Environmental Protection Act 1994*), unless authorised under this EOW code means —

- a) a gas, liquid or solid; or
- b) an odour; or
- c) an organism (whether alive or dead), including a virus; or
- d) energy, including noise, heat, radioactivity and electromagnetic radiation; or
- e) a combination of contaminants.

‘**dimensioned timber**’ means a **solid wood** of a specified width, thickness and length.

‘**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.

‘**engineered wood products**’ means any wood based product involving the use of glue.

‘**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.

‘**maintenance**’ means a containment system used when applying maintenance chemicals to the surface of preservative treated timber whilst in service.

‘**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 has registered with the **chief executive** as a resource producer to use, sell or give away the **resource** to be used under this EOW code.

‘resource(s)’ means **chemically treated solid timber** that meets the quality parameters stated in *Requirement (6.2)* of this EOW code.

‘resource user(s)’ means a **person** who uses the **resource** for the use(s) approved under this EOW code and includes the producer who uses the **resource**.

‘solid wood’ means any cellulosic material with an oven dry density greater than 300 kg/m³ and each dimension greater than 5 mm and does not include sawdust and shavings.

‘surface deposit’ means any system applied to the surface of timber that is intended to protect the timber from biological attack and can be removed by mechanical or hydraulic means and does not include dirt or mud or stones/gravels stuck on the surface.

‘surface dry’ means having no flowing liquid.

‘wood preservative chemicals’ means wood preservative chemicals limited to those specified in the Australian and New Zealand Standard **AS 1604** or approved by Australian Pesticide and Veterinary Medicines Authority.

- 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 9 of the Environmental Protection Regulation 2008.

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:

10 July 2019

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