Disclaimer

The Department of Environment and Conservation (DEC) has prepared this document in good faith, exercising all due care and attention. No representation or warranty, express or implied is made as to the relevance, accuracy, completeness or fitness of this document for any purpose in respect of any particular user’s circumstances. Users of this document must satisfy themselves concerning its application to their situation. In the case of any inconsistency between this document and the legislation, the legislation prevails.

Where necessary, users of this document should seek expert advice in respect of the circumstances of their situation.

Published by:

Department of Environment and Conservation NSW
59-61 Goulburn Street
PO Box A290
Sydney South 1232

Ph: (02) 9995 5000 (switchboard)
Ph: 131 555 (environment information and publications requests)
Ph: 1300 361 967 (national parks information and publications requests)
Fax: (02) 9995 5999
TTY: (02) 9211 4723

Email: info@environment.nsw.gov.au
Website: www.environment.nsw.gov.au

DEC 2007/131
ISBN 9 781 74122 402 3
About this document

_Waste and Environment Levy – Operational Guidance Notes_ is for waste facility licensees who are required to pay a contribution (known hereafter as the “waste and environment levy”) under section 88 of the _Protection of the Environment Operations Act 1997_.

This document consists of a series of operational guidance notes that will assist licensees in:

1. Paying the waste and environment levy
2. Claiming an exemption from the waste and environment levy
3. Claiming a deduction for transported waste
4. Claiming a deduction for waste used for an approved operational purpose
5. Complying with record-keeping requirements
6. Claiming a deduction for source-segregated green waste
7. Using weight conversion factors
8. Deductions for waste used for land application purposes

This document replaces _Approved Operational Purpose Rebates Guidance Document_ dated August 2004 and any other previous written or verbal advice regarding claims for exemptions and rebates from the waste and environment levy.

Note that the Department of Environment and Conservation (DEC) exercises certain statutory functions and powers in the name of the Environment Protection Authority (EPA). Throughout this document, references to DEC should be taken to mean DEC carrying out functions on behalf of the EPA.
Pay the waste & environment levy

Under Section 88 of the Protection of the Environment Operations Act 1997 (POEO Act), all scheduled waste facilities are required to pay a levy on each tonne of waste received at the facility.

The levy is designed to encourage resource recovery and recycling of waste. It is generally added to the disposal charges set by landfills and provides businesses, councils and individuals with an incentive to reduce the amount of waste they generate and encourages them to seek legitimate alternatives to landfill disposal.

A “scheduled waste facility” is a waste facility that is required to be licensed under Schedule 1 of the POEO Act 1997.

Who is required to pay the waste levy

The waste levy applies to all waste generated in or sourced from the Sydney metropolitan area (SMA) or the extended regulated area (ERA: the Hunter and Illawarra regions) and received at a scheduled waste facility anywhere in NSW. The waste levy must also be paid on any waste generated or sourced from outside the SMA and ERA but disposed of at a scheduled waste facility in the SMA or ERA.

Who is not required to pay the waste levy

Waste facilities that are used solely for the purposes of reusing, recycling, processing or recovering waste are not required to pay the levy. Waste facilities used solely for the purposes of disposing of coal washery rejects, slags or virgin excavated natural material are also not required to pay the levy.

How is the waste levy calculated?

Clause 5 of the Protection of the Environment Operations (Waste) Regulation 2005 sets out how the waste and environment levy is determined. The amount of levy due to be paid by a facility is calculated yearly and is based on a combination of where the waste was generated or originally sourced from (SMA or ERA) and where it was received (SMA or ERA). The applicable rates are set out below.

<table>
<thead>
<tr>
<th>Waste source</th>
<th>Waste received in</th>
<th>Applicable levy rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMA</td>
<td>SMA</td>
<td>SMA</td>
</tr>
<tr>
<td>SMA</td>
<td>ERA</td>
<td>SMA</td>
</tr>
<tr>
<td>SMA</td>
<td>REST OF NSW</td>
<td>SMA</td>
</tr>
<tr>
<td>ERA</td>
<td>SMA</td>
<td>SMA</td>
</tr>
<tr>
<td>ERA</td>
<td>ERA</td>
<td>ERA</td>
</tr>
<tr>
<td>ERA</td>
<td>REST OF NSW</td>
<td>ERA</td>
</tr>
<tr>
<td>REST OF NSW</td>
<td>SMA</td>
<td>SMA</td>
</tr>
<tr>
<td>REST OF NSW</td>
<td>ERA</td>
<td>ERA</td>
</tr>
</tbody>
</table>
Certain wastes may be exempted from calculation of the levy under clause 10 of the Regulation – see guidance note #2, and certain wastes may be deducted under clause 11A of the Regulation – see guidance notes #3 and #4.

Before the beginning of each financial year DEC notifies scheduled waste facilities of the levy rates (including adjustments for CPI) applicable for the SMA and ERA for that year. Those licensed facilities required to pay the waste levy must submit monthly reports (a waste contributions monthly report – WCMR) to DEC of all waste received at the facility in order to substantiate their levy liability.

Where the facility has kept inadequate records, the levy will be calculated differently (see clause 6 of the Regulation).

**Further information**

If you have any questions about the levy rate or how to submit a waste contributions monthly report (WCMR), you should contact DEC’s Waste Management Section for advice or go to www.epa.nsw.gov.au/wr/ for further information.

OPERATIONAL GUIDANCE NOTE #2

Claiming an exemption from the waste & environment levy

This guidance note explains the circumstances under which a waste facility that is required to pay the waste and environment levy may claim an exemption from payment of the levy.

Which wastes are exempt?

Under Clause 10(1) of the Protection of the Environment Operations (Waste) Regulation 2005 the levy does not need to be paid on the following types of waste:

Liquid waste
Liquid waste is exempt from payment of the waste and environment levy if it is lawfully discharged at the waste facility into waters in accordance with a licence under the POEO Act 1997 or if it is lawfully discharged into a sewer.

Ash residue
The residue from waste that has been incinerated (ash residue) is exempt from payment of the waste and environment levy. The purpose of this exemption is to ensure the levy is not paid twice on the same waste (i.e. once when the waste is received by an incinerator and again when the residue is disposed of at a landfill).

Dredging spoil
Spoil from dredging activities is exempt from payment of the waste and environment levy. For the purposes of claiming an exemption from the levy, dredging is defined as the excavation of natural material to provide and/or increase the dimensions of a waterway, or ensure that existing channels, berths or harbour works are maintained at their design specifications.

Community service waste
An exemption from the waste and environment levy may be claimed by groups performing a community service that involves the collection or receipt of waste for which they would not ordinarily be responsible (i.e. waste they did not generate). A community service is any activity that benefits the NSW community or environment and is undertaken voluntarily, not-for-profit or involves the provision of emergency relief.

The exemption would generally be provided for waste collected:

- as part of direct voluntary action such as Clean Up Australia Day;
- incidental to a community service such as unusable goods (waste) collected from community donations; or
- as part of provision of emergency relief such as assistance with the clean up and disposal of fire and storm damaged waste.

The exemption does not apply to wastes ‘generated’ by an organisation in the normal course of its business.
In order to claim the exemption, the group collecting the waste must make an application to DEC in writing detailing the organisation, types of waste, approximate quantity and alternatives to disposal that have been considered.

**Waste from a natural disaster or biological outbreak**

An exemption from the waste and environment levy may be claimed for waste collected as a result of a natural disaster or biological outbreak, where the person or group collecting the waste would not ordinarily be responsible for that waste.

A natural disaster is a serious disruption to a community caused by the impact of a naturally occurring event that requires a significant and coordinated multi-agency response (such as a bushfire or severe storm). A biological outbreak may similarly impact on a community or a plant or animal population (such as QX disease in oysters or avian flu).

In order to claim the exemption, an application must be made by the person or group collecting the waste, either in writing or by telephone providing details of the biological outbreak or natural disaster, the types of waste and approximate quantity. The exemption will generally be approved for a six-month period from the date of the application and a letter provided to the waste facility receiving the waste, advising of the exemption.

**How to claim an exemption**

Claims for exemptions are made through the waste contributions monthly report (WCMR), which waste facility licensees must provide to DEC within 60 days after the end of each month. Licensees must provide details in the WCMR of the wastes that an exemption is being claimed for, a specific quantity in tonnes of waste received over the month and the exemption approval number.

Claims for exemptions from a community service or activity, biological outbreak or natural disaster must be pre-approved by DEC before being listed in the WCMR. An electronic version of the WCMR can be completed and submitted online, or a paper version can be downloaded, at www.environment.nsw.gov.au/wr/.

**Record-keeping requirements for exemption claims**

Occupiers of licensed facilities that are allowed an exemption must keep adequate records of all waste received at the facility in order to substantiate their claim for an exemption. Guidance note #5 – Record-keeping requirements, summarises the records that must be kept by any licensed facility liable to pay the waste and environment levy.

The onus for proving claims for exemptions rests with the occupier of the facility. Failure to maintain proper records could result in facilities having to pay additional levy amounts or repay previous exemption claims.
OPERATIONAL GUIDANCE NOTE #3

Deductions for transported waste

This guidance note explains the circumstances under which a waste facility that is required to pay the waste and environment levy, may deduct from their levy payments any wastes that are transported from the facility for another use or for ultimate disposal.

When can a facility claim a transported waste deduction?

The occupier of a scheduled waste facility that is required to pay the waste and environment levy may claim a transported waste deduction for any one or more of the following types of waste:

Processed, recovered, or recycled waste

In order to encourage increased resource recovery and recycling, a transported waste deduction can be claimed only once the waste leaves the facility for another use.

A facility may claim a deduction on:

- any waste received at the waste facility that has been processed, recovered or recycled by the facility (to the extent or in the manner specified in any guidelines published or approved by DEC) and transported from the facility for lawful use. This could include for example, brick or concrete aggregate that has been crushed at the facility and transported off-site for use as roadbase or ferrous metals that have been separated and recovered by the facility and transported off-site for lawful use.

- any waste received at the waste facility that is transported from the facility to another facility for lawful processing, recovery or recycling.

A deduction cannot be claimed for:

- processed, recovered or recycled waste that is used by the facility on-site (unless it is used for an approved operational purpose – as outlined in guidance note #4)
- any waste that has already been exempted from the waste and environment levy
- waste that was received more than 2 years before the date on which the deduction is claimed.

Waste transported to another facility for disposal

A transported waste deduction can be claimed on any waste that is received by a facility and then transported to another facility for lawful disposal. The waste and environment levy must be paid on the waste when it is received at the initial scheduled waste facility. A deduction can be claimed by the initial facility only when the waste is transported to another facility for disposal. The second facility is liable to pay the levy on this waste.
Claiming a transported waste deduction on mixed waste

Where a facility mixes deductible waste with non-waste material and transports this mixed waste off-site for reuse, a deduction can be claimed only on the waste component. In this situation, facilities should use the following formula to calculate the deduction amount:

\[
\text{Deductible waste} = \frac{\text{Total mixed material (waste and non-waste) transported from the facility (tonnes)}}{\text{tonnes}} - \frac{\text{Non-waste material (tonnes)}}{\text{tonnes}}
\]

Claiming a deduction when waste has been stockpiled

A deduction cannot be claimed on waste that has been held at a waste facility for more than two years (i.e. if the waste was received more than two years before the date on which the deduction is made).

A transported waste deduction must be calculated using the levy rate that applied when the waste was received at the facility.

If the waste is taken from a stockpile that contains waste received over different financial years (i.e. waste on which a different levy rate was paid) a deduction must be calculated at the oldest levy rate applicable for the waste held in the stockpile. These arrangements apply until all stockpiled waste received at the time of the earliest applicable June volumetric survey has been disposed of, moved off-site and claimed as a transported waste deduction, or claimed for use as an approved operational purpose.

A deduction can then be claimed at the later rate on any “new” waste that has been added to the stockpile since the previous June volumetric survey.

How to claim a transported waste deduction

Transported waste deductions must be claimed on the waste contributions monthly report (WCMR), which waste facility licensees must provide to DEC within 60 days after the end of each month. The WCMR must be accompanied by any evidence required by DEC to support a deduction claim.

A waste facility is not entitled to a deduction for any waste that has already been exempted from the waste and environment levy.

Where deductions are disallowed

DEC may disallow a deduction if it does not meet the requirements of the Regulation. Where this occurs waste facilities will be required to repay the deduction.
Record keeping for deductions

Occupiers of licensed waste facilities that claim a deduction must keep certain records in relation to waste received at the facility and waste transported from the facility in order to substantiate their deduction. Guidance note #5 – Record-keeping requirements summarises the records that must be kept by licensed waste facilities in order to claim a deduction.

The onus for proving deduction claims rests with the occupier of the facility. Failure to maintain proper records could result in facilities having to pay additional levy amounts or repay deductions.
Deductions for waste used for an approved operational purpose

This guidance note explains the circumstances under which a waste facility that is required to pay the waste and environment levy may deduct from their levy payments waste that has been or is to be used at the facility for an approved operational purpose (AOP).

When can an AOP deduction be claimed?

The occupier of a scheduled waste facility required to pay the waste and environment levy may claim a deduction for any waste received at the facility that is used or to be used on-site for an approved operational purpose (AOP). An operational purpose must first be approved by DEC and a certificate, including a deduction identification number (DIN), issued to a facility before it can claim a deduction.

Eligible operational purpose

The following operational purposes are eligible for a deduction:

- **Approved final capping works**
  A waste facility may apply for a deduction on waste used for final capping works if DEC has approved the design and specifications of that capping as part of a facility's closure plan. A closure plan is generally attached to a facility's environment protection license and sets out how the waste facility will be managed after it has ceased accepting waste for disposal.

- **Disposal of virgin excavated natural material below the water table**
  A licensed waste facility may apply for a deduction for virgin excavated natural material (VENM) placed below the natural water table to rehabilitate a sand mine, in accordance with conditions specified in the facility’s environment protection licence.

Facilities may choose to use waste for other purposes within the landfill, such as road building or cell liners. However, this waste is not eligible for an operational purpose deduction.

A waste facility is not entitled to an operational purpose deduction for any waste that has already been exempted from the waste and environment levy.

How to apply for approval of an operational purpose deduction

In order to claim an operational purpose deduction, the occupier of a waste facility must first submit for DEC approval an annual forward plan for the use of the waste. The plan must set out the amount of waste a facility intends to use for an eligible operational purpose over a 12-month period. Where waste is to be used as part of final capping works, a copy of the facility’s approved closure plan should be submitted with the annual forward plan to DEC.
Once a facility’s plan has been approved by DEC and a certificate and deduction identification number (DIN) issued, a facility can claim a deduction up to the amount specified by DEC in its approval of the plan, and within the approved period, from the levies payable on any waste that is to be used for the AOP. The facility does not need to pay the levy on waste used for an approved operational purpose (AOP) and does not need to wait for a refund.

Guidelines on how to prepare an annual forward plan seeking approval for a deduction for waste used for an eligible operational purpose can be obtained from DEC.

**Claiming an operational purpose deduction after waste is used**

Where a waste facility fails to submit a forward plan and has paid the levy on waste used for an eligible operational purpose, the waste facility can apply to DEC for an approval for the deduction. In order to do so, the waste facility must supply DEC with a report on the use of the waste for the operational purpose, including sufficient records and/or evidence to verify the amount of waste used for an eligible operational purpose. This must include:

- the amount and type of waste received;
- the date the waste was received;
- the amount and type of waste used;
- the date the waste was used; and
- the particulars of the operational purpose for which the waste was used.

A waste facility is entitled to claim a deduction only for waste that was received no more than 2 years before the date of the claim.

A retrospective deduction must be made at the levy rate that applied when the waste was received at the facility.

If the waste used for an operational purpose was taken from a stockpile that contains waste received over different financial years (i.e. waste on which a different levy rate was paid) a deduction is available at only the oldest levy rate applicable for the waste held in the stockpile. These arrangements apply until all stockpiled waste received at the time of the earliest applicable June volumetric survey has been disposed of, moved off-site and claimed as a transported waste deduction, or claimed for use as an approved operational purpose.

A deduction can then be claimed at the later rate on any “new” waste that has been added to the stockpile since the previous June volumetric survey.

**Determination of operational purpose applications**

Waste facilities are advised in writing of DEC’s decision to approve or refuse an operational purpose application. Where an application has been refused, the occupier may request a reassessment of their application if further evidence to support the application can be submitted.

Where an application has been approved, DEC will provide the occupier of the waste facility with a certificate detailing the terms of the approval, including the type of AOP allowed under the plan, the quantity of waste allowed to be used, the period in which
the waste must be used and any conditions of use. Each approved deduction will also be allocated a deduction identification number (DIN).

Where deductions are disallowed

DEC may disallow an AOP deduction if it does not meet the requirements of the Regulation or is not consistent with the terms of the approval. Where this occurs and a deduction has already been made, waste facilities will be required to repay the deduction.

Record keeping for AOP deductions

Occupiers of licensed facilities that claim an AOP deduction must keep certain records in relation to waste received at the facility and waste transported from the facility in order to substantiate their deductions. Guidance note #5 – Record keeping, summarises the records that must be kept by licensed waste facilities in order to apply for and claim an operational purpose deduction.

The onus for proving claims for AOP deductions rests with the occupier of the facility. Failure to maintain proper records could result in facilities having to pay additional levy amounts or repay deductions.
OPERATIONAL GUIDANCE NOTE #5

Record-keeping requirements

This guidance note explains the record-keeping requirements that apply to scheduled waste facilities required to pay the waste and environment levy.

What records are required?

All scheduled waste facilities required to pay the levy are required to provide DEC with a waste contributions monthly report (WCMR) in order to verify the facility’s waste and environment levy liability and to report exemptions or deductions. Monthly reports must be provided to DEC in the approved form within 60 days after the end of each month and must include information for that month on:

- the quantity of waste received at the facility;
- the types of waste received at the facility; and
- any other information specified by DEC.

In addition to providing monthly reports to DEC, scheduled waste facilities are required under the POEO (Waste) Regulation to maintain general records for audit purposes. Details on the information that must be included in these records is set out below.

What information needs to be recorded?

Scheduled waste facilities required to pay the waste and environment levy must maintain records on all waste and other material (e.g. non-waste material that might be mixed or blended with waste) received by the facility, used by the facility on-site or transported from the facility for reuse, recycling/processing or disposal. Records must include all of the following information:

1. For waste and other material received at the facility

For all waste and other material received at the facility you must record:

- the amount (in tonnes) and type of waste and other material delivered (this should include the relevant material composition code/s);
- the date the waste/other material was delivered;
- the registration number of any vehicle delivering the waste and other material to the facility;
- where on the site the waste/other material was placed (for example, the relevant stockpile number); and
- where the waste has a community service, biological outbreak or natural disaster exemption:
  - details of the community service, activity, biological outbreak or natural disaster; and
  - date and number of DEC approval for the exemption

2. For waste used on-site at the facility

For all waste used on-site for an approved operational purpose (AOP) you must record:

- the nature of the AOP for which the waste was used;
3. For waste and other material stockpiled at the facility

For all waste and other material stockpiled at the facility you must record:

- a stockpile identification number;
- the amount (in tonnes) and type of waste and other material held in each stockpile as at 30 June and 31 December of each year; and
- the amount and type of waste or other material added to or removed from the stockpile on a daily basis.

4. For waste and other material transported from the facility

For all waste that has been processed, recovered or recycled by the facility and transported to another place for lawful use, or transported to another place for lawful recovery, recycling or processing or transported to another facility for lawful disposal you must record:

- the amount (in tonnes) and type of waste, waste-derived material, and other material contained in the load that was transported from the facility;
- the date the waste, waste-derived material, and other material was transported from the facility;
- details of the recycling, mixing, blending or processing applied to the waste leaving the facility, including the composition (as a proportion of waste and other material) of any waste-derived material in the load;
- the registration number of the vehicle that transported the waste, waste-derived material, and other material; and
- the address of the place to which the waste was transported.

5. For waste eligible for an exemption

In addition to the (relevant) requirements above, for all waste that is eligible for an exemption you must record the details outlined in Clause 10 (2) of the Regulation, which include:

- the amount (in tonnes) and type of exempted waste retained at the facility;
- details of any process (e.g. treatment or recycling) applied the exempted waste and the date this occurred; and
- details of what happened to the exempted waste (e.g. disposed of, treated, recycled or processed) and the date this occurred.

Recording unweighed waste

From 1 September 2006, licensed waste facilities that are required to pay the levy and that receive more than 10,000 tonnes of waste per year are required to install a DEC-approved weighbridge. Where a weighbridge is installed, records of all waste and other material entering and leaving the facility should be based on the quantities (in tonnes) recorded by the weighbridge.

Where a facility does not have a weighbridge installed, or where the waste arrives at a facility via a small vehicle such as a car or ute, the weight conversion factors set
out in guidance note #7 must be used to record the amount of waste and other material that enters or leaves a facility.

**Failure to keep records**

All records are liable to periodic audit by DEC officers. If records have not been maintained as required by the Regulation, or claims are found to be false, then deductions or exemptions already granted to the facility may need to be repaid to DEC. Penalty infringement notices (also known as on-the-spot-fines) may be issued, or prosecution action may be taken, if appropriate.

Where inadequate records have been kept by a facility, DEC may estimate the tonnage of waste received by a facility by using any information available, such as volumetric surveys, other facility records and information provided by DEC officers that have inspected the facility. This estimate will be used to determine a waste facility’s levy liability.

**How long should records be retained?**

The occupier of the licensed waste facility must retain all records for at least 3 years from the date that the record is made, or, in relation to waste for which an exemption was claimed, 3 years from the date that the exemption is claimed.
Deductions for source-segregated vegetation and garden waste

This guidance note explains the circumstances under which a waste facility that is required to pay the waste and environment levy may deduct from their levy payments any vegetation and garden waste that, after being received at the facility, is transported off-site to another facility for composting or disposal, or composted on-site and subsequently sent off-site for use.

When can a facility claim a transported waste deduction?

The occupier of a scheduled waste facility may claim a transported waste deduction for any one or more of the following types of waste:

- any waste received at the waste facility that has been processed, recovered or recycled by the facility (to the extent or in the manner specified in any guidelines approved by DEC) and transported from the facility for lawful use
- any waste received at the waste facility that is transported from the facility to another facility for lawful processing, recovery or recycling
- any waste that is received at the waste facility and then transported to another facility for lawful disposal.

The requirements related to claiming a deduction are outlined in guidance note #3 – Claiming a transported waste deduction.

This guidance note specifically explains these deductions for source-segregated vegetation or garden waste. This guidance note must be used in conjunction with guidance note #3.

Calculating the correct deduction

Vegetation and garden waste loses weight when it is stockpiled. Where this happens there may be a difference between the weight of vegetation and garden waste received by a waste facility (i.e. the amount on which the levy is paid) and the weight of this waste when it is transported off-site (i.e. the amount on which a deduction can be claimed).

Due to this potential change in weight, the following weighted calculations must be used by waste facilities when claiming a transported waste deduction on any vegetation and garden waste that is transported from the facility to another place for lawful use, composting or disposal. These calculations should be applied only to garden and vegetation waste received at the facility as source-segregated waste (i.e. it has been kept separate from other materials following generation at source).

The following specifies:

1) how to calculate the deduction available for vegetation and garden waste received at the facility and sent off-site for lawful composting or disposal; and
2) how to calculate the deduction available for vegetation and garden waste received at the facility and composted on-site and subsequently sent off site for lawful use.

1. Claiming a deduction on waste transported to another place for composting or disposal

Calculating the deductible weight of source-segregated vegetation and garden waste

Only material reported in the waste contribution monthly report (WCMR) as:

- received under the material composition code VEG, and
- left the facility under the material composition code VEG (i.e. the same material composition code),

may be used in calculating this deduction.

Where other material is added to vegetation and garden waste before that material is sent off-site, waste facilities must record the tonnage of vegetation and garden waste in the load, calculated as follows:

\[
\text{Deductible waste} = \left( \frac{\text{Total tonnes of vegetation and garden waste transported from the facility (MCC: VEG)}}{\text{Total tonnes of other material in the load}} \right) \times 120\%
\]

The 'other material' added to a load of vegetation and garden waste, as identified in the above formula, may also be eligible for a deduction as transported waste. Deductions for this other material, however, must be considered outside the above formula.

See guidance note #3 – Claiming a transported waste deduction, for the requirements for claiming a deduction, including the requirements for claiming a deduction for waste other than vegetation and garden waste.

Maximum deduction available

The total deductions that can be claimed for vegetation and garden waste transported for composting or disposal over any two-year period are capped.

To calculate the maximum deduction that can be claimed for this type of waste, facilities must use the following formula. This formula is based on the total amount of source-segregated green waste received at the facility over a two-year period. It reflects the average amount of green waste that is deemed unsuitable and is disposed of by licensed waste facilities, as reported over the last 5 years.
Note that the following calculation is based on the weight of source-segregated green waste received at the facility over the applicable two-year period.

| Deductible waste | = | Total weight of source-segregated vegetation and garden waste received (tonnes) over the applicable two-year reporting period | × | 90% |

These calculations cannot be used to claim a deduction on vegetation and garden waste that has been composted by a facility on-site and transported from the facility to another place for use (i.e. waste that should be recorded as it leaves the facility under the material composition code COMP). This is because while there may be a significant difference in the volume of material leaving the site, where material is properly composted, the water added to the material during composting will mean there is no significant difference between the weight of the material received and the weight of the material leaving the site.

2. Claiming a deduction on compost transported to another place for use

Only material reported in the waste contribution monthly report (WCMR) as:

- received under the material composition code VEG, and
- composted on-site, and
- left the facility under material composition code COMP,

may be used in calculating this deduction.

Where other material is added to compost before that compost is sent off-site, waste facilities must record the tonnage of compost in the load, calculated as follows:

| Deductible waste | = | Total tonnes of compost transported from the facility (MCC: COMP) – Total tonnes of other material in the load |

The ‘other material’ added to a load of compost, as identified in the above formula, may also be eligible for a deduction as transported waste. Deductions for this other material, however, must be considered outside the above formula.

See guidance note #3 – Claiming a transported waste deduction, for the requirements for claiming a deduction, including the requirements for claiming a deduction for waste other than composted vegetation and garden waste.

How to claim a deduction

All deductions must be reported on the waste contributions monthly report (WCMR), which waste facility licensees must provide to DEC within 60 days after the end of each month. The WCMR must be accompanied by any evidence required by DEC to support a deduction claim.

A waste facility is not entitled to a deduction for any waste that has already been exempted from the waste and environment levy.
A waste facility is entitled to claim a deduction only for waste received no more than 2 years before the date of the claim. The contribution rate applicable at the time that the waste was received at the waste facility must be used in calculating a deduction.

Where deductions are disallowed

DEC may disallow a deduction if it does not meet the requirements of the Regulation. Where this occurs, waste facilities will be required to repay the deduction.

Record keeping for deductions

Occupiers of licensed facilities that claim a deduction must keep adequate records of all waste received at the facility and transported from the facility in order to substantiate their claim. Guidance note #5 – Record-keeping requirements, summarises the records that must be kept by any licensed facility claiming a deduction.

The onus for proving deduction claims rests with the occupier of the facility. Failure to maintain proper records could result in facilities having to repay deductions.
OPERATIONAL GUIDANCE NOTE #7

Weight conversion factors

This guidance note explains the weight conversion factors that are to be used by licensed waste facilities when recording quantities of unweighed waste received at the facility. This guidance note should be read together with guidance note #5 – Record-keeping requirements.

Recording unweighed waste

From 1 September 2006, licensed waste facilities that receive more than 10,000 tonnes of waste per year are required to install an approved weighbridge. Where a weighbridge is installed, records of all waste entering and leaving the facility should be based on the quantities (in tonnes) recorded by the weighbridge.

Where a facility does not have a weighbridge installed, or where the waste arrives at a facility via a small vehicle such as a car or ute, the weight conversion factors set out below should be used to record the amounts of waste that enter or leave a facility.

Example: On 5 December 2006, Landfill X receives a ute full of mixed waste. Landfill X uses DEC’s weight conversion factors to calculate the amount of waste received:

1 ute of waste  x  0.30  =  0.30 tonnes
(Vehicle type B)

In its records, Landfill X records that: on 5/12/06 it received 0.30 tonnes of mixed waste (material composition code: MIX) from vehicle registration number ZIG 433, which was placed in stockpile A.

Weight conversion factors

Facilities should use only the following weight conversion factors to record and report on all unweighed waste that enters or leaves the facility.

<table>
<thead>
<tr>
<th>Vehicle type</th>
<th>Description</th>
<th>Weight factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small vehicle</td>
<td>All mixed waste</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>Car / station wagon</td>
<td>0.06</td>
</tr>
<tr>
<td>B</td>
<td>Van / ute / trailer</td>
<td>0.30</td>
</tr>
<tr>
<td>Vehicle type</td>
<td>Description</td>
<td>Weight factor</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Open truck</td>
<td>Municipal, commercial &amp; industrial waste</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Constructions &amp; demolition waste</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Virgin excavated natural materials</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Single rear axle with two rear wheels or four small rear wheels</td>
<td>0.62</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.98</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.47</td>
</tr>
<tr>
<td>D</td>
<td>Single rear axle with four normal size wheels</td>
<td>1.16</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.76</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5.58</td>
</tr>
<tr>
<td>E</td>
<td>Tandem rear axle (bogie drive)</td>
<td>3.74</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7.14</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10.97</td>
</tr>
<tr>
<td>F</td>
<td>Twin steer with twin rear axles</td>
<td>5.57</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7.61</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10.97</td>
</tr>
<tr>
<td>G</td>
<td>Tipping semi-trailer</td>
<td>5.79</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15.00</td>
</tr>
<tr>
<td>Enclosed truck and compactor</td>
<td>All mixed waste</td>
<td></td>
</tr>
<tr>
<td>H</td>
<td>Single steer with single rear axle</td>
<td>2.72</td>
</tr>
<tr>
<td>I</td>
<td>Single steer with tandem rear axle</td>
<td>6.38</td>
</tr>
<tr>
<td>J</td>
<td>Twin steer with tandem rear axle</td>
<td>7.96</td>
</tr>
<tr>
<td>K</td>
<td>Waste transfer truck</td>
<td>19.89</td>
</tr>
</tbody>
</table>
OPERATIONAL GUIDANCE NOTE #8

DEDUCTIONS FOR WASTE USED FOR LAND APPLICATION PURPOSES

This guidance note explains the circumstances in which a waste facility that is required to pay the waste and environment levy may deduct from their levy payments certain substances that are applied to land at the facility.

Application of the levy to substances received at landfill

The occupier of a scheduled waste facility is required to pay the waste and environment levy on any substance received at the facility that is reasonably capable of being applied to land at the site.

Substances not considered capable of being applied to land

Substances that would not be considered capable of being applied to land are limited to operational equipment and consumables (being only earth-moving machinery, fleet vehicles, fuel, operational plant machinery or materials used for the assembly of weighbridges, amenity blocks or machinery sheds), or new office equipment and supplies (being only computers, office furniture, stationery and canteen supplies to be used on site). Such substances do not attract the waste and environment levy.

All other substances received at the facility would be considered capable of being applied to land, whether or not the substance is placed in an active cell or elsewhere on site.

Substances capable of being applied to land and for which deductions are available

A facility may claim a deduction in respect of certain substances applied to land at the facility, including:

- new asphalt or concrete, obtained from a batching plant, that is used for roads or other construction works

- the following substances used for leachate collection systems (in accordance with conditions of an environment protection licence):
  1. geonets
  2. geotextiles
  3. drainage layer media (having a thickness not greater than 300 mm) placed over landfill base liners
  4. piping
  5. electrical equipment
  6. any other machinery

- the following substances used for landfill lining systems (including landfill cell bases and sides) or associated stormwater management systems (in accordance with conditions of an environment protection licence):
  1. geomembranes
  2. geotextiles
3. clay liners (having a thickness not greater than 900 mm,
4. piping

- the following substances used for landfill gas collection systems (in accordance with conditions of an environment protection licence):
  1. drainage gravels (not exceeding the minimum amount required in any applicable licence)
  2. piping
  3. electrical equipment
  4. any other machinery

- plastic sheeting used to cover waste at the end of each day’s operation.

**Reporting requirements**

A broad range of substances are considered to be waste once they are received at a landfill.

To simplify reporting arrangements, the following substances do not have to be reported on a facility’s waste contribution monthly report as waste received, provided the facility keeps a record of having received them:

- new concrete or asphalt used for road or other construction
- plastic sheeting used as alternate daily cover, when approved for use in the facility’s licence
- geonets, geomembranes, geotextiles (including GCLs), electrical equipment, machinery or piping used for leachate collection or gas collection, but only when the use of such substances for these purposes has been approved in the facility’s licence.

Provided the facility records the receipt of these substances, and the records are kept by the facility, the levy need not be paid or deducted.

The waste contribution monthly report must be completed for all other substances that are reasonably capable of being applied to land that are received at the facility, including leachate drainage layer media, clay for pond and landfill lining, and gravels for gas collection.

**Claiming a deduction**

Before a deduction may be claimed for:

- leachate drainage layer media
- clay for pond and landfill lining
- gravels for gas collection

a licence variation must be sought permitting the use of these substances. Following approval of the licence variation by the DEC, a deduction identification number (DIN) will be issued.

All substances approved for these purposes should be recorded as construction and demolition waste. The same material composition code (MCC), for example, AGG for aggregate, must be used when a substance is received and when the deduction is claimed.
A waste facility is not entitled to a deduction for any waste that has already been exempted from the waste and environment levy.

**Claiming a deduction without pre-approval**

Any waste that is eligible for a deduction and that is applied to land at the facility without the appropriate approvals (if required, as outlined above) must be recorded on the facility’s waste contribution monthly report and the levy paid. A deduction may be claimed only if and when the licence has been varied to permit land application of this waste.

**Where deductions are disallowed**

The DEC may disallow a deduction if it does not meet the requirements of the Regulation or is not consistent with the terms of an environment protection licence or approved DIN. Where this occurs and a deduction has already been made, the waste facility will be required to repay the deduction.

**Record-keeping for land application deductions**

Occupiers of licensed facilities that claim a land application deduction must keep certain records in relation to waste received at the facility in order to substantiate their deductions. A separate guidance note on Record Keeping (#5) provides a summary of records that must be kept by licensed waste facilities in order to apply for and claim a deduction.

The onus for proving claims for land application deductions rests with the occupier of the facility. Failure to maintain proper records could result in facilities having to pay additional levy amounts or repay deductions.