



Environment Protection Act 2017

DESIGNATION OF THE AUTHORITY UNDER REGULATION 86 OF THE ENVIRONMENT PROTECTION REGULATIONS 2021

Classification of Architectural and Decorative Waste Paint for the Purposes of the Paintback Stewardship Scheme

1. Citation

This designation is 04 of 2021 and may be cited as: EPA Designation – classification of architectural and decorative waste paint for the purposes of the Paintback stewardship scheme.

2. Summary

This designation is issued by the Environment Protection Authority (Authority), under Regulation 86 of the Environment Protection Regulations 2021 (Regulations) for the purposes of classifying specified expired or unwanted architectural and decorative waste paint from households or trade sources in relation to the Paintback voluntary product stewardship scheme (the Paintback scheme). The Paintback scheme is a product stewardship scheme (within the meaning of Regulation 86(11) of the Regulations) established to provide a free and responsible way for households and professional painters to dispose of left-over paint and packaging.

This designation classifies architectural and decorative waste paint, which would otherwise be classified as reportable priority waste under the **Environment Protection Act 2017** (Act) and the Regulations, as priority waste for the purposes of the Paintback scheme.

The effect of this designation is that persons receiving, storing, transporting or consigning for transport the specified architectural and decorative waste paint, for the purposes of the Paintback scheme and in accordance with the conditions set out in this designation, do not have to comply with the relevant reportable priority waste obligations under the Act and Regulations.

This designation ceases to apply to architectural and decorative waste paint when it is consigned at a consolidation site for transport to another premises. At that point, the classification of the architectural and decorative waste paint returns to being reportable priority waste under the Act, as set out in Clause 4 of this designation, and any person receiving, storing, transporting or consigning for transport the waste must comply with the relevant obligations under the Act and Regulations, including applying for relevant permissions.

3. Definitions

In this designation, words and phrases have the same meaning as in the Act and the Regulations unless otherwise specified, and –

architectural and decorative waste paint means unwanted or expired wastes as set out in Clause 4(1)(c) that arise from household use or trade sources, and includes containers or associated packaging of those wastes;

consolidation site means the place or premises contracted to the Paintback scheme where architectural and decorative waste paint from households or trade sources is accepted and temporarily stored before being consigned to another premises for treatment or ultimate disposal;

council transfer station means a premises under the management or control of a council that is permitted, under a planning scheme made under the **Planning and Environment Act 1987** (PAE Act), for use as a transfer station and authorised under the PAE Act to receive, store or process waste generated at another site for the purposes of resource recovery or off-site disposal;

Paintback scheme means the national Paintback voluntary product stewardship scheme operated by Paintback Limited, an independent not-for-profit organisation;

trade source means any trade business or undertaking, whether ordinarily carried on at fixed premises or at varying places, which generates architectural and decorative waste paint;

waste transporter means a person who transports architectural and decorative waste paint from household use or trade sources.

4. Application

- (1) This designation applies to architectural and decorative waste paint that –
 - (a) is transported by a waste transporter to a consolidation site; and
 - (b) is accepted and temporarily stored at a consolidation site; and
 - (c) in the absence of this designation would be included within the following items set out in the Table in Schedule 5 to the Regulations –
 - (i) item 33 (Aqueous-based wastes from the production, formulation and use of paints, lacquers, varnish, inks, dyes and pigments; waste code F100);
 - (ii) item 34 (Aqueous-based wastes from the production, formulation and use of resins, latex plasticisers, glues and adhesives; waste code F110);
 - (iii) item 35 (Solvent-based wastes from the production, formulation and use of paints, lacquers, varnish, inks, dyes and pigments; waste code F120); and
 - (iv) item 36 (Solvent-based wastes from the production, formulation and use of resins, latex, plasticisers, glues and adhesives; waste code F130).
- (2) This designation ceases to apply to architectural and decorative waste paint referred to in subclause (1)(c) when the waste is consigned from the consolidation site to another premises (see Note 2).
- (3) This designation does not apply to a council transfer station that is –
 - (a) operated by a council; and
 - (b) authorised to receive specified waste oils, paints and chemicals generated at another site in accordance with a determination published by the Authority under Section 48 of the Act.

5. Designation

For the purposes of Regulations 86(7)(b) and 86(11) of the Regulations, the Authority determines that architectural and decorative waste paint is priority waste, provided the conditions set out in Clause 6 are met.

6. Conditions

This designation is issued subject to the following conditions –

- (a) a waste transporter must –
 - (i) transport architectural and decorative waste paint to a consolidation site contracted to the Paintback scheme; and
 - (ii) transport the architectural and decorative waste paint for no fee or reward; and
 - (iii) not transport more than 200 litres of architectural and decorative waste paint to a consolidation site per delivery; and
 - (iv) not transport architectural and decorative waste paint to a consolidation site in containers that exceed 20 litres in capacity.

- (b) the person in management or control of a consolidation site must –
 - (i) store all architectural and decorative waste paint –
 - (A) in secure containers that are each not greater than 20 litres in capacity; and
 - (B) under cover; and
 - (C) in a manner that enables all leaks or spills to be contained, such as an appropriate stillage or bunded area; and
 - (ii) not store or contain at the consolidation site more than 10,000 kilograms of architectural and decorative waste paint; and
 - (iii) have an incident management plan that outlines the procedures for dealing with any spills or other events outside of normal operating conditions; and
 - (iv) consign the architectural and decorative waste paint stored at the consolidation site to a place or premises authorised to receive that waste as soon as reasonably practicable, and no longer than 90 days from when the architectural and decorative waste paint was first received at the consolidation site.

7. Duration

This designation commences on 1 July 2021 and remains in effect until the revocation of the Regulations, unless earlier revoked by the Authority.

8. Notes

- (1) For the purposes of Clause 6(b), the *Liquid Storage and Handling Guidelines* published by the Authority in June 2018 (as amended from time to time) and available on its website (Publication 1698), are relevant guidance.
 - (2) Persons transporting architectural and decorative waste paint from the consolidation site to a permissioned facility must obtain the appropriate permissions from the Authority to undertake that activity.
 - (3) The **Dangerous Goods Act 1985** and **Occupational Health and Safety Act 2004** will apply to the storage and labelling of architectural and decorative waste paint at a consolidation site.
 - (4) The Authority may amend or repeal this designation by way of written notice in the Government Gazette.
 - (5) This designation does not satisfy, alter or remove any requirement under the Act, except to the extent the designation expressly states otherwise.
 - (6) This designation and others can be found on the Authority's website: www.epa.vic.gov.au
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