

Consolidated EPA Notice

Under the Hazardous Substances and New Organisms Act 1996

Hazardous Substances (Disposal) Notice 2017

EPA CONSOLIDATION 30 April 2021

Objective of notice

This notice prescribes requirements for the disposal of hazardous substances.

This notice uses the hazard classification system set out in the Hazardous Substances (Hazard Classification) Notice 2020.

Note: this consolidated statement of objective takes account of the objective statements in the original notice, and in the subsequent amendment notice.

History of Hazardous Substances (Disposal) Notice 2017

The Hazardous Substances (Disposal) Notice 2017 came into force on 1 December 2017. It now incorporates the following amendment.

Amendment	Effective date
Amendment 1	30 April 2021

Summary of amendments

Amendment 1	Clauses amended
Hazardous Substances (Amendments and Revocations) Notice 2020	Clauses 3, 4, 5, 6, 7, 8, 9, 10, 12, 13

Hazardous Substances (Disposal) Notice 2017

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Part A: General

1. Title

This is the Hazardous Substances (Disposal) Notice 2017.

2. Commencement

This consolidated notice is effective as at 30 April 2021.

3. Application

- (1) This notice applies to persons who dispose of—
 - (a) a hazardous substance; or
 - (b) a container that has been in direct contact with a hazardous substance; or
 - (c) substances in the hazard class gases under pressure that are in gas containers.
- (2) This notice does not apply in relation to—
 - (a) any fuel gas supplied or used in a gas distribution system, gas appliance, or gas installation (as these terms are defined in the [Gas Act 1992](#)), when subject to the [Gas Act 1992](#); or
 - (b) any fuel gas transported through transmission pipelines when subject to the [Health and Safety in Employment \(Pipelines\) Regulations 1999](#).
- (3) The provisions of this notice apply subject to—
 - (a) any variation of these requirements in an approval made in accordance with sections [77](#) or [77A](#) of the Act; and
 - (b) the provisions of a group standard as applied in accordance with [section 96E](#) of the Act.

4. Definitions

- (1) In this notice, unless the context otherwise requires—

Act means the [Hazardous Substances and New Organisms Act 1996](#)

Authority means the Environmental Protection Authority established under the [Environmental Protection Authority Act 2011](#)

container has the same meaning as in the Hazardous Substances (Packaging) [Notice 2017](#)

discharge into the environment—

- (a) includes release from a treatment facility, incinerator, landfill, or sewage facility; but
- (b) does not include deposit or discharge into or onto a treatment facility, incinerator, landfill, or sewage facility

environmental exposure limit means the limit on the concentration of a substance in an environmental medium as set—

- (a) under [section 77B](#) of the Act, unless the Authority has set the limit for guidance only; or
- (b) by the Authority under the [Hazardous Substances \(Classes 6, 8 and 9 Controls\) Regulations 2001](#), unless the Authority has determined that the limit is no longer applicable

fuel gas has the same meaning as in the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#)

gas container has the same meaning as in the [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#)

GHS means the [Globally Harmonised System of Classification and Labelling of Chemicals, 7th revised edition, 2017, published by the United Nations](#)

hazard grouping means a hazard grouping as specified in Schedule 1 of the Hazardous Substances (Hazard Classification) [Notice 2020](#) (physical hazards, health hazards or environmental hazards)

ignition source—

- (a) means anything (including any item, product, part of a facility structure, or piece of equipment) capable of igniting a flammable gas, vapour, or other form of combustible substance; and
- (b) includes a fire, flame, or spark, or anything capable of producing a fire, flame, or spark

sewage facility—

- (a) means a facility or equipment designed to treat sewage; and
- (b) includes any pipework and reticulation system connected to the facility or equipment

tolerable exposure limit means a concentration of a substance in an environmental medium as set—

- (a) under [section 77B](#) of the Act, unless the Authority has set the limit for guidance only; or
- (b) by the Authority under the [Hazardous Substances \(Classes 6, 8 and 9 Controls\) Regulations 2001](#), unless the Authority has determined that the limit is no longer applicable

- (2) Any term or expression that is defined in the [Act](#) and used, but not defined, in this notice has the same meaning as in the [Act](#).
- (3) Any term or expression that is defined in the Hazardous Substances (Hazard Classification) [Notice 2020](#) and used, but not defined, in this notice has the same meaning as in the Hazardous Substances (Hazard Classification) [Notice 2020](#).
- (4) For the purpose of this notice, a reference to a substance having a hazard class or hazard classification is a reference to the hazard class or hazard classification as set out in Schedule 1 of the Hazardous Substances (Hazard Classification) [Notice 2020](#).

Part B: Disposal requirements for hazardous substances

5. Disposal requirements for explosive substances

- (1) A person who disposes of a substance in the hazard class explosives (class 1) must dispose of it by—
 - (a) treating the substance using a method that changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance; or
 - (b) exporting the substance from New Zealand as waste.
- (2) For the purposes of subclause (1), treating a substance does not include—
 - (a) depositing the substance into or onto a landfill or a sewage facility; or
 - (b) burning, detonating, or deflagrating the substance unless it is carried out in the course of a business or undertaking, and in accordance with any applicable requirements in [subpart 3](#) of Part 9 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.
- (3) For the purpose of applying [subpart 3](#) of Part 9 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 under subclause (2)(b), burning must be treated as deflagration or detonation.

6. Other hazardous substances requiring disposal methods as for explosive substances

A person who disposes of a substance in either of the hazard classes desensitised explosives or self-reactive substances and mixtures must dispose of it by using a disposal method for a substance in the hazard class explosives (class 1) prescribed in [clause 5](#).

7. Disposal requirements for certain flammable substances

- (1) A person who disposes of a substance that is in any of the hazard classes or has any hazard classifications listed in subclause (1A), must dispose of it by—
 - (a) treating the substance using a method that changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance; or
 - (b) exporting the substance from New Zealand as waste.
- (1A) For the purposes of subclause (1), the hazard classes and hazard classifications are:
 - (a) flammable gases:
 - (b) aerosol Category 1 and aerosol Category 2:
 - (c) flammable liquids:
 - (d) flammable solids:
 - (e) pyrophoric liquids:
 - (f) pyrophoric solids:

- (g) self-heating substances and mixtures:
- (h) substances and mixtures which, in contact with water, emit flammable gases.
- (2) For the purposes of subclause (1)(a), treating the substance does not include—
 - (a) depositing the substance into or onto a landfill or sewage facility; or
 - (b) for substances in either of the hazard classes flammable gases or flammable liquids, burning the substance unless the burning is managed to ensure that no person, or place where a person may legally be present, is exposed to an unsafe level of heat radiation; or
 - (c) for any other substance to which this clause applies, burning the substance unless the burning is managed to ensure that no person, or place where a person may legally be, is exposed to—
 - (i) a blast overpressure of more than 9 kPa; or
 - (ii) an unsafe level of heat radiation.
- (3) A substance in any of the hazard classes flammable gases, flammable liquids, or flammable solids may be discharged into the environment as waste or deposited into a landfill if—
 - (a) the substance will not at any time come into contact with substances in any of the hazard classes explosives (class 1), oxidising gases, oxidising liquids, oxidising solids, or organic peroxides; and
 - (b) there will be no ignition source in the vicinity of the disposal site at any time that is capable of igniting the substance; and
 - (c) if the substance were to ignite, no person, or place where a person may legally be, would be exposed to an unsafe level of heat radiation.

8. Disposal requirements for oxidising substances and organic peroxides

- (1) A person who disposes of a substance in any of the hazard classes oxidising gases, oxidising liquids, oxidising solids or organic peroxides must dispose of it by—
 - (a) treating the substance using a method that changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance; or
 - (b) exporting the substance from New Zealand as waste.
- (2) For the purposes of subclause (1)(a), treating the substance does not include—
 - (a) depositing the substance into or onto a landfill or sewage facility; or
 - (b) detonation, deflagration, or controlled combustion of the substance unless it is managed to ensure that no person, or place where a person may legally be, is exposed to a blast overpressure of more than 9kPa, or an unsafe level of heat radiation.

- (3) A substance in any of the hazard classes oxidising gases, oxidising liquids, oxidising solids, or organic peroxides may be deposited into or onto a landfill if the landfill is managed to ensure that—
- (a) the substance will not at any time come into contact with substances in any of the following hazard classes:
 - (i) explosives (class 1):
 - (ii) flammable gases:
 - (iii) aerosols Category 1 or Category 2:
 - (iv) flammable liquids:
 - (v) flammable solids:
 - (vi) self-reactive substances and mixtures:
 - (vii) pyrophoric liquids:
 - (viii) pyrophoric solids:
 - (ix) self-heating substances and mixtures:
 - (x) substances and mixtures which, in contact with water, emit flammable gases:
 - (xi) desensitised explosives;
 - (b) there will be no ignition source in the vicinity of the disposal site at any time that is capable of igniting the substance; and
 - (c) if the substance were to ignite, no person or place where a person may legally be, would be exposed to more than 9kPa blast overpressure or an unsafe level of heat radiation.

9. Disposal requirements for substances hazardous to human health or corrosive to metals

- (1) A person who disposes of a substance that has a hazard classification in the hazard grouping health hazards or is in the hazard class corrosive to metals must dispose of it by—
- (a) treating the substance using a method that changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance; or
 - (b) discharging the substance into the environment, but only if—
 - (i) a tolerable exposure limit has been set for the substance (or a component of that substance); and
 - (ii) the discharge does not, after reasonable mixing, result in the concentration of the substance in an environmental medium exceeding the tolerable exposure limit; or

- (c) in a case where the Authority has not set a tolerable exposure limit for that substance (or a component of that substance), discharging it into the environment, but only if the substance is very rapidly converted to substances that are not hazardous substances; or
 - (d) exporting the substance from New Zealand as waste.
- (2) For the purposes of subclause (1)(a), treating the substance—
- (a) includes—
 - (i) depositing the substance into or onto a landfill or sewage facility if the landfill or sewage facility will treat the substance by changing the characteristics or composition of the substance so that the substance is no longer a hazardous substance; or
 - (ii) unless [clause 11](#) applies, incinerating the substance, if the incinerator will treat the substance by changing the characteristics or composition of the substance so that the substance is no longer a hazardous substance; but
 - (b) in the case of a substance that has a hazard classification in the hazard grouping health hazards, other than substances in the hazard classes skin corrosion/irritation or serious eye damage/eye irritation does not include diluting the substance with any other substance before discharge to the environment.

10. Disposal requirements for substances hazardous to the environment

- (1) A person who disposes of a substance that has a hazard classification in the hazard grouping environmental hazards must dispose of it by—
- (a) treating the substance using a method that—
 - (i) changes the characteristics or composition of the substance so that the substance is no longer a hazardous substance; and
 - (ii) in the case of a substance in the hazard class hazardous to the aquatic environment that is, or contains a component that is, bioaccumulative and not rapidly degradable, removes any component that is bioaccumulative and not rapidly degradable; or
 - (b) discharging the substance into the environment, but only if—
 - (i) an environmental exposure limit has been set for the substance (or a component of the substance); and
 - (ii) the discharge does not, after reasonable mixing, result in the concentration of the substance in an environmental medium exceeding the environmental exposure limit; or
 - (c) exporting the substance from New Zealand as waste.

- (2) For the purposes of subclause (1)(a), treating the substance—
- (a) includes depositing the substance in a landfill, incinerator (unless [clause 11](#) applies), or a sewage facility if the landfill, incinerator, or sewage facility will treat the substance by changing the characteristics or composition of the substance so that the substance is no longer a hazardous substance; but
 - (b) does not include diluting the substance with any other substance before discharge into the environment.

- (3) In this clause:

bioaccumulative has the same meaning as in Chapter 4.1, Table 4.1.1, Note 5 of the [GHS](#).

rapidly degradable has the same meaning as in Chapter 4.1, section 4.1.2.11.3 of the [GHS](#).

11. Prohibition on incineration of halogenated organic compounds

A person must not dispose of a hazardous substance that is or contains halogenated organic compounds by incineration below 850°C.

12. Disposal requirements for containers that have been in direct contact with hazardous substances

- (1) This clause—
- (a) applies to a person who disposes of a container that—
 - (i) has contained a hazardous substance; and
 - (ii) has been in direct contact with the hazardous substance; and
 - (iii) is no longer used to contain the hazardous substance; but
 - (b) does not apply to a householder or consumer who supplies a container to a public or commercial waste collection service for disposal.
- (2) The person must ensure that the container—
- (a) is rendered incapable of containing any substance; and
 - (b) is disposed of in a manner that—
 - (i) is consistent with the requirements for disposal of the substance that it contained; and
 - (ii) takes into account the material the container is manufactured from.
- (3) However, subclause (2) does not apply in relation to a container that has contained—
- (a) a substance that has a hazard classification in the hazard grouping physical hazards, other than substances in the hazard class corrosive to metals, if the container has been treated to remove any residual contents of the hazardous substance; or

- (b) a substance that has a hazard classification in either of the hazard groupings health hazards or environmental hazards, or is in the hazard class corrosive to metals, if the container has been treated so that the residual contents of the container are below the threshold for the substance to be classified as hazardous under the Hazardous Substances (Hazard Classification) [Notice](#) 2020.
- (4) Containers described in subclause (3) may be reused or recycled.

13. Disposal requirements for gases under pressure in gas containers

A person must not dispose of a substance in the hazard class gases under pressure that is in a gas container into or onto a landfill.