

How to submit your claim for an OPD

This factsheet explains:

- What are OPDs?
- What are the eligible Operational Purposes?
- How to apply for an Operational Purpose Deduction?
- How to claim an approved OPD in WARRP?
- What is a DIN and how to obtain one?
- When is an OPD not available?

1. What are OPDs?

An OPD is an Operational Purpose Deduction from contributions paid on waste received at a facility. An OPD can only be claimed where an approval has been obtained for a particular waste that is to be used, or has been used, at a specific facility. Facilities can seek approval by applying to the EPA through WARRP (see below for more details).

- Landfill OPDs = Waste Levy deducted
- Resource Recovery Facility OPDs = Deduction from stock on hand

Waste facilities claim the OPD in WARRP using the Deduction Identification Number (DIN). DINs are specific approval numbers that allow facilities to claim certain materials for certain operational uses. Relevant DINs are provided when an OPD is approved.

2. What are the eligible operational purposes?

Operational purposes that may be approved for an OPD

Under clauses 14 and 15 of the Waste Regulation, the EPA may approve the use of certain types of

waste at the facility for an operational purpose such as:

- roads or other construction works
- leachate collection systems
- landfill lining systems
- stormwater management systems
- landfill gas collection systems
- groundwater management systems
- drainage systems
- daily cover for waste at landfill sites
- rehabilitation of sand mines
- final capping works at landfills
- bedding layers to protect landfill lining systems
- biofilters for pollution or odour control.

Requirements for operational purposes

Facilities should check all requirements in clause 15 before using the waste and applying for an Operational Purpose Deduction. Clause 15 contains requirements for the kinds of waste specified for each purpose, and where the purpose may be subject to the Waste Levy Guidelines.

Clause 15 also sets out certain purposes which must accord with environment protection licence (EPL) conditions. In practice, if it is required by cl 15, the EPL must contain certain conditions in order to apply for an OPD e.g. cell design, final capping etc. This requires a licence variation to be submitted, approved and processed, prior to lodging the OPD application. You can lodge a licence variation via the EPA's licensing portal, *eConnect*.

3. How to apply for Operational Purpose Approvals?

Applications for an OPD are made in the Waste and Resource Reporting Portal (WARRP).

Pre-approval or retrospective OPDs

It is recommended that facilities apply for an Operational Purpose Deduction before the waste

is received (i.e. seek **pre-approval**). If this cannot occur, facilities may lodge an OPD application for retrospective works; however, the facility must be aware of the maximum time frame for claiming a deduction (24 months) and be aware of potential risks i.e. the application may not be approved and the levy may become payable.

Pre-approval is recommended because:

- Retrospective applications can be problematic if there are incomplete records, partial approvals or declined applications.
- Pre-approval reduces the risk of accepting waste that is not approved for the operational purpose and having to pay levy on that waste.

All applications must meet the requirements of the Waste Regulation and Waste Levy Guidelines.

What the application should include

The application can be made in WARRP. An application should include at minimum a letter/report containing:

- a map of the site identifying where the works are being, or have been, completed
- a description of the works – what is being, or was, undertaken
- conformance with clause 15 of the Waste Regulation, and whether it meets any additional requirements set out in that clause (for example, requirements to meet specifications in the Waste Levy Guidelines or requirements to be in accordance with the conditions of an EPL)
- details of the waste being used:
 - waste type
 - quantity of waste (including how this was determined)
 - when it was (or will be) received
 - where was it (or will be) stockpiled
 - sampling plan for the stockpile (if applicable)
 - supporting records i.e. weighbridge data, loader-scale receipts, third-party invoicing etc.

Each application should be specific to the operational use i.e. one application for road construction, a separate application for cell construction, another application for final capping etc.

Other things facilities should know when submitting applications

A. Density factors

Density testing must be supplied with the application, prepared by a suitably qualified independent consultant. The application form will apply a default density factor unless otherwise specified.

B. Weighbridge transactions and WCMRs

For retrospective applications, evidence must be included demonstrating that the waste was received and the contribution paid (e.g. weighbridge transactions (highlighting the relevant OPD transactions) in an Excel file, with corresponding waste contribution monthly report (WCMR) and account summary demonstrating payment, should be attached to the application).

C. IPWEA requirements for roads and construction of recovered materials

The IPWEA guideline requirements refer to the testing required. These are outlined in the Waste Levy Guidelines.

D. Recovered aggregate order for roads and construction

The Recovered Aggregate Resource Recovery Order/Exemption refers to the testing required. This is outlined in the Waste Levy Guidelines.

The EPA may reject or refuse the application

The EPA may reject your application if it determines there is not enough information to conduct an adequate assessment. If your application is rejected, you can apply again with all the required information as needed. If the EPA refuses your application, you are not able to apply for the same material or tonnages for the same operational use. A refusal means that the prior or proposed use does not comply with the requirements under the Waste Regulation.

Withdrawn and cancelled applications

Once an application is submitted to the EPA, it is no longer editable. To rectify an application that has been incorrectly entered, please email waste.levydata@epa.nsw.gov.au and request that it be withdrawn. The withdrawn application will still show in the facility profile and can be resubmitted by saving a copy and making the required edits.

4. How to claim an OPD in WARRP?

OPDs are not automatically applied

The OPD is not automatically applied when the EPA issues an approval. To claim the OPD, and offset contributions, the facility must enter the DINs in WARRP for the month or months in which the waste was received.

Claiming an OPD using a DIN

Once the EPA issues the approval in WARRP, unique DINs will be created for each approved sub-purpose.

A DIN will only be available to claim in a waste contribution monthly report (WCMR) if it is within the corresponding approved period and any waste being claimed under the DIN has been reported as incoming waste in the corresponding WCMR.

The quantity claimed cannot exceed:

- the amount of a particular waste type reported as received in each WCMR
- the total approved tonnage for that waste type in the associated approval as described against each DIN.

For more information on entering OPDs into WARRP, refer to Section 8.3 in [the NSW Waste and Resource Reporting Portal \(WARRP\) User Guide](#).

DINs showing as 'expired' in WARRP

When a retrospective OPD is approved, it will appear as 'expired' in WARRP, which means you cannot use it for material that is received in the future.

For DINs showing as 'expired' in WARRP, the facility can still go into their past WCMRs for the retrospective period to claim the tonnages, as long as:

1. the waste was used for the purpose under clause 15 set out in the Operational Purpose Approval
2. it complies with the Waste Levy Guidelines, if applicable
3. conditions are on the EPL, if applicable, and the OPD is still available. See below for more details on OPDs that are not available.

5. When is an OPD not available?

Under clause 18(1) of the Waste Regulation, an OPD is not available if the waste:

- has already been the subject of a deduction, or
- has already been exempted, or
- was received at the facility more than 24 months before the date of deduction – otherwise known as the '24 month rule': see below.

Under clause 15(2) of the Waste Regulation, an OPD is **not available** for waste that:

- exceeds the amount of waste specified in an approved OPD, or
- is used other than in accordance with the requirements in the approved OPD.

How the 24 month rule applies

A facility only has 24 months after the waste was received at the facility to **claim** the deduction in WARRP for the waste used in accordance with an approved OPD.

This means the facility must have the OPD **application lodged, approved, and the deduction made in WARRP, within 24 months of receiving the waste.**

When a facility fails to claim the deduction within the 24 months, the EPA may disallow it on the basis that the deduction is not available.

The EPA recommends that facilities submit applications at least 6 months prior to receipt of the waste, to allow for adequate assessment and approval.

Help with the OPD process

For assistance with the OPD process and assessment, please email info@epa.nsw.gov.au.

For assistance with WARRP, please email waste.levydata@epa.nsw.gov.au.

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