



# Victoria Government Gazette

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**SPECIAL**

## Environment Protection Act 1970

### VARIATION OF AN ORDER RELATING TO NOTIFIABLE CHEMICALS

#### Order in Council

1. The Governor in Council-
  - (a) being of the opinion that a variation of the Order, dated 16 December 1997 under section 30D of the **Environment Protection Act 1970**, declaring polychlorinated biphenyls to be notifiable chemicals, is necessary to prevent or abate a serious environmental hazard; and
  - (b) acting on the recommendation of the Environment Protection Authority-  
under section 30D of the **Environment Protection Act 1970**, subject to the conditions specified in this Order, prohibits the storage, handling, use or sale of polychlorinated biphenyls.
2. For the purpose of this Order-

“polychlorinated biphenyls” are any material or waste containing polychlorinated biphenyls at a concentration of more than 2mg/kg;

”Polychlorinated Biphenyls Management Plan” is the national plan for the management of polychlorinated biphenyls published by the Australian and New Zealand Environment and Conservation Council in November 1996, as amended from time to time or republished by ANZECC.
3. The conditions applying to this Order are as follows:
  - (a) The sale or supply of polychlorinated biphenyls is prohibited without the written consent of the Authority.
  - (b) Within six months of this Order coming into effect, the storage, handling, including by transport, and use of polychlorinated biphenyls is prohibited except where an occupier of a premises is undertaking these activities in accordance with an environment improvement plan prepared in accordance with this Order and approved by the Authority.
  - (c) Notwithstanding sub-section (b), where the Authority is of the opinion that the storage, handling or use of polychlorinated biphenyls is likely to result in an environmental hazard the Authority may by notice in writing:
    - (i) require an occupier of a premises to prepare an environment improvement plan in accordance with this Order; and
    - (ii) prohibit the storage, handling or use of polychlorinated biphenyls except in accordance with that plan.
  - (d) An environment improvement plan for polychlorinated biphenyls must be signed by the occupier of the premises, or by an officer authorised by the occupier for this purpose, and must include-
    - (i) provisions for the management, transportation, storage, treatment and disposal of polychlorinated biphenyls in accordance with the specifications of the Polychlorinated Biphenyls Management Plan;
    - (ii) a schedule for destruction and disposal of polychlorinated biphenyls in accordance with the Polychlorinated Biphenyls Management Plan;
    - (iii) requirements for notifying the Authority of the quantity, concentration and location of polychlorinated biphenyls as required under sub-section (e); and
    - (iv) record keeping requirements sufficient to enable tracking of polychlorinated biphenyls, including certificates for destruction or disposal as required under sub-section (g).

- (e) Within three months of this Order coming into effect, where a premises contains more than 10kg of polychlorinated biphenyls, the occupier of the premises must notify the Authority of the quantity, concentration and location of the polychlorinated biphenyls.
  - (f) The dilution of polychlorinated biphenyls prior to disposal is prohibited without the written consent of the Authority.
  - (g) Upon destruction or disposal of polychlorinated biphenyls an occupier of a premises consigning the polychlorinated biphenyls must obtain, in a form approved by the Authority, a certificate of destruction or disposal from the facility receiving the polychlorinated biphenyls.
4. The Authority will
- (a) publish guidelines to assist in compliance with this Order; and
  - (b) establish a publicly accessible register of polychlorinated biphenyls notified under sub-section (e)
5. This Order will come into effect on the date of publication in the Government Gazette.
6. This Order remains in force until it is revoked or varied.

Dated: 1 February 2000.

Responsible Minister  
SHERRYL GARBUTT MP  
Minister for Environment and Conservation

HELEN DOYE  
Clerk of the Executive Council

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