



Victoria Government Gazette

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By Authority of Victorian Government Printer

Environment Protection Act 2017

NOTICE OF MAKING OF A DETERMINATION IN ACCORDANCE WITH REGULATION 5(5) OF THE ENVIRONMENT PROTECTION REGULATIONS 2021.

Determination of the Authority under Regulation 5(3)(a) of the
Environment Protection Regulations 2021

Specifications Acceptable to the Authority for Receiving Fill Material

1. Citation

This Regulation 5(3)(a) determination is 03 of 2021 and may be cited as EPA Determination – Specifications acceptable to the Authority for receiving fill material.

2. Summary

This determination is made by the Environment Protection Authority (Authority) under Regulation 5(3)(a) of the Environment Protection Regulations 2021 (the Regulations). It specifies when a person, place or premises is authorised to receive fill material for the purposes of Regulation 63(b) of the Regulations.

The effect of this determination is that if fill material is received at a place or premises in accordance with the specifications set out in Clause 4, then that place or premises is authorised to receive that industrial waste.

3. Definitions

In this determination, words or phrases have the same meaning as in the Environment Protection Act 2017 (the Act) and the Regulations unless otherwise specified, and –

consignment may include multiple transfers from an excavation site to a receiving site;

excavation site means the place or premises from which the fill material is excavated or removed;

putrescible or organic wastes means industrial wastes specified as ‘Putrescible/organic wastes’ in column 2 in the Table in Schedule 5 to the Regulations;

receiving site means the place or premises which receives, or will receive, the fill material;

waste generator means the person in management or control of the excavation site;

waste receiver means the person in management or control of the receiving site.

4. Application

(1) This determination applies to industrial waste that is –

(a) fill material as defined in Regulation 4 of the Regulations; or

(b) any industrial waste classified as fill material in a designation issued by the Authority under Regulation 86 of the Regulations.

(2) This determination does not apply to –

(a) any activity that requires a permission (as defined in the Act); and

(b) industrial waste that is soil that has undergone thermal treatment, unless subclause (1)(b) applies.

5. Specifications

For the purposes of Regulation 63(b) of the Regulations, a person or a place or premises is authorised to receive industrial waste that is fill material if –

(a) all the conditions in Clause 6 of this determination are satisfied; and

(b) the fill material does not contain, or the waste generator has removed as far as reasonably practicable, any wastes or physical contaminants that are not soil, including –

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- (i) concrete, bricks, ceramics, asphalt, plastics, glass, metal or wood; and
- (ii) putrescible or organic wastes; and
- (c) the fill material is not malodourous, including from petroleum hydrocarbons, hydrogen sulphide or organosulfur compounds; and
- (d) the fill material does not contain discoloured chemical deposits or staining from chemical waste.

6. Conditions

- (1) The waste receiver must inspect each consignment of fill material when received at the receiving site and –
 - (a) confirm the consignment meets the specifications in Clause 5 of this determination; and
 - (b) make a record of that inspection.
- (2) The waste receiver must not accept any waste soil classified as fill material excavated from contaminated land unless the waste generator has provided evidence of the soil classification, including any laboratory analysis, carried out in accordance with Regulation 62(1)(b) of the Regulations.
- (3) Any laboratory analysis required for the purposes of this determination must be undertaken by a National Association of Testing Authorities accredited laboratory.

7. Duration

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

8. Notes

- (1) This determination does not include geotechnical considerations for use of fill material.
 - (2) The Authority may amend or repeal this determination by way of written notice published in the Government Gazette.
 - (3) This determination does not satisfy, alter or remove any requirement under the Act, except to the extent the determination expressly states otherwise.
 - (4) This determination and others can be found on the Authority's website: www.epa.vic.gov.au
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