



# Victoria Government Gazette

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## Environment Protection Act 2017

### DETERMINATION OF THE AUTHORITY UNDER SECTION 48

Exemption from Requirement to hold Permission – Temporary Storage and Containment of Waste Oils, Paints and Chemicals Generated at Another Site at a Council Transfer Station

#### 1. Citation

This Section 48 determination is 04 of 2021 and may be cited as EPA Determination – temporary storage and containment of waste oils, paints and chemicals generated at another site at a council transfer station.

#### 2. Summary

This determination is made by the Environment Protection Authority (Authority) under Section 48(a) and (b) of the **Environment Protection Act 2017** (the Act). It specifies the requirements that a council must meet to comply with Section 44 or 45 of the Act if the council does not hold a development licence or operating licence in relation to the storage and containment of specified waste oils, paints and chemicals generated at another site at a council transfer station.

A council that meets the requirements set out in this determination is authorised to engage in the prescribed activity set out in Clause 4 without a development licence or operating licence issued under the Act in relation to that activity.

#### 3. Definitions

In this determination, words or phrases have the same meaning as in the Act or the Environment Protection Regulations 2021 (the Regulations) unless otherwise specified, and –

**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.

#### 4. Application

This determination applies to a council engaging, or proposing to engage, in the activity set out in item 1 (A01 – Reportable priority waste management) in the Table in Schedule 1 to the Regulations at a council transfer station.

#### 5. Requirements

For the purposes of Section 48(a) and (b) of the Act, a council referred to in Clause 4 does not have to comply with the requirement to hold a development licence under Section 44(1) of the Act or an operating licence under Section 45(1) of the Act in relation to the activity set out in Clause 4 if the council –

- (a) stores or contains at the council transfer station no more than 10,000 litres of the wastes, or a combination of the wastes, set out in the following items 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);

- (iv) item 36 (Solvent-based wastes from the production, formulation and use of resins, latex, plasticisers, glues and adhesives; waste code F130);
  - (v) item 45 (Waste oils, hydrocarbons, emulsions and transformer fluids excluding poly-chlorinated biphenyls; waste code J100);
  - (vi) item 106 (Household chemicals consolidated as part of a Victorian Government program; waste code T170); and
- (b) stores and labels the wastes or combinations of wastes set out in paragraph (a) in accordance with the **Dangerous Goods Act 1985** and **Occupational Health and Safety Act 2004**; and
  - (c) ensures that, so far as reasonably practicable, spills or leaks cannot occur during the transfer of the wastes or combinations of wastes into the council transfer station; and
  - (d) ensures that there is a written environmental risk management plan for the council transfer station.

## 6. Duration

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

## 7. Notes

- (1) For the purposes of Clause 5(d), 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) 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](http://www.epa.vic.gov.au)
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