



# Victoria Government Gazette

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## Environment Protection Act 2017

### DESIGNATION OF THE AUTHORITY UNDER REGULATION 86 OF THE ENVIRONMENT PROTECTION REGULATIONS 2021

Classification of Arsenic-Contaminated Waste from the City of Greater Bendigo

#### 1. Citation

This designation, is 03 of 2021 and may be cited as: EPA Designation – Classification of arsenic-contaminated waste from the City of Greater Bendigo.

#### 2. Summary

This designation is issued by the Environment Protection Authority (Authority) under Regulation 86 of the Environment Protection Regulations 2021 (the Regulations). It sets out the waste classification of arsenic-contaminated waste excavated from within the City of Greater Bendigo.

This designation classifies arsenic-contaminated waste, which may otherwise be categorised as Category A or B waste (as defined in Regulation 4 of the Regulations), as Category C waste when it is being deposited or consigned to be deposited at Eaglehawk landfill.

The effect of this designation is that arsenic-contaminated waste, that has a total arsenic concentration of between 500 and 5000 mg per kg and a leachable concentration between 0.5 and 0.7 mg per litre of arsenic or arsenic compounds, may be deposited or consigned to be deposited at Eaglehawk landfill as Category C waste. Under Schedule 5 to the Regulations the arsenic-contaminated waste will be waste code N120 reportable priority waste (transactions) and reportable priority waste (transport), as defined in Regulation 4 of the Regulations.

This designation does not apply if the arsenic-contaminated waste is excavated or removed from a site outside the City of Greater Bendigo or if other contaminants exceed Category C upper limits as specified in *Waste Disposal Categories – Characteristics and Thresholds*. A person receiving, storing, transporting or consigning for transport arsenic-contaminated waste other than in accordance with this designation, must comply with the relevant obligations under the new environmental protection framework, including applying for any relevant permissions from the Authority.

#### 3. Definitions

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

**arsenic-contaminated waste** means waste soil, sand, rock or mine tailings excavated or removed from an excavation site within the City of Greater Bendigo that does not contain any hazard characteristics or contaminants exceeding the upper limits for fill material specified in EPA Publication #1828 *Waste Disposal Categories – Characteristics and Thresholds* (other than arsenic or arsenic compounds), as determined by the waste generator;

**arsenic total concentration** means the total concentration of arsenic or arsenic compounds in waste soil, sand, rock or mine tailings, as determined by the waste generator in accordance with Clause 6;

**City of Greater Bendigo** means the municipal district under the local government control of the City of Greater Bendigo council;

**Eaglehawk landfill** means the landfill at Upper California Gully Road, Eaglehawk, with EPA licence ES397 (or as amended);

**excavation site** means a site within the City of Greater Bendigo from which arsenic-contaminated waste is excavated or removed;

**SPECIAL**

**leachable concentration** has the same meaning as in the *Waste Disposal Categories – Characteristics and Thresholds*;

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

#### 4. Application

- (1) This designation applies to arsenic-contaminated waste excavated or removed from an excavation site and deposited, or consigned to be deposited, at Eaglehawk landfill, that has been determined by the waste generator in accordance with Clause 6 to have –
  - (a) an arsenic total concentration between 500 and 5000 mg per kg; and
  - (b) a leachable concentration between 0.5 and 0.7 mg per litre of arsenic or arsenic compounds.
- (2) All other waste must be classified in accordance with the Act, Regulations and *Waste Disposal Categories – Characteristics and Thresholds*.

#### 5. Designation

For the purposes of Regulations 86(7) and (8) of the Regulations, arsenic-contaminated waste to which this designation applies is classified by the Authority as follows –

- (a) the applicable waste code is N120; and
- (b) the waste is –
  - (i) reportable priority waste (transactions); and
  - (ii) reportable priority waste (transport); and
  - (iii) Category C waste.

#### 6. Conditions

- (1) For the purposes of determining the arsenic total concentration and leachable concentration of waste excavated within the City of Greater Bendigo, a waste generator must investigate the waste at the excavation site and prepare a report of that investigation (*the investigation report*).
- (2) The waste generator must provide a copy of the investigation report to Eaglehawk landfill prior to the deposit of arsenic-contaminated waste.
- (3) Any laboratory analysis required for the purposes of this designation must be undertaken by a National Association of Testing Authorities accredited laboratory.

#### 7. Duration

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

#### 8. Notes

- (1) For the purpose of Clause 6(1) the following publications are relevant guidance –
  - (a) *Industrial waste resource guidelines – Sampling and analysis of waters, wastewaters, soils and wastes*, published by the Authority in June 2009 (as amended from time to time) and available on its website (publication IWRG701); and
  - (b) *Industrial waste resource guidelines – Soil Sampling*, published by the Authority in June 2009 (as amended from time to time) and available on its website (publication IWRG702).
- (2) The Authority may amend or repeal this designation by way of written notice in the Government Gazette.
- (3) This designation does not satisfy, alter or remove any requirement under the Act, except to the extent the designation expressly states otherwise.
- (4) This designation 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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