



Environment Protection Act 1970

Act No. 8056/1970

INDUSTRIAL WASTE MANAGEMENT POLICY (WASTE ACID SULFATE SOILS)

The Governor in Council, under sections 16(1A), 16(2) and 17(1A) of the **Environment Protection Act 1970**, and on the recommendation of the Environment Protection Authority, declares the following industrial waste management policy (waste acid sulfate soils) to be observed throughout Victoria.

Dated 17 August 1999

Responsible Minister:

MARIE TEHAN

Minister for Conservation and Land Management

Shannon Dellamarta
Acting Clerk of the Executive Council

Title

1. This Order may be cited as the Industrial Waste Management Policy (Waste Acid Sulfate Soils) and is referred to below as the Policy.

Commencement

2. This Policy will come into operation upon publication in the Government Gazette.

Review of Policy

3. (a) This Policy will remain in force until revoked by an order of the Governor in Council.
(b) This Policy must be reviewed by the Authority before the expiry of the period of 10 years after the day on which it came into effect or the Policy was last reviewed.

Revocation

4. Industrial waste management policy (waste acid sulfate soils) declared by Governor in Council on 28 April 1999 is revoked.

Contents of Policy

5. This Policy is divided into parts as follows -
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PART I - PRELIMINARY**Definitions**

6. In this Policy, unless the contrary intention appears:

“acid sulfate soil” means any soil, sediment unconsolidated geological material or disturbed consolidated rock mass containing metal sulfides which exceeds criteria for acid sulfate soils specified in Publication 655 entitled “Acid Sulfate Soil and Rock” published by the Authority in 1999 as amended from time to time or republished by the Authority;

“contaminated acid sulfate soil” means acid sulfate soil which is a prescribed industrial waste as defined in regulation 7 of the **Environment Protection (Prescribed Waste) Regulations 1998**;

“environment management plan” for a particular premises means a document signed by the occupier of the premises, or by an officer authorised by the occupier for this purpose, which describes how the occupier will achieve its environmental objectives, including the objective of this Policy and all other applicable legal requirements, by specifying detailed operating conditions, and must include:

- (a) the occupier’s environmental objectives, including all applicable legal requirements;
- (b) a description of the premises, including the name and address of the occupier, the location of the premises, and the physical characteristics of the premises and adjacent elements or segments of the environment;
- (c) existing and potential uses of the premises and adjacent elements or segments of the environment;
- (d) a description of the type of activities to be undertaken at the premises;
- (e) a description of any waste which may be generated, stored, treated, transported, reprocessed, reused, disposed of or otherwise handled at the premises, including physical characteristics of the waste and hazards associated with those characteristics;
- (f) an assessment of the risk of adverse impacts upon any beneficial uses of environment;
- (g) management arrangements and operating conditions designed to meet the environmental objectives;
- (h) a monitoring program to demonstrate compliance with operating conditions and environmental objectives;
- (i) contingency arrangements;
- (j) reporting requirements;
- (k) the responsibilities of all relevant parties; and
- (l) requirements for review of the plan;

“**occupier**” means occupier as defined in section 4 of the Act;

“**premises**” means premises as defined in section 4 of the Act;

“**the Act**” means the **Environment Protection Act 1970**;

“**waste**” means, waste as defined in section 4 of the Act’

“**waste receiver**” means an occupier of premises licensed by the Authority to dispose of, treat, store or reprocess prescribed industrial waste.

Objective

7. The objective of this Policy is to protect human health and the environment from risks that may be posed by waste acid sulfate soils, by ensuring that they are managed in an environmentally responsible manner.

Policy area

8. Subject to clauses 11 and 12, this Policy applies throughout the State of Victoria.

PART II - GENERAL REQUIREMENTS

Best Practice Management

9. Management of waste acid sulfate soils must be in accordance with current best practice or any best practice environmental management guidelines approved by the Authority.

On-site management of waste acid sulfate soil

10. An occupier of premises—
 - (1) is, subject to sub-clause (2), exempted from any requirement under this Policy to prepare an environment management plan for on-site handling of waste acid sulfate soil sourced from the premises.
 - (2) must apply current best practice environmental management for all on-site handling of waste acid sulfate soil so as to ensure prevention of adverse impact on any beneficial uses of any element of the environment on-site or off-site.

PART III - REUSE AND DISPOSAL OF WASTE ACID SULFATE SOILS

Part does not apply to certain dredge spoil material

11. This Part does not apply to dredge spoil waste acid sulfate soil sourced from a subaqueous environment which is intended to be directly disposed of to a marine or estuarine spoil ground, provided that oxidation is minimised and that the disposal is conducted in accordance with current best practice for dredging or any best practice environmental management guidelines approved by the Authority.

Part does not apply to certain extractive and mining premises

12. This Part does not apply to an occupier of premises regulated under the **Mineral Resources Development Act 1990** or the **Extractive Industries Development Act 1995** and exempted under Part 3 of the **Environment Protection (Scheduled Premises and Exemptions) Regulations 1996** for on-site handling of waste acid sulfate soil sourced from the premises.

Disposal or reuse of waste acid sulfate soil

13. A person must not cause or permit the disposal or reuse of waste acid sulfate soil at any premises, except where the occupier of the premises:
 - (1) is licensed under the **Environment Protection Act 1970** to dispose of that type of waste;
or
 - (2) has an environment management plan prepared in accordance with this Policy and approved by the Authority.

Disposal or reuse to be in accordance with environment management plan

14. An occupier of premises who has an environment management plan prepared in accordance with this Policy and approved by the Authority must not cause or permit the disposal or reuse of waste acid sulfate soil at that premises, other than in accordance with the conditions and requirements of the approved environment management plan.

Management of waste contaminated acid sulfate soil

15. Any waste receiver receiving waste contaminated acid sulfate soil must, in addition to complying with any requirements under the **Environment Protection (Prescribed Waste) Regulations 1998**, prepare and implement an environment management plan prepared in accordance with this Policy and approved by the Authority.

Application for approval of environment management plan

16. (1) An occupier of premises at which it is proposed to dispose of or reuse waste acid sulfate soils may apply to the Authority for approval of an environment management plan which has been prepared in accordance with this Policy.
- (2) An application must-
- (a) be made in writing; and
 - (b) be accompanied by:
 - (i) an environment management plan; and
 - (ii) any other information requested in writing by the Authority prior to the application being made.
- (3) The Authority may request the applicant to provide further information that the Authority considers necessary in order to determine the application.

Approval of environment management plan

17. (1) Within 28 days after the Authority receives an application or the further information requested by the Authority under sub-clause 16(3), whichever is the later, the Authority must approve, subject to such conditions as the Authority considers appropriate, or not approve the environment management plan.
- (2) In deciding whether or not to approve an environment management plan, the Authority must have regard to matters including-
- (a) the information provided by the applicant;
 - (b) the likelihood of an unacceptable risk to human health or the environment;
 - (c) any applicable national environment protection measure made by the National Environment Protection Council;
 - (d) any applicable State environment protection policy or industrial waste management policy; and
 - (e) the potential for diversion of the waste acid sulfate soil for higher value uses.
- (3) The Authority must notify the applicant in writing of its decision within 7 days after the decision was made.

Rescinding approval of environment management plan

18. (1) The Authority may rescind its approval of an environment management plan, if it is satisfied that:
- (a) any information supplied by the applicant was false or misleading; or
 - (b) any other information considered by the Authority has changed and as a result the Authority considers that the management of waste acid sulfate soil at the site is likely to result in an unacceptable risk to human health or the environment; or
 - (c) any condition of the environment management plan has been contravened.
- (2) If the Authority rescinds its approval of an environment management plan, it must notify the occupier of the premises to which the plan relates within 2 days of the rescission.

Amendment of environment management plans

19. (1) An occupier of premises may make an application to amend an environment management plan prepared in accordance with this Policy and approved by the Authority.
- (2) Clauses 16 and 17 with any necessary modifications apply to any application for amendment.

Industrial Waste Management Policy (Waste Acid Sulfate Soils)**EXPLANATORY NOTES**

Industrial waste management policies (IWMPs) are declared by the Governor in Council under section 16(1A) of the **Environment Protection Act 1970**. IWMPs specify requirements to be observed in managing industrial waste.

BACKGROUND TO THE POLICY

This policy establishes a management framework and sets specific requirements for the management of waste acid sulfate soils in an environmentally responsible manner.

Waste acid sulfate soils may oxidise, if managed inappropriately, generating acidic discharges that pose a risk to human health and the environment. In order to minimise such risks, specific management requirements are necessary which differ substantially from those generally applicable to other industrial wastes.

Title

Clause 1 states that the policy title is *Industrial Waste Management Policy (Waste Acid Sulfate Soils)*.

Commencement

Clause 2 states when the policy comes into effect.

Policy Review

Clause 3 states that the policy will remain in effect until revoked by order of the Governor in Council and that the Policy must be reviewed every 10 years.

Revocation

Clause 4 revokes *Industrial Waste Management Policy (Waste Acid Sulfate Soils)* declared by Governor in Council on 28 April 1999 for a period of 4 months under section 18B of the *Environment Protection Act 1970*.

Contents of Policy

Clause 5 outlines the contents and structure of the policy.

PART 1 - PRELIMINARY**Definitions**

Clause 6 provides specific definitions of various words and terms used throughout the policy.

Objective

Clause 7 sets out the objective of the policy, which underlies the specific requirements of the policy.

Policy area

Clause 8 indicates that the policy applies throughout the State of Victoria.

PART II - GENERAL REQUIREMENTS**Best practice management**

Clause 9 requires management of waste acid sulfate soils to be in accordance with current best practice or any best practice environmental management guidelines approved by the Authority.

On-site management of waste acid sulfate soil

Clause 10 exempts, subject to sub-clause (2), occupiers of premises from preparing an environment management plan for on-site handling of waste acid sulfate soil which is sourced from the premises. Clause 10(2) requires occupiers of premises to apply best practice environmental management for all on-site handling of waste acid sulfate soils sourced from the premises.

PART III - REUSE AND DISPOSAL OF WASTE ACID SULFATE SOILS**Part does not apply to certain dredge spoil material**

Clause 11 states that Part III of the policy does not apply to certain dredge spoil material, which would otherwise constitute waste acid sulfate soil, if the conditions in the clause are met.

Part does not apply to certain extractive and mining premises

Clause 12 states that Part III of the policy does not apply to an occupier of certain mining and other extractive industry premises for on-site handling of waste acid sulfate soil sourced from such premises to which the Part would otherwise apply if the conditions in the clause are met.

Disposal or reuse of waste acid sulfate soil

Clause 13 prohibits the disposal or reuse of waste acid sulfate soils at any premises, unless the occupier of the premises is either licensed to do so under the Act or has an environment management plan approved under this policy.

Disposal or reuse to be in accordance with environment management plan

Clause 14 states that where an occupier of premises has an environment management plan approved under this policy, disposal or reuse of waste acid sulfate soil at the premises must be in accordance with the requirements of that plan.

Management of waste contaminated acid sulfate soil

Clause 15 states that any waste receiver receiving waste acid sulfate soil which is also a prescribed industrial waste must, in addition to complying with any requirements under the *Environmental Protection (Prescribed Waste) Regulations 1998*, prepare and implement an environment management plan approved under this policy.

Application for approval of environment management plan

Clause 16 allows an occupier of premises to apply to the Environment Protection Authority for approval of its environment management plan, and specifies what information is required by the Authority.

Approval of environment management plan

Clause 17 empowers the Authority to approve or not approve an environment management plan, and specifies the time frame and the considerations the Authority will have regard to in making that decision.

Rescinding approval of environment management plan

Clause 18 specifies the conditions under which the Authority may rescind a previously approved environment management plan.

Amendment of environment management plans

Clause 19 allows an occupier of premises who has an approved environment management plan under this policy to amend the plan by adopting the procedures, with any necessary modifications, in clauses 16-17 of this policy.

Gas Industry Act 1995**NOTICE**

Relevant date for the Purposes of Section 115A(2)

In the exercise of powers under section 115A(2) of the **Gas Industry Act 1994** (the "Act"), I hereby fix 18 August 1999 as the relevant date for the purposes of an allocation statement under section 115C of the Act pursuant to which certain property, rights and liabilities of Gas services business Pty Ltd ACN 079 089 277 relating to its business known as Gas Technology Services, will be allocated to Australian Gas Technology Services Pty Ltd ACN 089 024 751.

Dated 18 August 1999

JOHN PERHAM
Deputy Secretary, Commercial Policy
and Projects Division under
Instrument of Delegation from the
Treasurer and Minister responsible
for the Gas Industry Act 1994 dated
13 August 1999

Gas Industry Act 1994

NOTICE

Relevant date for the Purposes of Section 115A(2)

In the exercise of powers under section 115A(2) of the **Gas Industry Act 1994** (the "Act"), I hereby fix 18 August 1999 as the relevant date for the purposes of the document referred to in section 115N(1) of the Act in relation to certain employees of the business known as Gas Technology Services business of Gas services business Pty Ltd ACN 079 089 277.

Dated 18 August 1999

JOHN PERHAM
Deputy Secretary, Commercial Policy
and Projects Division under
Instrument of Delegation from the
Treasurer and Minister responsible
for the Gas Industry Act 1994 dated
13 August 1999

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