

RISK REVIEW

Noel Arnold & Associates - Risk Management Consultants

Release of the Victorian Environment Protection (Industrial Waste Resource) Regulations 2009

22nd September 2009

The *Environment Protection (Industrial Waste Resource) Regulations 2009* came into effect on the 1st of July 2009, replacing the *Environment Protection (Prescribed Waste) Regulations 1998*.

The introduction of the new regulations results in a change in the legislative framework for the management of prescribed industrial waste (PIW) in Victoria. The new regulatory framework is supported by the *Industrial Waste Resource Guidelines*, which replace several existing Victorian EPA Publications and consolidates other waste publications relating to prescribed industrial waste (including contaminated soil and asbestos). The guidelines are set out using the EPA's waste hierarchy.

Waste Categorisation

As set out in the *Victorian Environment Protection Act 1970*, all wastes should be managed using the following waste hierarchy (in descending order of preference):

- Avoidance
- Reuse
- Recycling
- Recovery of energy
- Treatment
- Containment
- Disposal

Once it has been determined that a waste stream cannot be avoided, reused, recycled or have any other hierarchy options, it must be

appropriately characterised prior to disposal.

To streamline the process of industrial waste management, all industrial wastes will be subject to hazard categorisation, with a short list of exceptions. Wastes will be categorised on the basis of their chemical composition or physical attributes, with those wastes identified as Category A (highest risk), B or C wastes, regulated as PIWs. It is noted that Category A wastes are prohibited from landfill and require treatment prior to disposal. Different landfill levies apply to Category B and Category C wastes.

Material that is not classified as a PIW includes 'Fill material' and 'Solid Inert Waste'.

The two key documents that are used to categorise PIW are:

- [Industrial Waste Resource Guidelines \(IWRG621\) – Soil Hazard Categorisation & Management](#), June 2009 (replaces EPA Publication 448.3); and
- [Industrial Waste Resource Guidelines \(IWRG631\) – Solid Industrial Waste Hazard Categorisation & Management](#), June 2009 (replaces EPA Publication 996).

Other relevant publications introduced for the sampling, analysis and management of wastes (including contaminated soil and asbestos wastes) include:

- [Industrial Waste Resource Guidelines \(IWRG702\) – Soil](#)

[Sampling](#), June 2009 (replaces EPA Publication 1178);

- [Industrial Waste Resource Guidelines \(IWRG701\) – Sampling and Analysis of Waters, Wastewaters, Soils and Wastes](#), June 2009 (replaces EPA Publication 441); and
- [Industrial Waste Resource Guidelines \(IWRG611.1\) – Asbestos Transport and Disposal](#), July 2009 (replaces EPA Publication 364).

Asbestos in Soil

The *Industrial Waste Resource Guidelines (IWRG 611.1) – Asbestos Transport and Disposal, July 2009* state that if asbestos is identified in soil (and disposal is the best option) under the Regulations, soils contaminated with asbestos are considered to be a Category C waste.

Soil that contains asbestos (and no other contaminants) must be disposed of as an asbestos containing material and the \$30/tonne landfill levy applies (rather than the \$70/tonne applicable to Category C (Contaminated Soil)).

Hazard Re-Classification of Prescribed Industrial Waste

An application can be made to EPA to have a PIW re-classified to a lower hazard category, where it can be demonstrated that the contaminants in the waste are intrinsically or chemically immobilised. This process has

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the potential to result in significant cost savings, particularly for projects involving the off-site disposal of significant quantities of contaminated soil.

Secondary Beneficial Re-Use

During the past few years, EPA policy has sought to reduce the quantity of PIW being disposed to landfill, through measures such as increased landfill levies. This process is now being supported through changes to the approvals process for the re-use and/or recycling of PIW. The new Regulations allow a waste producer or receiver to notify EPA that they intend to divert or receive material (i.e. waste) for secondary beneficial reuse (SBR). The SBR process requires the provision of detailed information to EPA to ensure that risks to human health and the environment are being adequately managed. The Regulations also require an independent third party review of this information.

On-site Retention of Contaminated Soils

Through the newly released IWRG, EPA require that when 'practicably accessible' opportunities exist to avoid or reduce the generation of PIW, these measures should be implemented.

In avoiding disposal to landfill, significant cost savings can potentially be realised. In addition, revenue generated from the increased landfill levies can be accessed through the HazWaste fund which supports industry to accelerate the

retention of generated PIW or reduce the hazard category.

Some contaminated soils can be maintained on site and managed in such a way that poses negligible risk to the environment or human health.

Conclusion

The intent of the new Victorian regulations is to reduce landfill disposal and increase resource efficiency. With appropriate planning and assessment, the potential for significant savings exist for the property and industry sectors in redevelopment costs.

The new consolidated Industrial Waste Resource Guidelines can be viewed at:

<http://www.epa.vic.gov.au/waste/industrial-waste-guidelines.asp>

Further Information

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