



Environment Protection Act 1970

Act No. 8506/1970

INDUSTRIAL WASTE MANAGEMENT POLICY (WASTE ACID SULFATE SOILS)

The Governor in Council, under sections 16(1A), 17(1A) and 18B 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: 15 December 1998

Responsible Minister:

MARIE TEHAN

Minister for Conservation and Land Management

SHARNE BRYAN

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 on 28 December 1998.

Sunset

3. This Policy will cease to have effect on the day which is 4 months after the day on which the Policy comes into operation.

Contents of Policy

4. This Policy is divided into parts as follows -

- 1 Title

- 2 Commencement

- 3 Sunset

- 4 Contents of Policy

PART I - PRELIMINARY

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SCHEDULE A - Criteria for acid sulfate soils

PART I - PRELIMINARY

Definitions

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

“**acid sulfate soil**” means any soil, sediment or other regolith containing iron sulfides which, for a particular soil or sediment texture specified in column 1 of Table 1 in Schedule A, exceeds either the sulfur trail criterion specified in column 2 or the acid trail criterion specified in column 3 of that Table, or both;

“**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 **Environment Protection Act 1970**;

“**premises**” means premises as defined in section 4 of the **Environment Protection Act 1970**;

“**waste**” means waste as defined in section 4 of the **Environment Protection Act 1970**.

Objective

6. 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

7. Subject to clause 8, this Policy applies throughout the State of Victoria.

Policy does not apply to certain dredge spoil material

8. This Policy does not apply to dredge spoil material sourced from a subaqueous environment which is intended to be directly disposed of to a marine spoil ground, provided that the disposal has been endorsed by the Dredge Protocol Management Committee.

PART II - ATTAINMENT PROGRAM

Disposal or reuse of waste acid sulfate soil

9. 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

10. 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.

Application for approval of environment management plan

11. (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

12. (1) Within 14 days after the Authority receives an application or the further information requested by the Authority under sub-clause 11(3), whichever is the later, the Authority must approve 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 2 days after the decision was made.

Rescinding approval of environment management plan

13. (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 of damage 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.

SCHEDULE A -Criteria for acid sulfate soils

Table 1 - Criteria for acid sulfate soils.

Column 1 - Soil or sediment texture ¹	Column 2 - Sulfur trail: Percentage of oxidisable sulfur (oven dry basis) ²	Column 3 - Acid trail: mol of hydrogen ions per tonne of soil (oven dry basis) ³
Sands to loamy sands	0.03	18
Sandy loams to light clays	0.06	36
Medium to heavy clays and silty clays	0.1	62

Notes to Table 1:

- Soil or sediment texture is defined in the 'Australian Soil and Land Survey - Field Handbook', R.C. McDonald, R.F. Isbell, J.G. Speight, J. Walker, and M.S. Hopkins, (1990), Second Edition.
- Sulfur trail is to be determined by Acid Sulfate Soil Method 21: Peroxide Oxidation - Combined Acidity and Sulfate as approved by the New South Wales Acid Sulfate Soil Management Advisory Committee.
- Acid trail is to be determined by Acid Sulfate Soil Method 21: Peroxide Oxidation - Combined Acidity and Sulfate, as approved by the New South Wales Acid Sulfate Soil Management Advisory Committee.

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 which will ensure that waste acid sulfate soils are managed in an environmentally responsible manner.

Waste acid sulfate soils may oxidise, if managed inappropriately, generating highly 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. The unprecedented level of construction activity near the confluence of the Yarra and Maribymong Rivers is resulting in the generation of large amounts of waste acid sulfate soils.

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.

Sunset

Clause 3 states when the policy will cease to have effect.

Contents of Policy

Clause 4 outlines the contents and structure of the policy.

PART 1 - PRELIMINARY

Definitions

Clause 5 provides specific definitions of various words and terms used throughout the policy.

Objective

Clause 6 sets out the objective of the policy, which underlies the specific requirements of the policy.

Policy area

Clause 7 indicates that the policy applies throughout the State of Victoria.

Policy does not apply to certain dredge spoil material

Clause 8 states that the policy does not apply to dredge spoil material, which would otherwise constitute waste acid sulfate soil, if the conditions in the clause are met.

PART II - ATTAINMENT PROGRAM

Disposal or reuse of waste acid sulfate soil

Clause 9 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 10 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.

Application for approval of environment management plan

Clause 11 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 12 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 13 specifies the conditions under which the Authority may rescind a previously approved environment management plan.

Schedule A - Criteria for acid sulfate soils

This schedule provides criteria which determine whether a substance is an acid sulfate soil for the purpose of this policy.

The most rigorous method for determining the sulfur trail and the acid trail is 'Acid Sulfate Soil Method 21' (Peroxide Oxidation - Combined Acidity and Sulfur Method or "POCAS method"). Acid Sulfate Soil Method 20 (Total Oxidisable Sulfur) will give a less rigorous measure of the sulfur trail, therefore may be a useful screening method for determining whether further investigation and analysis is warranted. Both methods are available from:

1. The New South Wales Acid Sulfate Soil Management Advisory Committee
Natural Resources and Environmental Policy Branch
Department of Urban Affairs and Planning
GPO Box 3927
SYDNEY 2001, or
2. EPA Victoria Library
477 Collins Street
MELBOURNE 3000.

Melbourne City Link Act 1995

ORDER INCREASING THE PROJECT AREA

The Governor in Council, on the recommendation of the Minister for Planning and Local Government (being the Minister administering the **Melbourne City Link Act 1995** and the Minister administering the **Planning and Environment Act 1987**), under section 8(1) of the **Melbourne City Link Act 1995** varies the Project area by increasing the Project area by adding the land shown hatched turquoise on the plan numbered LEGL./98-4 lodged in the Central Plan Office.

Dated 15 December 1998

Responsible Minister

The Hon. ROBERT MACLELLAN

Minister for Planning and Local Government

SHARNE BRYAN

Clerk of the Executive Council

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