



# Victoria Government Gazette

No. S 723 Thursday 16 December 2021  
By Authority of Victorian Government Printer

## Environment Protection Act 2017

### NOTICE OF MAKING OF A DETERMINATION IN ACCORDANCE WITH REGULATION 5(5) OF THE ENVIRONMENT PROTECTION REGULATIONS 2021.

Determination of the Authority under regulation 5(3)(a) of the  
Environment Protection Regulations 2021

EPA Determination – Specifications acceptable to the Authority for receiving processed organics

#### 1. Citation

This regulation 5(3)(a) determination is 05 of 2021 and may be cited as EPA Determination – Specifications acceptable to the Authority for receiving processed organics.

#### 2. Summary

This determination is made by the Environment Protection Authority (Authority) under regulation 5(3)(a) of the Environment Protection Regulations 2021 (the Regulations). It specifies when a person or a place or premises is authorised to receive and use industrial waste that is processed organics for the purposes of regulation 63(b) of the Regulations.

The effect of this determination is that if industrial waste that is processed organics is received at a place or premises in accordance with the specifications and conditions set out in this determination, then that place or premises is authorised to receive and use that industrial waste.

On commencement of this determination, *EPA Determination – Specifications acceptable to the Authority for receiving processed organics*, made by the Authority and published in Government Gazette S 299 on 18 June 2021 is revoked.

#### 3. Definitions

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

***food organics and garden organics (FOGO)*** means food and garden waste from the collection of source separated kerbside collections or source separated commercial and industrial waste collections;

***in-vessel pasteurisation*** means a process in which organic waste is fed into a drum, silo, tunnel, box or similar container where the initial, intensive composting process takes place in controlled environmental conditions (temperature, moisture, air flow);

***organic waste*** means the organic waste received at a processing site;

***pasteurisation*** means –

- (a) for organic waste at a processing site sourced from low-risk feedstocks as specified in Table 4 of Appendix 1, turning of outer material to the inside of the windrow so that the whole mass is subjected to at least three turns with the internal temperature reaching at least 55°C for 3 consecutive days before each turn; or
- (b) for organic waste at a processing site sourced from high-risk feedstocks as specified in Table 4 of Appendix 1, the core temperature of the material mass must be maintained at 55°C or higher for at least 15 consecutive days, and during this period the windrow should be turned at least 5 times; or
- (c) for organic waste which is processed at a processing site by in-vessel pasteurisation and sourced from either low-risk or high-risk feedstocks as specified in Table 4 of Appendix 1, the whole mass of material is maintained at 55°C or higher for at least 72 consecutive hours.

**SPECIAL**

**processed organics** means the pasteurised material produced at a processing site that –

- (a) does not include liquid organic waste, digestate from anaerobic digestion, raw mulches or vermicast;
- (b) does not contain any of the following –
  - (i) chemical contaminant concentration exceeding the upper limits for that chemical contaminant parameter as specified in Table 1 of Appendix 1;
  - (ii) non-organic physical contaminants exceeding the upper limits for that non-organic physical contaminant parameter as specified in Table 2 of Appendix 1;
  - (iii) pathogen indicators exceeding the upper limits for that pathogen indicator as specified in Table 3 of Appendix 1; and
- (c) has undergone pasteurisation within the meaning of this determination.

**processing site** means a person or a place or premises –

- (a) authorised by a permission issued or granted by the Authority to process organic waste;
- (b) granted an exemption by the Authority under section 80(4) of the Act from a requirement to obtain a permission to process organic waste; or
- (c) specified by operation of section 48 of the Act as not required to obtain a permission to process organic waste.

**receiving site** means the place or premises which receives, or will receive, processed organics;

**waste generator** means the person in management or control of the processing site;

**waste receiver** means the person in management or control of the receiving site.

#### 4. Application

- (1) This determination applies to industrial waste that is processed organics within the definition set out in this determination.
- (2) This determination does not apply to any activity that requires a permission (as defined in the Act).

#### 5. Specifications

For the purposes of regulation 63(b) of the Regulations, a person or a place or premises is authorised to receive and use processed organics provided –

- (a) all the conditions in clause 6 of this determination are satisfied.

#### 6. Conditions or limitations

- (1) The waste receiver must only accept industrial waste that is processed organics at the receiving site if the waste generator has made available information that confirms –
  - (a) the processing site is authorised to process organic waste –
    - (i) by a permission issued or granted by the Authority;
    - (ii) by a permission exemption granted by the Authority; or
    - (iii) as specified by operation of section 48 of the Act as not required to obtain a permission; and
  - (b) the processed organics does not contain any –
    - (i) chemical contaminant concentration exceeding the upper limits for that chemical contaminant parameter as specified in Table 1 of Appendix 1;
    - (ii) non-organic physical contaminants exceeding the upper limits for that non-organic physical contaminant parameter as specified in Table 2 of Appendix 1;

- (iii) pathogen indicators exceeding the upper limits for that pathogen indicator as specified in Table 3 of Appendix 1; and
  - (c) the processed organics have undergone pasteurisation.
- (2) Any laboratory analysis required for the purposes of this determination must be undertaken by an accredited laboratory.

**7. Duration**

This determination commences on 16 December 2021 and remains in effect until the revocation of the Regulations, unless earlier revoked by the Authority.

**8. Notice of revocation**

*EPA Determination – Specifications acceptable to the Authority for receiving processed organics*, made by the Authority and published in Government Gazette S 299 on 18 June 2021 is revoked on commencement of this determination.

**9. Notes**

- (1) The determination does not require sampling and testing of processed organics for biological stability and maturity. If relevant, a generator of processed organics should provide product information explaining the limitations of using immature or poorly stabilised processed organics in relation to offensive odours, potential impacts on plant growth and viability of plant propagules.
- (2) For testing requirements and indicators related to plant toxicity and physical requirements not listed in this determination, Australian Standard 4454-2012 *Composts, soil conditioners and mulches*, published by Standards Australia on 29 February 2012 (as amended from time to time) is relevant guidance.
- (3) This determination does not include geotechnical or agricultural considerations for use of processed organics.
- (4) The Authority may amend or repeal this determination by way of written notice published in the Government Gazette.
- (5) This determination does not satisfy, alter or remove any requirement under the Act, except to the extent the determination expressly states otherwise.
- (6) This determination and others can be found on the Authority's website: [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

**Appendix 1: Contaminant limits and feedstock risk****Table 1: Chemical contaminant limits**

<b>Parameter</b>		<b>Upper limits</b>
<b>Chemical substance limits (dry weight basis (mg/kg))</b>		
Chemical contaminants	Arsenic	20 mg/kg
	Cadmium	1 mg/kg
	Boron	100 mg/kg
	Chromium	100 mg/kg
	Copper	150 mg/kg
	Lead	150 mg/kg
	Mercury	1 mg/kg
	Nickel	60 mg/kg
	Selenium	5 mg/kg
	Zinc	300 mg/kg
	DDT/DDD/DDE	0.5 mg/kg
	Aldrin	0.02 mg/kg
	Dieldrin	0.02 mg/kg
	Chlordane	0.02 mg/kg
	Heptachlor	0.02 mg/kg
	HCB	0.02 mg/kg
	Lindane	0.02 mg/kg
	BHC	0.02 mg/kg
PCBs	Not detectable (detection limit (0.2mg/kg))	

**Table 2: Non-organic physical contaminant limits**

Parameter	Upper limit
Non-organic material (e.g. glass) but excluding light and flexible or film plastic, rocks and stones	≤0.5% of dry matter w/w
Light and flexible or film plastic including biodegradable or compostable packaging	≤0.05% of dry matter w/w

**Table 3: Pathogen indicator limits**

Parameter	Upper limit
<i>E. coli</i>	<100 MPN per gram (dry weight)
Faecal coliforms	<1,000 MPN per gram (dry weight)
<i>Salmonella</i> spp.	Absent in 50 grams (dry weight)

**Table 4: Low and high risk feedstocks**

Risk	Feedstock
Low risk	Garden and Landscaping Organics Untreated Timber Natural organic fibrous waste Forestry residuals
High Risk	Dewatered sewage sludge Animal manure and mixtures of animal manure and animal bedding organics Animal mortalities, parts of carcasses, bone or fish FOGO Vegetables fruits and seeds and other food wastes Winery, brewery and distillery wastes Liquid food waste and liquid food processing wastes (including sludges) Liquid animal wastes (blood) and paunch (sludge), Grease trap waste Any other feedstock not specified low risk in this Table

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