

# Environment Protection (Hazardous Materials) Environment Protection Policy 2012 (No 1)

Notifiable instrument NI2012–326

made under the

Environment Protection Act 1997, section 28 (notification of environment protection policies), section 29 (Inspection)

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## 1 Name of instrument

This instrument is the *Environment Protection (Hazardous Materials) Environment Protection Policy 2012 (No 1)*.

## 2 Commencement

This instrument commences on the day after notification.

## 3 Notification

Notice is hereby given that the Environment Protection Authority has made an Environment Protection Policy in Annexure A:

### Title of Policy

Hazardous Materials  
Environment Protection Policy

### Brief Description of the Policy

The Hazardous Materials Environment Protection Policy is designed to assist people to understand the *Environment Protection Act 1997* and the Environment Protection Regulation 2005 as they apply to hazardous materials. The policy contains information related to the management of hazardous materials to minimise the risk of adverse impacts they may have on the environment.

## 4 Inspection

In accordance with section 29 of the *Environment Protection Act 1997*, copies of the Hazardous Materials Environment Protection Policy are available for public inspection at the following locations:

during business hours, at Environment Protection Unit, Level 3 South Wing, Macarthur House, 12 Wattle Street, Lyneham ACT 2602; and

electronic copies are available from the Environment and Sustainable Development Directorate website at <http://www.environment.act.gov.au>.

## **5 Revocation**

This instrument revokes Environment Protection (Environment Protection Policy) Notice 2011 (No 1) – NI2011-3.

Daniel Walters  
Environment Protection Authority  
18 June 2012

# HAZARDOUS MATERIALS ENVIRONMENT PROTECTION POLICY

Environment Protection Authority | November 2010



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# 1. BACKGROUND

## 1.1 Role of this EPP

This Hazardous Materials **Environment Protection Policy (EPP)** contains information and policies relating to the management of hazardous materials to minimise the risk of adverse impacts they may have on the environment. It is designed to help people understand the *Environment Protection Act 1997* (the Act) and the Environment Protection Regulation 2005 (the Regulation) as they apply to hazardous materials. There are general offences in the Act, which carry substantial penalties. This **EPP** provides guidance on meeting these legislative requirements, including the need to adopt the **general environmental duty** as specified in the Act to prevent or minimise **environmental harm**. This **EPP** has been prepared by the **Environment Protection Authority (EPA)** in accordance with Part 4 of the Act.

The role of **EPPs** and their relationship to the Act and the Regulation is explained in the General **EPP**. The General **EPP** also contains other material of relevance to the Hazardous Materials **EPP** such as policies on environmental management instruments. This **EPP** should be read together with the General and other **EPPs**.

## 1.2 Administration consistent with Objects of the Act

This **EPP** should be read and applied to best give effect to the Objects of the Act.

This **EPP** has been developed in accordance with the following principles:

- The level of regulatory control over a specific activity involving a particular hazardous material should reflect the risk to the environment from that activity with that material. For example, the risk to the environment from the use of halons to extinguish fires is so great that their use is banned except for essential uses where there are no alternative substances.
- Where possible, regulatory controls on hazardous materials should not adversely impact on regional commerce and should be consistent with national competition policy principles. Specifically, any restriction on competition should apply on the basis that the public benefit from the restriction outweighs the public interest in competition.
- The **EPP** is consistent with national and international agreements relating to hazardous materials.

## 1.3 Activities addressed by this EPP

This **EPP** addresses the removal, movement and disposal of hazardous material in relation to the Act, which includes:

- the use of agricultural and veterinary chemicals (pest control chemicals);
- the management of scheduled **wastes**;
- the movement of **regulated waste** within the ACT;
- the interstate movement of **controlled wastes**;
- the National Pollutant Inventory (NPI); and
- the demolition of structures/ facilities and buildings.

## 1.4 What about other legislation

This EPP is complemented by other environmental legislation and programs detailed below:

<b>Activity</b>	<b>Act/Program</b>	<b>Contact</b>
Movement of <b>Controlled Wastes</b>	<i>National Environment Protection Council Act 1994</i> <i>Environment Protection Regulation 2005</i>	<b>EPA</b> by calling Canberra Connect on 13 22 81.
Management of Clinical Waste	<i>Clinical Waste Act 1990</i> <i>Clinical Waste Manual 1991</i>	Licence/permit to transport – Office of Regulatory Services (ORS) WorkSafe ACT by calling Canberra Connect on 13 22 81
Management, regulation and reduction of waste	<i>Waste Minimisation Act 2001</i>	ACT NOWaste by calling Canberra Connect on 13 22 81.
The sale, purchase, storage, use and handling of scheduled substances	<i>Ozone Protection and Synthetic Greenhouse Gas Management Act 1989</i>	Commonwealth Department of the Environment Water, Heritage and the Arts on 1300 884 483.
Occupational use of hazardous materials	<i>ACT Work Safety Act 2008</i>	ORS WorkSafe ACT by calling Canberra Connect on 13 22 81
Labelling, handling and storage of hazardous materials, dangerous goods and combustible liquids	<i>Dangerous Substances Act 2004</i>	ORS WorkSafe ACT by calling Canberra Connect on 13 22 81.
Demolition of structures containing hazardous materials.	<i>Planning and Development Act 2007</i>	ACT Planning and Land Authority (ACTPLA) by calling Canberra Connect on 13 2281 <b>EPA</b> by calling Canberra Connect on 13 22 81.

## 1.5 Notes on reading this EPP

1. Where the **EPP** refers to a legal requirement, it will give the source of this requirement for reference. References to 'the Act' refer to the *Environment Protection Act 1997* while 'the Regulation' refers to the *Environment Protection Regulation 2005*. (The Act and Regulation is available on the ACT Legislation Register website: [www.legislation.act.gov.au](http://www.legislation.act.gov.au))
2. Wherever a term is used that is defined in the Act or Regulation, it appears in **bold**.
3. Copies of this **EPP** and documents cited in this **EPP** may be viewed at the following locations:

Environment Protection Authority  
Macarthur House Annexe  
12 Wattle St  
LYNEHAM ACT 2602



- Department of the Environment, Climate Change, Energy and Water website: [www.environment.act.gov.au/](http://www.environment.act.gov.au/)

*Note: **National Environment Protection Measures** can also be inspected at the Environment Protection and Heritage Council website: [www.epc.gov.au](http://www.epc.gov.au)*

## 2. POLICY OBJECTIVES

The objectives of the Hazardous Materials **EPP** are to:

- provide information to the community;
- to minimise the risk of adverse impacts on the environment, both within the ACT and elsewhere, from the manufacture, supply, use, storage, transport and disposal of hazardous materials in the ACT; and
- to ensure that the ACT meets its national obligations and plays its part in Australia meeting its international obligations under national and international agreements relating to hazardous materials.

## 3. COMPLIANCE WITH THIS EPP

**EPPs** are not legally binding in themselves; they are statements of policy, guidelines and explanations of legal requirements. If something is legally required, this **EPP** refers to the source legal documents (usually the Act or Regulation).

## 4. ENFORCEMENT POLICY

The **EPA's** general approach to enforcement, consistent with the duty to administer the Act to give effect to its objects, will be:

- Firstly, to seek to work in partnership with business and the community as “co-regulators” and educators;
- Secondly, to warn;
- Thirdly, to issue infringement notices and **environment protection orders**, as appropriate; and
- Finally, to consider suspension or cancellation of an authorisation, or referral to the Director of Public Prosecutions (DPP) for a decision on prosecution, or both, as appropriate.

*Note: This approach is adopted for guidance only and that serious cases, such as knowingly or recklessly causing **serious or material environmental harm**, may justify immediate application of a strict approach to enforcement.*

Consistent with the **EPA's** approach to enforcement above, the **EPA** produces a range of educational information, including industry specific information and codes of practice to educate and inform the public of their responsibilities under the Act

## 5. REVIEW OF EPA DECISIONS

A number of decisions made by the **EPA** are reviewable by the ACT Civil and Administrative Tribunal (ACAT). Under Section 136B of the Act, which specifies the reviewable decisions, an **eligible person** can make an application to the ACAT for a review of an **EPA** decision.

## 6. HAZARDOUS MATERIALS

### 6.1 What are hazardous materials

Hazardous materials are any materials that have the potential to harm human health, damage property or cause harm to the environment due to their physical, chemical and biological properties. These materials may be solids, liquids or gases. Hazardous materials include many commonly found industrial, commercial, pharmaceutical, agricultural and domestic chemicals, for example paint, cleaning chemicals, degreaser, detergent, pesticides, herbicides, fuel, welding fume and energy efficient lighting (eg compact fluorescent lamps).

*Note: ORS WorkSafe ACT administers legislation specific to labelling, handling and storage of hazardous materials and should be contacted for further information.*

### 6.2 Classification of hazardous materials for disposal

Hazardous materials **waste** may be classified as **regulated waste** and/or **controlled waste**.

**Regulated waste** is defined in Schedule 1, Section 1.1(A) of the Act as **waste** that is, or contains 1 or more of the following kinds of **waste**:

- (a) hazardous **waste**;
- (b) group A **waste**;
- (c) group B **waste**;
- (d) group C **waste**; and
- (e) industrial **waste**.

Hazardous **waste**, group A, B and C **wastes** and industrial **waste** are defined in the ACT's Environmental Standards: Assessment and Classification of Liquid and Non-liquids Wastes (June 2000) (the Standards).

A copy of the Standards can be found on the Department of the Environment, Climate Change, Energy and Water website: [www.environment.act.gov.au](http://www.environment.act.gov.au).

**Controlled waste** is defined in Part 7 Division 7.1 Section 56 of the Regulation as a thing mentioned in the **National Environment Protection (Movement of Controlled Waste between States and Territories) Measure**, Schedule A, list 1 (**Waste** categories) provided it has one or more of the characteristics mentioned in the **NEPM**, Schedule A, list 2 (Characteristics of **controlled wastes**).

A copy of the **NEPM** can be found on the Environment Protection and Heritage Council website: [www.nepc.gov.au](http://www.nepc.gov.au)

## 7. LEGISLATIVE OBLIGATIONS

This section describes the policy and legislative framework used to manage the environmental risks associated with activities which involve hazardous materials. The management mechanisms applying to activities involving specific hazardous materials are described in Section 8 of this **EPP**.

Materials which have the potential to cause **environmental harm** have a variety of uses including medical applications, pest control, refrigeration and air conditioning, automotive applications and cleaning. Hazardous materials may also be produced as a result of industrial and domestic processes.

In the past, materials have been used without a full knowledge of their potential impacts on human health and the environment. Examples of materials which have subsequently been found to pose

an unacceptable risk to human health or the environment include ozone-depleting substances, polychlorinated biphenyls (PCBs) and organochlorine pesticides (OCPs).

The policies and procedures outlined in this **EPP** are designed to minimise the risk from activities which involve those materials and, for materials which pose an unacceptable risk, to facilitate their removal and destruction. There may however be instances where the risks associated with hazardous materials and **wastes** can be eliminated through appropriate treatment which then allows the materials to be used or reused for other purposes rather than be removed and destroyed.

As a general principle, people undertaking activities using materials which pose a risk to the environment are encouraged to consider alternatives which pose a lower level of risk. Adopting lower risk approaches to undertaking activities is a principle of cleaner production and is essential to the community's move towards ecologically sustainable development.

Considerable work is being done nationally and internationally to minimise the risk to the environment from activities which involve hazardous materials. International agreements are implemented through agreements between Commonwealth, States and Territories. An example is the *Montreal Protocol on Substances that Deplete the Ozone Layer*, which is implemented through national strategies on ozone protection, hydrochlorofluorocarbons (HCFCs) and methyl bromide.

National approaches to the management of hazardous materials have been developed, for example the **National Environment Protection Measures** (NEPMs). **NEPMs** are developed under the *National Environment Protection Council (NEPC) Act 1994* (Commonwealth) and corresponding legislation in other jurisdictions. **NEPMs** outline agreed national objectives for protecting or managing particular aspects of the environment and include the Movement of **Controlled Wastes** between States and Territories **NEPM** and the National Pollutant Inventory **NEPM**.

## 7.1 Environment Protection Act and Regulation provisions

There are both general and specific provisions under the Act which are related to hazardous materials and **wastes**, these are outlined below.

### 7.1.1 General Provisions

The Act provides for a **general environmental duty** which requires a person to take reasonable and practical steps to prevent or minimise **environmental harm** or **environmental nuisance** when conducting an activity.

The Act also provides a duty to notify of actual or threatened **environmental harm** or **contaminated land** which requires a person to notify the **EPA** as soon as practicable after becoming aware an activity has, is or is likely to cause **environmental harm** or that land is contaminated.

It is an offence under the Act to knowingly or recklessly pollute the environment causing **environmental harm**. It is also an offence under the Act to place a pollutant where it could cause **environmental harm**.

The Act also provides for a number of environmental management instruments which may be used to regulate activities involving hazardous materials, see Section 7.3 below.

### 7.1.2 Specific Provisions

Provisions of the Act and Regulation which are used to regulate specific activities involving hazardous materials are:

- Section 42 of the Act, which requires a person conducting a Class A activity listed in Schedule 1 (eg

transport of **regulated** and **controlled wastes**) to hold an **environmental authorisation** (see Section 7.3.1 below);

- Section 159A of the Act, which enables the **EPA** to require information for prescribed purposes. The NPI is implemented using this provision;
- Part 5 of the Regulation which states that polychlorinated biphenyl material is taken to cause **environmental harm** if it enters the environment;
- Part 6 of the Regulation which specifically deals with Agvet chemical products;
- Part 7 of the Regulation which specifically deals with **controlled waste** (hazardous **waste** may be a **controlled waste**); and
- Schedule 3 of the Regulation which outlines the pollutants entering waterways taken to cause **environmental harm**.

## 7.2 Environmental management instruments

The Act provides for a number of environmental management instruments. An explanation and general policies on the use of these instruments are described in Section 9 of the General **EPP**. The application of these instruments to activities involving hazardous materials is described below.

### 7.2.1 Environmental authorisations

An **environmental authorisation** is a form of licence to conduct an activity which has a significant potential to cause **environmental harm** (Part 8 of the Act), and sets out the conditions under which the activity must be conducted.

It is an offence to conduct an activity listed as a Class A activity in Schedule 1 of the Act without an **environmental authorisation**.

Certain activities involving hazardous materials are specifically listed in Schedule 1, examples of these are the commercial use of pest control chemicals and the transport of regulated and **controlled wastes**.

The **EPA** also has the power to require a person undertaking or intending to undertake an activity (not listed in Schedule 1 as a Class A activity), to obtain an **environmental authorisation** for that activity (Section 43 of the Act). The **EPA** may only require such an authorisation where **serious** or **material environmental harm** has occurred, is occurring or may occur.

The **EPA** would generally expect to exercise this power in relation to activities involving hazardous materials in the following circumstances:

- A proposed activity not currently undertaken in the ACT and has the potential to cause material or serious **environmental harm** (e.g. chemical manufacture); and/or
- The person undertaking an activity has a continuing poor environmental record.

### 7.2.2 Other environmental management instruments

Other environmental management instruments which may be used to manage activities involving hazardous materials are:

- an **environmental protection agreement**, which is a formal, but not contractual agreement between the **EPA** and a business (Part 7 of the Act). The **EPA** encourages people undertaking activities which do not require an authorisation or agreement but where there is potential to cause **environmental harm** as a result of undertaking an activity involving a hazardous material to enter into an agreement with the **EPA**.

- an **environmental improvement plan**, which is a formal plan under Part 9, Division 1 of the Act to improve the environmental performance of an activity and achieve best environmental practice over time;
- an **environmental audit**, which is an assessment of an activity to identify causes of **environmental harm** or breaches of the Act and to determine the need for any change in management practices to reduce environmental impact (Part 9, Division 2 of the Act);
- an **environmental protection order**, which is an instrument issued by the **EPA** under Section 125 of the Act where the **EPA** is satisfied that the person has breached the Act or an authorisation condition;
- an **emergency plan**, which is a plan for dealing with the foreseeable but unplanned entry into the environment of authorised pollutants, that may cause **serious** or **material environmental harm** (Section 80 of the Act); and
- a **financial assurance**, which is provided to the **EPA** by an authorisation holder where there is a likelihood that action will be required to remedy **environmental harm** caused by the authorised activity (Section 88 of the Act).

Any use of these instruments will be in accordance with the policies outlined in the General **EPP**.

## 8. MANAGEMENT OF HAZARDOUS MATERIALS

Specific management controls are required for specific types of hazardous materials, some of which are subject of national and international agreements. These are outlined below.

### 8.1 Hazardous materials surveys

Hazardous materials have been widely used in the construction, insulation (asbestos), maintenance (lead paint), heating (heating oil) and cooling (ozone depleting substances) of built structures for many years. These materials can have adverse effects on human health and the environment.

For the demolition of any existing commercial/industrial premises or multi-unit housing which was constructed prior to 1985, a hazardous material survey must be undertaken by a suitably qualified consultant and submitted with the Development Application required by ACTPLA. These documents are then forwarded to the **EPA** for review and comment. The survey must be in the form of a written A4 report and can be submitted electronically or in hard copy.

The hazardous materials survey must identify, evaluate and propose a management plan (including the use of appropriately licensed contractors for the removal, transport and disposal) of all hazardous materials including fuel tanks, asbestos, lead, polychlorinated biphenyls (PCB) containing materials, Synthetic Mineral Fibre (SMF) and Ozone Depleting Substances which may be present on the site.

If the hazardous material survey is assessed by the **EPA** as adequately addressing all hazardous materials issues associated with the site, a letter of endorsement is issued to the proponent or their representative.

However, if a hazardous materials survey has not been provided or fails to address all issues associated with the site and **EPA** records indicate that hazardous materials may be present on the site, then the DA may not be supported by the **EPA** and subsequently ACTPLA.

*Note: There are mandatory requirements for recording hazardous materials in the Dangerous Substances Act 2004, for example **asbestos**, contact ORS WorkSafe ACT for further information.*

## 8.2 Scheduled waste

Polychlorinated biphenyls (PCBs), hexachlorobenzene (HCBs) and organochlorine pesticides (OCPs) such as DDT, lindane, chlordane, heptachlor, endrin, aldrin, entachlorophenol, isodrin, pentachloronitrobenzene, hexachlorophene and 2, 4,5-T are classified as scheduled **wastes**. These chemicals are targeted for close attention by regulatory agencies because they are organic in nature, resistant to degradation by chemical, physical or biological means, toxic to humans, animals, vegetation and aquatic life and bioaccumulate to humans, flora and fauna.

A national approach has been implemented which provides for the safe management and disposal of scheduled **wastes** to ensure adequate protection of human health and the environment. Three management plans covering all scheduled **wastes** in the groupings PCBs, OCPs and HCBs have been implemented under the national approach.

Copies of the national management plans and the Identification of PCB Containing Capacitors booklet (outlined below) are available on the Department of Environment, Water, Heritage and the Arts website: [www.environment.gov.au](http://www.environment.gov.au)

If the documents cannot be accessed contact the Department of the Environment, Water, Heritage and the Arts via their website or phone (02) 6274 1111.

### 8.2.1 PCBs

The PCB Management Plan deals with the management of PCBs which were formally used in electrical devices such as capacitors because of their chemical stability and good insulating properties. PCBs are no longer used in new electrical equipment but remain in some older equipment such as transformers, lighting and power capacitors and telecommunications.

The importation of PCBs or equipment containing PCBs was banned under Federal Law in 1976. Therefore, it is reasonable to consider equipment imported into Australia after 1976 to be PCB free.

The major policy consideration relating to PCB management is dealing with large holdings of PCBs and PCB-containing equipment which may still be found in older buildings in the ACT. Large equipment items are defined as transformers of any size and capacitors weighing more than 1 kg. Large PCB holdings are defined as PCB-containing equipment, located at one site or building, which contains more than the notifiable quantity of scheduled PCB **waste** being 10 kg.

Small equipment items containing PCBs, such as electric lighting capacitors, may be found in households, contact the **EPA** for further information.

An information booklet Identification of PCB Containing Capacitors, ANZECC 1997, has been developed to assist with the implementation of the PCB management plan. Based on a survey of old electrical equipment, this booklet contains the name, product code and PCB status of electrical components and may be of assistance in the identification of PCB holdings.

It should be noted that under Part 5 of the Regulation, PCB materials are taken to cause **environmental harm** if they enter the environment. It is an offence under the Act to cause **environmental harm**, the penalties associated with this offence range from 50 penalty units to 2000 penalty units (the value of a penalty unit is \$110 for an individual or \$550 for a corporation).

### 8.2.2 OCPs

The OCP Management Plan deals with the management of chemicals, principally pesticides, which are no longer registered for use by the Australian Pesticides and Veterinary Medicine Authority (APVMA).

As OCPs are no longer registered by the APVMA, their release into the environment is taken to cause **environmental harm** under Part 6 of the Regulation.

Pentachloronitrobenzene (Quintozene) is one scheduled **waste** OCP which is still registered by the APVMA but is not subject to this **EPP**. The management of OCPs is also dealt with in Section 10.1.2 of this **EPP**.

### 8.2.3 HCBs

The HCB management plan deals solely with the hexachlorobenzene **waste** stockpile at an industrial site in Botany, New South Wales. It has no relevance to the ACT.

## 8.3 Agricultural and veterinary (pest control) chemicals

Agricultural and veterinary chemicals (pest control chemicals) are widely used in primary production and in domestic situations to control, repel or eradicate pests and to prevent or control animal diseases and injuries. These chemicals can have adverse effects on human health and the environment.

The management of pest control chemicals in Australia is the responsibility of the Commonwealth, State and Territory Governments. The Commonwealth, through the Australian Pesticides and Veterinary Medicines Authority (APVMA) is responsible for the assessment of the suitability of pest control chemical uses and the regulation of manufacture, distribution and sale of these chemicals up to the point of retail sale. State and Territory governments are responsible for the control-of-use of pest control chemicals beyond the first point of retail sale.

The Agricultural and Veterinary Chemicals Code (Agvet Code) which makes provisions for the evaluation, registration and control of agricultural and veterinary chemical products and related matters, is used by the APVMA to assist in carrying out their responsibilities.

Under Part 6 of the Regulation, a pest control chemical is deemed to cause **environmental harm** if it enters the environment unless it is registered under the Agvet Code, Part 2 and is being used in accordance with conditions of registration. This is to ensure that only APVMA registered chemicals are used and they are used in strict accordance with the chemical product label or permit conditions.

It is therefore prohibited under Part 6 of the Regulation to use unregistered pest control chemicals or to use a particular chemical for which an APVMA permit has not been granted.


Pest control chemical products containing DDT, dieldrin, Aldrin, isodrin, toxaphene, chlordane, heptachlor, lindane and pentachlorophenol are examples of unregistered products.

Pest control chemicals such as those used for vertebrate pest control (sodium fluoroacetate, alphachloralose and warfarin) and arsenic trioxide, which is used in termite control, are examples of pest control chemical products which must be used in accordance with directions specified on the label of the registered chemical or directions specified in an APVMA permit.

The commercial use of chemical products registered under the Agvet Code for pest control or turf management is a Class A activity and requires an **environmental authorisation** (the commercial use is defined as the use of chemical products, registered or permitted by the APVMA by a pest control or turf management business or company for fee gain or reward or as part of a business but excludes primary production and water treatment). A standard set of **environmental authorisation** conditions applies to the commercial use of pest control chemicals. Copies of the standard conditions may be obtained from:

- Environment Protection Authority  
Macarthur House, 12 Wattle Street  
Lyneham ACT 2602  
[www.environment.act.gov.au](http://www.environment.act.gov.au)

A pest control or turf management business or company may be a single operator or an organisation employing a number of operators. In order to obtain an **environmental authorisation** the applicant



and their employees must be able to demonstrate they have completed the required National Pest Management Industry Competency Standards. In the case where a pest control business subcontracts works to other pest control businesses, the subcontractor must also apply for an **environmental authorisation** and demonstrate the capacity to comply with authorisation conditions.

In addition, ACT government service provider agencies and persons contracted by government agencies are required to apply for an **environmental authorisation** prior to undertaking pest control activities for the government.

## 8.4 National Environment Protection Measures

There are two **National Environment Protection Measures (NEPMs)** which relate to hazardous materials and **wastes**. These **NEPMs** are outlined below.

Copies of the **NEPMs** are available on the Department of Environment, Water, Heritage and the Arts website: [www.environment.gov.au](http://www.environment.gov.au)

### 8.4.1 Controlled Waste NEPM

The international movement of hazardous **wastes** (**controlled wastes** are considered hazardous) is subject to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention). This convention regulates the interstate movements of hazardous **wastes** and its parties are obligated to ensure such **wastes** are managed and disposed of in an environmentally sound manner. The Commonwealth Government enforces the relevant provisions of the Basel Convention through the *Hazardous Wastes (Import and Export) Act 1997*.

The **National Environment Protection (Movement of Controlled Waste between States and Territories) Measure [Controlled Waste NEPM]** provides a comprehensive national system for monitoring and reporting all interstate movements of **controlled waste** in line with the Basel Convention.

Provisions have been incorporated into the Act and the Regulation in order for the ACT to implement the **Controlled Waste NEPM**.

#### 8.4.1.1 Controlled waste producers

The Regulation sets out requirements for **controlled waste producers**. Specifically **producers** are required to:

- obtain a consignment authority from the State or Territory of destination prior to dispatching a shipment of **controlled waste** (Division 7.2 Section 58(1)), the Application for Consignment Authorisation form can be found at the Department of the Environment, Climate Change, Energy and Water website: [www.environment.act.gov.au](http://www.environment.act.gov.au);
- ensure, before consigning **controlled waste**, that the **transporter** is appropriately licensed (Division 7.2 Section 58 (2));
- provide certain information specific to the shipment of **controlled waste** to the **transporter** (Division 7.2 Section 59 (1))
- meet certain notification requirements (Division 7.2 Section 61); and
- maintain records relevant to a shipment of **controlled waste** for at least 12 months.

The Regulation also prescribes the release of **controlled waste** into the environment as causing **environmental harm** under Section 5(b) of the Act.



### 8.4.1.2 Controlled waste transporters and controlled waste disposal facilities

**Controlled waste transporters** and **controlled waste disposal facilities** are managed under **environmental authorisations**.

The transport of **controlled waste** between States and Territories is an activity for which an **environmental authorisation** is necessary under the Act. Under Section 67(A) of the Act, the Minister has passed an instrument to give mutual recognition to interstate **transporters**.

**Controlled waste disposal facilities** operating in the ACT are also authorised under the Act. The provisions of the **Controlled Waste NEPM** relevant to **controlled waste transporters** and **controlled waste disposal facilities** are implemented through **environmental authorisations**.

### 8.4.2 National Pollutant Inventory NEPM

The National Pollutant Inventory (NPI) is a publicly available geographically-based database of pollutant emissions to the environment, which provides information to the community, industry and the government. The database includes emissions from larger facilities and estimates of emissions from smaller facilities, vehicles and community activities. The NPI tracks emissions of 93 substances to air, land and water as well as the transfer of these substances in **wastes**.

The NPI was developed as a National Environment Protection Measure and its implementation is coordinated by the NPI Implementation Working Group which comprises of representatives from the Commonwealth and each State and Territory.

The NPI assesses:

- Point source emissions data which includes data provided by facilities (such as ACTEW for emissions of total nitrogen and phosphorus to water along with particulate matter and magnesium oxide fume emissions to air and Parliament House for air emissions such as carbon monoxide and sulphur dioxide). These facilities are required to report to the NPI if a threshold for an NPI substance is exceeded within the annual reporting period. The reporting criteria for facilities are based on the amount of fuel, electricity and amount of NPI substances that have been used. The emissions may be released to the air, water or land.
- Aggregate emission data which include estimates of amounts of substances emitted to the environment from facilities (such as small printers and bakers) not covered under the point source emissions and emissions estimated by the ACT Government from diffuse sources other than facilities (such as motor vehicles, wood heaters and lawn mowers) which emit significant amounts of reportable substances to the environment.

The ACT reports emissions for the Canberra air-shed and the water catchment (Canberra including contributions to Molonglo and Murrumbidgee rivers) of nitrogen and phosphorus.

The NPI is implemented by the **EPA** under Section 159A of the Act. Section 159A places an obligation on facilities to which the NPI **NEPM** applies, to provide the **EPA** with information regarding emissions from those facilities. The information must be provided in accordance with the requirements of the NPI **NEPM** and forwarded to the **EPA** within three months of the end of the reporting period.

To determine whether a business or facility is required to provide the information under the **NEPM** the business owner should contact the ACT NPI Coordinator by calling Canberra Connect on 13 22 81.

## 9. DISPOSAL OF HAZARDOUS MATERIALS

The disposal requirements of hazardous materials are outlined below.

### 9.1 Scheduled wastes

Scheduled **wastes** such as PCBs and OCPs require special treatment technologies for their destruction.

#### 9.1.1 Polychlorinated biphenyls

PCB contaminated oil and equipment which has been removed from use can be transported to the Energy Services Environmental treatment facility located at Mitchell, ACT, for reprocessing and recycling. The interstate transportation of this **waste** falls under the provision of the **Controlled Waste NEPM**.

#### 9.1.2 Organochlorine pesticides

OCPs which have been collected and removed from use must be transported interstate for destruction. The interstate transportation of this **waste** falls under the provision of the **Controlled Waste NEPM**.

*Note: The transport of scheduled **waste** from one place in the ACT to another place in the ACT is a Class A activity which requires the **transporter** to hold an **environmental authorisation**, see Section 7.2.1.*

### 9.2 Asbestos

In the ACT asbestos **waste** is classified as an industrial **waste** and must be handled, transported and disposed of in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos, second edition April 2005 (the Code) and the EPA Information Sheet 5 - Requirements for Transport and Disposal of Asbestos Contaminated Wastes (the information sheet). The Code and information sheet set out how asbestos must be removed, packaged, transported and disposed of. The interstate transportation of this **waste** falls under the provision of the **Controlled Waste NEPM**.

- A copy of the Code can be found at the Safe Work Australia website:  
[www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au),  
while a copy of the information sheet can be found on the DECCEW website:  
[www.environment.act.gov.au](http://www.environment.act.gov.au).

### 9.3 Liquid hazardous materials


There is no liquid **waste** disposal facility in the ACT. All liquid **waste** is required to be transported interstate for disposal or treatment. The interstate transportation of this **waste** falls under the provision of the **Controlled Waste NEPM**.

### 9.4 Domestic hazardous materials

Commonly used household chemicals include household cleaners, aerosol sprays, automotive supplies, thinners, stains and varnishes, old art supplies, photographic chemicals, pool chemicals, pesticides and garden chemicals.

If misused or accidentally spilled, some of these chemicals are potentially hazardous to the environment due to their corrosive, flammable or reactive properties.

Small quantities of unwanted/unused household chemicals can be dropped off free of charge at the



Mugga Lane Resource Management Centre. The **EPA** will also collect small quantities of unwanted/unused household chemicals from ACT residents only, free of charge. For further information, please contact the **EPA** by calling Canberra Connect on 13 22 81.

For more information on simple ways to reduce the use of chemicals in your home or garden, visit the Safer Solutions website: [www.safersolutions.org.au](http://www.safersolutions.org.au)

Further information on residential environment protection issues can be found on our website: [www.environment.act.gov.au](http://www.environment.act.gov.au)

## **9.5 Disposal of contaminated soil**

Soil must be assessed and classified in the ACT in accordance with the *ACT's Environmental Standards: Assessment and Classification of Liquid and Non-liquids Wastes (June 2000)*.

Contaminated soil must be sampled and analysed in accordance with **EPA** Information Sheet 4 – Contaminated Soil - Requirements for disposal of Contaminated Soil. Further information on disposal of contaminated soil can be obtained from the Contaminated Sites Environment Protection Policy 2009.

The disposal or beneficial reuse of contaminated soil or soil from any potentially contaminated site requires **EPA** approval. For disposal to landfill the Notice of Application/Approval for disposal to Landfill form must be completed. This form can be found on the Department of the Environment, Climate Change, Energy and Water website: [www.environment.act.gov.au](http://www.environment.act.gov.au).

## 10. GLOSSARY OF TERMS

The definitions of the terms listed in this Glossary are provided to assist in reading this EPP.

<b>Term</b>	<b>Definition</b>
<b>Agvet chemicals</b>	an agricultural chemical product under the agvet code, section 4, or a veterinary chemical product under agvet code, section 5.
<b>Agvet code</b>	Agvet Code of the ACT, under the <i>Agricultural and Veterinary Chemical Code Act 1994</i> (Cwlth) is in force from time to time.
<b>APVMA</b>	The Australian Pesticides and Veterinary Medicines Authority (APVMA) is an Australian government authority responsible for the assessment and registration of pesticides and veterinary medicines and for their regulation up to and including the point of retail sale.
<b>Controlled Waste</b>	as defined in the <b>NEPM</b> Movement of <b>Controlled Waste</b> between States and Territories, schedule A, list 1 ( <b>waste</b> categories) provided it has one or more of the characteristics listed in the <b>NEPM</b> , schedule A, list 2 (characteristic of <b>controlled wastes</b> ).
<b>EPA</b>	Environment Protection Authority – a statutory office established under Part 2 of the Act to administer the Act.
<b>Emergency plan</b>	a plan to deal with the foreseeable but unplanned entry into the environment of unauthorised pollutants.
<b>Environmental authorisation</b>	a form of licence to conduct an activity which has a significant potential to cause <b>environmental harm</b> .
<b>Environmental harm</b>	any impact on the environment as a result of human activity that has the effect of degrading the environment (whether temporary or permanently).
<b>Environmental protection agreement</b>	a formal agreement between the <b>EPA</b> and a business to give effect to the objects of the Act.
<b>Environment protection order</b>	an instrument, issued by the <b>EPA</b> where the <b>EPA</b> is satisfied that a person has breached the Act of an authorisation condition, specifying that certain actions be taken, stopped or not begun.
<b>EPP</b>	<b>Environment Protection Policy</b>
<b>Financial assurance</b>	a <b>financial assurance</b> (e.g. bank guarantee, bond) provided to the <b>EPA</b> by an authorisation holder where there is a likelihood that action will be required to remedy <b>environmental harm</b> caused by the authorised activity.

<b>Term</b>	<b>Definition</b>
<b>Material Environmental Harm</b>	<p>means <b>environmental harm</b></p> <ul style="list-style-type: none"> <li>• that is significant, including <b>environmental harm</b> that becomes significant over time, due to its frequent reoccurrence or due to its cumulative effect with other relevant events; or</li> <li>• that is to an area of high conservation value, other than harm that is trivial or negligible; or</li> <li>• that results in loss or damage to property to the value of more than \$5,000; or</li> <li>• that results in necessary remedial action costing more than \$5,000.</li> </ul>
<b>National Environment Protection Council</b>	a council of Commonwealth, State and Territory Ministers established under complementary legislation (the <i>National Environment Protection Act 1994</i> (Commonwealth) in the ACT) to make and monitor the implementation of <b>NEPMs</b> .
<b>National Pollutant Inventory</b>	a geographically-based database of pollutant emissions to the environment.
<b>NEPM</b>	<b>National Environment Protection Measure</b> – a broad framework-setting statutory instrument defined in the <i>National Environment Protection Act 1994</i> which outlines agreed national objectives for protecting particular aspects of the environment.
<b>Pest Control Chemicals</b>	Agricultural and veterinary chemicals (including chemicals often called pesticides) as defined under the <i>Commonwealth Agricultural and Veterinary Chemicals (Code) Act 1994</i> .
<b>Regulated Waste</b>	<p>As defined in Schedule 1, Section 1.1(A) of the <i>Environment Protection Act 1997</i> means <b>waste</b> that is, or contains 1 or more of the following kinds of <b>waste</b>:</p> <ul style="list-style-type: none"> <li>(a) hazardous <b>waste</b>;</li> <li>(b) group A <b>waste</b>;</li> <li>(c) group B <b>waste</b>;</li> <li>(d) group C <b>waste</b>; and</li> <li>(e) industrial <b>waste</b>.</li> </ul>

<i>Term</i>	<i>Definition</i>
Scheduled Waste	<p>Scheduled <b>waste</b> is a number of chemicals which are:</p> <ul style="list-style-type: none"> <li>• organic in nature;</li> <li>• resistant to degradation by chemical, physical or biological means;</li> <li>• toxic to humans, other animals, vegetation or aquatic life; and</li> <li>• bioaccumulative in humans, plants and animals.</li> </ul> <p>These chemicals can be divided into 3 main groups—PCBs (polychlorinated biphenyls), HCB (hexachlorobenzene) and OCPs (organochlorine pesticides). Any <b>waste</b> which contains quantities and concentrations of these chemicals in excess of specified thresholds is classed as a scheduled <b>waste</b>.</p>
Serious Environmental Harm	<p>means <b>environmental harm</b></p> <ul style="list-style-type: none"> <li>• that is very significant including <b>environmental harm</b> that becomes very significant over time, or due to its frequent recurrence or due to its cumulative effect with other relevant events; or</li> <li>• that is to an area of high conservation value and is significant including <b>environmental harm</b> that becomes significant over time, or due to its frequent recurrence or due to its cumulative effect with other relevant events; or</li> <li>• that results in loss or damage to property to the value of more than \$50,000; or</li> <li>• that results in necessary remedial action costing more than \$50,000.</li> </ul>

## 11. REFERENCES

- Information Sheet 4 – Contaminated Soil - Requirements for disposal of Contaminated Soil.
- Notice of Application/Approval for disposal to landfill form.
- **Waste** in the ACT is assessed and classified against the *ACT's Environmental Standards: Assessment and Classification of Liquid and Non-liquids Wastes June 2000*.
- **National Environment Protection Measure (NEPM) – ACT Controlled Waste producer** responsibilities.
- **NEPM - ACT Controlled Waste transporter** responsibilities.
- **NEPM - Controlled Waste, waste** transport certificate guide.
- For more information on managing asbestos, see the asbestos website: [www.asbestos.act.gov.au](http://www.asbestos.act.gov.au) or contact Canberra Connect on 132 281.
- Asbestos disposal requirements, for more information contact ACT NOWaste on 132 281.
- National Occupational Health & Safety Commission – Code of Practice for the Safe Removal of Asbestos 2<sup>nd</sup> Edition [NOHC:2002(2005)].
- National Occupational Health & Safety Commission – National Code of Practice for the Safe Use of Synthetic Mineral Fibres [NOHC:2006(1990)].