

PROPOSED LONG-TERM CONTAINMENT FACILITY – THE ROLE OF EPA VICTORIA

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SUMMARY

EPA Victoria has a key role in assessing the proposal to design, build and operate a long-term containment facility at Nowingi. EPA's role is to determine whether the proposed design meets EPA's performance requirements for the protection of human health and the environment. If the facility is approved and established, EPA would regulate the operation of the proposed facility. It would also enforce strict controls on the types of wastes that may be accepted at the proposed facility, the transport of these wastes, site operations and post-closure management.

The purpose of this information bulletin is to explain:

- EPA's role in assessing the proposed design and operation of the facility
- if the facility is established, EPA's role in regulating the operation of a long-term containment facility.

WHAT IS EPA VICTORIA?

The Environment Protection Authority (EPA) is a statutory body established under the *Environment Protection Act 1970*. EPA regulates the management and disposal of prescribed industrial wastes through statutory instruments including works approvals, licensing, notices, regulation and policy.

WHAT IS A LONG-TERM CONTAINMENT FACILITY?

A long-term containment facility is a purpose-designed facility to provide safe final storage for solid prescribed industrial wastes that cannot be otherwise avoided or beneficially used.

The long-term containment of these wastes is intended to replace the current practice of disposing of these wastes to landfill.

WHERE IS THE PROPOSED SITE AND WHO IS BUILDING THE PROPOSED FACILITY?

The proposed location for the facility is a 10-hectare site on unreserved Crown land at Nowingi, approximately 50 km south of Mildura in north-west Victoria.

Major Projects Victoria (MPV), as part of the Victorian Department of Infrastructure, is responsible for siting and establishing the facility. MPV has been conducting site investigations, designing the facility and seeking all necessary approvals. Opportunity for public input into the works approval process is described in this document.

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WHICH WASTES ARE PROPOSED TO BE SENT TO THE LONG-TERM CONTAINMENT FACILITY?

Certain types of industrial wastes are legally referred to as ‘prescribed industrial wastes’. These include hazardous wastes and also wastes that may affect amenity (for example, those with offensive odours). These prescribed industrial wastes are listed in the *Environment Protection (Prescribed Waste) Regulations 1998* and are closely regulated by EPA.

Under the requirements of the Industrial Waste Management Policy (Prescribed Industrial Waste) 2000 [IWMP (PIW)] a long-term containment facility can only accept Category B or C solid prescribed industrial wastes. Under the IWMP (PIW) many wastes are prohibited from long-term containment. Liquid, flammable, explosive, corrosive or radioactive wastes and wastes that contain very high levels of contaminants cannot be accepted into a long-term containment facility.

EPA Publication 996, *Guidelines for hazard classification of solid prescribed industrial wastes*, describes the waste categories and associated contaminant limits in detail. The guidelines also set strict requirements for waste treatment. This means that, prior to being sent to a long-term containment facility, some prescribed industrial wastes will be treated to ensure suitability.

EPA Publication 946, *Wastes likely to require long-term containment*, lists typical wastes that are likely to be sent to a long-term containment facility and the industry sectors generating these wastes. These include wastes from manufacturing paint, chemicals, cars and metals.

PERFORMANCE REQUIREMENTS FOR LONG-TERM CONTAINMENT

EPA performance requirements for the design and operation of the proposed facility apply stringent controls to protect human health and the environment.

The performance requirements for the proposed facility place controls on:

- wastes that may be accepted
- the design of the facility
- the operation of the facility
- post-closure management.

EPA’s Publication 941, *Performance requirements for long-term containment facilities*, requires that the proposed facility be designed to:

- provide the most effective means possible to eliminate emissions
- safely contain wastes for hundreds of years
- use a systems-based approach which incorporates a high level of waste treatment, engineering, management and community assurance.

EPA will assess MPV’s works approval application for the proposed facility against the performance requirements.

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APPROVAL PROCESS FOR A LONG- TERM CONTAINMENT FACILITY

A number of federal and state government approvals are required, including a works approval from EPA.

EPA's works approval process

The *Environment Protection Act 1970* requires that, before certain facilities or operations are established, the party intending to establish that facility must obtain a works approval from EPA.

For all works approval applications, EPA conducts an assessment of the proposed works to evaluate the proposal against the objectives of State environment protection policies and guidelines. For the containment facility, EPA will also assess the proposed design and operation against EPA's performance requirements and other environmental criteria.

EPA will also engage international peers to review the assessment of the works approval.

How the works approval process relates to the EES process

Approval by the Minister for Planning, following an environmental effects statement (EES), is also required prior to development of the facility. The EES process is a public process where an independent panel assesses the environmental, economic and social aspects of a proposal. MPV prepares both the works approval application and the EES for the proposed facility. The documentation is then publicly exhibited.

How can the public comment on the EES and works approval application?

The works approval application will be exhibited for public comment in conjunction with the EES. Submissions from the community are invited on the exhibited documents. Any public comments on the works approval application are to be made as part of a submission on the EES. Where possible, submitters should specify whether certain comments relate only to the works approval document.

An independent panel, appointed by the Minister for Planning, will hold public hearings and review any submissions on the exhibited documents. The panel hearing also operates as a works approval application conference for interested parties and forms part of the EPA's decision making on the works approval.

The EPA will also make a submission to the EES panel. The submission will focus on pollution prevention and issues that EPA considers need to be addressed through the panel process to help EPA assess the works approval application.

The EES panel will provide a report to the Minister for Planning for final assessment and decision making.

Once the Minister for Planning's assessment has been made, EPA will complete its assessment of the works approval application, taking into account relevant submissions made on the works approval application, the EES panel and the panel's report.

Further information on the works approvals process is available at www.epa.vic.gov.au/industry.

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Further information on the EES process is available at www.dse.vic.gov.au (search for EES).

EPA'S ROLE OVER THE COMING MONTHS

Over the coming months, EPA will be involved in the following activities:

- communicating the performance requirements and works approval process to the community
- assessing the works approval application to ensure the facility meets the performance requirements
- making decisions on the works approval application.

FURTHER INFORMATION

Further information is available by contacting:

EPA North West Office

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or email to northwest@epa.vic.gov.au

EPA prescribed waste team

40 City Road, Southbank 3006

Tel: (03) 9695 2722 or email to

iwmp.piw@epa.vic.gov.au

Or access EPA's website at www.epa.vic.gov.au.

The following publications are available from the 'Publications and Legislation' area of EPA's website:

- *Environment Protection (Prescribed Waste) Regulations 1998.*
- *Industrial Waste Management Policy (Prescribed Industrial Waste) 2000.*
- Publication 941: *Performance requirements for long-term containment facilities.*
- Publications 946 and 947: *Wastes likely to require long-term containment (and technical appendix).*
- Publication 996: *Guidelines for hazard classification of solid prescribed industrial wastes.*