

Operational policy

Environmental Operations

Licensing requirements for construction and demolition wastes

Operational policies provide a framework for consistent application and interpretation of legislation by the Environmental Protection Agency, which incorporates the Queensland Parks and Wildlife Service. Operational policies will not be applied inflexibly to all circumstances. Individual circumstances may require an alternative application of policy. This policy concerns Schedule 1, Item 75 under the Environmental Protection Regulation 1998.

Policy issue

A survey¹ of construction and demolition (C&D) wastes in Queensland found that they typically consisted of the following:

WASTE	CONSTRUCTION %	DEMOLITION %	AVERAGE PERCENTAGE IN C&D
Bricks/Paver	10	16	13
Concrete	11	21	16.5
Earthen fill	23	6	14.5
Glass	2	2	2
Green waste	7	5	6
Plastics	3	4	3.5
Metal	8	9	8.5
Plasterboard	12	8	10
Cardboard/paper	9	10	9.5
Timber	15	19	17

What is the Agency's approach to the use of C&D wastes as fill, and what are the licensing requirements under the *Environmental Protection Act 1994* (the EP Act)?

Determination

C&D waste that does not contain asbestos or other regulated waste is general waste, and disposal of this waste to a facility is to be licensed under ERA 75(a).

If C&D waste is separated into its constituent parts, the inert² parts may be used as clean fill. There is no requirement to obtain a licence to carry out ERA 75(a) for such use, provided that the use:

- (i) is not likely to cause environmental harm;
- (ii) is otherwise lawful under any other Act; and
- (iii) is incidental and associated with an authorised activity³, which is regulated by conditions that adequately address the environmental impacts likely to be caused by using the C&D wastes as fill at the site.

For the purpose of this policy only the following wastes can be considered as inert:

- (i) bricks/pavers/ceramics;

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- (ii) concrete (including embedded steel reinforcing rods), pulverised to a maximum 300mm nominal size; and
- (iii) clean earthen fill.

However, a person disposing of C&D waste must do so at a place and in a manner as approved by the local government, as prescribed in section 16(1) of the *Environmental Protection (Interim Waste) Regulation 1996*.

Under section 369(1) of the EP Act, a person must not for fee or reward perform waste management works⁴ in a local government area other than under:

- (i) a written contract with the local government; or
- (ii) the local government's written approval under this section.

For the screening, segregation and any processing (crushing, milling) of C&D waste using plant or equipment, an environmental authority may be required under ERA 22 (screening etc. materials) and/or ERA 45 (crushing, milling or grinding), dependant on the origin of the wastes and the design production capacity of the plant and equipment used.

When C&D waste is collected (for recycling/disposal) at a facility designed to receive waste at a rate of more than 20,000t per year, an environmental authority for ERA 82 (waste transfer station) will be required.

Other issues to consider

Soils that have the characteristics of acid sulfate or potential acid sulfate soils, as identified in the *Guidelines for Sampling and Analysing Lowland Acid Sulfate Soils (ASS) in Queensland 1998*, are not acceptable as clean earthen fill.

Only earthen fill that has trace elements and contaminant levels within the Interim Urban Ecological Investigation Levels (EILS) described in guideline B1, Table 5-A of the *National Environment Protection Measure, Assessment of Site Contamination* will be acceptable as clean earthen fill. When soil criteria exceeds EILS guideline B1 or the land is affected by a hazardous contaminant, assessment will be required according to the *Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland 1998*. Earthen fill found to be contaminated under these guidelines must not be removed or disposed of without a disposal permit, under section 424 of the EP Act.

Disclaimer:

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Environmental Protection Agency should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved by

Mark Williamson
Executive Director, Environmental Operations
Environmental Protection Agency

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Enquiries:

Ecoaccess Customer Service Unit
Ph. **1300 368 326**
Fax. (07) 3115 9600

¹ *Construction and demolition waste study (Draft)*, EPA, 2001. The information in figures 2.2 and 2.3 has been tabulated in this operational policy.

² Inert material used as fill must be suitable, when considering the end use which is applicable for the site.

³ Authorised activities, include activities which have ceased operating, but have conditions that require post-closure rehabilitation of the site using fill.

⁴ To "remove, collect, transport, treat or dispose of waste" is included in waste management works under section 368(a)(i) of the EP Act.