

Waste Minimisation (West Belconnen Borrow Pit Remediation Fees) Determination 2009 (No 1)

Disallowable Instrument DI2009—207

Made under the

Waste Minimisation Act 2001, Section 45 – Determination of fees

EXPLANATORY STATEMENT

Section 45 of the *Waste Minimisation Act 2001* (the Act) permits the responsible Minister to determine waste fees for the ACT.

The West Belconnen Resource Management Centre (RMC) contains a landfill facility, which was closed in 2002. The Department of Territory and Municipal Services is remediating the former Borrow Pit within the facility and in order to complete the project significant quantities of fill is required. This requirement for fill may be in excess of 600,000 cubic metres.

Several new charges will be established for the acceptance of suitable materials into the West Belconnen Borrow Pit for remediation purposes. The fees have been set at a commercially attractive rate to facilitate the remediation.

Items 1 and 2 of part 1 of the schedule to the determination establish charges for depositing “Contaminated Remediation Material” (CRM). CRM is defined as soil contaminated with small proportions of bonded asbestos sheeting. This charge does not apply to friable asbestos wastes, which require special handling and packaging. The generator or transporter of the CRM will be required to provide written EPA waste classification approval and notification prior to making disposal arrangements.

Due to the special health and safety requirements involved in handling CRM, the site will either be managed by a suitably qualified and authorised company appointed by ACT NOWaste or appointed by the generator or transporter of the CRM. Accordingly, a two tier fee structure will be set to reflect the site management costs associated with the safe handling of this material. ACT NOWaste will separately manage the weighbridge at the facility and ACT Workcover will conduct site inspections to monitor management of the site.

A charge for depositing Beneficial Re-use Material (BRM) is established by item 3 of part 1 of the schedule to the determination. BRM is a classification provided by the EPA for excavated material such as clay, gravel, sand, soil and rock that has been

extracted from areas that are or have been previously contaminated. This material is classified as stable by the EPA and offers no long term health or environmental risks. The generator or transporter of the BRM will be required to provide written EPA waste classification approval and notification prior to making disposal arrangements.

Items 4 and 5 of the determination also establish charges for depositing Virgin Excavated Natural Material (VENM) where the quantity of material is at least 100 tonnes from a single point of origin. VENM may include material like clay, gravel, sand, soil and rock. VENM may not contain contaminants like green waste, organic waste, rubble, pipes, concrete, bricks, manufactured chemicals or sulphidic ores.

The fee determination includes an ability for the Minister to waive fees if it is in the public interest to do so. For example, the Minister may consider that it is in the public interest to waive the fees to facilitate the proper disposal of illegally dumped material on public land.

The determination commences on 21 September 2009.