



Environment Protection Act 2017

DESIGNATION OF THE AUTHORITY UNDER REGULATION 86(1) OF THE ENVIRONMENT PROTECTION REGULATIONS 2021

Classification of PFAS-impacted Soil

1. Citation

This designation is 01 of 2022 and may be cited as: EPA Designation – Classification of PFAS-impacted soil.

2. Summary

This designation is issued by the Environment Protection Authority (Authority) under regulation 86 of the Environment Protection Regulations 2021 (Regulations). It sets out the waste classification of waste soil impacted by per-and poly-fluorinated alkyl substances (PFAS).

The effect of this designation is to classify waste that is PFAS impacted soil which contains less than upper limit PFAS contaminant concentrations and otherwise complies with the requirements specified in this designation as fill material and not priority waste and with a waste code of N122, instead of M270.

This designation does not apply to the extent of any inconsistency with another designation (including a designation applying in specified circumstances or to a specified person) issued by the Authority under regulation 86 of the Regulations (whether issued before or after the making of this designation).

This designation does not satisfy, alter or remove any requirement under the **Environment Protection Act 2017** (the Act), except to the extent the designation expressly states otherwise or as otherwise provided by the Regulations.

3. Definitions

In this designation, words or phrases have the same meaning as in the Act or the Regulations unless otherwise specified, and –

PFAS means per-and poly-fluorinated alkyl substances comprising one or more of perfluorooctane sulphonate (PFOS), perfluorooctanoic acid (PFOA) or perfluorohexane sulphonate (PFHxS);

PFAS-impacted soil means waste that is soil containing PFAS;

4. Application

(1) This designation applies to PFAS-impacted soil excavated or otherwise generated within Victoria that, except for the presence of PFAS, would be classified as fill material (including soil that would otherwise be classified as fill material in another designation issued by the Authority under regulation 86):

- (a) containing PFAS with a concentration not exceeding 0.004 mg/kg comprising –
 - (i) <0.002 mg/kg of Perfluorooctane sulfonate (PFOS);
 - (ii) <0.001 mg/kg of Perfluorohexane sulfonate (PFHxS);
 - (iii) <0.001 mg/kg of Perfluorooctanoic acid (PFOA); and
- (b) not containing any waste, other than PFAS, classified as priority waste or reportable priority waste under the Act or the Regulations.

(2) If another designation issued by the Authority under regulation 86 of the Regulations covers PFAS-impacted soil (including a designation applying in specified circumstances or to a specified person), the other designation applies to the extent of any inconsistency with this designation.

5. Designation

For the purposes of regulation 86 of the Regulations, PFAS-impacted soil to which this designation applies is classified by the Authority as follows –

- (a) the applicable waste code is N122 (Item 84 in the Table of Schedule 5 of the Regulations ‘Excavated material or engineered fill including fill material, other than item 83 or 85 of that Table); and
- (b) the waste is not priority waste; and
- (c) the waste is fill material.

6. Conditions

Any laboratory analysis required for the purposes of this designation must be undertaken by a National Association of Testing Authorities, Australia accredited laboratory.

7. Duration

This designation commences on 20 January 2022 and remains in effect until 30 June 2023, unless earlier revoked by the Authority.

8. Notes

- (1) For the purposes of compliance with this designation, the following publications are relevant guidance –
 - (a) *Industrial waste resource guidelines – Sampling and analysis of waters, wastewaters, soils and wastes*, published by the Authority in June 2009 (as amended from time to time) and available on its website (EPA publication IWRG701);
 - (b) *Industrial waste resource guidelines – Soil Sampling*, published by the Authority in June 2009 (as amended from time to time) and available on its website (publication IWRG702);
 - (c) *EPA Publication 1968: Guide to classifying industrial waste*, published by the Authority in April 2021 (as amended from time to time) and available on its website;
 - (d) *PFAS National Environmental Management Plan*, published by the Heads of EPAs Australia and New Zealand in January 2018.
 - (2) The Authority may amend or revoke this designation by way of written notice in the Government Gazette.
 - (3) This designation does not satisfy, alter or remove any requirement under the Act, except to the extent the designation expressly states otherwise.
 - (4) This designation and others can be found on the Authority’s website: www.epa.vic.gov.au
 - (5) EPA Determination Specifications Acceptable to the Authority for Receiving Fill Material may be found on the Authority’s website: www.epa.vic.gov.au
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