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ENVIRONMENTAL PROTECTION ACT 1986

**ENVIRONMENTAL
PROTECTION
(RURAL LANDFILL)
REGULATIONS 2002**

Environmental Protection Act 1986

Environmental Protection (Rural Landfill) Regulations 2002

Made by the Governor in Executive Council on the recommendation of the Environmental Protection Authority.

1. Citation

These regulations may be cited as the *Environmental Protection (Rural Landfill) Regulations 2002*.

2. Commencement

These regulations come into operation on 1 July 2002.

3. Interpretation

In these regulations —

“**approved**” means approved in writing by the Chief Executive Officer;

“**clinical waste**” has the same meaning as in the *Environmental Protection (Controlled Waste) Regulations 2001*;

“**Fire Control Officer**”, in relation to a landfill site, means a person who has such qualifications in fire fighting or fire control as are approved, appointed to that position by the occupier of the landfill site;

“**landfill site**” means a landfill site to which these regulations apply, in accordance with regulation 4;

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“Landfill Waste Classification and Waste Definitions 1996”

means the document entitled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer, as amended from time to time;

“material containing asbestos” has the same meaning as in regulation 41 of the *Environmental Protection (Controlled Waste) Regulations 2001*;

“putrescible waste” means putrescible waste as defined in the *Landfill Waste Classification and Waste Definitions 1996*;

“surface water body” means a watercourse or wetland (as those terms are defined in the *Rights in Water and Irrigation Act 1914*) and any other surface water, whether artificial or natural;

“tipping area” means the area of a landfill site where waste currently being brought to the site is being deposited.

4. Landfill sites to which these regulations apply

These regulations apply to and in respect of premises specified in Schedule 1 Part 2 of the *Environmental Protection Regulations 1987* as category 89 premises and registered under regulation 5B of those regulations.

5. Tipping area

The occupier of the landfill site must ensure that the tipping area of the site is not greater than —

- (a) 30 metres in length; and
- (b) 2 metres above ground level in height.

Penalty: \$5 000.

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- (1) The occupier of a landfill site must ensure that waste in the tipping area of the site is covered —
- (a) at least as often as is specified in the Table to this regulation; and
 - (b) in accordance with subregulation (2).
- Penalty: \$5 000.
- (2) Waste is to be —
- (a) covered with a dense, inert and incombustible material, or such other material as is approved in respect of a particular landfill site; and
 - (b) totally covered, so that no waste is left exposed.
- (3) The occupier of a landfill site must ensure that there is enough cover material at any time stored and readily available on the site for the tipping area of the site to be covered, in accordance with this regulation, at least twice.
- Penalty: \$5 000.

Table

Tonnes of waste received per year	Frequency waste is to be covered
Less than 500 tonnes	Monthly
Between 500 and 2 000 tonnes	Fortnightly
Between 2 000 and 5 000 tonnes	Weekly

7. Fencing of landfill site

The occupier of a landfill site must ensure that there is a fence around the boundary of the site which is an effective barrier to cattle, horses and other stock.

Penalty: \$5 000.

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8. Waste to be contained on landfill site

The occupier of a landfill site must ensure that —

- (a) waste does not get washed, or blown, outside the site; and
- (b) waste that has been washed, or blown, away from the tipping area of the site is returned to the tipping area at least once in each month.

Penalty: \$5 000.

9. Separation of waste from water and site boundary

Unless otherwise approved in writing, the occupier of a landfill site must ensure that there is no waste within —

- (a) 35 metres from the fence surrounding the site;
- (b) 100 metres of any surface water body at the site; or
- (c) 3 metres of the highest level of the water table aquifer at the site.

Penalty: \$5 000.

10. Stormwater management

The occupier of a landfill site must ensure that stormwater on the site is adequately managed so that —

- (a) it is diverted from areas of the site where there is waste; and
- (b) water that has come into contact with waste is to be diverted into a sump on the site, or otherwise retained on the site.

Penalty: \$5 000.

11. Dust suppression

The occupier of a landfill site must ensure that no visible dust escapes from the landfill site.

Penalty: \$5 000.

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The occupier of a landfill site must ensure that there is a firebreak of at least 3 metres around the boundary of the site.

Penalty: \$5 000.

13. Burning of greenwaste only

- (1) The occupier of a landfill site must ensure that waste is not burnt at the site, other than greenwaste burnt in accordance with this regulation.

Penalty: \$5 000.

- (2) Greenwaste may be burnt if —

- (a) it is dry and seasoned for at least 2 months before it is burnt;
- (b) it is burnt in a designated burning area of the landfill site;
- (c) it is burnt in trenches or windrows;
- (d) it is burnt quickly and in such a way that the generation of smoke is minimised;
- (e) burning does not commence before 8 a.m. and the Fire Control Officer for the landfill site declares the area safe by 12 noon on the same day; and
- (f) there is present in the area from the time burning commences until the Fire Control Officer for the landfill site declares the area safe —
 - (i) a fire fighting vehicle carrying at least 500 litres of water, fitted with at least 30 metres of 19 mm diameter rubber hose and with a pump capacity capable of delivering a minimum of 250 litres of water per minute at a minimum of 700 kPA through a nozzle capable of projecting water by spray or by jet; and

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- (ii) 2 persons, who have such qualifications in fire fighting as are approved.

- (3) In this regulation —

“designated burning area” means an area of a landfill site that has been designated by the occupier of the site as a designated burning area and which —

- (a) is at least 50 metres from the boundary of the site;
- (b) has no inflammable material on it, other than the greenwaste and live trees, for a radius of 50 metres;
- (c) is positioned on an area of the site where waste (other than the greenwaste to be burnt) has not been deposited; and
- (d) is at least 500 metres from any person’s residence or place of employment (other than the landfill site) or an educational institution, hospital or other public place;

“greenwaste” means waste that originates from flora.

14. Outbreak of fire

- (1) The occupier of a landfill site must ensure that there are appropriate procedures in force at the site so that —
 - (a) any unauthorised fire on the site is promptly extinguished; and
 - (b) appropriate alarm and evacuation procedures are in place.
- (2) The occupier of a landfill site must ensure that an unauthorised fire on the site is extinguished as soon as possible.
- (3) Within 14 days of an unauthorised fire at a landfill site, the occupier of the site must give to the Chief Executive Officer a report on the fire containing —
 - (a) details of the date, time and location of the fire;

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- (b) the time the location of the fire was declared safe by the Fire Control Officer for the site; and
- (c) the cause, or suspected cause, of the fire.

Penalty: \$5 000.

15. Approval for disposal at landfill site of clinical waste or material containing asbestos

- (1) The occupier of a landfill site must ensure that clinical waste or material containing asbestos is not disposed of at the site unless the site is approved for the disposal of that waste or material, as is relevant.
- (2) The occupier of a landfill site must ensure that clinical waste and material containing asbestos is disposed of in accordance with the relevant approval.
Penalty: \$5 000.
- (3) Where there is a conflict between a requirement of regulation 16 and a requirement of an approval, the requirement of regulation 16 prevails.

16. Disposal of clinical waste and material containing asbestos

- (1) The occupier of a landfill site is to ensure that clinical waste and material containing asbestos disposed of at the site is disposed of under the occupier's personal supervision or the personal supervision of a person nominated by the occupier.
- (2) The person supervising the disposal of clinical waste or material containing asbestos at a landfill site is to ensure that it is covered as soon as is practicable after its disposal —
 - (a) with a dense, inert and incombustible material; and
 - (b) to a depth of at least one metre.

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- (3) The occupier of a landfill site is to ensure that there is kept at the landfill site an accurate and up to date —
- (a) register of clinical waste and material containing asbestos disposed of at the landfill site; and
 - (b) a plan of the landfill site showing the position of clinical waste and material containing asbestos disposed of at the landfill site.
- (4) The person supervising the disposal of clinical waste or material containing asbestos at a landfill site is to make an entry in the register within 2 hours of supervising the covering of waste under subregulation (2), stating —
- (a) the date;
 - (b) the person's name;
 - (c) that the waste has been covered in accordance with that subregulation; and
 - (d) where more than one square metre of waste was covered, grid coordinates with reference to the plan of the landfill site so that the position of the waste can be easily and accurately ascertained.
- (5) The occupier of a landfill site is to ensure that the grid references entered in the register are marked on the plan of the landfill site.

Penalty: \$5 000.

17. Post-closure plan

- (1) The occupier of a landfill site must prepare and submit to the Chief Executive Officer for approval a post-closure rehabilitation plan, in accordance with subregulation (2), for the site within 18 months of the site being registered under regulation 5B of the *Environmental Protection Regulations 1987*.

Penalty: \$5 000.

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- (2) A post-closure rehabilitation plan is to set out a plan for the rehabilitation of the site after it has ceased to be a landfill site and, in particular, is to specify —
- (a) options for the use of the site after it has ceased to be a landfill site, and is to specify the preferred option;
 - (b) a conceptual design of the infrastructure needed for the preferred option for the use of the site after it has ceased to be a landfill site;
 - (c) the estimated final contours of the site, after allowing for settlement, and specifying to what extent settlement has been allowed for;
 - (d) the capping materials proposed to be used on the site;
 - (e) a proposed system of drainage of the site;
 - (f) measures proposed for the protection of the environment and the monitoring of the site; and
 - (g) the estimated period for which the site will require protection and monitoring.

Recommended by the Environmental Protection Authority.

BERNARD BOWEN, Chairman.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

