Proposed legislative amendments: Soil permits

Workshop

DELIVERING FOR QUEENSLAND

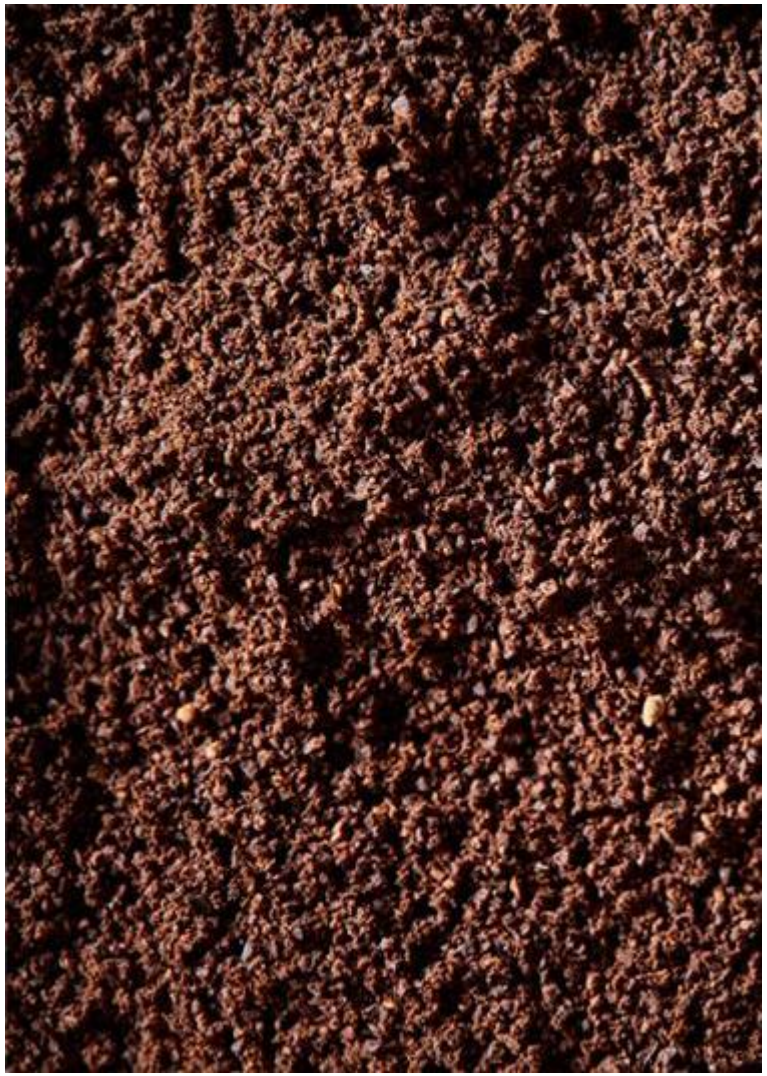
Queensland Government

The department acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Owners and custodians of the land.

We recognise their connection to land, sea and community, and pay our respects to Elders past and present.

Housekeeping

- Don’t let perfection get in the way of progress
- We want to hear your thoughts – we will have questions at the end
- This information session will be recorded
- The use of AI bots is prohibited during this information session



Soil disposal permits (SDPs)

The SDP provisions apply to:

- the **removal and treatment or disposal** of contaminated soil from land for which particulars are recorded in the environmental management register (EMR) or contaminated land register (CLR), and
- bringing contaminated soil from outside the State into Queensland for treatment or disposal.

They provide oversight of the movement of contaminated soil and link to the *National Environment Protection (Assessment of Site Contamination) Measure* and relevant standards for **sampling requirements**, including for leachability and volatility.

SDPs are provided for a **specific volume and timeframe** and are designed to ensure that the waste has been appropriately characterised before transporting.

Removal of SDP provisions

In 2014, the EP Act was amended to:

- **remove the SDP provisions** in sections 424 and 425, and
- insert a **transitional provision** (section 739) to provide for SDPs until a day prescribed by regulation.

Waste tracking provisions in the Environmental Protection Regulation 2019 (Chapter 5, Part 9) were intended to replace the requirement for an SDP.

Waste tracking provisions apply to the transportation of prescribed regulated waste.

Problem statement

- Movement of contaminated soil is still being managed under the **2014 transitional provision**.

- Contaminated soil from EMR/CLR sites is **not regulated waste**:
  - it often comes from sources that are neither commercial or industrial (e.g. older residential sites and defence bases);
  - prescribed regulated waste types do not include the full range of contaminants that result in land being placed on the EMR/CLR (e.g. radioactive sands from mineral processing); and
  - Schedule 9 of the Environmental Protection Regulation 2019 specifically excludes *"contaminated soil from land recorded in the EMR/CLR"* from being regulated waste.

- The waste tracking provisions are **not appropriate** for managing removal of contaminated soil from EMR/CLR listed sites:
  - they don't require any sampling of soil to provide information about the quality of soil being treated or disposed of; and
  - waste treatment and disposal operators have no oversight of what they are receiving.

Proposed amendments

- Insert a new provision in the EP Act for a Soil Management Licence (SML) to authorise removal of contaminated soil from EMR/CLR listed site for treatment, disposal or reuse.
- SMLs would be similar to an SDP but would also provide for reuse of contaminated soil from an EMR/CLR site on another EMR/CLR site under prescribed conditions.
- Amendments to the waste disposal activity (ERA 60) to exclude using contaminated soil under an SML from requiring an authority for waste disposal (similar to the exemption for using clean earth as fill).
- The proposed changes are intended to support infrastructure growth and development, by allowing for the reuse of contaminated soil in some circumstances.

We are proposing to:

- remove the transitional provisions for the removal and treatment or disposal of contaminated soil from land on the EMR/CLR
- introduce a new provision that provides for the transport, treatment, disposal and reuse of contaminated soil from land on the EMR/CLR
- continue to manage contaminated soil coming from outside the State into Queensland for treatment or disposal through the waste tracking provisions.

Next steps

- Consultation closes 8 June
- Subject to cabinet and parliamentary consideration
- Updated guidance from SDP to SML
  - Add reuse considerations regarding soil site and destination site
- Updated application form to include reuse component
- Updated decision notice and permit/ licence

Have your say

Read the consultation paper

Complete the short survey

Submit a written submission – *please respond to the consultation questions.*

Should you have any queries, please contact us at WRR.Policy@detsi.qld.gov.au

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Thank you

For any further enquiries contact
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