



EPA  
VICTORIA

# Guide to classifying industrial waste

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### Purpose

The purpose of this guide is to step through the process for classifying industrial waste under the *Environment Protection Act 2017*<sup>1</sup>(the Act) and Environment Protection Regulations 2021 (the Regulations). This guide:

- codifies the process for classifying industrial waste, drawing from the Act, the Regulations and relevant EPA publications
- identifies where to go for more information about how to complete each step in the waste classification process.

While this guide is focussed on classifying industrial waste and compliance with the waste duties, you should always consider whether your activities also trigger the:

- general environmental duty
- duty to manage contaminated land
- duty to notify contaminated land
- need to hold a permission.

This guide is advisory only and is not the source of any legal requirements. It provides a summary of the legal requirements from the Act, the Regulations and relevant publications relating to classifying industrial waste.

### What waste must be classified?

This guide applies to industrial waste.

Industrial waste is all waste from commercial, industrial or trade activities or from laboratories. According to the Regulations the following is also industrial waste:

- household waste, once it is gathered at a waste facility such as a transfer station or landfill
- waste transported for fee or reward, other than the collection of kerbside waste.

If you produce industrial waste or are in management or control<sup>2</sup> of industrial waste, you must classify it in accordance with the Act and Regulations.

### Why must you classify industrial waste?

Classification is an important step towards understanding the risks of harm to the environment and human health that might arise from waste. Waste classification can help you meet your obligation under the general environmental duty to minimise risks of harm to the environment and human health from waste so far as reasonably practicable.

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<sup>1</sup> As amended by the Environment Protection Amendment Act 2018.

<sup>2</sup> See the definition of “management or control” in relation to industrial waste in section 3(1) of the Act.

Industrial waste must be classified under section 135 of the Act. Waste classification helps you meet the industrial waste duties to:

- pass on relevant information through the waste supply chain so those receiving the waste can manage any risks
- determine where the waste can be lawfully taken for resource recovery, reuse or disposal to landfill.

Waste classification also enables you to identify whether the waste is priority waste or reportable priority waste, and if additional waste duties and regulatory controls apply.

### What is waste classification?

Classification is the process of identifying and describing industrial waste. Classifying industrial waste involves:

1. determining the relevant waste code or codes
2. determining if it is industrial waste, priority waste or reportable priority waste (waste type), and which waste duties apply
3. for priority waste consigned<sup>3</sup> for disposal to landfill or for soil that is priority waste, determining which priority waste category or disposal category applies.

This guide describes the process for classifying waste to determine the waste code and waste type and, where required, the priority waste category. It draws on and refers to the documents in Table 1.

Table 1. Source documents for this guide.

Source document	Role in waste classification
<i>Environment Protection Act 2017</i>	<ul style="list-style-type: none"><li>• Establishes the different types of waste as industrial, priority and reportable priority waste.</li><li>• Creates the waste duties which, among other things, require industrial waste to be classified.</li></ul>
Environment Protection Regulations 2021	<ul style="list-style-type: none"><li>• Sets out how industrial waste must be classified to meet the waste duties and the Regulations.</li><li>• Specifies how to determine if industrial waste is also priority waste or reportable priority waste.</li><li>• Pre-classifies most industrial wastes in Schedule 5 of the Regulations.</li><li>• Provides the mechanism for determining the waste classification for industrial wastes that are not pre-classified by reference to the Waste Classification Assessment Protocol.</li><li>• Sets out how to determine the priority waste category where this is required, which often requires reference to Waste Disposal Categories – Characteristics and Thresholds.</li><li>• Provides that a waste classification must be consistent with any applicable designation issued by EPA.</li><li>• Provides for the role of accredited consigners who may be engaged by a waste producer to meet their waste duties, including classifying waste.</li></ul>

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<sup>3</sup> Prepared for transport.



<i>Waste Classification Assessment Protocol</i> (EPA publication 1827)	<ul style="list-style-type: none"><li>• Sets out how to determine the waste code and type of waste for industrial waste that is not pre-classified (identified as having a mirror code in Schedule 5 of the Regulations) or for waste not included in Schedule 5.</li></ul>
<i>Waste Disposal Categories – Characteristics and Thresholds</i> (EPA publication 1828)	<ul style="list-style-type: none"><li>• Specifies the characteristics and thresholds for determining the priority waste category where required by Schedule 6 of the Regulations.</li></ul>

The new waste classification framework pre-classifies most industrial wastes in Schedule 5 of the Regulations, specifying both the applicable waste code and the type of waste. For most industrial waste the waste code and type of waste can readily be determined using Schedule 5 of the Regulations.

If the pre-classified waste is consigned for disposal to landfill or is soil that is priority waste, the waste must be classified to determine the priority waste category. This often requires analysis and sampling of the wastes. For other pre-classified waste, nothing further is required.

## What does the waste classification mean?

### Waste codes

A waste code is used to identify industrial waste. Waste codes are an easy way to identify waste to others in the waste supply chain.

All industrial waste requires a waste code to transport the waste offsite. Waste codes are set out in Schedule 5 of the Regulations. If there is no suitable waste code in Schedule 5, a waste code will need to be allocated by EPA under a designation.

For pre-classified industrial waste, the waste code is all that is required to determine if the waste is priority waste or reportable priority waste using Schedule 5 of the Regulations.

Waste codes are also integral to meeting some waste duties. For example:

- sections 133, 134, and 135: some permissions authorise the receipt of waste by reference to waste codes
- section 142: tracking the transport of reportable priority waste (transactions) in Waste Tracker<sup>4</sup> requires the waste code to be provided
- section 143: the type of permission required, such as a permit or registration, to transport reportable priority waste (transport) is determined by reference to waste codes.

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<sup>4</sup> Waste Tracker is an electronic system provided by EPA to track reportable priority waste (transactions). Alternative electronic systems may be used if authorised by EPA.

### Waste type and duties

There are three different waste types:

- industrial waste
- priority waste
- reportable priority waste.

All industrial waste must be classified to determine if it is also priority waste or reportable priority waste. Identification of the waste type determines which waste duties apply.

Each waste type has duties and controls that apply to that type of waste. The duties and obligations associated with these waste types accumulate. For example, reportable priority waste must be managed in accordance with the industrial, priority and applicable reportable priority waste duties.



Figure 1. The three types of waste.

### Which duties apply?

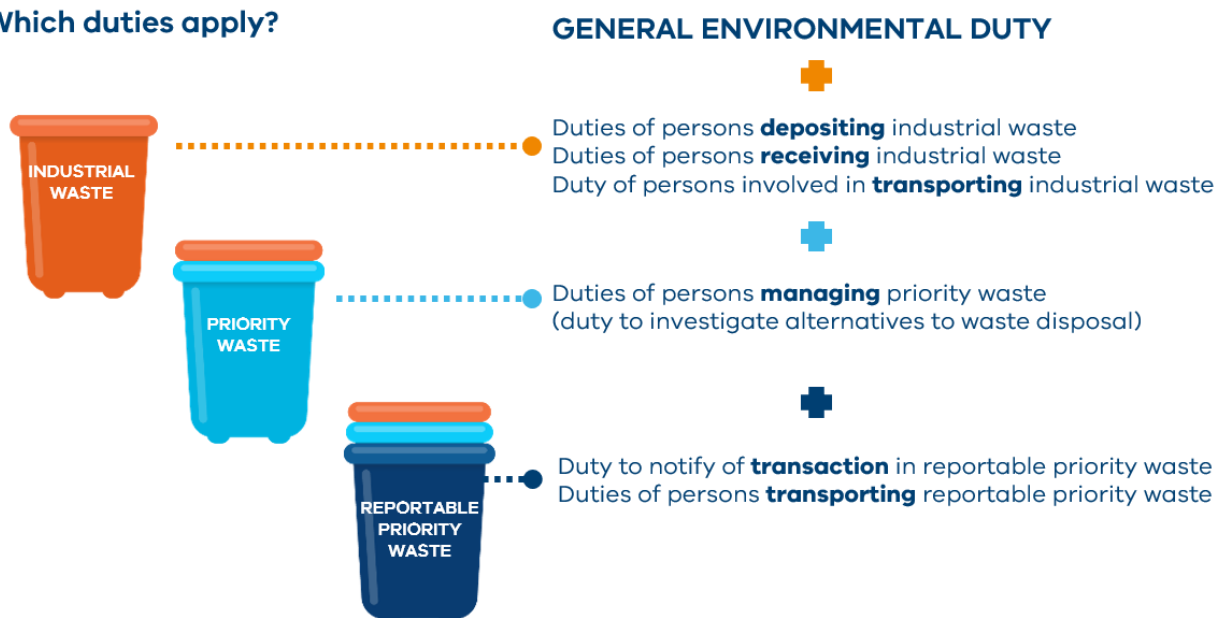


Figure 2. Which duties apply to different waste types.

All industrial waste is subject to the industrial waste duties in sections 133, 134 and 135 of the Act which require that industrial waste must only be deposited at a place or premises authorised to receive industrial waste (a 'lawful place').

Find out more about the [industrial waste duties](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/industrial-waste) (https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/industrial-waste). Find out more about meeting the duty to take industrial waste to [a lawful place](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place) (https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place) in *How to establish lawful place* (Publication 1946).

Priority waste is a subset of industrial waste which requires additional controls due to its higher level of hazard, its potential for mismanagement, or to encourage resource recovery or resource efficiency.

Priority waste is subject to further duties set out in sections 139 and 140 of the Act. These duties relate to:

- section 139: taking all reasonable steps to ensure priority waste is contained to prevent its escape, isolated to ensure resource recovery remains practicable, and to provide information about the waste and any risks it may pose to others in the supply chain
- section 140: taking all reasonable steps to assess alternatives to waste disposal.

Find out more about the **priority waste** duties (<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/priority-waste>).

Priority waste may also be reportable priority waste (transactions) and reportable priority waste (transport).<sup>5</sup>

Section 142 applies to reportable priority waste (transactions) and requires this type of waste be tracked using Waste Tracker (or an authorised alternative system).

Section 143 applies to reportable priority waste (transport) and requires this type of waste be transported by a vehicle for which a permission is held to transport the waste.

The reportable priority waste requirements do not apply to waste that is transported for no fee or reward where the net load is less than 50 litres.

Find out more about the **reportable priority waste** duties (<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/reportable-priority-waste>).

### Priority waste category (or waste disposal category)

The relevant priority waste category must be identified for priority waste consigned for disposal to landfill or for soil that is priority waste. These are set out in Schedule 6 of the Regulations.

The priority waste categories are often referred to as the disposal category but, where the waste is soil, these categories apply to all offsite management options, not just disposal to landfill. This extends to onsite management options for soil sourced onsite from contaminated land.

The priority waste categories are:

- Category A waste, prohibited from disposal to landfill
- Category B waste
- Category C waste
- Category D waste (for soil only)
- soil containing asbestos only
- packaged waste asbestos.

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<sup>5</sup> Waste tyres is only reportable priority waste (transactions). All other reportable priority wastes are both types of reportable priority waste (transactions) and (transport).

For priority waste consigned for disposal to landfill, the priority waste category determines:

- which landfills can receive the waste or, in the case of Category A waste, that the waste is prohibited from disposal to landfill without prior treatment
- the waste levy rate that applies to the waste.

For soil, the priority waste category helps determine what can be done with soil more broadly, not just for disposal to landfill. For example, Category D soil generated at a project site may be contained on that site under a permit.<sup>6</sup>

As with other waste, where soil is consigned for disposal to landfill the priority waste category will determine which landfills are able to receive the waste and the applicable levy rate.

Priority waste categories are generally determined based on the hazard level and potential for mismanagement, with higher waste levies applying to higher hazard priority waste (see below information on waste levies).

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<sup>6</sup> Containment on a project site of category D waste soil generated at that project site is permit activity A17 in Schedule 1 of the Regulations.



## Waste levies

The purpose of waste levies is to provide a disincentive for disposing of waste to landfill. Higher hazard priority waste, except asbestos, is subject to higher waste levy rates to create a greater incentive to avoid disposal to landfill.

Industrial waste that is not priority waste is subject to the industrial waste levy rate that applies at the location where the waste is disposed to landfill. Priority waste disposed to landfill requires a priority waste category so the relevant priority waste levy rate can be applied.

## When does industrial waste need to be classified?

Most industrial waste does not need to be classified until it is to be transported offsite, whether for resource recovery, reuse or disposal to landfill. Table 2 shows the different requirements that apply to classifying waste to determine the priority waste category.

Table 2. When to determine the priority waste category of wastes

Scenario	When must industrial waste be classified to determine the waste code and waste type?	When must priority waste be classified to determine the priority waste category?
Waste other than soil	Before relinquishing management or control of the industrial waste to another person for transporting the waste	Before relinquishing management or control of the industrial waste to another person for transporting the waste <u>where the waste is consigned for disposal to landfill</u>
Soil sourced onsite (dug up at the site) from contaminated land		If determined to be priority waste under regulation 62(1), as soon as practicable after sourcing the soil
Other soil (sourced from another site or sourced onsite from land that is not contaminated land)		Before relinquishing management or control of the industrial waste to another person for transporting the waste

## Designations

The standard classification process in this guide may not be appropriate for, or cover every type of, industrial waste. Occasionally new or unusual waste types not covered by the standard waste classification process need to be classified. EPA can issue designations to fill these gaps or anomalies.

Where a designation exists, the waste classification set out in the designation takes precedence over a waste classification determined using the standard waste classification process.

A designation may be issued by EPA on application by the person in management or control of priority waste. Alternatively, EPA may issue a designation of general application setting out how waste to which the designation applies must be classified.

EPA cannot issue a designation which classifies waste unless it is satisfied that:

- management of the waste in accordance with the designation will not pose a serious risk of harm to human health or the environment
- if the designation were not issued:
  - there would be no appropriate waste classification; or
  - there would be an undue burden imposed on persons in management or control of the waste.

EPA can also issue a designation to facilitate a product stewardship scheme or a government collection scheme or program. The designation could include conditions that must be complied with to manage risks of harm, such as how the waste is to be stored and the maximum quantity of waste that can be stored.

Designations in force will be published on the public register available on EPA's website from 1 July 2021.

### Mixing, blending or diluting priority waste

Mixing, blending or diluting priority waste to change the waste classification may result in unsafe practices. The mixing, blending or diluting of priority waste with other waste to change the waste classification is prohibited by regulation 70, unless it occurs in accordance with a designation issued by EPA.

There are times when mixing, blending or diluting priority wastes is part of a legitimate treatment process. The mixing, blending or diluting of priority waste may be authorised by a designation of general application issued by EPA. Alternatively, the person in management or control of the priority waste may apply to EPA for a designation authorising the mixing, blending or diluting of priority waste.

There are strict criteria that must be met for EPA to issue a designation authorising the mixing, blending or diluting of priority waste. EPA must be satisfied that:

- management of the waste in accordance with the designation will not adversely affect human health or the environment in a way that would not occur if the designation were not issued
- where the priority waste is soil:
  - the mixing, blending or diluting is necessary to prepare the soil for treatment
  - the treatment will destroy any contamination
  - the treatment is not otherwise authorised by the Act or the Regulations.

Designations in force will be published on the public register available on EPA's website from 1 July 2021.

### Sampling and analysis

Classification of some waste streams will require sampling and analysis to identify the presence or concentration of contaminants or the hazard properties or characteristics of the waste. Sampling and analysis should be undertaken by a suitably qualified professional.

Examples of where sampling and analysis will often be required are to:

- determine if soil has contaminant concentrations exceeding the upper limits for fill material contaminant concentrations in Table 3 of the *Waste Disposal Categories - Characteristics and Thresholds* (EPA publication 1828) or contains PFAS

- determine the priority waste category using the contaminant or leachable concentrations thresholds specified in *Waste Disposal Categories – Characteristics and Thresholds* (EPA publication 1828)
- identify contaminants and record that information in Waste Tracker when consigning reportable priority waste (transactions) for transport.

For more information on sampling and analysis methods, see:

- *Sampling and analysis of waters, wastewaters, soils and waste* (IWRG 701)
- *Soil sampling* (IWRG 702)

### Waste classifications deemed to be designations

Waste classifications issued under the Environment Protection (Industrial Waste Resource) Regulations 2009 in force immediately prior to 1 July 2021 are saved and deemed to be designations under the new Environment Protection Framework. This means that these classifications continue to operate on their own terms and are valid until their specified expiry date or 30 June 2023, whichever comes first. It also means that where those classifications refer to historical EPA publications, for example [Soil hazard categorisation and management](#) (publication IWRG621) (<https://www.epa.vic.gov.au/about-epa/publications/iwrg621>), those publications continue to apply to the saved classifications despite replacement publications such as EPA Publication 1828.

### Role of accredited consigners

The Act and Regulations place additional onus on waste producers to take responsibility for the waste they produce. Some waste producers may wish to seek advice and assistance to meet their duties.

An option for waste producers is to engage an accredited consigner. An accredited consigner is an appointed professional who has the approval of EPA and can lawfully manage specific types of waste. Accredited consigners can assist a duty holder to:

- classify their waste
- ensure the waste reaches a lawful place
- ensure they meet their waste duties.

Engaging an accredited consigner is optional and is one way for a waste producer to demonstrate that they have taken reasonably practicable steps to meet their waste duties. A waste producer may have appropriate knowledge and information to meet their duties without assistance or they may engage an environmental consultant or other service provider who is not an accredited consigner.

For further information on accredited consigners, see **Working with an accredited consigner** ([epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/working-with-an-accredited-consigner](https://epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/working-with-an-accredited-consigner)).

### Waste classification process

The next section of this guide outlines the process for classifying industrial waste. Waste classification process maps and step by step descriptions are set out for:

1. waste other than soil
2. soil sourced onsite from contaminated land
3. other soil (soil sourced from another site or, if sourced onsite, not from contaminated land).

1. Classifying industrial waste other than soil

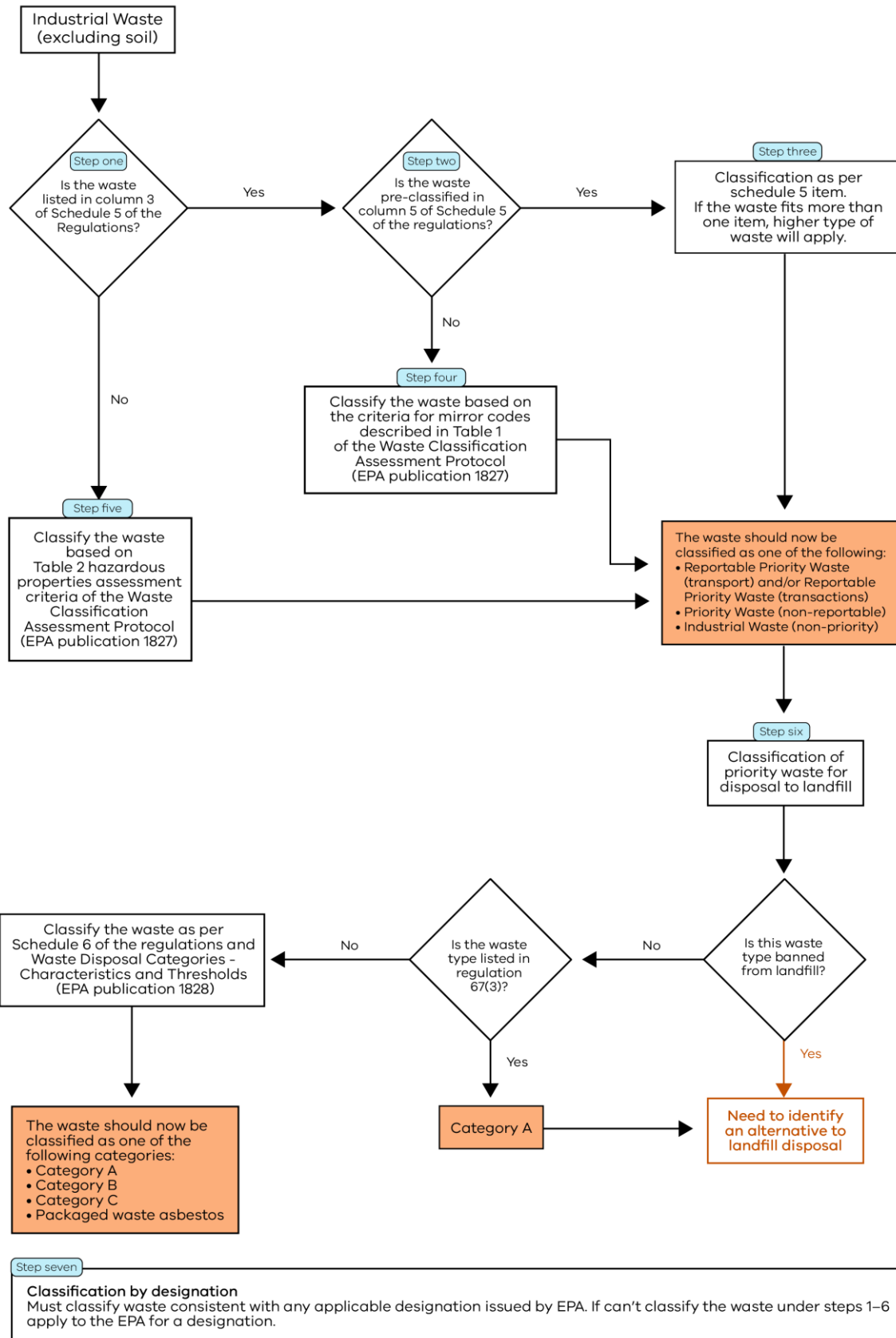


Figure 3. Flowchart showing the process for classifying industrial waste other than soil

**Step 1**

Do any of the descriptions in column 3 of Schedule 5 of the Regulations describe the waste being classified?

If yes, go to **step 2**.

If no, go to **step 5**.

Schedule 5—Waste classification

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>	<i>Pre-classified (Pre) or Mirror code (M)</i>	<i>Priority waste</i>	<i>Reportable priority waste (transactions)</i>	<i>Reportable priority waste (transport)</i>
24	Inorganic Chemicals	Non-toxic salts including sodium chloride, calcium chloride	D300	Pre	Yes	Yes	Yes
25	Inorganic Chemicals	Boron compounds	D310	Pre	Yes	Yes	Yes

Figure 4. Extract of Schedule 5 showing description of waste in column 3

**Step 2**

Is the waste identified as pre-classified (Pre) in column 5 of Schedule 5 of the Regulations?

If yes, go to **step 3**.

If no, a mirror code applies. Go to **step 4**.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>	<i>Pre-classified (Pre) or Mirror code (M)</i>	<i>Priority waste</i>	<i>Reportable priority waste (transactions)</i>	<i>Reportable priority waste (transport)</i>
63	Putrescible/ organic wastes	Septic tank waste	K410	Pre	Yes	No	No
64	Industrial washwaters and wastewaters	Car and truck washwaters	L100	Pre	Yes	Yes	Yes
65	Industrial washwaters and wastewaters	Industrial wastewater (excluding sewage) not otherwise specified in this Schedule	L200 - H	M	Yes	Yes	Yes
66	Industrial washwaters and wastewaters	Industrial wastewaters (excluding sewage) which meets conditions relating to wastewater reuse in a permission	L200 - NH	M	Yes	No	No

Figure 5. Extract of Schedule 5 showing waste classified as Pre-classified (Pre) and Mirror code (M) in column 5



**Step 3: Classification of industrial waste in accordance with Schedule 5 of the Regulations**

Find the applicable waste code in column 4 of Schedule 5 of the Regulations.

The waste is also classified as:

- priority waste if identified as priority waste in column 6 of Schedule 5 of the Regulations
- reportable priority waste (transactions) if identified as reportable priority waste (transactions) in column 7 of Schedule 5 of the Regulations
- reportable priority waste (transport) if identified as reportable priority waste (transport) in column 8 of Schedule 5 of the Regulations.

The waste is classified as whichever is the highest waste type. The two reportable priority waste types are higher waste types than priority waste, which is higher than industrial waste.

If the waste fits more than one description in column 3 of Schedule 5 of the Regulations, the waste is classified as the highest waste type. For example, a mixed load of waste that contains concrete (waste code Y100, industrial waste), bricks (waste code Y110, industrial waste), and treated timber (waste code K310-H, priority waste) would be classified as priority waste. The three waste codes would be used to properly identify the waste.

If the waste is classified as priority waste and is to be consigned for disposal to landfill, the waste must also be classified as a category of priority waste. Go to **step 6**.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 7**.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Item	Section	Description of waste	Waste code	Pre-classified (Pre) or Mirror code (M)	Priority waste	Reportable priority waste (transactions)	Reportable priority waste (transport)
63	Putrescible/organic wastes	Septic tank waste	K410	Pre	Yes	No	No
64	Industrial washwaters and wastewaters	Car and truck washwaters	L100	Pre	Yes	Yes	Yes

Figure 6. Extract of Schedule 5 showing the waste code in column 4 and whether the waste is priority waste (column 6), reportable priority waste (transactions) (column 7) or reportable priority waste (transport) (column 8)

**Step 4: Classification of mirror code waste in accordance with Table 1 of the Waste Classification Assessment Protocol (EPA publication 1827)**

Use the criteria in Table 1 of the *Waste Classification Assessment Protocol* to determine if the waste is hazardous or non-hazardous.

The waste code for the waste is the applicable waste code in column 1 of Table 1. Column 4 identifies the waste classification as:

- industrial waste (non-priority)
- priority waste (non-reportable)

- reportable priority waste (transactions) and reportable priority waste (transport).

If the waste is classified as priority waste and is to be consigned for disposal to landfill, the waste must also be classified as a category of priority waste. Go to **step 6**.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 7**.

Waste code	Section	Descriptive title	Waste classification criteria	Classification
K310-H	Putrescible/organic wastes	Timber treated with hazardous substances, including sawdust.	Timber, wood or material derived from wood (including sawdust and engineered wood) that is likely to have been treated or chemically altered or coated with a hazardous substance, including paint, varnish, preservative or fumigant to enhance the performance of the original wood.  <i>Note: excludes timber, wood or material derived from wood which has been treated with heat only.</i>	Priority waste (non-reportable)
K310-NH	Putrescible/organic wastes	Untreated timber, including sawdust.	Timber, wood or material derived from wood (including sawdust and engineered wood) that does not meet the criteria of K310-H.	Industrial waste (non-priority)

Figure 7. Extract of Table 1 of the Waste Classification Protocol, showing the waste classification criteria for determining if the waste is hazardous or non-hazardous and the relevant waste code and type

### Step 5: Classification of industrial waste not included in Schedule 5 of the Regulations in accordance with Table 2 of the Waste Classification Assessment Protocol (EPA publication 1827)

Use the criteria in Table 2 of the Waste Classification Assessment Protocol to determine the level of hazard to classify the waste. The Appendices referred to in Table 2 are Appendices of the Protocol.

If item 1 or 2 of Table 2 applies, the waste is classified as reportable priority waste (transactions) and reportable priority waste (transport).

If item 3 of Table 2 applies, the waste is classified as priority waste.

If item 4 of Table 2 applies, the waste is industrial waste.

To obtain a waste code, apply to EPA for a designation. Go to **step 7**.

If the waste cannot be classified in accordance with Table 2, apply to EPA for a designation. Go to **step 7**.

If the waste is classified as priority waste and is to be consigned for disposal to landfill, the waste must also be classified as a category of priority waste. Go to **step 6**.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 7**.

Item	Criteria	Hazard	Waste Classification
1	<p>If any constituent of the waste or the waste itself:</p> <ul style="list-style-type: none"> <li>can be classified as a class of dangerous goods as per Appendix A.</li> </ul>	Very high	Reportable Priority waste (transaction) & Reportable Priority waste (transport)
2	<p>Where the above condition(s) do not apply, if any constituent of the waste or the waste itself:</p> <ul style="list-style-type: none"> <li>meets the criteria for a hazard class as per Appendix B; and/or</li> <li>has persistent, <u>bioaccumulative</u> and/or toxic properties, as per Appendix C.</li> </ul>	High	Reportable Priority waste (transaction) & Reportable Priority waste (transport)
3	<p>Where the above condition(s) do not apply, if:</p> <ul style="list-style-type: none"> <li>the waste is liquid in form as described in Appendix <u>E</u></li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>any constituent of the waste or the waste itself has any of the following properties of concern as per Appendix D:                             <ul style="list-style-type: none"> <li>Metals or metal ions of concern to the environment</li> <li><u>Perfluorinated</u> functionality</li> <li>Endocrine disruption</li> <li>Hazardous break down products.</li> </ul> </li> </ul>	Moderate	Priority waste (non-reportable)
4	If none of the above criteria apply.	Low	Industrial waste (non-priority)

Figure 8. Table 2 of the Waste Classification Protocol showing the criteria to determine the level of hazard to classify waste

### Step 6: Classification of priority waste consigned for disposal to landfill

If the priority waste is one of the following items in Schedule 5 of the Regulations, the waste must be classified as Category A waste and is prohibited from disposal to landfill under regulation 67(3):

- item 37: Ethers and highly flammable hydrocarbons, including petrol and jet fuel (G100)
- item 45: Waste oils, hydrocarbons, emulsions and transformer fluids excluding poly-chlorinated biphenyls (J100)
- item 46: Waste oil/water, hydrocarbons/water mixtures or emulsions (J120)
- item 47: Triple interceptor waste and stormwater contaminated with oil or hydrocarbon (J130)
- item 49: Used oil filters (J170)
- item 51: Grease trap waste (K110)
- item 54: Liquid organic wastes including commercial food, not containing wastes listed in items 50 to 53 or 55 to 63 of Schedule 5 (K200)
- item 64: Car and truck washwaters (L100)

- item 81: Rigid steel or plastic containers with an original volume equal to or greater than 200 litres contaminated with reportable priority waste (transport) (N105)
- item 102: Sludges or slurries, including drilling muds containing hazardous substances (T130 – H).

Other wastes prohibited from disposal to landfill under regulations 23 and 29(2) are:

- tyres (unless shredded into pieces not exceeding 250 mm in size)
- e-waste (except smoke detectors and e-waste in negligible quantities in wastes not otherwise prohibited from disposal to landfill)
- wastes prohibited from disposal to landfill by a national environment protection measure.

For any other priority waste, the waste must be classified as the applicable category in accordance with Schedule 6 of the Regulations. This may require sampling and analysis to determine the contaminant or leachable concentrations of the waste to apply the contaminant or leachable concentrations thresholds specified in *Waste Disposal Categories – Characteristics and Thresholds* (EPA publication 1828).

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 7**.

Category <sup>1</sup>	Category D <sup>2</sup> / industrial waste upper limit		Category C upper limit		Category B upper limit		
	Contaminant concentration thresholds as dry weight (Units)	Leachable Concentration (mg/L)	TC (mg/kg)	Leachable Concentration <sup>3</sup> (mg/L)	TC <sup>4</sup> (mg/kg)	Leachable Concentration (mg/L)	TC (mg/kg)
Inorganic species							
Antimony		0.15	75	0.3	75	1.2	300
Arsenic <sup>5</sup>		0.5	500	1	500	4	2000
Barium		100	6250	200	6250	800	25000
Beryllium		3	100	N/A	100	N/A	400
Boron		200	15000	400	15000	1600	60000
Cadmium		0.1	100	0.2	100	0.8	400
Chromium (VI)		2.5	500	5	500	20	2000

Figure 9. Extract of Table 2 of EPA publication 1828 showing contaminant and leachable concentration thresholds

### Step 7: Classification by designation

A person may apply to EPA for a designation to classify new or unusual waste types not adequately classified by the above steps, or if a classification under the above steps would impose an undue burden on persons in management or control of the waste.

A person may also apply for a designation where there is no applicable waste code identified in Schedule 5 of the Regulations.

Where a designation is issued by the Authority, whether on application or on the Authority's own motion, the classification as set out in the designation prevails to the extent of any inconsistency over any classification determined in accordance with the steps 1 to 6.

See regulations 86 and 87 for more information on designations.

## 2. Classifying soil sourced onsite from contaminated land

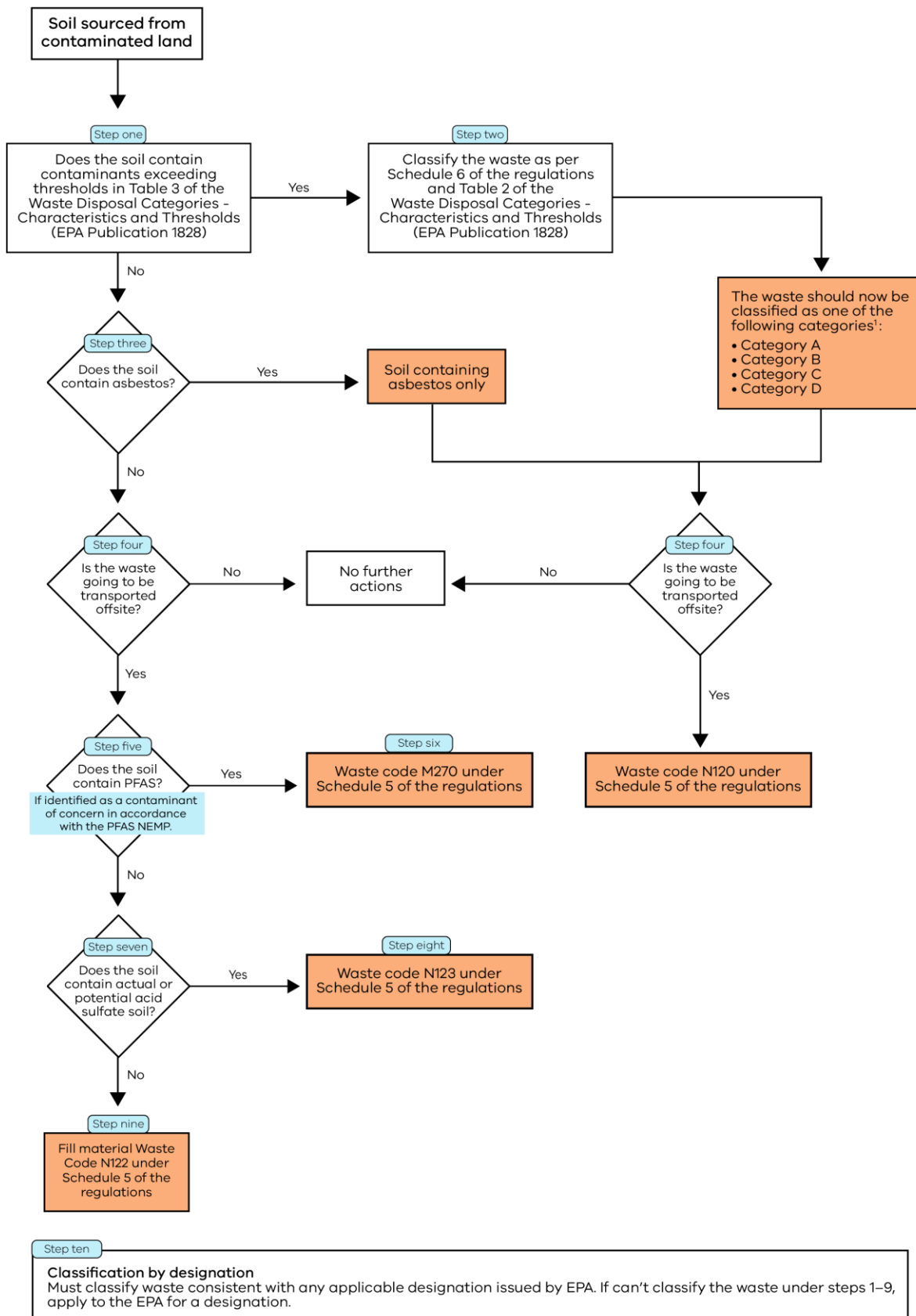
This classification process applies to soil that is industrial waste sourced onsite from contaminated land.

Soil is sourced from contaminated land if waste or a chemical substance is present on or under the surface, and that waste or chemical substance:

- is present in a concentration above the background level
- creates a risk of harm to human health or the environment.

The background level of waste or a chemical substance is as set out or derived in accordance with a determination made by EPA under the Regulations or, if there is no determination, the naturally occurring concentration of the waste or chemical substance on or under the surface of the land or in the vicinity of the land. For more information on determining whether land is contaminated land, see *Contaminated Land: Understanding section 35 of the Environment Protection Act 2017* (EPA publication 1940).





<sup>1</sup>Soil classified as Category A, B, C or D soil may also contain asbestos. Soil containing asbestos must be managed safely.

Figure 10. Flowchart showing the process for classifying soil sourced onsite from contaminated land

## Step 1

Does the soil have contaminant concentrations exceeding the upper limits for fill material contaminant concentrations in Table 3 of the *Waste disposal categories — characteristics and thresholds* (EPA publication 1828.2)?

### Which contaminants require analysis?

For purposes of classifying industrial waste that is soil, EPA requires assessment of the soil, including an understanding of site history, to determine whether the soil is sourced from contaminated land and to identify which contaminants require analysis. An assessment must be undertaken for all chemical substances known or reasonably expected to be in the waste. This means that not all contaminants need to be analysed in every waste, unless they are known or reasonably expected to be present.

To determine an appropriate sampling and assessment regime, refer to relevant EPA guidance including [Soil sampling](https://www.epa.vic.gov.au/about-epa/publications/iwrg702) (Publication [IWRG 702](https://www.epa.vic.gov.au/about-epa/publications/iwrg702)) (<https://www.epa.vic.gov.au/about-epa/publications/iwrg702>).

Where soil does not contain any known or reasonably expected contaminants exceeding the upper limits for fill material in Table 3 (and there are no other contaminants known or reasonably expected to be present, for example asbestos, WASS, PFAS), the soil can be classified as fill material.

In circumstances where you are aware of known or reasonably expected contaminants not included in Table 3 which may be present in the soil, please contact EPA for further guidance or a designation. Alternatively, you may assign a category of priority waste based on the contaminant concentrations for that contaminant if it is listed in Table 2. If the contaminant is not listed in Table 2, please contact EPA for further guidance or a designation.

The new EP Regulations do not change the contamination thresholds for fill material or the associated risk-based sampling approach previously required under the Environment Protection (Industrial Waste Resource Regulations) 2009.

### Naturally occurring contaminants

Under the previous *Environment Protection Act 1970*, where contaminants in soil could be demonstrated as naturally occurring, EPA considered this to be fill material. However, duty holders were prohibited from causing pollution of land or water or creating an environmental hazard meaning such soil could only be taken to a like for like site.

Where there were potential adverse impacts, duty holders were directed to seek advice from EPA as set out in [Waste categorisation](https://www.epa.vic.gov.au/about-epa/publications/iwrg600-2) (Publication IWRG600) (<https://www.epa.vic.gov.au/about-epa/publications/iwrg600-2>). EPA could require information such as the origin of the soil, site history, sampling and analytical results of contaminants or other constituents, the nature of the elevated contaminants and the location of sites where the soil is to be reused.

This practice can continue under the new environment protection laws. However, there is no automatic recognition of naturally occurring contaminants for the purposes of classifying waste as fill material. Therefore, it will be necessary to apply to EPA for a designation to allow the soil to be classified as fill

material to be taken to a like for like site. In managing this waste, duty holders will need to comply with their duties under the Act, including the general environmental duty and the duty to manage contaminated land.

If yes, the soil is priority waste. Go to **step 2**.

If no, go to **step 3**.

## Step 2: Classification to determine the category of priority waste

Soil must be classified as the applicable category in accordance with Schedule 6 of the Regulations. This may require sampling and analysis to determine the contaminant or leachable concentrations of the waste to apply the contaminant or leachable concentrations thresholds specified in Table 2 of *Waste disposal categories — characteristics and thresholds* (EPA publication 1828).

### Which contaminants require analysis?

For purposes of classifying industrial waste that is soil, EPA requires assessment of the soil, including an understanding of site history, to determine whether the soil is sourced from contaminated land and to identify which contaminants require analysis. An assessment must be undertaken for all chemical substances known or reasonably expected to be in the waste. This means that not all contaminants need to be analysed in every waste, unless they are known or reasonably expected to be present. To determine an appropriate sampling and assessment regime, refer to relevant EPA guidance including [Soil sampling](https://www.epa.vic.gov.au/about-epa/publications/iwrg702) (Publication [IWRG 702](https://www.epa.vic.gov.au/about-epa/publications/iwrg702)) (<https://www.epa.vic.gov.au/about-epa/publications/iwrg702>).

In circumstances where you are aware of known or likely contaminants not included in Table 2 which may be present in the soil, please contact EPA for further guidance or a designation.

Once the soil is allocated a category, no further action is required for classification while the soil remains onsite. Go to **step 4** if the soil is to be transported offsite.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 10**.

Category <sup>1</sup>	Category D <sup>2</sup> / industrial waste upper limit		Category C upper limit		Category B upper limit	
	Leachable Concentration (mg/L)	TC (mg/kg)	Leachable Concentration <sup>3</sup> (mg/L)	TC <sup>4</sup> (mg/kg)	Leachable Concentration (mg/L)	TC (mg/kg)
Inorganic species						
Antimony	0.15	75	0.3	75	1.2	300
Arsenic <sup>5</sup>	0.5	500	1	500	4	2000
Barium	100	6250	200	6250	800	25000
Beryllium	3	100	N/A	100	N/A	400
Boron	200	15000	400	15000	1600	60000
Cadmium	0.1	100	0.2	100	0.8	400
Chromium (VI)	2.5	500	5	500	20	2000

Figure 11. Extract of Table 2 of EPA publication 1828 showing contaminant and leachable concentration thresholds

Soil classified as Category A, B, C or D soil may also contain asbestos. Soil containing asbestos must be managed safely. Find out more about [managing asbestos waste](https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/asbestos-waste) (https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/asbestos-waste).

### Step 3

Does the soil contain asbestos? This does not include soil from which visible asbestos-containing material has been removed, so far as reasonably practicable.

If yes, the soil is priority waste and the category of priority waste under Schedule 6 of the Regulations is soil containing asbestos only.

No further action required for classification while the soil remains on-site. Go to **step 4** if the soil is to be transported offsite.

Find out more about [managing asbestos waste](https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/asbestos-waste) (https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/asbestos-waste).

If no, no further action is required for classification while the soil remains onsite. Go to **step 5** if the soil is to be transported offsite.

### Step 4: Classification of soil to be transported offsite

The waste code for soil containing asbestos or contaminant concentrations exceeding the upper limits for fill material contaminant concentrations in the *Waste disposal categories — characteristics and thresholds* is N120 under Schedule 5 of the Regulations.

The soil is reportable priority waste (transactions) and reportable priority waste (transport).

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 10**.

Column 1 Item	Column 2 Section	Column 3 Description of waste	Column 4 Waste code	Column 5 Pre-classified (Pre) or Mirror code (M)	Column 6 Priority waste	Column 7 Reportable priority waste (transactions)	Column 8 Reportable priority waste (transport)
83	Solid and sludge wastes requiring special handling	Soil that has contaminant concentrations exceeding the upper limits for fill material contaminant concentrations specified in the Waste Disposal Categories— Characteristics and Thresholds or contains asbestos	N120	Pre	Yes	Yes	Yes

Figure 12. Extract of Schedule 5 of the Regulations showing the waste code N120

### Step 5

Information to support classifying per-and polyfluoroalkyl substances (PFAS) can be found in the [PFAS National Environment Management Plan \(NEMP\)](https://www.epa.vic.gov.au/for-community/environmental-information/pfas/pfas-national-environmental-management-plan) (https://www.epa.vic.gov.au/for-community/environmental-information/pfas/pfas-national-environmental-management-plan). Use the risk-based approach set out in the PFAS NEMP to identify whether PFAS is a contaminant of concern.

Testing soil for PFAS is only required if it is identified as a contaminant of concern. Testing may occur at the same time as determining whether the soil is sourced from contaminated land.

If required to be tested for PFAS in accordance with the PFAS NEMP, does the soil contain PFAS?

If yes, go to **step 6**

If no or testing for PFAS is not required, go to **step 7**.

### Step 6: Classification as PFAS contaminated material

If the soil contains PFAS, the waste code is M270 under Schedule 5 of the Regulations. The soil is reportable priority waste (transactions) and reportable priority waste (transport).

There are no thresholds for PFAS in *Waste disposal categories — characteristics and thresholds* (Publication 1828). This is to allow flexibility to keep pace with the evolving science. PFAS contamination will be assessed on a case-by-case basis in line with the best available science, consistent with the PFAS National Environment Management Plan. Contact EPA for further advice. If EPA issues a designation allocating a priority waste category for the purposes of disposal, the waste soil may be designated as waste code N120 to enable disposal to landfill.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste (see **step 10**).

Column 1 <i>Item</i>	Column 2 <i>Section</i>	Column 3 <i>Description of waste</i>	Column 4 <i>Waste code</i>	Column 5 <i>Pre-classified (Pre) or Mirror code (M)</i>	Column 6 <i>Priority waste</i>	Column 7 <i>Reportable priority waste (transactions)</i>	Column 8 <i>Reportable priority waste (transport)</i>
79	Organic chemicals	Per- and poly-fluoroalkyl substances (PFAS) contaminated materials, including soil and waste PFAS-containing products and contaminated containers	M270	Pre	Yes	Yes	Yes

Figure 13. Extract of Schedule 5 of the Regulations showing the waste code M270



**Step 7**

Does the soil contain actual acid sulfate soil or potential acid sulfate soil? If yes, go to **step 8**.

If no, the soil is fill material. Go to **step 9**.

**Step 8: Classification as actual or potential waste acid sulfate soil**

If the soil contains actual acid sulfate soil or potential acid sulfate soil, the waste code is N123 under Schedule 5 of the Regulations. The soil is priority waste.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste (see step 10).

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>	<i>Pre-classified (Pre) or Mirror code (M)</i>	<i>Priority waste</i>	<i>Reportable priority waste (transactions)</i>	<i>Reportable priority waste (transport)</i>
85	Solid and sludge wastes requiring special handling	Waste Acid Sulfate Soil (Actual Acid Sulfate Soil and Potential Acid Sulfate Soil), other than item 83 of this Table	N123	Pre	Yes	No	No

Figure 14. Extract of Schedule 5 of the Regulations showing the waste code N123

**Step 9: Classification as fill material**

The waste code for fill material (and engineered fill) is N122 under Schedule 5 of the Regulations. The soil is industrial waste.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See step 10.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>	<i>Pre-classified (Pre) or Mirror code (M)</i>	<i>Priority waste</i>	<i>Reportable priority waste (transactions)</i>	<i>Reportable priority waste (transport)</i>
84	Solid and sludge wastes requiring special handling	Excavated material or engineered fill including fill material, other than item 83 or 85 of this Table	N122	Pre	No	No	No

Figure 15. Extract of Schedule 5 of the Regulations showing the waste code N122

**Step 10. Classification by designation**

A person may apply to EPA for a designation to classify soil that cannot be classified or not adequately classified by the above steps or if a classification under the above steps would impose an undue burden on persons in management or control of the soil.

A person may also apply for a designation where there is no applicable waste code identified in Schedule 5 of the Regulations.

Where a designation is issued by the Authority, whether on application or on the Authority's own motion, the classification as set out in the designation prevails to the extent of any inconsistency over any classification determined in accordance with the steps 1 to 9.

See regulations 86 and 87 for more information on designations.

### 3. Classifying other soil (not sourced onsite from contaminated land)

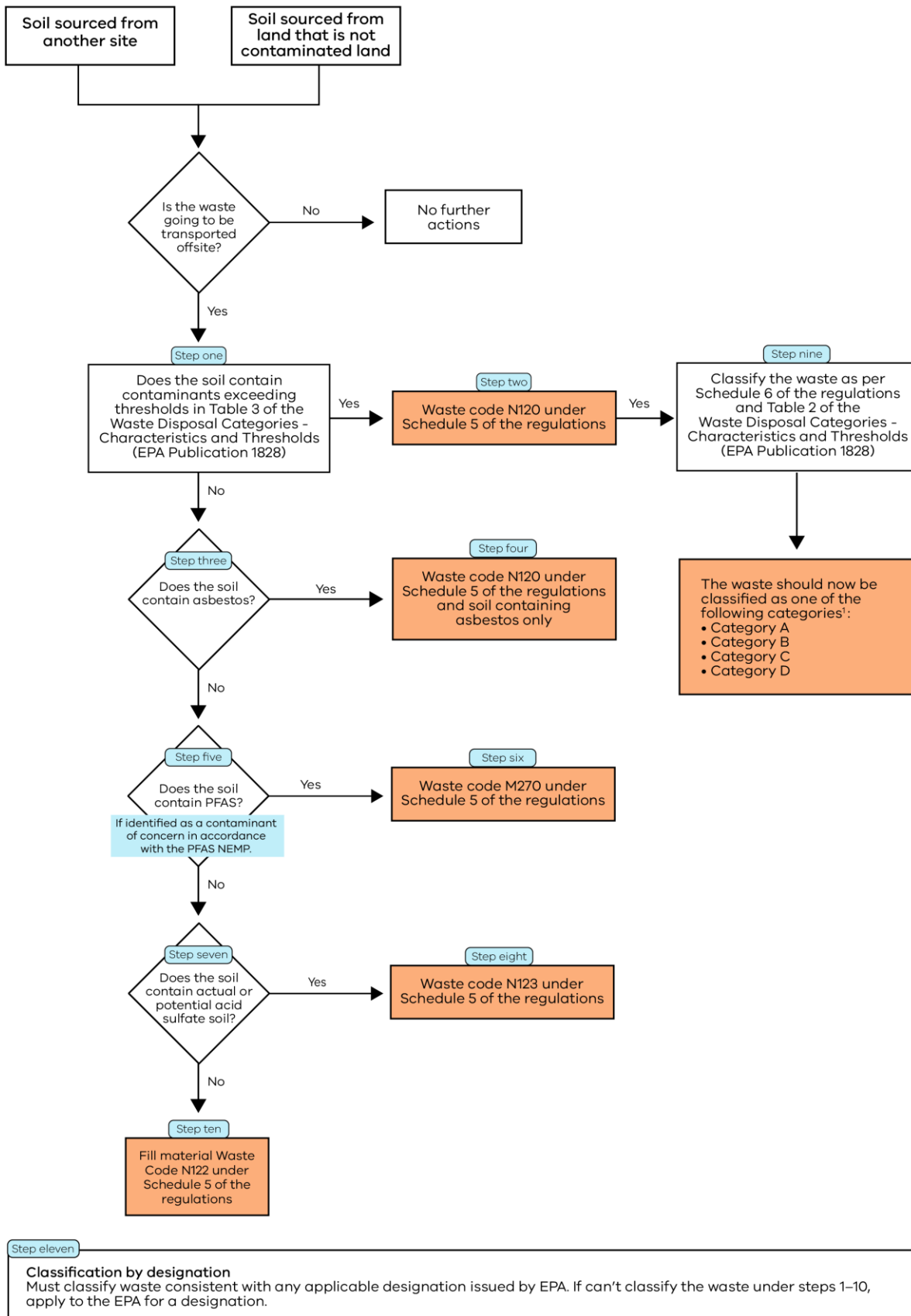
This classification process applies to soil that is industrial waste:

- sourced from another site
- sourced onsite if it is sourced from land that is not contaminated land.

Soil is sourced from land that is not contaminated land if there is no waste or a chemical substance present on or under the surface:

- in a concentration that is above the background level
- that creates a risk of harm to human health or the environment.

The background level of waste or a chemical substance is as set out or derived in accordance with a determination made by EPA under the Regulations or, if there is no determination, the naturally occurring concentration of the waste or chemical substance on or under the surface of the land or in the vicinity of the land. For more information on determining whether land is contaminated land, see *Contaminated Land: Understanding section 35 of the Environment Protection Act 2017* (EPA publication 1940).



<sup>1</sup>Soil classified as Category A, B, C or D soil may also contain asbestos. Soil containing asbestos must be managed safely.

Figure 16. Flowchart showing process for classifying other soil (not sourced onsite from contaminated land)

## Step 1

Does the soil have contaminant concentrations exceeding the upper limits for fill material contaminant concentrations in Table 3 of the *Waste disposal categories — characteristics and thresholds* (EPA publication 1828)?

### Which contaminants require analysis?

For purposes of classifying industrial waste that is soil, EPA requires assessment of the soil, including an understanding of site history, to determine whether the soil is sourced from contaminated land and to identify which contaminants require analysis. An assessment must be undertaken for all chemical substances known or reasonably expected to be in the waste. This means that not all contaminants need to be analysed in every waste, unless they are known or reasonably expected to be present. To determine an appropriate sampling and assessment regime, refer to relevant EPA guidance including [Soil sampling](https://www.epa.vic.gov.au/about-epa/publications/iwrg702) (Publication [IWRG 702](https://www.epa.vic.gov.au/about-epa/publications/iwrg702)) (<https://www.epa.vic.gov.au/about-epa/publications/iwrg702>).

Where soil does not contain any known or reasonably expected contaminants exceeding the upper limits for fill material in Table 3 (and there are no other contaminants known or reasonably expected to be present, for example, asbestos, WASS, PFAS), the soil can be classified as fill material.

In circumstances where you are aware of known or reasonably expected contaminants not included in Table 3 which may be present in the soil, please contact EPA for further guidance or a designation. Alternatively, you may assign a category of priority waste based on the contaminant concentrations for that contaminant if it is listed in Table 2. If the contaminant is not listed in Table 2, please contact EPA for further guidance or a designation.

The new EP Regulations do not change the contamination thresholds for fill material or the associated risk-based sampling approach previously required under the Environment Protection (Industrial Waste Resource Regulations) 2009.

### Naturally occurring contaminants

Under the previous *Environment Protection Act 1970*, where contaminants in soil could be demonstrated as naturally occurring, EPA considered this to be fill material. However, duty holders were prohibited from causing pollution of land or water or creating an environmental hazard meaning such soil could only be taken to a like for like site.

Where there were potential adverse impacts, duty holders were directed to seek advice from EPA as set out in [Waste categorisation](https://www.epa.vic.gov.au/about-epa/publications/iwrg600-2) (Publication [IWRG600](https://www.epa.vic.gov.au/about-epa/publications/iwrg600-2)) (<https://www.epa.vic.gov.au/about-epa/publications/iwrg600-2>). EPA could require information such as the origin of the soil, site history, sampling and analytical results of contaminants or other constituents, the nature of the elevated contaminants and the location of sites where the soil is to be reused.

This practice can continue under the new environment protection laws. However, there is no automatic recognition of naturally occurring contaminants for the purposes of classifying waste as fill material. Therefore, it will be necessary to apply to EPA for a designation to allow the soil to be classified as fill



material to be taken to a like for like site. In managing this waste, duty holders will need to comply with their duties under the Act, including the general environmental duty and the duty to manage contaminated land.

If yes, go to **step 2**.

If no, go to **step 3**.

### Step 2 – Classification of soil that exceeds the upper limits for fill material

The waste code is N120 under Schedule 5 of the Regulations.

The soil is classified as reportable priority waste (transactions) and reportable priority waste (transport). The waste must also be classified to determine the applicable category of priority waste. Go to **step 9**.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 11**.

Column 1 <i>Item</i>	Column 2 <i>Section</i>	Column 3 <i>Description of waste</i>	Column 4 <i>Waste code</i>	Column 5 <i>Pre-classified (Pre) or Mirror code (M)</i>	Column 6 <i>Priority waste</i>	Column 7 <i>Reportable priority waste (transactions)</i>	Column 8 <i>Reportable priority waste (transport)</i>
83	Solid and sludge wastes requiring special handling	Soil that has contaminant concentrations exceeding the upper limits for fill material contaminant concentrations specified in the Waste Disposal Categories— Characteristics and Thresholds or contains asbestos	N120	Pre	Yes	Yes	Yes

Figure 17. Extract of Schedule 5 of the Regulations showing the waste code N120

### Step 3

Does the soil contain asbestos? This does not include soil from which visible asbestos-containing material has been removed, so far as reasonably practicable. If yes, go to **step 4**.

If no, go to **step 5**.

### Step 4: Classification of soil that contains asbestos

The waste code is N120 under Schedule 5 of the Regulations.

The soil is classified as reportable priority waste (transactions) and reportable priority waste (transport).

The waste must also be classified to determine the applicable category of priority waste. Go to **step 9**.

Find out more about [managing asbestos waste](https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/asbestos-waste) (https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/asbestos-waste).

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 11**.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>	<i>Pre-classified (Pre) or Mirror code (M)</i>	<i>Priority waste</i>	<i>Reportable priority waste (transactions)</i>	<i>Reportable priority waste (transport)</i>
83	Solid and sludge wastes requiring special handling	Soil that has contaminant concentrations exceeding the upper limits for fill material contaminant concentrations specified in the Waste Disposal Categories— Characteristics and Thresholds or contains asbestos	N120	Pre	Yes	Yes	Yes

Figure 18. Extract of Schedule 5 of the Regulations showing the waste code N120

### Step 5

Information to support classifying per- and polyfluoroalkyl substances (PFAS) can be found in the [PFAS National Environment Management Plan \(NEMP\)](https://www.epa.vic.gov.au/for-community/environmental-information/pfas/pfas-national-environmental-management-plan) (https://www.epa.vic.gov.au/for-community/environmental-information/pfas/pfas-national-environmental-management-plan). Use the risk-based approach set out in the PFAS NEMP to identify whether PFAS is a contaminant of concern.

Testing soil for PFAS is only required if it is identified as a contaminant of concern. Testing may occur at the same time as determining whether the soil is sourced from contaminated land.

If required to be tested for PFAS in accordance with the PFAS NEMP, does the soil contain PFAS?

If yes, go to **step 6**.

If no or testing for PFAS is not required, go to **step 7**.

### Step 6 – Classification as PFAS contaminated material

If the soil contains PFAS, the waste code is M270 under Schedule 5 of the Regulations. The soil is reportable priority waste (transactions) and reportable priority waste (transport).

There are no thresholds for PFAS in [Waste disposal categories - characteristics and thresholds](#) (Publication 1828) (https://www.epa.vic.gov.au/about-epa/publications/1828-2). This is to allow flexibility to keep pace with the evolving science. PFAS contamination will be assessed on a case-by-case basis in line with the best available science, consistent with the PFAS National Environment Management Plan. Contact EPA for

further advice. If EPA issues a designation allocating a priority waste category for the purposes of disposal, the waste soil may be designated as waste code N120 to enable disposal to landfill.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste (see **step 11**).

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>	<i>Pre-classified (Pre) or Mirror code (M)</i>	<i>Priority waste</i>	<i>Reportable priority waste (transactions)</i>	<i>Reportable priority waste (transport)</i>
79	Organic chemicals	Per- and poly-fluoroalkyl substances (PFAS) contaminated materials, including soil and waste PFAS-containing products and contaminated containers	M270	Pre	Yes	Yes	Yes

Figure 19. Extract of Schedule 5 of the Regulations showing the waste code M270

### Step 7

Does the soil contain actual acid sulfate soil or potential acid sulfate soil? If yes, go to **step 8**.

If no, the soil is fill material. Go to **step 10**.

### Step 8: Classification as actual or potential waste acid sulfate soil

If the soil contains actual acid sulfate soil or potential acid sulfate soil, the waste code is N123 under Schedule 5 of the Regulations. The soil is classified as priority waste.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 11**.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>	<i>Pre-classified (Pre) or Mirror code (M)</i>	<i>Priority waste</i>	<i>Reportable priority waste (transactions)</i>	<i>Reportable priority waste (transport)</i>
85	Solid and sludge wastes requiring special handling	Waste Acid Sulfate Soil (Actual Acid Sulfate Soil and Potential Acid Sulfate Soil), other than item 83 of this Table	N123	Pre	Yes	No	No

Figure 20. Extract of Schedule 5 of the Regulations showing the waste code N123

### Step 9: Classification to determine the category of priority waste

Soil that is priority waste must be classified as the applicable category in accordance with Schedule 6 of the Regulations.

This may require sampling and analysis to determine the contaminant or leachable concentrations of the waste to apply the contaminant or leachable concentrations thresholds specified in *Waste disposal categories — characteristics and thresholds* (EPA publication 1828).

#### Which contaminants require analysis?

For purposes of classifying industrial waste that is soil, EPA requires assessment of the soil, including an understanding of site history, to determine whether the soil is sourced from contaminated land and to identify which contaminants require analysis. An assessment must be undertaken for all chemical substances known or reasonably expected to be in the waste. This means that not all contaminants need to be analysed in every waste, unless they are known or reasonably expected to be present. To determine an appropriate sampling and assessment regime, refer to relevant EPA guidance including [Soil sampling](https://www.epa.vic.gov.au/about-epa/publications/iwrg702) (Publication [IWRG 702](https://www.epa.vic.gov.au/about-epa/publications/iwrg702)) (<https://www.epa.vic.gov.au/about-epa/publications/iwrg702>).

In circumstances where you are aware of known or likely contaminants not included in Table 2 which may be present in the soil, please contact EPA for further guidance or a designation.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 11**.

Category <sup>1</sup>	Category D <sup>2</sup> / industrial waste upper limit		Category C upper limit		Category B upper limit	
	Leachable Concentration (mg/L)	TC (mg/kg)	Leachable Concentration <sup>3</sup> (mg/L)	TC <sup>4</sup> (mg/kg)	Leachable Concentration (mg/L)	TC (mg/kg)
Inorganic species						
Antimony	0.15	75	0.3	75	1.2	300
Arsenic <sup>5</sup>	0.5	500	1	500	4	2000
Barium	100	6250	200	6250	800	25000
Beryllium	3	100	N/A	100	N/A	400
Boron	200	15000	400	15000	1600	60000
Cadmium	0.1	100	0.2	100	0.8	400
Chromium (VI)	2.5	500	5	500	20	2000

Figure 21. Extract of Table 2 of EPA publication 1828 showing contaminant and leachable concentration thresholds

Soil classified as Category A, B, C or D soil may also contain asbestos. Soil containing asbestos must be managed safely. Find out more about [managing asbestos waste](https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/asbestos-waste) (<https://www.epa.vic.gov.au/for-business/find-a-topic/manage-industrial-waste/asbestos-waste>).

### Step 10: Classification as fill material

The waste code for fill material, and engineered fill, is N122 under Schedule 5 of the Regulations. The soil is industrial waste.

A classification under this step must be consistent with any applicable designation issued by the Authority in relation to that type of waste. See **step 11**.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
<i>Item</i>	<i>Section</i>	<i>Description of waste</i>	<i>Waste code</i>	<i>Pre-classified (Pre) or Mirror code (M)</i>	<i>Priority waste</i>	<i>Reportable priority waste (transactions)</i>	<i>Reportable priority waste (transport)</i>
84	Solid and sludge wastes requiring special handling	Excavated material or engineered fill including fill material, other than item 83 or 85 of this Table	N122	Pre	No	No	No

Figure 22. Extract of Schedule 5 of the Regulations showing the waste code N122

### Step 11: Classification by designation

A person may apply to EPA for a designation to classify soil not adequately classified by the above steps, or if a classification under the above steps would impose an undue burden on persons in management or control of the soil.

A person may also apply for a designation where there is no applicable waste code identified in Schedule 5 of the Regulations.

Where a designation is issued by the Authority, whether on application or on the Authority's own motion, the classification as set out in the designation prevails to the extent of any inconsistency over any classification determined in accordance with the steps 1 to 10.

See regulations 86 and 87 for more information on designations.