



Alert



Illegal dumping alert

Avoid the dangers of taking fill material onto your land

Accepting fill material onto your land may seem like a good idea, but if it contains waste, it may ruin your land and make you liable to fines, prosecution and massive cleanup costs to remove it.

People can require clean soil for many reasons, including for landscaping, levelling of blocks, renovations, land rehabilitation and land reclamation works. Some of these require a council permit.

Often the fill material given to landowners is contaminated. It may contain waste, bricks, rubble, concrete, timber, asbestos and/or chemical contaminants that you cannot see.

What are the risks?

In Victoria it is an offence under the *Environment Protection Act 1970* to allow any waste to be placed on your land, even if it is mixed with soil.

If you live on or own a rural property, your land is a valuable asset to individuals and companies looking to dispose of waste soil and fill material from building, demolition and excavation sites, and old industrial sites undergoing remediation.

By accepting fill material containing bricks, concrete, asbestos and other wastes, you have participated in illegal dumping. Once the waste is on your property, it is your responsibility and it can be costly to remove and clean up.

By accepting fill material you are enabling the producer of it to avoid paying levies on material that should be getting treated or going to landfill. Most importantly, you may be exposing yourself, your family or others to material that could severely impact health, and may impact the use of your land and any produce from it.

EPA is actively investigating and prosecuting landowners who have accepted contaminated fill material from unknown sources. EPA conducts surveillance to catch dumpers in the act.

Penalties in excess of \$300,000 may apply and cleanup costs can run into the millions of dollars.

This document provides advice to landowners to help ensure you only accept soil (fill material) that is not mixed with waste.

CASE STUDY

In 2012, EPA prosecuted illegal dumpers who had been dumping soil contaminated with industrial waste on a small farm in Diggers Rest between January 2009 and March 2010.

The illegal dumping was reported to EPA's Pollution Hotline by a concerned member of the general public.

The dumper was ordered to clean up the site at their own cost and fined \$35,000, and had to pay EPA's legal costs, which came to more than \$14,500.



**POLLUTION
HOTLINE
1300 EPA VIC
1300 372 842**

1

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If you don't know where the fill is from - don't take it

Be vigilant before you take any fill material from someone offering it to you:

- Contact the planning department of your local council to find out if a planning permit is required for filling activities on your land. Tell them how much fill you plan to take and where it will be placed on your property.
- Do a quick search online to find out the credentials of the operators offering you free or cheap fill material. Do they have a good reputation? Ask for references and check them out. You have the right to ask them for their driver's licence details and business details (ABN or ACN).
- If the material is from land that has undergone works or been excavated before, ask for receipts or validation that the material is not contaminated. The operator excavating the soil should have carried out a site assessment before they began to move the fill. If they cannot give you these details, you have the right to refuse the material.
- Once you have the address(es) of the source site(s), use local council records in that area to find out whether there were any potentially contaminating activities on that site in the past.



Industries with high potential for contaminated land include dry-cleaning, breweries and distilleries, fuel storage, electrical manufacturing, textiles and spray-painting.

For a full list Google 'General Practice Note for Potentially Contaminated Land' and refer to pages 3 and 4.



WHEN THE SOIL ARRIVES

Supervise each load that comes off the truck. Make sure it does not contain any bricks, concrete, asphalt, wood, asbestos, metal or plastic.

Personally arrange for sampling of the soil using an environmental consultant who uses the Australian Standard and ensure that the person offering the fill material pays for this service. If there are any negative results immediately cease accepting the material.

Check that the soil does not smell of chemicals or have any discolouration.

Take photos of the trucks and registration plates for your own records.

Keep copies of the documents and records, including names and addresses of the suppliers and transporters.

Keep your property gates closed so that trucks cannot enter and dump loads without your permission.

MORE INFORMATION

Contact EPA with your queries, or report illegal dumping, on
1300 EPA VIC
(1300 372 842)
or visit
www.epa.vic.gov.au