

From: [Louise Synnot](#)
To: [Waste Reform](#)
Subject: Comments to DWER Consultation Paper : Clean Fill
Date: Thursday, 1 February 2018 12:59:33 PM
Attachments: [image9b7f4f.PNG](#)

To Whom it May Concern,

Please find below comments to the DWER Consultation Paper: Amendments proposed following the decision on *Eclipse Resources Pty Ltd v The State of Western Australia [No.4] (2016) WASC 62*.

BMT provides these clarification comments as professional practitioners particularly in relation to dredging projects and potential implications with the execution/revision of the amendments to the *EP Act Regulations 1987*.

Section Heading	Comment	Clarification
Introduction	“Waste that is accepted for burial by a third party” pg - 2	Text states the amendments will be applicable to waste that is accepted for burial by a third party. Seeking clarification as to whether burial and also stockpiling of material on land vested within private/government/ land is considered to meet the requirements of the Waste Levy/Licensing. Do the Waste Levy and Licensing requirements apply if there is no transfer of material between parties i.e. land reclamation or onshore disposal for potential future use using dredged/excavated material as fill within a Harbour Boundary (i.e. no transfer of material between parties)?
Introduction	“Amendments are proposed to the description of the category 63,64,65 and 66 prescribed premises” pg - 2	Seeking clarification on implications to Categories 61A and 62 (and/or any other Categories for ‘solid waste’ depots) of the <i>EP Act Regulations 1987</i> that may not have been considered/addressed as part of the discussion paper. For example, what are the implications for clean/uncontaminated marine sediments ‘stored’ on an area of land pending final disposal, or ‘discharged’ to an area of land; either involving the transfer of that material between parties or within the same land owned by private/government bodies. For such sites where fill is stored or discharged; is there a requirement for these to be classified as a prescribed premises and licensed under the Act?
Introduction	“Amendments are proposed to the description of the category 63,64,65 and 66 prescribed premises” pg - 2	Is a ‘prescribed premise’ defined as any area of land that has the capacity and intention to accept material for burial. Seeking clarifications if category descriptions suggest <i>any</i> area of land with production/design capacity thresholds for burial may be considered a prescribed premise.
NA – general	Jurisdiction	Clarification of where the jurisdiction of guidance applies. Would activities such as disposal of fill material which may be sourced from external sand pits or using dredged material for beach renourishment and / or nearshore marine disposal be considered ‘prescribed premises’ or require Waste Levy/Licensing and subject to testing of thresholds presented in Table 1.
Table 1	Sample analytes – pg - 10	Table 1 provides Maximum Thresholds for an extensive list of analytes required to determine if fill is clean or uncontaminated. The analyte suite should be determined based on known cause-effect containment pathways as opposed to testing all analytes provided in Table 1 when determining if fill is clean or uncontaminated. A statement in this paper may be considered to this effect.

Table 2	Sampling methodology – pg - 12	If marine sediments are dredged/excavated and used as clean fill for beach renourishment/reclamation/onshore disposal, typically sampling design and methodology is applied in the marine environment in-line with guidance such as NAGD (CA 2009) to assess potential impact of mobilisation of sediments in marine environments. The NAGD (CA 2009) sample design may be considered appropriate to characterise marine sediments for fill to determine if clean or uncontaminated. A statement in this paper may be considered to this effect that other sample methodology/guidance may apply, where appropriate, based on the environmental risk and associated uses on a site-specific basis. If fill already tested in the marine environment was required to be re-tested post disposal, this would cause a potential duplication of sampling and analyses.
---------	--------------------------------	---

With Kind Regards,

Louise Synnot
Senior Consultant, Marine Scientist

Tel: +61 8 6163 4900
Website: www.bmtoceanica.com.au



[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [YouTube](#)

BMT Oceanica Pty Ltd, Level 4, 20 Parkland Rd, Osborne Park, Perth, Western Australia, WA 6017, Australia, PO Box 2305, Churchlands WA 6018

Registered in Australia, Registered no. 093 752 811, Registered office as above.

Unless otherwise agreed by BMT Oceanica Pty Ltd in writing, all work, services, goods or products supplied by BMT Oceanica Pty Ltd shall be subject to and governed by BMT Oceanica Pty Ltd's own terms and conditions which are available for inspection from BMT Oceanica Pty Ltd on request.

E-mail confidentiality notice and disclaimer:

The contents of this e-mail and any attachments are intended for the use of the mail addressee(s) shown. If you are not that person, you are not allowed to read it, to take any action based upon it or to copy it, forward, distribute or disclose the contents of it and you should please delete it from your system. BMT Oceanica Pty Ltd does not accept liability for any errors or omissions in the context of this e-mail or its attachments which arise as

a result of internet transmission, nor accept liability for statements which are those of the author and clearly not made on behalf of BMT Oceanica Pty Ltd.