

FACT SHEET

HOW TO AVOID THE DANGERS OF ACCEPTING ILLEGAL FILL ONTO YOUR LAND

Background

People can require fill for many reasons, including landscaping, levelling of blocks, renovations, land rehabilitation and land reclamation works. Some of these may require a permit from the Development Consent Authority. Local councils may also have additional requirements for this activity.

Often, the fill material given to landowners is mixed with waste and contaminants such as bricks, rubble, concrete, timber, asbestos, petroleum hydrocarbons and heavy metals that you cannot see.

Although it may have seemed like a good idea at the time, if it turns out that the fill material accepted on your land contains waste or contaminants it may ruin and permanently devalue it.

Illegal fill may also harm the health of your family and it may leave you with substantial clean-up costs to remove the material.

You may also face on-the-spot fines or prosecution for illegally using waste to fill your land.

This document provides advice to landowners to ensure that you don't accept illegal fill onto your property i.e. so that you don't accept wastes or contaminated material.

Introduction

The Northern Territory Environment Protection Authority (NT EPA) receives community complaints about illegal dumping of waste and contaminated materials in the form of illegal fill on private and public property.

It has investigated a number of illegal fill dumping cases and has taken appropriate action to make sure that the illegal fill and other waste is cleaned up to prevent any threat of environmental harm to the immediate environment. Many of these cases have involved land owners unwittingly accepting illegal fill onto their property such as tyres, construction and demolition waste, commercial and industrial waste, putrescible waste, asbestos and contaminated soil.

Unscrupulous operators offered landholders 'clean fill' but delivered fill that was contaminated with building and demolition waste, harmful chemicals or asbestos. These unscrupulous or unwitting operators dump the fill and may disappear, leaving the landholder with a contaminated site and significant clean-up costs.

What is acceptable as suitable fill material for your *property*?

The *Waste Management and Pollution Control Act* places general obligations to prevent adverse impacts on the environment and human health. Advice should be sought from the NT EPA where there is potential for adverse impacts from the deposit of material, onto your property.

The only acceptable fill material that may be received on your property is:

1. **virgin excavated natural material**. That is, natural material such as clay, gravel, sand, soil or rock fines that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities) and that does not contain any sulfidic ores or soils, or any other waste; or
2. where an assessment of soil demonstrates that the material is not contaminated; or
3. where contaminant levels in soil are below those specified in Table 1 and does not contain amenity impacts, e.g. highly odorous; or
4. where any elevated level of metals (such as arsenic) or other constituents can be demonstrated to be of natural origin. Where it can be suitably demonstrated that the constituents of concern are naturally elevated, the NT EPA does not consider these soils to be 'contaminated' and therefore can be classified as fill material; or
5. where **beneficial re-use**¹ of crushed solid inert materials such as bricks, concrete, tiles, or asphalt for legitimate structural and reclamation applications on land is given prior approval by the NT EPA. No filling of this material must occur without providing sufficient information to the NT EPA prior to any beneficial re-use occurring. It is up to applicants to prove that the material is not contaminated and that it will not cause environmental harm. For more information on the level of information required prior to approval being granted please call the NT EPA.

What are the risks of receiving waste or contaminated material onto your land?

In the Northern Territory it is an offence under the *Waste Management and Pollution Control Act* to allow any waste (illegal fill) 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 illegal fill material containing bricks, concrete, timber, plastic, steel, plaster, tyres, asbestos, potentially contaminated soil and other wastes, you have participated in illegal

¹ This is where a waste is considered to have beneficial use other than disposal. It is part of the NT EPA's promotion of resource recovery, recycling and re-use of material that would ordinarily be defined as waste.

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dumping. Once the waste is on your property, it is **your** responsibility and it can be very costly to remove and clean up.

By accepting illegal fill material you are enabling the producer of it to avoid paying fees on material that should be treated or placed in proper licensed landfills. 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.

What you can do to minimise the risks

Following the simple steps below will minimise the risks and avoid the dangers of accepting illegal fill on your property.

1. Check if filling is permitted on your land and if any approvals are required

Before accepting fill on your land, check with the Development Consent Authority and your local council to find out if filling of land is permitted and what if any **approvals** are required. **You** need to make sure that acceptable fill is not placed in areas where it may cause harm to plants and wildlife or pollute watercourses. **Don't risk fines or other penalties for accepting illegal fill.**

2. Check the credentials of anyone who offers you free or cheap fill

If anyone approaches you about taking fill onto your property – either for free or for payment – ask them for proof of identity (such as a drivers licence) and/or business details (such as an ABN or ACN). **If you have any doubts, contact the NT EPA Pollution Hotline.**

If you believe anyone has supplied you with false or misleading information (such as falsified 'clean fill' documentation), report them immediately to the NT EPA.

3. Never accept fill from unknown sources

Always ask the supplier where the fill is coming from and what activities were conducted at the source site. Check whether any activity may have caused contamination. Ask for the site address and consider inspecting the site prior to accepting the fill. During the inspection make sure the fill does not contain wastes such as bricks, tiles, concrete, asphalt, plaster, wood, asbestos, metal, or plastic.

Also check the fill for staining, discolouration or odour. **If you don't know where the fill is from, or whats in it don't take it.**

4. Ask the supplier to prove that the fill isn't contaminated

If you have doubts about the quality of the fill, request that the material is sampled and analysed for potential contaminants before accepting it on your property. Always ask to see the original results of chemical laboratory analysis of the fill. Alternatively, organise samples to be collected and analysed independently to prove that the fill is clean. If there are any negative results immediately cease accepting the material.

Landowners and occupants can be ordered to remove contaminated fill and pay the costs of taking it to a lawful waste facility.

5. Supervise and inspect all loads of incoming fill

Supervise delivery of all loads of fill onto your property to ensure that you receive only what you have ordered. Make sure it does not contain any bricks, tiles, concrete, asphalt, plaster, wood, asbestos, metal, or plastic.

Be aware that one load of contaminated fill could contaminate all other loads, particularly if they are unloaded in the same area. Keep your property's entry points secure at all times, so that vehicles cannot enter without your permission or knowledge.

6. Record details of all transporters bringing fill onto your property

Ask all transporters delivering fill to your property for documentation that shows the address of origin of the fill. Record the registration details of all vehicles that transport fill to your property, and ask drivers for proof of identity or employment, such as their drivers licence or company delivery dockets.

7. Keep copies of all documents and records

It is important to keep copies of all documents and records about the fill you receive, including the name and address of the supplier and transporter. Take photos of the trucks and registration plates for your own records.

Reporting illegal dumping

The community is strongly encouraged to report incidences of dumping of illegal fill to the NT EPA's **Pollution Hotline** on **1800 064 567** or email your report to pollution@nt.gov.au

More information about how to report illegal dumping is available at:
<http://www.ntepa.nt.gov.au/waste-pollution/hotline>

When making a report, providing additional information such as photographs and registration details of vehicles involved in dumping will greatly assist the NTEPA in its investigations.

What is being done by the NT EPA?

The NT EPA is embarking on educating and informing land owners of the risks associated with accepting illegal fill and this fact sheet is one tool that it will use to convey this.

It will be investigating more serious matters where landowners have willingly accepted contaminated fill material which poses a risk to the environment or human health or where there has been collusion for financial gain.

The NT EPA conducts surveillance campaigns to catch dumping of illegal fill material as part of its compliance activities connected with illegal dumping.

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Table 1: Maximum contaminant concentrations allowed in soil to be disposed as fill material.

CONTAMINANT	CONCENTRATION (TOTAL) mg/kg dry weight
Arsenic	20
Cadmium	3
Chromium (VI)	1
Copper	100
Lead	300
Mercury	1
Molybdenum	40
Nickel	60
Tin	50
Selenium	10
Silver	10
Zinc	200
Cyanide	50
Fluoride	450
Phenols (halogenated) ¹	1
Phenols (non-halogenated) ²	60
Monocyclic aromatic hydrocarbons ³	7
Benzene	1
Polycyclic aromatic hydrocarbons ⁴	20
Benzo(a)pyrene	1
Total petroleum hydrocarbons C ₆ to C ₉	100
Total petroleum hydrocarbons C ₁₀ to C ₃₆	1000
Polychlorinated biphenyls ⁵	2
Chlorinated hydrocarbons ⁶	1
Organochlorine pesticides ⁷	1

Source: Victoria EPA Publication 448.3, **CLASSIFICATION OF WASTES**

Notes to Table 1.

1. Total sum of 4-chloro-3-methylphenol, 2-chlorophenol, 2,4-dichlorophenol, 2,6-dichlorophenol, pentachlorophenol, 2,3,4,5-tetrachlorophenol, 2,3,4,6-tetrachlorophenol, 2,3,5,6-tetrachlorophenol, 2,4,5-trichlorophenol, and 2,4,6-trichlorophenol.

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2. Total sum of phenol, 2-methylphenol (o-cresol), 3-methylphenol (m-cresol), 4-methylphenol (p-cresol), 2,4-dimethylphenol, 2,4-dinitrophenol, 2-methyl-4,6-dinitrophenol, 2-nitrophenol, 4-nitrophenol, 2-cyclohexyl-4,6-dinitrophenol and dinoseb.
3. Total sum of benzene, toluene, ethyl benzene, xylenes (includes ortho, para and meta xylenes) and styrene.
4. Total sum of naphthalene, acenaphthylene, acenaphthene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluorene, fluoranthene, indeno(1,2,3-c,d)pyrene, phenanthrene and pyrene.
5. Soils containing polychlorinated biphenyls must be managed in accordance with the Australian and New Zealand Environment and Conservation Council (ANZECC) *Polychlorinated Biphenyls Management Plan Revision Edition April 2003*.
6. Total sum of carbon tetrachloride, chlorobenzene, chloroform, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethene, dichloromethane (methylene chloride), 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, 1,2,4-trichlorobenzene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethene, vinyl chloride and hexachlorobutadiene.
7. Total sum of Idrin, hexachlorobenzene, alpha BHC, beta BHC, gamma BHC (lindane), delta BHC, chlordane, DDT, DDD, DDE, dieldrin, endrin, endrin aldehyde, heptachlor, heptachlor epoxide, methoxychlor and endosulfan (includes endosulfan I, endosulfan II and endosulfan sulphate).

References

- *NT EPA Fact Sheet: Illegal Dumping-What You Need To Know*

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