

# Information sheet

*Environmental Protection Act 1994*

## **ERA 60 (4) – Maintaining a Decommissioned Landfill**

*The purpose of this information sheet is to outline the important requirements that are essential when applying to amend an environmental authority for an ERA 60 (4) – maintaining a decommissioned landfill. This document is intended for guidance and does not take the place of relevant legislation.*

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## 1 Description of ERA 60 (4)

Environmentally Relevant Activity (ERA) 60 – Waste disposal includes a new threshold for ‘maintaining a decommissioned waste disposal facility’. When an active landfill reaches capacity, and is decommissioned, an application to amend the relevant environmental authority (EA) may be made to alter the ERA threshold. This will involve a change to the risk profile of the landfill, and as a result, the conditions of the EA may also be amended to reflect these changes in the activity.

### 1.1 Definition of ERA 60 (4)

The definition of ERA 60 – Waste disposal is available at <https://www.legislation.qld.gov.au/view/html/inforce/current/si-2019-0155#sch.2-sec.60>. In summary, the activity of interest is defined as:

#### **60 - Waste disposal**

(1) *Waste disposal (the relevant activity) consists of only 1 of the following—*  
(d) *maintaining a decommissioned waste disposal facility.*

Further, the following definitions apply:

#### **decommissioned waste disposal facility—**

(a) *means a facility, for which a person holds or held an environmental authority, that—*  
(i) *was used for disposal of waste; and*  
(ii) *no longer accepts waste for disposal; and*  
(iii) *has had a final capping system installed in accordance with the environmental authority; but*  
(b) *does not include a landfill if the environmental authority for the landfill has been surrendered under [chapter 5, part 10](#) of the [Act](#).*

#### **facility—**

(a) *includes a naturally occurring or constructed hollow or pit, including, for example, a gully, mining shaft or quarry; but*  
(b) *does not include a hollow or pit on a farm used for receiving and disposing of general waste produced on the farm.*

#### 1.1.1 Adoption of ERA 60 (4)

When applying to amend an environmental authority (EA) to adopt the new ERA threshold for decommissioned landfills – ERA 60(4), in addition to meeting the requirements under the definition for ERA 60 (4) as mentioned above, the application material will need to include either of the following:

1. Confirmation that the final capping has been installed by an appropriately qualified person; or
2. Records of installation of the final capping, e.g., quality assurance documents, demonstrating that the capping has been installed in accordance with EA conditions.

If an EA contains rehabilitation conditions, a Final Rehabilitation Report is required to show that the site has been rehabilitated in accordance with the relevant EA conditions. This report must be supported by enough information for DESI to decide whether those EA conditions have been complied with and whether the land on which the landfill activity has been conducted has been satisfactorily rehabilitated. The approved form of the report can be accessed at:

[https://www.des.qld.gov.au/policies?a=272936:policy\\_registry/rs-fm-rehabilitation-report.docx](https://www.des.qld.gov.au/policies?a=272936:policy_registry/rs-fm-rehabilitation-report.docx)

## 2 Environmental risks and likely changes to EA conditions

### 2.1 Application requirements and likely EA changes

A decommissioned waste disposal facility (landfill) will require active management, until it becomes stable and is no longer at risk of releasing waste materials, leachate, landfill gas or other contaminants to the environment. This may take several decades to achieve depending on the type and quantity of waste disposed of in the landfill during its lifetime.

**Changing the relevant ERA from an active waste disposal threshold to the decommissioned waste disposal threshold does not mean that all conditions will be removed from the EA.** A decommissioned landfill poses significant environmental risk when appropriate management measures are not implemented.

Below is a summary of common ongoing environmental risks for decommissioned landfills, and some guidance around potential changes to EA conditions that may occur from the transition of an active landfill to a decommissioned landfill. All changes to EA conditions will depend on the site-specific risks. Conditions that may be applied or retained on an EA are stated in the right column of the tables below, opposite the particular environmental risk that the conditions have been designed to address. It is the responsibility of the applicant to support any proposed changes to EA conditions with relevant information, including the removal of conditions from the EA. This may require technical information on the impacts of releases of contaminants to the receiving environment, and proposed mitigation measures.

Note that ongoing activities such as waste transfer may be undertaken on a decommissioned landfill: risks from these are not covered in the information below and will need to be considered separately.

References made to ‘model conditions’ refer to the document ‘Model operating conditions ERA 60—Waste disposal’, available at [https://www.des.qld.gov.au/policies?a=272936:policy\\_registry/pr-co-landfill.pdf](https://www.des.qld.gov.au/policies?a=272936:policy_registry/pr-co-landfill.pdf).

References to ‘common conditions’ refer to the document ‘Common conditions: Prescribed environmentally relevant activities’, available at [https://environment.des.qld.gov.au/\\_data/assets/pdf\\_file/0030/89841/pr-co-common-conditions-prescribed-eras.pdf](https://environment.des.qld.gov.au/_data/assets/pdf_file/0030/89841/pr-co-common-conditions-prescribed-eras.pdf).

#### 2.1.1 Impacts to Air

Environmental Risk	Potential Condition Changes
<b>Landfill gas</b> will continue to be produced within a landfill cell as waste decomposes. Generally, gas production will reach peak production after a few years, and then taper off for up to a few decades following waste disposal in the cell. Production quantities depend on the type and volume of gas-producing waste (putrescibles) in a cell.	Landfill gas monitoring conditions including any release limits associated with landfill gas are to remain on the EA or be applied from model conditions for ERA 60.
<b>Dust</b> nuisance may be caused by unsealed surfaces, for example, unsealed roads or earthworks within the area associated with any other further rehabilitation of the landfill site that may be required.	Dust nuisance management conditions are to remain or be applied on the EA (model or common conditions).
<b>Odour</b> nuisance impacts may be significantly lessened from the cessation of the landfill, but may remain in part, e.g. from leachate pond.	Odour nuisance management conditions are likely to remain or be applied on the EA (model or common conditions).

	Depending on the risk of impacts to sensitive receptors, other site-specific conditions may be retained.
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### 2.1.2 Impacts to Water

Environmental Risk	Potential Condition Changes
<p><b>Leachate</b> may impact groundwater and/or surface waters for as long as leachate is generated from the landfill.</p>	<p>Leachate monitoring and management conditions are likely to remain, or be added to the EA (model conditions). Existing conditions may need to be modified if there are changes to leachate management practices as a result of the landfill being decommissioned.</p> <p>Any existing groundwater monitoring requirements are likely to remain on the EA. Any existing surface water monitoring requirements are likely to remain on the EA. It is vital these conditions remain on the EA to enable early detection of any leachate released to or impacting waters.</p>
<p><b>Sediment-laden stormwater</b> may continue to be generated on site, depending on rehabilitation progress across the whole site.</p> <p>Note that you must have installed the final cap in accordance with EA conditions to meet the definition of ERA 60(4).</p>	<p>Water management conditions are to remain or be applied to the EA (model or common conditions). Conditions relating to releases to waters may be removed and replaced with a simple condition requiring that no contaminants are released to waters.</p> <p>Alternatively, stormwater management requirements including particular release limits are likely to remain, or be applied to the EA.</p>

### 2.1.3 Impacts to Land

Environmental Risk	Potential Condition Changes
<p><b>Rehabilitation requirements</b> will continue to apply to the EA. Changing the threshold will not alter the required rehabilitation outcome. This includes conditions concerning capping construction even though the capping system has been implemented, as it will be the responsibility of the EA holder to maintain the cap in accordance with the conditions of the EA.</p>	<p>Rehabilitation conditions including landfill unit cessation requirements to remain or be applied on the EA.</p> <p>If a change to rehabilitation requirements is proposed, then it is likely that technical information will be required to support the change.</p>
<p><b>Financial assurance</b>, if held for the activity, may require amendment as a result of the change of activity on site.</p>	<p>Conditions referring to financial assurance are likely to remain on the EA. Seek further information with the department if you decide you need to amend or discharge your financial assurance.</p>

A <b>site management plan</b> under Chapter 7, Part 8 of the <i>Environmental Protection Act 1994</i> may apply to your site, or one may be required to be developed by the conditions of your EA.	If development of a site management plan is required by the EA, and it has been developed and applied, conditions referring to this may be removed from the EA.
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#### 2.1.4 Impacts to the Acoustic Environment

Environmental Risk	Potential Condition Changes
<b>Noise generation</b> from waste handling activities may be significantly lessened with the cessation of the landfill, but may remain in part, e.g. vehicle movement from works on site, operation of pumps and/or plant such as flares.	Depending on the risk, conditions relating to noise emissions may be removed and replaced with a simple condition requiring no nuisance (common condition). Depending on the risk of impacts to sensitive receptors, other site-specific conditions may be retained.

#### 2.1.5 Impacts from Waste

Environmental Risk	Potential Condition Changes
<b>Waste acceptance criteria</b> and other conditions about waste handling are likely to become obsolete given that no further waste disposal is to be conducted on the site.	It is likely that a number of conditions relating to waste handling will be removed from the EA. Other conditions may be added to the EA, such as common conditions requiring that waste is taken offsite for disposal, or site-specific conditioning that requires that waste is not accepted at the site.

### 3 Summary

The department offers pre-lodgement meetings if you are seeking direction and advice regarding applications for environmental authorities.

To arrange a free pre-lodgement meeting with the department, contact Permit and Licence Management (PaLM) on 13 74 68 or at [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au), or submit an [Application for pre-lodgement services \(ESR/2015/1664 and ESR/2023/6440\)](#).

### 4 Further information

If you have any further questions, please contact the Permit and Licence Management on 1300 130 372 (option 4) or email at [palm@des.qld.gov.au](mailto:palm@des.qld.gov.au).

**Information sheet**

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**Disclaimer:** While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment, Science and Innovation should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

**Approved:**  
11 November 2020

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**Version history**

<b>Version</b>	<b>Date</b>	<b>Comments</b>
1.00	11 November 2020	Document first published
1.01	13 October 2023	Update to broken link and corporate template.
1.02	22 February 2024	Document rebranded to align with machinery of government changes