



Government Gazette

of the State of

New South Wales

Number 149

Wednesday, 20 November 2019

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GOVERNMENT NOTICES

Planning and Environment Notices

PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2014

Immobilised Contaminants Approval

Pursuant to Part 10 of the *Protection of the Environment Operations (Waste) Regulation 2014* (Waste Regulation), the New South Wales Environment Protection Authority (EPA) has granted the following Immobilised Contaminants Approval.

A) Approval Number

2017/02

This approval replaces general immobilisation approval number 2015/17 which is hereby revoked.

B) Duration of approval

This approval commences on 21 November 2019 and is valid until 19 January 2020, unless sooner amended or revoked.

C) Waste to which this approval applies

This approval applies to Pasmaenco Immobilised Waste which is:

1. Metallurgical furnace slag or metallurgical furnace slag contaminated excavated materials or metallurgical furnace flue dust or metallurgical furnace flue dust impacted excavated materials or any mixture of those materials that is located at residential premises inside the Pasmaenco Lead Abatement Strategy (LAS) Area at Cockle Creek, NSW 2284 (Annexure A – Map).

D) Contaminants to which this approval applies

This approval applies to the following contaminants:

- Arsenic (As)
- Beryllium (Be)
- Chromium (VI) (Cr(VI))
- Lead (Pb)
- Nickel (Ni).

Any other potential metallurgical slag waste must be assessed on a case by case basis via a separate Immobilised Contaminants Approval.

E) Responsible Person

The person or class of persons to whom this immobilised contaminants approval is granted are the persons who generate the waste to which this approval applies. Responsible persons must comply with the conditions of this approval.

F) Mechanism of immobilisation

Arsenic, beryllium, chromium (VI), lead, nickel and inorganic compounds of these elements are encapsulated within the furnace slag during its formation at elevated temperature exceeding 1,000 degrees Celsius. These elements and their silicate and other compounds are bonded within a vitrified solid mass.

G) Conditions of approval

1. Packaging requirements

- 1.1. Dusty materials must be bagged or drummed or otherwise contained to avoid dust generation during handling.
- 1.2. Excavated materials contaminated by metallurgical slag and/or metallurgical furnace flue dust should be handled, packaged and transported with the appropriate health, safety and environmental controls to prevent or minimise human and environmental exposure to the materials, or cross contamination.

2. Waste assessment requirements

- 2.1. For the Pasmaenco Immobilised Waste subject to this approval:
 - 2.1.1. No further testing and assessment is required.

3. Storage restrictions

- 3.1. Pasminco Immobilised Waste may only be stored at the Summerhill Waste Management Facility, Wallsend which is operated by Newcastle City Council (Environment Protection Licence No. 5897).
- 3.2. This approval only allows a total of up to 1000 tonnes of Pasminco Immobilised Waste to be stored.
- 3.3. Pasminco Immobilised Waste must be **stored** as follows:
 - 3.3.1. In a secure and bunded storage area which prevents sediment runoff.
 - 3.3.2. In a manner which prevents or minimises the generation of dust.

4. Waste tracking and notification requirements

- 4.1. Pasminco Immobilised Waste must be tracked using the EPA's WasteLocate system or equivalent process.

H) Definitions

In this approval:

Waste Classification Guidelines means the *Waste Classification Guidelines Part 1: Classifying Waste* (November 2014) published by the EPA and available at www.epa.nsw.gov.au.

Asela Atapattu
Director Hazardous Materials Chemicals and Radiation
By Delegation
Environment Protection Authority

Date: 13 November 2019



(n2019-3540)

PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2014

Waste Tracking Exemption

Pasminco Immobilised Waste being transported to
Summerhill Waste Management Facility

Notice of exemption granted under Part 9 in relation to waste tracking

By this notice the Environment Protection Authority (EPA) grants the following general exemption. The notice exempts the persons or classes of persons described herein from certain requirements in relation to the transportation and tracking of waste. The terms used in this notice have the same meaning as in the *Protection of the Environment Operations Act 1997* (the Act) and the *Protection of the Environment Operations (Waste) Regulation 2014* (the Regulation).

1. This exemption has effect from the date of publication and remains in force until revoked or amended by a notice published in the Government Gazette.

Waste to which the exemption applies

2. This exemption applies to Pasminco Immobilised Waste referred to in Immobilised Contaminants Approval 2017/02 that is trackable waste and that is being transported to Summerhill Waste Management Facility (SWMF) (Environment Protection Licence No. 5897).
3. This exemption applies to such waste delivered by a householder to SWMF; or collected from a householder and delivered to SWMF.
4. It exempts
 - a. a consignor;
 - b. a transporter; and
 - c. a receiverof waste to which this exemption applies from Part 4 of the Regulation, but only in so far as Part 4 applies by virtue of Clause 41(1)(a) of the Regulation.
5. An exemption under this notice has effect only if the waste is transported to SWMF.

Conditions relating to the exemption of consignors

6. A consignor of Pasminco Immobilised Waste is exempt under this notice only if the consignor complies with the following conditions:
 - a. before the transport of any Pasminco Immobilised Waste, the consignor must register as a consignor of Pasminco Immobilised Waste by providing the required information to the EPA on WasteLocate (or equivalent), and
 - b. before the transport of any Pasminco Immobilised Waste, the consignor must provide the required information on the waste and transporter to the EPA on WasteLocate (or equivalent).

Conditions relating to the exemption of transporters

7. A transporter of Pasminco Immobilised Waste is exempt under this notice only if the transporter complies with the following conditions:
 - a. no later than on delivery of the load of Pasminco Immobilised Waste, the transporter must register as a transporter of Pasminco Immobilised Waste by providing the required information to the EPA on WasteLocate (or equivalent), and
 - b. for each load of Pasminco Immobilised Waste transported, and no later than on delivery of each load of Pasminco Immobilised Waste, the transporter must provide the required information on the transport for the specific consignment to the EPA on WasteLocate (or equivalent), and
 - c. on delivery of each load of Pasminco Immobilised Waste to SWMF, the transporter must scan the EPA Fixed Plate at SWMF through their mobile device (or equivalent).

Conditions relating to the exemption of receivers

8. Newcastle City Council, the occupier of SWMF, as the receiver of Pasminco Immobilised Waste, is exempt under this notice only if SWMF complies with the following conditions:
 - a. on and from delivery of the first load of Pasminco Immobilised Waste to its premises, Newcastle City Council must display an EPA Fixed Plate at its premises, and

- b. if the EPA Fixed Plate at SWMF is not scanned by the transporter of the PasmaInco Immobilised Waste, Newcastle City Council must provide the EPA the following information in relation to the load:
 - i. the date and time of delivery of the load of PasmaInco Immobilised Waste, and
 - ii. the vehicle registration number of the vehicle driven by or on behalf of the transporter for the specific consignment.

Newcastle City Council must provide this information to the EPA:

- i. in writing using the form in Appendix 1 of the Asbestos and Waste Tyres Guidelines,
- ii. within 7 days after the end of the month in which the load was received, and
- iii. via email to waste.operations@epa.nsw.gov.au or by post to EPA Waste Operations, PO Box A290, Sydney South, NSW 1232, unless authorised otherwise by an EPA authorised officer.

Interstate movement of waste to which Part 3 applies

9. This notice does not exempt any person or class of person from Part 4 of the Regulation in so far as Part 4 applies by virtue of clause 41(1)(b) of the Regulation.

Dangerous Goods requirements

10. This notice does not exempt any person or class of person from any requirement under the *Road and Rail Transport (Dangerous Goods) Act 1997* or the Regulations made under that Act.

Definitions:

- **Asbestos and Waste Tyres Guidelines** – the document of that name, published by the EPA in the Gazette (as amended or replaced, from time to time, by notice published in the Gazette). A copy of the guidelines is available on the EPA’s website (www.epa.nsw.gov.au).
- **EPA Fixed Plate** – a fully-functioning fixed plate approved by the EPA with a unique QR2id code and alphanumeric number for a particular premises.
- **Householder** – person who owns, or rents, or lives in a house or tenement, and generates PasmaInco Immobilised Waste.
- **PasmaInco Immobilised Waste** – Metallurgical furnace slag or metallurgical furnace slag contaminated excavated materials or metallurgical furnace flue dust or metallurgical furnace flue dust impacted excavated materials or any mixture of those materials that is located at residential premises inside the PasmaInco Lead Abatement Strategy (LAS) Area at Cockle Creek, NSW 2284 (Annexure A – Map).
- **SWMF** – Summerhill Waste Management Facility, Summerhill Road, Wallsend, 2287, NSW.
- **WasteLocate** – the online tool developed by the EPA for reporting on the location and movement of certain waste types.

Dated: 13 November 2019

ASELA ATAPATTU

Director Hazardous Materials, Chemicals and Radiation
(On behalf of the Environment Protection Authority)

Annexure A – Map



(n2019-3541)