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Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Access Recycling cement fibre board exemption September 2019

Introduction

This exemption:

- is issued by the NSW Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Access Recycling cement fibre board from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Access Recycling cement fibre board order September 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Access Recycling cement fibre board that is, or is intended to be, **applied to land** as a soil amendment.
- 1.2. **Access Recycling cement fibre board** means approximately 50,000 tonnes of material comprising of sand, cement, cellulose and water processed to a particle size less than 2mm from cement fibre board manufactured at CSR Build Products Ltd, Victoria Rd, Wetherill Park NSW 2164 and stockpiled at Access Recycling, 1 Mandamah Rd, Barmedman NSW 2668.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, Access Recycling cement fibre board to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 19 September 2019 and is valid until 3 July 2020 or until revoked by the EPA by notice published in the Government Gazette at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of Access Recycling cement fibre board is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Access Recycling cement fibre board to land as a soil amendment at the premises:
 - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109, 110 and 114 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Access Recycling cement fibre board is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time Access Recycling cement fibre board is received at the premises, the material must meet all chemical and other attribute requirements for Access Recycling cement fibre board which are required on or before the supply of Access Recycling cement fibre board under 'the Access Recycling cement fibre board order September 2019'.
- 6.2. Access Recycling cement fibre board can only be applied to land as a soil amendment.
- 6.3. Prior to applying Access Recycling cement fibre board to land, the consumer must characterise the soil to which Access Recycling cement fibre board will be land applied and use this characterisation to determine appropriate application rates. The application rate must be equal to or less than the agronomic rate for the most limiting factor.
- 6.4. The consumer must incorporate Access Recycling cement fibre board into the topsoil.
- 6.5. The consumer must keep a written record of the following for a period of six years:
 - the quantity of Access Recycling cement fibre board received; and
 - the name and address of the supplier of Access Recycling cement fibre board.
- 6.6. The consumer must ensure that they do not cause or permit the migration of dust from the land application site.
- 6.7. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.

- 6.8. The consumer must apply Access Recycling cement fibre board to land within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Access Recycling cement fibre board to land.

Director Resource Recovery Policy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Access Recycling cement fibre board is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert scientific or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Access Recycling cement fibre board remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The ANL mulch exemption February 2018

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of ANL mulch and blended ANL mulch from certain requirements under the Protection of the Environment Operations Act 1997 (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the ANL mulch order February 2018'.

1. Waste to which this exemption applies

1.1 This exemption applies to ANL mulch and blended ANL mulch that is, or is intended to be, applied to land as a soil amendment.

1.2 **ANL mulch** means mulch that contains no more than 15% by volume ANL pallets. Mulch means plant material shredded and/or screened to a preferred particle size grading for particular applications. Mulch, by virtue of the nature and source of the plant material, must pose minimal risk of the presence of physical and chemical contaminants.¹

Mulch may include urban wood residues and forestry and sawmill residues. Mulch does not include plant material from kerbside waste collections.

2. Persons to whom this exemption applies

2.1 This exemption applies to any person who applies, or intends to apply, ANL mulch, or blended ANL mulch, to land as set out in 1.1.

3. Duration

3.1 This exemption commences on 28 February 2018 and is valid until 28 February 2020 unless revoked by the EPA by notice in the Government Gazette at an earlier date.

¹ Where there is a significant risk of the presence of physical and chemical contaminants in plant material, such as from kerbside waste collections, this waste stream must be assessed against and comply with the conditions of 'the pasteurised garden organics order 2016'.

4. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application of ANL mulch and blended ANL mulch is carried out.

5. Exemption

- 5.1 Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of ANL mulch and blended ANL mulch land at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2 The exemption does not apply in circumstances where ANL mulch and blended ANL mulch is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1 At the time ANL mulch or blended ANL mulch is received at the premises, the material must meet all material requirements for ANL mulch and blended ANL mulch which are required on or before the supply of ANL mulch and blended ANL mulch under 'the ANL mulch order February 2018'.
- 6.2 ANL mulch and blended ANL mulch can only be applied to land as a soil amendment.
- 6.3 The consumer must ensure that they do not cause or permit the migration of leachate from the land application site.
- 6.4 The consumer must ensure that any application of ANL mulch and blended ANL mulch to land occurs within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

ANL pallets means waste off-cuts of green-off-sawn from the production of pallets, which are not treated with any chemicals other than coloured, if at all, with 618-83325 CHEP Blue colourant only, and are supplied to Australian Native Landscapes Pty Ltd.

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, ANL mulch and blended ANL mulch to land.

engineered wood products means engineered, painted, treated or composite wood products such as particleboard, oriented strand board, plywood, laminated veneer

lumber, glulam or fibreboard that are manufactured with glues, resins, water repellents, fire retardants, fungal inhibitors and/or other chemicals.

forestry and sawmill residues means untreated and uncontaminated plant materials from forestry operations such as logging, silviculture and sawmilling. Forestry and sawmill residues include materials such as bark, woodchip, sawdust and wood fibre that are collected as a source separated material stream for processing.

preservative treated or coated wood residues means wood residues that are preservative treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP) and/or coated with substances such as varnish or paint.

processor means a person who processes, mixes, blends, or otherwise incorporates ANL mulch or blended ANL mulch into a material in its final form for supply to a consumer. The processor in this order is Australian Native Landscapes Pty Ltd.

urban wood residues means untreated, unpainted, and uncontaminated urban derived timber and wood material that is collected as a separate material stream for processing. Urban wood residues include materials such as off-cuts, saw dust, wood shavings, packaging crates and pallets.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not ANL mulch and blended ANL mulch is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of ANL mulch and blended ANL mulch remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.

The processor must implement procedures to prevent the presence of engineered wood products or preservative treated or coated wood residues other than those described above and/or physical contaminants in ANL mulch and blended ANL mulch. These procedures must be formally documented.

ANL mulch and blended ANL mulch that meets the conditions of this exemption should be applied to land by the consumer within 2 weeks of being received. Where there are extenuating circumstances ANL mulch and blended ANL mulch should be land applied within 4 weeks to ensure that composting of ANL mulch does not occur. The EPA considers that 6 weeks would be the absolute limit in all circumstances.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Australian Rail Track Corporation excavated material exemption 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Australian Rail Track Corporation ('ARTC') excavated material from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Australian Rail Track Corporation excavated material order 2019'.

1. Waste to which this exemption applies

1.1. This exemption applies to ARTC excavated material that is, or is intended to be, applied to land for the purposes of:

- earthworks during construction activities on land zoned for industrial uses;
- building or maintaining railway infrastructure; or
- public road related activities within the road corridor, including road construction, maintenance and installation of public road infrastructure facilities.

1.2. ARTC excavated material means soil, sand, ballast, rock or aggregate that is derived through activities within the ARTC rail corridor, including redevelopment and reconditioning of railway lines, access roads and other ancillary railway systems.

2. Persons to whom this exemption applies

2.1. This exemption applies to any person who applies or intends to apply ARTC excavated material to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 1 May 2019 and is valid until 1 May 2020, unless revoked by the EPA by notice in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of ARTC excavated material is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of ARTC excavated material to land as engineering fill or for purposes described in clause 1.1 at the premises:

- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
- Part 4 of the Waste Regulation;
- section 88 of the POEO Act; and
- clause 109 and 110 of the Waste Regulation.

- 5.2. The exemption does not apply in circumstances where ARTC excavated material is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal' (thermal treatment) of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the ARTC excavated material is received at the premises, the material must meet all chemical and other material requirements for ARTC excavated material which are required on or before the supply of ARTC excavated material under 'the Australian Rail Track Corporation excavated material order 2019'.
- 6.2. The ARTC excavated material can only be applied to land for purposes described in clause 1.1.
- 6.3. The ARTC excavated material must not be applied to land in environmentally sensitive areas.
- 6.4. This approval does not apply to any of the following applications:
- 6.4.1. Landscaping,
 - 6.4.2. Residential construction or renovation,
 - 6.4.3. Construction of dams or related water storage infrastructure,
 - 6.4.4. Mine site rehabilitation,
 - 6.4.5. Quarry rehabilitation,
 - 6.4.6. Agriculture or forestry applications,
 - 6.4.7. Sand dredge pond rehabilitation,
 - 6.4.8. Back filling of quarry voids, and
 - 6.4.9. Raising or reshaping of land used for agriculture.

- 6.5. The consumer must ensure that ARTC excavated material is not applied in or beneath water, including groundwater.
- 6.6. The consumer must keep a written record of the following for a period of six years:
 - the quantity of any ARTC excavated material received; and
 - the name and address of the supplier of the ARTC excavated material received.
- 6.7. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.8. The consumer must ensure that any application of ARTC excavated material to land must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply ARTC excavated material to land.

environmentally sensitive area means any of the following:

- (a) land to which [State Environmental Planning Policy No 14—Coastal Wetlands](#) or [State Environmental Planning Policy No 26—Littoral Rainforests](#) applies;
- (b) land within a wetland of international significance declared under the [Ramsar Convention on Wetlands](#) or within a World heritage area declared under the [World Heritage Convention](#);
- (c) land reserved as an aquatic reserve under the [Fisheries Management Act 1994](#) or as a marine park under the [Marine Parks Act 1997](#);
- (d) land within 100 metres of land to which paragraph (a), (b) or (c) applies;
- (e) land identified in any environmental planning instrument as being of high biodiversity significance;
- (f) land reserved under the [National Parks and Wildlife Act 1974](#) or land acquired under Part 11 of that Act;
- (g) land reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna or for other environmental protection purposes;
- (h) land identified as being critical habitat under the [Threatened Species Conservation Act 1995](#) or Part 7A of the [Fisheries Management Act 1994](#);
- (i) land dedicated or set apart under the [Forestry Act 2012](#) or the former Act as a flora reserve;
- (j) land (including subterranean lands) declared to be a wilderness area under the [Wilderness Act 1987](#) or the [National Parks and Wildlife Act 1974](#);
- (k) any additional areas listed as an environmentally sensitive area in a relevant Local Environmental Plan; and
- (l) agricultural land being land used for broad acre cropping, pasture, horticulture, growing fruit and keeping livestock.

public roads means:

- (a) any road that is opened or dedicated as a public road, whether under the *Roads Act 1993* (the Roads Act) or any other act or law, and
- (b) any road that is declared to be a public road for the purposes of the Roads Act.

public road infrastructure facilities means:

- (a) tunnels, ventilation shafts, emergency accessways, vehicle or pedestrian bridges, causeways, road-ferries, retaining walls, toll plazas, toll booths, security systems, bus lanes, transit lanes, transitways, transitway stations, rest areas and road related areas (within the meaning of the *Road Transport (General) Act 2005*), and
- (b) associated public transport facilities for roads used to convey passengers by means of regular bus services within the meaning of the *Passenger Transport Act 1990*, and
- (c) bus layovers that are integrated or associated with roads (whether or not the roads are used to convey passengers by means of regular bus services within the meaning of the *Passenger Transport Act 1990*), and
- (d) traffic control facilities (as defined by the *Transport Administration Act 1988*), RMS road safety training facilities and safety works.

RMS means the Roads and Maritime Services of New South Wales.

road corridor means land that is used for the purposes of a road or road infrastructure facilities or for maintaining or constructing a road or road infrastructure facilities and that is owned or managed by the RMS or council.

Director Resource Recovery Policy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the ARTC excavated material is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of ARTC excavated material remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The ARTC waste timbers exemption December 2018

Introduction

This exemption:

- Is issued by the NSW Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of ARTC waste timbers or blended ARTC waste timbers from certain requirements under the Protection of the Environment Operations Act 1997 (POEO Act) and Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the ARTC waste timbers order December 2018'.

1. Waste to which this exemption applies

1.1. This order applies to ARTC waste timbers. In this order, ARTC waste timbers means turnout timbers, transoms and timber sleepers that:

- (a) have been sourced from ARTC Inland Rail Network or from ARTC Railway Network as defined in Environment Protection Licence (EPL) 3142;
- (b) have been generated from ARTC re-sleeping programs and emergency track work;
- (c) have not been sourced from the Armidale – Werris Creek Line;
- (d) have not been sourced within 100m of a railway yard or station;
- (e) have not been sourced from locations within the ARTC Contaminated Land Database; and
- (f) meet all the criteria of the ARTC Waste Timber Separation and Management Protocol (Attachment 1).

2. Persons to whom this exemption applies

2.1. This exemption applies to any person who applies, or intends to apply, ARTC waste timbers or blended ARTC waste timbers to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 7 December 2018 and is valid until 6 December 2019 or until revoked by the EPA by notice published in the Government Gazette.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended land application of ARTC waste timbers or blended ARTC waste timbers is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual, or intended application, of ARTC waste timbers or blended ARTC waste timbers to land in civil engineering structures or as a soil amendment or as input to compost;
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where ARTC waste timbers or blended ARTC waste timbers is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time ARTC waste timbers or blended ARTC waste timbers are received at the premises, it must meet all chemical and other material requirements for ARTC waste timbers or blended ARTC waste timbers which are required under 'the ARTC waste timbers order December 2018'.
- 6.2. ARTC waste timbers or blended ARTC waste timbers can only be applied to land in civil engineering structures or as a soil amendment or as an input into compost.
- 6.3. The consumer must not undertake further processing of the ARTC waste timbers or blended ARTC waste timbers at the land application site.
- 6.4. The consumer must ensure that any application of ARTC waste timbers or blended ARTC waste timbers to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, ARTC waste timbers or blended ARTC waste timbers to land.

Director Waste Policy, Innovation and Strategy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not ARTC waste timbers or blended ARTC waste timbers is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of ARTC waste timbers or blended ARTC waste timbers remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Avoca Beach excavated material exemption 2019

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of Avoca Beach excavated material from certain requirements in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Avoca Beach excavated material order 2019'. This exemption applies to Avoca Beach excavated material that is, or is intended to be, applied to land as general fill for civil construction works.

1. Waste to which this exemption applies

1.1. This exemption applies to Avoca Beach excavated material. In this exemption, Avoca Beach excavated material means approximately 5000 tonnes of naturally occurring rock and sand that:

- (a) has been excavated from Avoca Beach, NSW during beach and revetment development works;
- (b) contains at least 98% (by weight) natural soil; and
- (c) does not meet the definition of virgin excavated natural material in the POEO Act.

Avoca Beach excavated material does not include soil that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

2. Persons to whom this exemption applies

2.1. This exemption applies to any person who applies or intends to apply Avoca Beach excavated material to land as set out in 1.1.

3. Duration

3.1. This exemption commences on 16 August 2019 and is valid until 16 February 2020, unless revoked by the EPA by notice in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application of Avoca Beach excavated material is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Avoca Beach excavated material to land as general fill in civil construction works:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Avoca Beach excavated material is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time Avoca Beach excavated material is received at the premises, it must meet all chemical and other soil requirements for Avoca Beach excavated material which are required under 'the Avoca Beach excavated material order 2019'.
- 6.2. Avoca Beach excavated material can only be applied to land as general fill in civil construction works. The Avoca Beach excavated material cannot be used as structural fill for engineering purposes.
- 6.3. Before application the consumer must assess whether the Avoca Beach excavated material is fit for purpose for the intended use.
- 6.4. The consumer must keep a written record of the following for a period of six years:
- 6.4.1. the quantity of Avoca Beach excavated material received; and
 - 6.4.2. the name and address of the supplier of Avoca Beach excavated material received.
- 6.5. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.6. The consumer must ensure that any application of Avoca Beach excavated material to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Avoca Beach excavated material to land.

generator means a person who generates Avoca Beach excavated material for supply to a consumer. In this exemption the generator is Central Coast Council.

Director Resource Recovery Policy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Avoca Beach excavated material is fit for the purpose the soil is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Avoca Beach excavated material remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this soil, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Bettergrow process water compost exemption 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Bettergrow process water compost from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Bettergrow process water compost order 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Bettergrow process water compost that is, or is intended to be, applied to land as a soil amendment.
- 1.2. Bettergrow process water compost means compost produced by Bettergrow at their Ravensworth composting facility, 74 Lemington Road Ravensworth (EPL #7654), and which has been produced using process water as a moisture input and that, otherwise than for the addition of process water, meets all of the conditions of the 'compost order 2016'.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, Bettergrow process water compost to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 28 August 2019 and is valid until 28 August 2021, unless revoked in writing by the EPA at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of Bettergrow process water compost is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Bettergrow process water compost to land as a soil amendment at the premises:
 - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109, 110 and 114 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Bettergrow process water compost is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the Bettergrow process water compost is received at the premises, the material must meet all chemical and other material requirements which are required on or before the supply of Bettergrow process water compost under 'the Bettergrow process water compost order 2019'.
- 6.2. The Bettergrow process water compost can only be applied to land as a soil amendment.
- 6.3. The consumer must ensure that they do not cause or permit the migration of leachate from the land application site.
- 6.4. The consumer must keep a written record of the following for a period of six years:
 - the quantity of any Bettergrow process water compost received; and
 - the name and address of the supplier of the Bettergrow process water compost received.
- 6.5. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.6. The consumer must ensure that any application of Bettergrow process water compost to land must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

compost means material that meets all chemical and other material requirements, for compost which are required on or before the supply of compost under ‘the compost order 2016’.

consumer means a person who applies, or intends to apply, Bettergrow process water compost to land

Processor means a person who person who processes, mixes, blends or otherwise adds process water as an input to a composting process to produce compost. The processor in this order is Bettergrow Pty Ltd, 74 Lemington Road, Ravensworth NSW (EPL #7654).

Director Resource Recovery Policy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the Bettergrow process water compost is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Bettergrow process water compost remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Bettergrow separated drilling mud (gravel) exemption 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Bettergrow separated drilling mud (gravel) from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Bettergrow separated drilling mud (gravel) order 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Bettergrow separated drilling mud (gravel) that is, or is intended to be, applied to land for road making activities, building, landscaping and construction works.
- 1.2. Bettergrow separated drilling mud (gravel) means gravel with particle size 6mm to 50mm separated from drill slurries and water from horizontal directional drillers and hydro-excavation works at Bettergrow Vineyard Facility, 48 Industry Road, Vineyard NSW 2675.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, Bettergrow separated drilling mud (gravel) to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 28 August 2019 and is valid until 28 August 2021 unless revoked by the EPA in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of Bettergrow separated drilling mud (gravel) is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Bettergrow separated drilling mud (gravel) to land when used for road making activities, building, landscaping and construction works at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Bettergrow separated drilling mud (gravel) is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time Bettergrow separated drilling mud (gravel) is received at the premises, the material must meet all chemical and other material requirements for Bettergrow separated drilling mud (gravel) which are required on or before the supply of Bettergrow separated drilling mud (gravel) under 'the Bettergrow separated drilling mud (gravel) order 2019'.
- 6.2. Bettergrow separated drilling mud (gravel) can only be applied to land in road making activities, building, landscaping and construction works. This approval does not apply to any of the following applications:
- 6.2.1. Construction of dams or related water storage infrastructure,
 - 6.2.2. Mine site rehabilitation,
 - 6.2.3. Quarry rehabilitation,
 - 6.2.4. Sand dredge pond rehabilitation,
 - 6.2.5. Back filling of quarry voids,
 - 6.2.6. Raising or reshaping of land used for agriculture, and
 - 6.2.7. Construction of roads on private land unless:
 - (a) Bettergrow separated drilling mud (gravel) is applied only to the minimum extent necessary for the construction of the road, and
 - (b) a development consent has been granted under the relevant Environmental Planning Instrument (EPI), or
 - (c) it is to provide access (temporary or permanent) to a development approved by a Council, or
 - (d) the works are either exempt or complying development.

- 6.3. The consumer must keep a written record of the following for a period of six years:
- the quantity of any Bettergrow separated drilling mud (gravel) received; and
 - the name and address of the supplier of Bettergrow separated drilling mud (gravel) received.
- 6.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.5. The consumer must ensure that any application of Bettergrow separated drilling mud (gravel) to land must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Bettergrow separated drilling mud (gravel) to land.

Director Resource Recovery Policy
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Bettergrow separated drilling mud (gravel) is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Bettergrow separated drilling mud (gravel) remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Bettergrow separated drilling mud (soil) exemption 2019

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of Bettergrow separated drilling mud (soil) and blended Bettergrow separated drilling mud (soil) from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Bettergrow separated drilling mud (soil) order 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Bettergrow separated drilling mud (soil) that is, or is intended to be, applied to land as engineering fill or for use in earthworks, and blended Bettergrow separated drilling mud (soil) that is, or is intended to be applied to land for landscaping.
- 1.2. This exemption applies to Bettergrow separated drilling mud (soil) and Bettergrow separated drilling mud (soil) landscape soil blends (blended Bettergrow separated drilling mud (soil)). In this exemption, Bettergrow separated drilling mud (soil) means soil with particle size 0.075 mm to 6 mm separated from drill slurries and water from horizontal directional drillers and hydro-excavation works at Bettergrow Vineyard Facility, 48 Industry Road, Vineyard NSW 2675 that:
 - (a) contains at least 98% (by weight) natural material; and
 - (b) does not meet the definition of virgin excavated natural material in the POEO Act.

Bettergrow separated drilling mud (soil) does not include material that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

Blended Bettergrow separated drilling mud (soil) means Bettergrow separated drilling mud (soil) which has been blended with other materials to produce a landscaping soil.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person, who applies, or intends to apply, Bettergrow separated drilling mud (soil) and blended Bettergrow separated drilling mud (soil) to land as set out in 1.1.

3. Duration

3.1. This exemption commences on 28 August 2019 and is valid until 28 August 2021 unless revoked at an earlier date by the EPA.

4. Premises to which this exemption applies

4.1 This exemption applies to the premises at which the consumer's actual or intended application of Bettergrow separated drilling mud (soil) and blended Bettergrow separated drilling mud (soil) is carried out.

5. Exemption

5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Bettergrow separated drilling mud (soil) to land as engineering fill or for use in earthworks and blended Bettergrow separated drilling mud (soil) for landscaping at the premises:

- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
- Part 4 of the Waste Regulation;
- section 88 of the POEO Act; and
- clause 109 and 110 of the Waste Regulation.

5.2. The exemption does not apply in circumstances where Bettergrow separated drilling mud (soil) or blended Bettergrow separated drilling mud (soil) is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

6.1. At the time Bettergrow separated drilling mud (soil) and blended Bettergrow separated drilling mud (soil) is received at the premises, it must meet all chemical and other material requirements for Bettergrow separated drilling mud (soil) and blended Bettergrow separated drilling mud (soil) which are required under 'the Bettergrow separated drilling mud (soil) order 2019'.

6.2. Bettergrow separated drilling mud (soil) can only be applied to land as engineering fill or for use in earthworks.

6.3. Blended Bettergrow separated drilling mud (soil) can only be applied to land as landscaping material.

6.4. The consumer must keep a written record of the following for a period of six years:

6.4.1. the quantity of Bettergrow separated drilling mud (soil) or blended Bettergrow separated drilling mud (soil) received; and

6.4.2. the name and address of the supplier of Bettergrow separated drilling mud (soil) or blended Bettergrow separated drilling mud (soil).

6.5. The consumer must make any records required to be kept under this exemption available to the EPA on request.

6.6. The consumer must ensure that any application of Bettergrow separated drilling mud (soil) and blended Bettergrow separated drilling mud (soil) to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Bettergrow separated drilling mud (soil) and blended Bettergrow separated drilling mud (soil) to land.

generator means a person who generates Bettergrow separated drilling mud (soil) for supply to a consumer. The generator in this exemption is Bettergrow Pty Ltd.

Processor means a person who blends Bettergrow Separated drilling mud (soil) with other materials to create landscape soil blends for supply to a consumer.

Director, Resource Recovery Policy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Bettergrow separated drilling mud (soil) or blended Bettergrow separated drilling mud (soil) is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Bettergrow separated drilling mud (soil) or blended Bettergrow separated drilling mud (soil) remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014

The Borg Panels Urban Wood Residue trial order September 2019

Introduction

This order, issued by the Environment Protection Authority (EPA) under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), imposes the requirements that must be met by suppliers of Borg Panels Urban Wood Residue to which 'The Borg Panels Urban Wood Residue trial exemption September 2019' applies. The requirements in this order apply in relation to the supply of Borg Panels Urban Wood Residue for use as an alternate raw material in the manufacture of Borg Panels Particleboard at Borg Panels Pty Ltd, 124 Lowes Rd Oberon NSW 2787 (Environment Protection Licence 3035).

1. Waste to which this order applies

1.1. This order applies to Borg Panels Urban Wood Residue. In this order, **Borg Panels Urban Wood Residue** means material intended to be used in the manufacture of Borg Panels Particleboard consisting of:

- a) forestry and sawmilling residues from wood processing operations; and
- b) sawn wood, off-cuts, saw dust, wood shavings and other wood residues from engineered wood products generated from secondary wood processing facilities including those treated with synthetic pyrethroids and imidacloprid and azoles; and
- c) unpainted wood packaging pallets and crates; and
- d) pallets painted with 100% waterborne acrylic paint.

Borg Panels Urban Wood Residue is collected as a separate material stream for supply and does not include:

- a) source separated garden waste; and
- b) asbestos waste; and
- c) physical contaminants, including but not limited to glass, metal, stone, plaster, rubber, paper, cloth, rigid plastics, flexible plastics, or polystyrene; and
- d) wood treated with copper chrome arsenate (CCA) and creosote; and
- e) construction waste; and
- f) wood contaminated by petroleum.

2. Persons to whom this order applies

- 2.1. The requirements in this order apply, as relevant, to any person who supplies Borg Panels Urban Wood Residue that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of Borg Panels Urban Wood Residue to a consumer at a premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)', clause 40 'waste disposal (thermal treatment)', and clause 18 'energy recovery' of Schedule 1 of the POEO Act.

3. Duration

- 3.1. This order commences on 10 September 2019 and is valid until 30 October 2020 unless revoked by the EPA by notice in the Government Gazette at an earlier date.

4. Generator requirements

The EPA imposes the following requirements on any person who supplies Borg Panels Urban Wood Residue.

Notification

- 4.1. On or before each transaction, the generator must provide the following to each person to whom Borg Panels Urban Wood Residue is supplied:
 - a written statement of compliance certifying that all the requirements set out in this order have been met; and
 - a copy of 'The Borg Panels Urban Wood Residue Trial order September 2019'.

Record keeping and reporting

- 4.2. The generator must keep a written record of the following for a period of six years:
 - a) the quantity of Borg Panels Urban Wood Residue supplied; and
 - b) the name and address of each person to whom Borg Panels Urban Wood Residue was supplied under this order.
- 4.3. The generator must notify the consumer within seven days of becoming aware that it has not complied with condition 1.1.

5. Definitions

In this order:

asbestos means any waste that contains asbestos.

consumer means a person who uses, or intends to use, Borg Panels Urban Wood Residue as an alternate raw material in the manufacture of Borg Panels Particleboard. The consumer in this order is Borg Panels Pty Ltd, 124 Lowes Rd Oberon NSW 2787 (Environment Protection Licence 3035).

construction waste means waste that results from the construction, demolition, repair or alteration of buildings or infrastructure.

engineered wood products mean engineered, painted, treated or composite wood products such as particleboard, oriented strand board, plywood, laminated veneer lumber, glulam or fibreboard that are manufactured with glues, resins, water repellents, fire retardants, fungal inhibitors and/or other chemicals.

forestry and sawmilling residues mean untreated and uncontaminated plant materials from forestry operations such as logging, silviculture and sawmilling. Forestry and sawmill residues include materials such as bark, woodchip, sawdust and wood fibre that are collected as a source separated material stream for processing.

generator means a person who generates on-site and supplies Borg Panels Urban Wood Residue.

transaction means the first supply of Borg Panels Urban Wood Residue as required under the arrangement, where the recipient has an arrangement for more than one supply of Borg Panels Urban Wood Residue.

Director Resource Recovery Policy

NSW Environment Protection Authority

Notes

The EPA may amend or revoke this order at any time. It is the responsibility of each generator to ensure it complies with all relevant requirements of the most current order.

In gazetting or otherwise issuing this order, the EPA is not in any way endorsing the supply or use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this order are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this order nor the accompanying exemption guarantee that the environment, human health or agriculture will not be harmed.

Any person or entity which supplies Borg Panels Urban Wood Residue should assess whether the material is fit for the purpose the material is proposed to be used for, and whether this use may cause harm. The generator may need to seek expert technical advice.

Regardless of any exemption or order provided by the EPA, the person who causes or permits the use of the substance must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The supply of Borg Panels Urban Wood Residue remains subject to other relevant environmental regulations in the POEO Act and Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of this order, is guilty of an offence and subject to prosecution.

This order does not alter the requirements of any other relevant legislation that must be met in supplying this material. Failure to comply with the conditions of this order constitutes an offence under clause 93 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Clarence Property Stockpile exemption December 2018

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of Clarence Property Stockpile from certain requirements in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Clarence Property Stockpile order December 2018'. This exemption applies to Clarence Property Stockpile that is, or is intended to be, applied to land as engineering fill or for use in earthworks

1. Waste to which this exemption applies

1.1. This exemption applies to Clarence Property Stockpile. In this exemption, Clarence Property Stockpile means up to 19,000 m³ of excavated white beach sand from earthwork activities that:

- (a) has been sourced from Lot 15 Deposited Plan 1198266 of the eastern section of Casuarina Town centre, Casuarina NSW (see attached map in Attachment 1 of the order);
- (b) does not include material that exceed above 0.35 µS/hr
- (c) is identified as 'Stockpile Area' in Attachment 1 of the order;
- (d) contains at least 98% (by weight) natural material; and
- (e) does not meet the definition of virgin excavated natural material in the POEO Act.

Clarence Property Stockpile does not include material that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

2. Persons to whom this exemption applies

2.1. This exemption applies to Clarence Property Pty Ltd, who intend to apply Clarence Property Stockpile to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 1 January 2019 and is valid until 1 June 2020 or unless revoked by the EPA by notice published in the Government Gazette.

4. Premises to which this exemption applies

- 4.1 This exemption applies to premises at which the consumer's actual or intended land application of Clarence Property Stockpile is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Clarence Property Stockpile to land as fill;
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Clarence Property Stockpile is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time Clarence Property Stockpile is received at the premises, it must meet all chemical and other material requirements for Clarence Property Stockpile which are required under 'the Clarence Property Stockpile order November 2018'.
- 6.2. Clarence Property Stockpile can only be applied to land as fill or for the use in earthworks.
- 6.3. The consumer can only apply Clarence Property Stockpile to land consistent with section 6.2 where it is not applied in or beneath water, including groundwater.
- 6.4. The consumer must keep a written record of the following for a period of six years:
- 6.4.1. the quantity of Clarence Property Stockpile received; and
 - 6.4.2. the name and address of the supplier of Clarence Property Stockpile received.
- 6.5. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.6. The consumer must ensure that any application of Clarence Property Stockpile to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Clarence Property Stockpile to land.

generator means a person who generates Clarence Property Stockpile for supply to a consumer. The generator in this exemption is Clarence Property.

Director, Waste Policy, Innovation and Strategy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Clarence Property Stockpile is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Clarence Property Stockpile remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Clarence River Crossing recovered aggregate exemption November 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Clarence River Crossing recovered aggregate from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Clarence River Crossing recovered aggregate order November 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Clarence River Crossing recovered aggregate that is, or is intended to be, applied to land for road making activities, building, landscaping and construction works.
- 1.2. Clarence River Crossing recovered aggregate means 10,000 m³ of concrete and asphalt aggregate generated during works on the 'Clarence River Crossing Project' by Fulton Hogan Pty Ltd.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, Clarence River Crossing recovered aggregate to land as set out in clause 1.

3. Duration

- 3.1. This exemption commences on 22 November 2019 and is valid until 31 May 2020 unless revoked by the EPA at an earlier date.

4. Revocation

- 4.1. 'The Clarence River Crossing recovered aggregate exemption 2019' which commenced on 16 August 2019 is revoked from 22 November 2019.

5. Premises to which this exemption applies

- 5.1. This exemption applies to the premises at which the consumer's actual or intended application of Clarence River Crossing recovered aggregate is carried out.

6. Exemption

- 6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Clarence River Crossing recovered aggregate to land when used for the construction of a flood mound at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 6.2. The exemption does not apply in circumstances where Clarence River Crossing recovered aggregate is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

- 7.1. At the time the Clarence River Crossing recovered aggregate is received at the premises, the material must meet all chemical and other material requirements for Clarence River Crossing recovered aggregate which are required on or before the supply of Clarence River Crossing recovered aggregate under 'the Clarence River Crossing recovered aggregate order November 2019'.
- 7.2. The Clarence River Crossing recovered aggregate can only be applied to land for road making activities, building, landscaping and construction works. This approval does not apply to any of the following applications:
- 7.2.1. Construction of dams or related water storage infrastructure,
 - 7.2.2. Mine site rehabilitation,
 - 7.2.3. Quarry rehabilitation,
 - 7.2.4. Sand dredge pond rehabilitation,
 - 7.2.5. Back filling of quarry voids,
 - 7.2.6. Raising or reshaping of land used for agriculture, and
 - 7.2.7. Construction of roads on private land.

- 7.3. The consumer must keep a written record of the following for a period of six years:
- the quantity of any Clarence River Crossing recovered aggregate received; and
 - the name and address of the supplier of the Clarence River Crossing recovered aggregate received.
- 7.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.5. The consumer must ensure that any application of Clarence River Crossing recovered aggregate to land must occur within a reasonable period of time after its receipt.

8. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Clarence River Crossing recovered aggregate to land.

processor means a person who processes, mixes, blends, or otherwise incorporates Clarence River Crossing recovered aggregate into a material in its final form for supply to a consumer. In this exemption, the processor is Fulton Hogan Pty Ltd.

Director Resource Recovery Policy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the Clarence River Crossing recovered aggregate is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Clarence River Crossing recovered aggregate remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Cronulla biosolids liquid food waste exemption November 2018

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Cronulla biosolids from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Cronulla biosolids liquid food waste order November 2018'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Cronulla biosolids that are, or are intended to be, applied to land as a soil amendment.
- 1.2. Cronulla biosolids means the organic product that results from sewage treatment processes (sometimes referred to as sewage sludge) in accordance with the POEO Act that is co-digested with liquid food waste and processed at Sydney Water Corporation, Cronulla Sewage Treatment System including the Sewage Treatment Plant adjacent to Captain Cook Drive KURNELL NSW 2231, Environment Protection Licence (EPL) 1728.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, Cronulla biosolids to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 19 November 2018 and is valid until 20 November 2020 or until revoked by the EPA by notice in writing or published in the Government Gazette.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of Cronulla biosolids is carried out.

5. Revocation

- 5.1. 'The Cronulla biosolids liquid food waste trial exemption June 2017' which commenced on 1 June 2017, is revoked from 16 November 2018.

6. Exemption

- 6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Cronulla biosolids to land as a soil amendment at the premises:
 - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 6.2. The exemption does not apply in circumstances where Cronulla biosolids are received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

- 7.1. At the time Cronulla biosolids are received at the premises, the material must meet all chemical and other material requirements for Cronulla biosolids which are required on or before the supply of Cronulla biosolids under 'the Cronulla biosolids liquid food waste order November 2018'.
- 7.2. The Cronulla biosolids can only be applied to land as a soil amendment in compliance with the *Biosolids Guidelines*.
- 7.3. The consumer must keep a written record of the following for a period of six years:
 - the quantity of any Cronulla biosolids received; and
 - the name and address of the supplier of Cronulla biosolids received.
- 7.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.

8. Definitions

In this exemption:

application to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

Biosolids Guidelines means the document entitled *Environmental Guidelines: Use and Disposal of Cronulla biosolids Products*, published by the EPA and as in force from time to time.

consumer means a person who applies, or intends to apply, Cronulla biosolids to land.

Director Waste Policy, Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Cronulla biosolids are fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site.

The receipt of Cronulla biosolids remains subject to other relevant environmental regulations in the POEO Act and Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Direct BioMulch exemption May 2018

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Direct BioMulch from certain requirements under the Protection of the Environment Operations Act 1997 (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Direct BioMulch order May 2018'.

1. Waste to which this exemption applies

1.1 This exemption applies to Direct BioMulch that is, or is intended to be, applied to land as a soil amendment.

1.2 **Direct BioMulch** means shredded urban wood residues from the processing of pallets and framing material at Direct Corp Ply Ltd processing facility at 38 Williamson Road Ingleburn NSW 2565. Direct BioMulch may contain a combined maximum total of 5% (w/w):

1.2.1 engineered wood products where only urea formaldehyde, melamine formaldehyde, and melamine urea formaldehyde resins are present; and

1.2.2 blue pine which has been surface treated with permethrin or bifenthrin.

Direct BioMulch does not include source separated garden waste and must not contain asbestos, engineered wood products or preservative treated or coated wood residues other than those described in this definition.

2. Persons to whom this exemption applies

2.1 This exemption applies to any person who applies, or intends to apply, Direct BioMulch to land as set out in 1.1.

3. Duration

3.1 This exemption commences on 22 May 2018 and is valid until 22 May 2020, unless revoked by the EPA in writing at an earlier date.

4. Revocation

- 4.1 'The Direct Pallets mulch exemption 2016' which commenced on 16 April 2018 is revoked from 22 May 2018.

5. Premises to which this exemption applies

- 5.1 This exemption applies to the premises at which the consumer's actual, or intended, application of Direct BioMulch is carried out.

6. Exemption

- 6.1 Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual, or intended, application of Direct BioMulch to land at the premises:

- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
- Part 4 of the Waste Regulation;
- section 88 of the POEO Act; and
- clause 109 and 110 of the Waste Regulation.

- 6.2 The exemption does not apply in circumstances where Direct BioMulch is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

- 7.1 At the time Direct BioMulch is received at the premises, the material must meet all material requirements for Direct BioMulch which are required on or before the supply of Direct BioMulch under 'the Direct BioMulch order May 2018'.
- 7.2 The consumer must ensure that they do not cause or permit the migration of leachate from the land application site.
- 7.3 The consumer must not undertake further processing of Direct BioMulch at the land application site.
- 7.4 The consumer must ensure that any application of Direct BioMulch to land occurs within a reasonable period of time after its receipt.

8. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Direct BioMulch to land.

engineered wood products means engineered, painted, treated or composite wood products such as particleboard, oriented strand board, plywood, laminated veneer lumber, glulam or fibreboard that are manufactured with glues, resins, water repellents, fire retardants, fungal inhibitors and/or other chemicals.

preservative treated or coated wood residues means wood residues that are preservative treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP) and/or coated with substances such as varnish or paint.

processor means a person who processes, mixes, blends, or otherwise incorporates Direct BioMulch into a material in its final form for supply to a consumer.

source separated garden waste means garden vegetation and plant materials that are segregated at the point of generation and are collected as a separate material stream for processing. Source separated garden waste is limited to materials from kerbside garden waste collections and includes materials such as branches, grass, leaves, plant trimmings, tree stumps and bark.

urban wood residues means untreated, unpainted, and uncontaminated urban derived timber and wood material that is collected as a separate material stream for processing. Urban wood residues include materials such as off-cuts, saw dust, wood shavings, packaging crates and pallets.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Direct BioMulch is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Direct BioMulch remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.

The processor must implement procedures to prevent the presence of engineered wood products or preservative treated or coated wood residues other than those described above and/or physical contaminants in Direct BioMulch. These procedures must be formally documented. However, as noted in this exemption, Direct BioMulch must not contain any asbestos.

Direct BioMulch that meets the conditions of this exemption should be applied to land by the consumer within 2 weeks of being received. Where there are extenuating circumstances Direct BioMulch should be land applied within 4 weeks. The EPA considers that 6 weeks would be the absolute limit in all circumstances.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The EarthPower organic prills exemption July 2018

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of EarthPower organic prills from certain requirements under the Protection of the Environment Operations Act 1997 (POEO Act) and the Waste Regulation in relation to the application of EarthPower organic prills to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with the 'EarthPower organic prills order July 2018'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Earthpower organic prills, which are, or are intended to be, applied to land as a soil amendment.
- 1.2. EarthPower organic prills mean spherical granular pellets made by EarthPower Technologies Sydney Pty Ltd (EarthPower) from source segregated food waste and grease trap waste that has undergone processing according to the following specifications:
 - (a) wet pre-treatment using a Hydro-mechanical BTA® process to separate organic solids and remove physical contaminants;
 - (b) solid organics from pre-treatment mixed with liquid waste in the surge tank;
 - (c) anaerobic digestion for 4 – 6 weeks at 36-39°C to form stabilised digestate;
 - (d) additional physical contaminant removal using a strain press;
 - (e) polymer assisted, centrifugal dewatering of stabilised digestate in decanter;
 - (f) drying at 400 - 600°C using Flo-Dryer; and
 - (g) size screening to 2 – 4mm.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, Earthpower organic prills to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 20 July 2018 and is valid until 20 July 2020 unless revoked by the EPA by notice published in the Government Gazette at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to premises at which the consumer's actual or intended application of Earthpower organic prills is carried out.

5. Revocation

'The EarthPower organic prills exemption July 2016' which commenced on 19 July 2016 is revoked from 20 July 2018.

6. Exemption

- 6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of EarthPower organic prills to land as a soil amendment at the premises:
 - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 6.2. The exemption does not apply in circumstances where EarthPower organic prills are received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

General conditions

- 7.1. At the time the EarthPower organic prills are received at the premises, the material must meet all chemical and other material requirements which are required on or before the supply of EarthPower organic prills under 'the EarthPower organic prills order July 2018'.
- 7.2. The EarthPower organic prills can only be applied to land as a soil amendment.
- 7.3. The consumer must ensure that the Earthpower organic prills are appropriately contained on receipt at the land application site, such that leaching or run-off of waste is prevented prior to land application. The

containment must also ensure minimal risk of exposure to vectors (animals, birds and insects).

- 7.4. The consumer must not allow EarthPower organic prills to be fed to or come into contact with pigs or ruminants in accordance with the *Biosecurity Act 2015* and *Biosecurity Regulation 2017*.
- 7.5. EarthPower organic prills must not be applied to:
 - 7.6.1 soil having a pH of less than 5.0 when measured in a 1:5 soil:water dilution.
 - 7.6.2 soil with an exchangeable sodium percentage (ESP) of greater than 6.
 - 7.6.3 soil with an electrical conductivity of saturated extract (ECe)* of greater than 4 dS/m.
 - 7.6.4 land that is within the buffer zones for the protected areas specified in Table 1.

Table 1 Buffer zones for protected areas

Column 1	Column 2	Column 3	Column 4
Protected Area	Minimum width of buffer zones (m)		
	Flat (<3% or 2° slope)	Downslope (> 3% or 2° slope)	Upslope
Surface waters	50	100	5
Drinking water bores	250	250	250
Other bores	50	50	50

Additional Agricultural Conditions

- 7.6. All Earthpower organic prills applied to agricultural land must be evenly applied across the designated land application area, and the application rate must not exceed 6 tonnes/hectare per annum.
- 7.7. The consumer must ensure that any application of EarthPower organic prills to agricultural land must occur within a reasonable period of time after its receipt.
- 7.8. The consumer must apply a livestock-withholding period of 90 days following the land application of EarthPower organic prills.
- 7.9. When used on agricultural land, the consumer must keep a written record of the following for a period of six years:
 - the quantity of Earthpower organic prills received; and
 - the location(s) where the Earthpower organic prills are applied including the address and paddock or plot identification.
 - the rate(s) at which the Earthpower organic prills are applied at each location as defined above.
 - The date(s) on which the Earthpower organic prills are applied at each location as defined above.
- 7.10. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.

*ECe can be calculated using a multiplication factor based on soil texture

8. Definitions

In this exemption:

agricultural land means land where the current or future use is for the purposes of agriculture which includes horticulture, turf and any purpose of husbandry. This includes keeping or breeding livestock, poultry or bees, and growing fruit, vegetables, field crops or pastures.

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, EarthPower organic prills to land.

ruminant means an animal that has a rumen including, but not limited to, alpacas, camels, cattle, deer, goats and sheep as defined in clause 38 of the *Biosecurity Regulation 2017*.

food waste means food waste from the manufacture, preparation, sale or consumption of food but does not include grease trap waste or animal waste.

grease trap waste means any grease, oils, solids, water or other matter resulting only from the preparation or manufacturing of food that is collected in a grease trap in the usual course of the operation of the grease trap. This definition includes dissolved air flotation (DAF) units used to treat grease trap waste, but does not include grease trap waste collected from grease traps in hospitals and shopping centres other than those solely from the preparation of food.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of EarthPower organic prills remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met when land applying this material, including, but not limited to the *Biosecurity Act 2015 and Biosecurity Regulation 2017*.

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Edmondson Park landscape soil exemption 2018

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* (Waste Regulation)
- exempts a consumer of Edmondson Park landscape soil from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Edmondson Park landscape soil order 2018'.

1. Waste to which this exemption applies

- 1.1. The Edmondson Park landscape soil can only be applied to land for landscaping purposes or for use as a landscape soil.
- 1.2. This exemption applies to Edmondson Park landscape soil. In this exemption, Edmondson Park landscape soil means onsite soil that has been blended with compost and virgin excavated natural material (VENM) sand.

Edmondson Park landscape soil does not include material that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies or intends to apply Edmondson Park landscape soil to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 6 September 2018 and is valid until 6 March 2020 unless revoked by the EPA in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application of Edmondson Park landscape soil is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of landscape soil to land for landscaping purposes or for use as a landscape soil at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Edmondson Park landscape soil is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the Edmondson Park landscape soil is received at the premises, it must meet all chemical and other material requirements for Edmondson Park landscape soil which are required on or before supply of Edmondson Park landscape soil under 'the Edmondson Park landscape soil order 2018'.
- 6.2. The Edmondson Park landscape soil can only be applied to land for landscaping purposes or for use as a landscape soil.
- 6.3. The Edmondson Park landscape soil must not be applied in or beneath water including groundwater.
- 6.4. The consumer must keep a written record of the following for a period of six years:
- 6.4.1. the quantity of the Edmondson Park landscape soil received; and
 - 6.4.2. the name and address of the supplier of the Edmondson Park landscape soil received.
- 6.5. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.6. The consumer must ensure that any application of Edmondson Park landscape soil to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

compost means material that meets all chemical and other material requirements for compost which are required on or before the supply of compost under 'the compost order 2016'.

consumer means a person who applies, or intends to apply, Edmondson Park landscape soil to land.

onsite soil means soil generated from within the boundaries of Lot 100 DP 1238023, and complies with the chemical and other attribute thresholds of the 'the excavated natural material order 2014'.

VENM sand means 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, and
- includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time being pursuant to an EPA Gazettal notice.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the Edmondson Park landscape soil is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Edmondson Park landscape soil remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Elf Farm Supplies ammonium sulphate exemption 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Elf Farm Supplies ammonium sulphate and composted Elf Farm Supplies ammonium sulphate from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Elf Farm Supplies ammonium sulphate order 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Elf Farm Supplies ammonium sulphate and composted Elf Farm Supplies ammonium sulphate that is, or is intended to be, applied to land as a soil amendment or as an input into compost.
- 1.2. Elf Farm Supplies ammonium sulphate means an aqueous solution of 19-29% w/v ammonium sulphate created by the scrubbing of gas emitted during the production of mushroom compost at Elf Farm Supplies Pty Ltd (108 Mulgrave Road, Mulgrave, NSW, 2756; EPL 6229). Composted Elf Farm Supplies ammonium sulphate is Elf Farm Supplies ammonium sulphate which has been mixed with other materials and that, otherwise than for the addition of Elf Farm Supplies ammonium sulphate, meets all of the conditions of the 'compost order 2014'.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 10 April 2019 and is valid until 9 April 2021, or unless revoked in writing by the EPA at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of Elf Farm Supplies ammonium sulphate is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate to land as a soil amendment at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109, 110 and 114 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate is received at the premises, the material must meet all chemical and other material requirements which are required on or before the supply of Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate under 'the Elf Farm Supplies ammonium sulphate order 2019'.
- 6.2. The Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate can only be applied to land as a soil amendment, or as an input into compost.
- 6.3. The consumer must calculate an appropriate application rate prior to land applying the Elf Farm Supplies ammonium sulphate. The application rate must be equal to or less than the agronomic rate for the most limiting factor, and must take pH into consideration.
- 6.4. The consumer must ensure that they do not cause or permit the migration of leachate from the land application site.
- 6.5. The consumer must keep a written record of the following for a period of six years:
- the quantity of any Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate received; and

- the name and address of the supplier of the Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate received.
- 6.6. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.7. The consumer must ensure that any application of Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate to land must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Elf Farm Supplies ammonium sulphate to land

generator means a person who generates Elf Farm Supplies ammonium sulphate in its final form for supply to a consumer. The generator in this order is Elf Farm Supplies Pty Ltd.

mushroom compost means a substrate for the production of mushrooms produced by composting and pasteurising straw, chicken manure, gypsum and oilseeds.

Director Resource Recovery Policy
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Elf Farm Supplies ammonium sulphate or composted Elf Farm Supplies ammonium sulphate remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The James Hardie cement fibre board waste exemption 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of James Hardie cement fibre board waste from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land as a road making material, or for use in connection with a process of thermal treatment as an alternative input into the manufacture of building products, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the James Hardie cement fibre board waste order 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to James Hardie cement fibre board waste that is, or is intended to be, applied to land when incorporated within road making material or used as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of building products.
- 1.2. James Hardie cement fibre board waste means a material comprising of sand, cement and cellulose derived from the manufacture of cement fibre board by James Hardie Australia Pty Ltd.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to, any person who applies, or intends to apply, James Hardie cement fibre board waste to land and, any person who uses, or intends to use, James Hardie cement fibre board waste in connection with a process involving thermal treatment as set out in section 1.

3. Duration

- 3.1. This exemption commences on 3 October 2019 and is valid until 3 October 2021 unless revoked by the EPA at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of James Hardie cement fibre board waste is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of James Hardie cement fibre board waste to land when incorporated within road making material, or used as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of building products at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39, 40 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109, 110 and 114 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where James Hardie cement fibre board waste is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the James Hardie cement fibre board waste is received at the premises, the material must meet all chemical and other material requirements for James Hardie cement fibre board waste which are required on or before the supply of James Hardie cement fibre board waste under 'the James Hardie cement fibre board waste order 2019'.
- 6.2. The James Hardie cement fibre board waste can only be:
- 6.2.1. applied to land when incorporated within road making material; or
 - 6.2.2. used as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of building products.
- 6.3. The consumer must keep a written record of the following for a period of six years:
- the quantity of any James Hardie cement fibre board waste received; and
 - the name and address of the supplier of the James Hardie cement fibre board waste received.
- 6.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.

- 6.5. The consumer must ensure that any application of James Hardie cement fibre board waste to land must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means:

- a person who applies, or intends to apply, James Hardie cement fibre board waste to land; and
- a person who uses, or intends to use, James Hardie cement fibre board waste in connection with a process involving thermal treatment.

processor means a person who processes, mixes, blends, or otherwise incorporates James Hardie cement fibre board waste into a material in its final form for supply to a consumer. In this exemption, the processors are Boral Cement Limited and Boral Recycling Pty Limited.

Director Resource Recovery Policy
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the James Hardie cement fibre board waste is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of James Hardie cement fibre board waste remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The JJ Richards Glendenning treated grease trap waste exemption 2018

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of treated grease trap waste from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the JJ Richards Glendenning treated grease trap waste order 2018'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to treated grease trap waste that is, or is intended to be, applied to land as a soil amendment.
- 1.2. Treated grease trap waste means grease trap waste that has undergone treatment according to the following:
 - screening to remove physical contaminants;
 - leaving the grease trap waste to settle by operation of gravity for at least 4 hours, so that the floating fats and oils, the aqueous liquid waste and the settleable portions of the grease trap waste separate; and
 - the floating layer must either be removed or be incorporated into the bottom settled layer following saponification by the addition of lime.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, treated grease trap waste to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 8 August 2018 and is valid until 8 August 2020.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application to land of treated grease trap waste is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of treated grease trap waste to land as a soil amendment at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where treated grease trap waste is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the treated grease trap waste is received at the premises, the material must meet all chemical and other material requirements for treated grease trap waste which are required on or before the supply of treated grease trap waste under 'the JJ Richards Glendenning treated grease trap waste order 2018'.
- 6.2. The treated grease trap waste can only be applied to land as a soil amendment.
- 6.3. Where the oil and grease content of the treated grease trap waste is 50% or greater the consumer must ensure that the application rate does not exceed 100 t/ha (wet weight) at any location. Where the oil and grease content of the treated grease trap waste is measured at less than the values listed in Column 1 of Table 1 the consumer may apply the material at a rate up to the corresponding rate in Column 2 of Table 1.

Table 1

Column 1	Column 2
Oil and grease content (%)	Maximum application rate (wet t/ha)
<50	120
<40	150
<30	200
<20	300
<10	600

- 6.4. The consumer must ensure that at the time of application the treated grease trap waste is injected into the soil at a depth of between 10cm and 30cm below the soil surface.

- 6.5. The consumer must ensure that the treated grease trap waste does not flow across the surface of the land.
- 6.6. The consumer must ensure that treated grease trap waste is not applied to land in areas where the site characteristics specified in Column 1 of Table 2 do not comply with the requirements listed in Column 2 of Table 2.

Table 2

Column 1	Column 2
Site Characteristic	Requirement
Slope	< 10%
Drainage	No application of wastes permitted in: - Waterlogged soil; and/or - Slow or highly permeable soil
Depth to bedrock	> 60 cm
Surface rock outcrop	< 10%

- 6.7. The consumer must ensure that treated grease trap waste is not applied to land within the buffer zones for protected areas specified in Table 3.

Table 3

Column 1	Column 2	Column 3	Column 4
Protected Area	Minimum width of Buffer Zones (m)		
	Flat (< 3% or 2° slope)	Downslope (> 3% or 2° slope)	Upslope
Surface waters	50	100	5
Farm dams	20	30	5
Drinking water bores	250	250	250
Other bores	50	50	50
Farm driveways and fence lines	5	5	5
Native forests and other significant vegetation types	10	10	5
Animal enclosures	25	50	25
Occupied dwelling	50	100	50
Residential zone	250	500	250

- 6.8. The consumer must ensure that livestock are withheld from all land which has had treated grease trap waste applied for a period of 30 days following application.
- 6.9. The consumer must keep a written record of the following for a period of six years:
- the quantity of any treated grease trap waste received; and
 - the name and address of the supplier of the treated grease trap waste received.
- 6.10. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.

6.11. The consumer must ensure that any application of treated grease trap waste to land must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, treated grease trap waste to land.

grease trap waste means any grease, oils, solids, water or other matter resulting only from the preparation or manufacturing of food that is collected in a grease trap in the usual course of the operation of the grease trap. This definition includes dissolved air flotation (DAF) units used to treat grease trap waste, but does not include grease trap waste collected from grease traps in hospitals and shopping centres other than those solely from the preparation of food.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the treated grease trap waste is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of treated grease trap waste remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The M4-M5 Link shale tunnel spoil exemption 2019

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of M4-M5 Link shale tunnel spoil from certain requirements in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the M4-M5 Link shale tunnel spoil order 2019'. This exemption applies to M4-M5 Link shale tunnel spoil that is, or is intended to be, applied to land as engineering fill, or for use in earthworks.

1. Waste to which this exemption applies

1.1. This exemption applies to M4-M5 Link shale tunnel spoil. In this order, M4-M5 Link shale tunnel spoil means approximately 550,000 tonnes of naturally occurring shale that:

- (a) has been generated from the WestConnex M4-M5 Link Tunnel Project, extending from St Peters to Newtown;
- (b) has been excavated by the use of machinery;
- (c) contains no more than 0.016% w/w glass-fibre reinforcement rods;
- (a) contains no more than 0.2% w/w shotcrete;
- (b) has not been contaminated with manufactured chemicals or process residues (except for glass-fibre reinforcement bolts and shotcrete);
- (c) does not meet the definition of virgin excavated natural material in the POEO Act; and
- (d) may have been processed by intermediate waste facilities licensed by the EPA.

M4-M5 Link shale tunnel spoil does not include material that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

2. Persons to whom this exemption applies

2.1. This exemption applies to any person who applies or intends to apply M4-M5 Link shale tunnel spoil as set out in clauses 1 and 6.

3. Duration

3.1. This exemption commences on 4 October 2019 and is valid until 4 October 2021 unless revoked by the EPA by notice in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of M4-M5 Link shale tunnel spoil is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of M4-M5 Link shale tunnel spoil to land as engineering fill, or use in earthworks at the premises:
 - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where M4-M5 Link shale tunnel spoil is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time M4-M5 Link shale tunnel spoil is received at the premises, it must meet all material requirements for M4-M5 Link shale tunnel spoil which are required under 'the M4-M5 Link shale tunnel spoil order 2019'.
- 6.2. M4-M5 Link shale tunnel spoil:
 - 6.2.1. can only be applied to land as engineering fill or used in earthworks on land zoned as commercial industrial or infrastructure;
 - 6.2.2. must only be emplaced as a sub-surface fill layer, and capped with either:
 - concrete, and/or
 - asphalt, and/or
 - at least 30 cm of compacted virgin excavated natural material, and/or
 - at least 30 cm of compacted material that meets the conditions of another resource recovery order and exemption
 - 6.2.3. must not be placed in flood levy banks or within 20 m of surface waters.
- 6.3. The consumer must keep a written record of the following for a period of six years:
 - 6.3.1. the quantity of M4-M5 Link shale tunnel spoil received; and
 - 6.3.2. the name and address of the supplier of M4-M5 Link shale tunnel spoil received.
- 6.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.5. The consumer must ensure that any application of M4-M5 Link shale tunnel spoil to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means:

- a person who applies, or intends to apply, M4-M5 Link shale tunnel spoil to land; and
- a person who uses, or intends to use, M4-M5 Link shale tunnel spoil in connection with a process involving thermal treatment.

generator means a person who generates M4-M5 Link shale tunnel spoil for supply to a processor or consumer. The generator in this order is Lendlease Samsung Bouygues Joint Venture ('LSBJV').

glass-fibre reinforcement rod means a plastic rod used as temporary ground support during tunnelling works as part of the WestConnex M4-M5 Link project, that is reinforced by continuous filament glass fibres with a typical fibre width in the range of 20-30 µm.

metal staples means small pieces of metal that resemble the shape of staples, with each staple having an approximate dimension of 35 mm x 1 mm.

processor means a person who processes M4-M5 Link shale tunnel spoil into a material in its final form for supply to a consumer.

shotcrete means cement grout reinforced with metal staples used to line the tunnel of the WestConnex M4-M5 Link project.

**Director Resource Recovery Policy
Environment Protection Authority
(by delegation)**

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not M4-M5 Link shale tunnel spoil is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of M4-M5 Link shale tunnel spoil remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The M4-M5 Link tunnel spoil exemption 2019

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of M4-M5 Link tunnel spoil from certain requirements in relation to the application of that waste to land or use as a raw material, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the M4-M5 Link tunnel spoil order 2019'. This exemption applies to M4-M5 Link tunnel spoil that is, or is intended to be, applied to land as engineering fill, or for use in earthworks, or for use as an alternative raw material in the manufacture of bricks, or applied to land within the road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities.

1. Waste to which this exemption applies

- 1.1. This exemption applies to M4-M5 Link tunnel spoil. In this exemption, M4-M5 Link tunnel spoil means approximately 3 million cubic meters of naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that:
 - (a) has been generated from the WestConnex M4-M5 Link Tunnel Project extending from Haberfield to St Peters;
 - (b) has been excavated by the use of machinery;
 - (c) contains no more than 0.2% w/w shotcrete;
 - (d) has not been contaminated with manufactured chemicals or process residues (except for shotcrete);
 - (e) does not meet the definition of virgin excavated natural material in the POEO Act; and
 - (f) may have been processed by intermediate waste facilities licensed by the EPA.

M4-M5 Link tunnel spoil does not include material that has been mixed with glass fibre plastic reinforced rods and bolts; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies or intends to apply M4-M5 Link tunnel spoil as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 17 April 2019 and is valid until 17 April 2021 unless revoked by the EPA by notice in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of M4-M5 Link tunnel spoil is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of M4-M5 Link tunnel spoil to land as engineering fill, or use in earthworks, or for use as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of bricks at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39, 40 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where M4-M5 Link tunnel spoil is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time M4-M5 Link tunnel spoil is received at the premises, it must meet all material requirements for M4-M5 Link tunnel spoil which are required under 'the M4-M5 Link tunnel spoil order 2019'.
- 6.2. M4-M5 Link tunnel spoil can only be:
- 6.2.1. applied to land as engineering fill, or use in earthworks; or
 - 6.2.2. applied to land within the road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities; or
 - 6.2.3. used as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of bricks.
- 6.3. The consumer must keep a written record of the following for a period of six years:
- 6.3.1. the quantity of M4-M5 Link tunnel spoil received; and
 - 6.3.2. the name and address of the supplier of M4-M5 Link tunnel spoil received.
- 6.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.5. The consumer must ensure that any application of M4-M5 Link tunnel spoil to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means:

- a person who applies, or intends to apply, M4-M5 Link tunnel spoil to land; and
- a person who uses, or intends to use, M4-M5 Link tunnel spoil in connection with a process involving thermal treatment.

generator means a person who generates M4-M5 Link tunnel spoil for supply to a processor or consumer. The generator in this order is Lendlease Samsung Bouygues Joint Venture ('LSBJV').

metal staples means small pieces of metal that resemble the shape of staples, with each staple having an approximate dimension of 35 mm x 1 mm.

processor means a person who processes M4-M5 Link tunnel spoil into a material in its final form for supply to a consumer.

shotcrete means cement grout reinforced with metal staples used to line the tunnel of the WestConnex M4-M5 Link project.

Director Resource Recovery Policy
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not M4-M5 Link tunnel spoil is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of M4-M5 Link tunnel spoil remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Nestle ash from burning biomass exemption 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of blended Nestle ash from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Nestle ash from burning biomass order 2017'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to blended Nestle ash, which is Nestle ash that has been blended with compost and manure at a rate <1.5% by weight.
- 1.2. Nestle ash means the waste generated by burning uncontaminated wood waste at the Nestlé Smithtown Factory, Rawson Street, Smithtown, NSW 2440 (Environment Protection Licence 1580).

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, blended Nestle ash to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 6 December 2019 and is valid until 6 December 2021 unless revoked at an earlier date by the EPA by notice published in the Government Gazette.

4. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application of blended Nestle ash is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in

relation to the consumer's actual or intended application of blended Nestle ash to land as a soil amendment at the premises:

- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
- Part 4 of the Waste Regulation;
- section 88 of the POEO Act; and
- clause 109, 110 and 114 of the Waste Regulation.

5.2. The exemption does not apply in circumstances where blended Nestle ash is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time blended Nestle ash is received at the premises, the material must meet all chemical and other material requirements for blended Nestle ash which are required on or before the supply of blended Nestle ash under 'the Nestle ash from burning biomass order 2019'.
- 6.2. Blended Nestle ash can only be applied to land as a soil amendment.
- 6.3. The application rate must be equal to or less than the agronomic rate for the most limiting factor.
- 6.4. The consumer must apply blended Nestle ash to land within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, blended Nestle ash to land.

compost means material that meets all chemical and other material requirements, for compost which are required on or before the supply of compost under 'the compost order 2016'.

manure means faecal matter generated by any animal other than humans and includes any mixture of animal faecal matter and biodegradable animal bedding such as straw or sawdust.

Director, Resource Recovery Policy
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not blended Nestle ash is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site.

The receipt of Nestle ash or blended Nestle ash remains subject to other relevant environmental regulations in the POEO Act and Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Norske Skog Albury solids exemption May 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Norske Skog Albury solids from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Norske Skog Albury solids order May 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Norske Skog Albury solids that is, or is intended to be, applied to land as a soil amendment.
- 1.2. Norske Skog Albury solids mean a combination of Recycled Fibre (RCF) solids and Waste Water Treatment Plant (WWTP) solids as produced during daily operations at Norske Skog Paper Mills, Albury, Hume Highway Table Top NSW 2640, Environment Protection Licence (EPL) 1272.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, Norske Skog Albury solids to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 31 May 2019 and is valid until 31 May 2021 unless revoked by the EPA by notice published in the Government Gazette at an earlier date.

4. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application of Norske Skog Albury solids is carried out.

5. Revocation

- 5.1. 'The Norske Skog Albury Mill solids exemption December 2018' which commenced on 7 December 2018 is revoked from 31 May 2019.

6. Exemption

- 6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Norske Skog Albury solids to land as a soil amendment at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 6.2. The exemption does not apply in circumstances where Norske Skog Albury solids are received for land application at a premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

- 7.1. At the time Norske Skog Albury solids are received at the premises, the material must meet all chemical and other material requirements for Norske Skog Albury solids which are required on or before the supply of Norske Skog Albury solids under 'the Norske Skog Albury solids order May 2019'.
- 7.2. Norske Skog Albury solids can only be applied to land as a soil amendment.
- 7.3. The total application rate for Norske Skog Albury solids must not exceed 80 tonnes per hectare (wet weight) in a five-year period at any land application site.
- 7.4. The consumer must ensure that they do not cause or permit the emission of any offensive odour from the premises when applying Norske Skog Albury solids to land.
- 7.5. The consumer must:
- incorporate Norske Skog Albury solids into the topsoil; or
 - not permit animals to graze the land for 30 days after the application of Norske Skog Albury solids to land.
- 7.6. The consumer must keep a written record of the following for a period of six years:
- the quantity of any Norske Skog Albury solids received; and
 - the name and address of the supplier of any Norske Skog Albury solids received.
- 7.7. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.8. The consumer must apply Norske Skog Albury solids to land within a reasonable period of time after receipt.

8. Definitions

In this exemption:

application to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Norske Skog Albury solids to land.

recycled fibre (RCF) solids means solid waste comprising of dewatered paper fibres, clay fillers and printing ink from the recycled fibre plant at Norske Skog Paper Mills, Albury, Hume Highway Table Top NSW 2640, EPL 1272.

waste water treatment plant (WWTP) solids means the dewatered solid waste from the biological treatment of wastewater at the waste water treatment plant at Norske Skog Paper Mills, Albury, Hume Highway Table Top NSW 2640, EPL 1272.

Director Resource Recovery Policy
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au.

In gazetting this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Norske Skog Albury solids are fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site.

The receipt of Norske Skog Albury solids remains subject to other relevant environmental regulations in the POEO Act and Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The NorthConnex tunnel spoil exemption 2018

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of NorthConnex tunnel spoil from certain requirements in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the NorthConnex tunnel spoil order 2018'. This exemption applies to NorthConnex tunnel spoil that is, or is intended to be, applied to land as engineering fill, or for use in earthworks, or for use as an alternative raw material in the manufacture of bricks, or applied to land within the road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities.

1. Waste to which this exemption applies

- 1.1. This exemption applies to NorthConnex tunnel spoil that is, or is intended to be, applied to land as engineering fill, or use in earthworks, or used as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of bricks, or applied to land within the road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities.
- 1.2. This exemption applies to NorthConnex tunnel spoil. In this exemption, NorthConnex tunnel spoil means up to 3 million tonnes of naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that:
 - (a) has been generated from the NorthConnex Project extending from the M1 Pacific Motorway at Wahroonga to the Hills M2 Motorway at West Pennant Hills;
 - (b) has been virgin excavated by the use of roadheaders;
 - (c) contains no more than 0.7% w/w shotcrete and metal staples;
 - (d) has not been contaminated with manufactured chemicals or process residues (except for shotcrete and metal staples);
 - (e) does not meet the definition of virgin excavated natural material in the POEO Act; and
 - (f) may have been processed by Lend Lease at the Northern Road facility, Environment Protection Licence number 21095.

NorthConnex tunnel spoil does not include material that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

2. Persons to whom this exemption applies

- 2.1 This exemption applies to any person who applies or intends to apply NorthConnex tunnel spoil as set out in clause 1.1.

3. Duration

- 3.1 This exemption commences on 15 June 2018 and is valid until 15 June 2020 unless revoked by the EPA by notice in writing at an earlier date.

4. Revocation

- 4.1 'The NorthConnex tunnel spoil exemption 2017' which commenced on 9 November 2017 is revoked from 15 June 2018.

5. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application of NorthConnex tunnel spoil is carried out.

6. Exemption

- 6.1 Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of NorthConnex tunnel spoil to land as engineering fill, or use in earthworks, or for use as an alternative raw material in the manufacture of bricks.:

- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39, 40 and 42 of Schedule 1 of the POEO Act;
- Part 4 of the Waste Regulation;
- section 88 of the POEO Act; and
- clause 109 and 110 of the Waste Regulation.

- 6.2 The exemption does not apply in circumstances where NorthConnex tunnel spoil is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

- 7.1 At the time NorthConnex tunnel spoil is received at the premises, it must meet all material requirements for NorthConnex tunnel spoil which are required under 'the NorthConnex tunnel spoil order 2018'.

- 7.2 NorthConnex tunnel spoil can only be

7.2.1 applied to land as engineering fill, or use in earthworks, or

7.2.2 used as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of bricks, or

7.2.3 applied to land within the road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities.

- 7.3 The consumer must keep a written record of the following for a period of six years:

7.3.1 the quantity of NorthConnex tunnel spoil received; and

- 7.3.2 the name and address of the supplier of NorthConnex tunnel spoil received.
- 7.4 The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.5 The consumer must ensure that any application of NorthConnex tunnel spoil to land must occur within a reasonable period of time after receipt.

8. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, NorthConnex tunnel spoil to land.

generator means a person who generates NorthConnex tunnel spoil for supply to a consumer. The generator in this order is Lendlease Bouygues Joint Venture.

metal staples means small pieces of metal that resemble the shape of staples, with each staple having an approximate dimension of 35 mm x 0.5 mm.

public roads means:

- (a) any road that is opened or dedicated as a public road, whether under the *Roads Act 1993* (the Roads Act) or any other act or law, and
- (b) any road that is declared to be a public road for the purposes of the Roads Act.

public road infrastructure facilities means:

- (a) tunnels, ventilation shafts, emergency accessways, vehicle or pedestrian bridges, causeways, road-ferries, retaining walls, toll plazas, toll booths, security systems, bus lanes, transit lanes, transitways, transitway stations, rest areas and road related areas (within the meaning of the *Road Transport (General) Act 2005*), and
- (b) associated public transport facilities for roads used to convey passengers by means of regular bus services within the meaning of the *Passenger Transport Act 1990*, and
- (c) bus layovers that are integrated or associated with roads (whether or not the roads are used to convey passengers by means of regular bus services within the meaning of the *Passenger Transport Act 1990*), and
- (d) traffic control facilities (as defined by the *Transport Administration Act 1988*), RMS road safety training facilities and safety works.

RMS means the Roads and Maritime Services of New South Wales.

road corridor means land that is used for the purposes of a road or road infrastructure facilities or for maintaining or constructing a road or road infrastructure facilities and that is owned or managed by the RMS or council.

shotcrete means cement grout reinforced with metal staples used to line the tunnel of NorthConnex Project.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not NorthConnex tunnel spoil is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of NorthConnex tunnel spoil remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014

The OneSteel rubber injectant order June 2018

Introduction

This order, issued by the NSW Environment Protection Authority (EPA) under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), imposes the requirements that must be met by suppliers of OneSteel rubber injectant to which 'The OneSteel rubber injectant exemption June 2018' applies. The requirements in this order apply in relation to the supply of OneSteel rubber injectant for use in connection with a process of thermal treatment as an alternative input into the manufacture of steel products.

1. Waste to which this order applies

- 1.1. The order applies to OneSteel rubber injectant. In this order, OneSteel rubber injectant means a material comprising of either natural or synthetic rubber that is free of visual contamination. Rubber must have a carbon content of greater than 50%. Small quantities (less than 2% by volume) of nylon and steel wire can be present in the rubber if used tyre shreds are utilised.

2. Persons to whom this order applies

- 2.1. The requirements in this order apply, as relevant, to any person who supplies OneSteel rubber injectant that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of OneSteel rubber injectant to a consumer for land application at a premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

3. Duration

- 3.1. This order commences on 23 June 2018 and is valid until 26 June 2020 unless revoked by the EPA by published in the Government Gazette at an earlier date.

4. Revocation

- 4.1. 'The OneSteel rubber injectant order June 2016' which commenced on 24 June 2016, is revoked from 23 June 2018.

5. Generator requirements

The EPA imposes the following requirements on any generator who supplies OneSteel rubber injectant to a consumer. In this order, the consumer is OneSteel Sydney Steel Mill 22 Kellogg Road Rooty Hill NSW 2766, Environment Protection Licence (EPL) 6125.

General requirements

5.1. On or before each transaction, the generator must ensure that the OneSteel rubber injectant meets the description provided in clause 1.1.

Notification

5.2. On or before each transaction, the generator must provide a written statement of compliance certifying that all the requirements set out in this order have been met to the consumer to whom the generator supplies OneSteel rubber injectant.

Record keeping and reporting

5.3. The generator must keep a written record of the quantity of OneSteel rubber injectant supplied and the name and address of each person to whom the generator supplied OneSteel rubber injectant to, for a period of six years.

6. Definitions

In this order:

consumer means a person who uses OneSteel rubber injectant in connection with a process of thermal treatment as an alternative input into the manufacture of steel products. In this order, the consumer is OneSteel Sydney Steel Mill 22 Kellogg Road Rooty Hill NSW 2766, Environment Protection Licence (EPL) 6125.

generator means a person who generates or processes OneSteel rubber injectant for supply under this order.

OneSteel rubber injectant means material comprising of either natural or synthetic rubber that is free of visual contamination. Rubber must have a carbon content of greater than 50%. Small quantities (less than 2%) of nylon and steel wire can be present in the rubber if used tyre shreds are utilised.

thermal process means the processing of wastes by burning, incineration, thermal oxidation, gasification, pyrolysis, plasma or other thermal treatment processes.

transaction means:

- in the case of a once-off supply, the supply of a batch, truckload or stockpile of OneSteel rubber injectant that is not repeated.
- in the case where the supplier has an arrangement with the recipient for more than one supply of OneSteel rubber injectant, the first supply of OneSteel rubber injectant as required under the arrangement.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this order at any time. It is the responsibility of the generator to ensure it complies with all relevant requirements of the most current order.

In gazetting or otherwise issuing this order, the EPA is not in any way endorsing the supply or use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this order are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this order nor the accompanying exemption guarantee that the environment, human health or agriculture will not be harmed.

Any person or entity which supplies OneSteel rubber injectant should assess whether the material is fit for the purpose it is proposed to be used for, and whether this use will cause harm. The supplier may need to seek expert technical advice.

Regardless of any exemption or order provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The supply of OneSteel rubber injectant remains subject to other relevant environmental regulations in the POEO Act and Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of this order, is guilty of an offence and subject to prosecution.

This order does not alter the requirements of any other relevant legislation that must be met in supplying this material, including for example, the need to prepare a Safety Data Sheet.

Failure to comply with the conditions of this order constitutes an offence under clause 90 and 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Orora aerobic biomass exemption 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Orora aerobic biomass and composted Orora aerobic biomass from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Orora aerobic biomass order 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Orora aerobic biomass and composted Orora aerobic biomass that is, or is intended to be, applied to land as a soil amendment.
- 1.2. Orora aerobic biomass and composted Orora aerobic biomass. In this order, Orora aerobic biomass means approximately 8,000 tonnes per annum of waste water treatment residuals which have undergone primary treatment, anaerobic digestion and aerobic digestion at the Orora B9 Botany Mill, located at 1891 Botany Road, Matraville New South Wales 2036. Composted Orora aerobic biomass is aerobic biomass which has been mixed with other materials and that, otherwise than for the addition of Orora aerobic biomass, meets all of the conditions of the 'compost order 2016'.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, Orora aerobic biomass and composted Orora aerobic biomass to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 27 February 2019 and is valid until 26 February 2021 unless revoked by the EPA by notice in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application to land of Orora Aerobic biomass and composted Orora aerobic biomass is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts the consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Orora aerobic biomass and composted Orora aerobic biomass, as a soil amendment at the premises:

- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
- Part 4 of the Waste Regulation;
- section 88 of the POEO Act; and
- clauses 109 and 110 of the Waste Regulation.

- 5.2. The exemption does not apply in circumstances where Orora aerobic biomass or composted Orora aerobic biomass are received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land) or clause 40 'waste disposal' (thermal treatment) of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

General conditions

- 6.1. At the time the Orora aerobic biomass or composted Orora aerobic biomass is received at the premises, the material must meet all chemical and other material requirements which are required on or before supply of Orora aerobic biomass or composted Orora aerobic biomass under 'the Orora aerobic biomass order 2018'.
- 6.2. The consumer must keep a written record of the quantity of Orora aerobic biomass and composted Orora aerobic biomass received for a period of six years.
- 6.3. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.4. Orora aerobic biomass or composted Orora aerobic biomass should be land applied within a reasonable period of time following its receipt at the land application site. Stockpiling or storage of Orora Aerobic biomass or composted Orora aerobic biomass at the land application site should be minimised. Where there are extenuating circumstances, the Orora Aerobic biomass could be stored for a maximum period of up to 6 months.
- 6.5. A livestock withholding period of 90 days must be applied following the direct land application of Orora Aerobic biomass.
- 6.6. Orora Aerobic biomass should not be applied in or near waterways or in recreational areas.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

compost means material that meets all chemical and other material requirements, for compost which are required on or before the supply of compost under ‘the compost order 2016’.

consumer means a person who applies, or intends to apply, Orora Aerobic biomass to land.

Director Waste Policy, Innovation and Strategy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the Orora aerobic biomass and composted Orora aerobic biomass is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Orora aerobic biomass and composted Orora aerobic biomass remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

The storage of Orora aerobic biomass should not exceed a period of 6 months. This represents an absolute time limit for storage of Orora Aerobic biomass in all circumstances.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 88 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Qenos fly ash exemption October 2018

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of blended Qenos fly ash from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Qenos fly ash order October 2018'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to blended Qenos fly ash. In this exemption, Qenos fly ash means fly ash generated through the operation of coal fired boilers using Australian black coal at the Qenos Botany facility. This does not include brine conditioned or treated ash.
- 1.2. Blended Qenos fly ash means fly ash which has been blended with other materials that are, or are intended to be, applied to land as part of a road making mix.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to, any person who applies, or intends to apply, blended Qenos fly ash to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 26 October 2018 and is valid until 26 October 2020, unless revoked by the EPA by notice in writing at an earlier date.

4. Revocation

- 4.1. 'The Qenos fly ash exemption April 2018' which commenced on 12 April 2018 is revoked from 12 October 2018.

5. Premises to which this exemption applies

- 5.1. This exemption applies to the premises at which the application or intended application of blended Qenos fly ash takes place.

6. Exemption

- 6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Qenos coal ash to land for road making activities at the premises:
 - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109, 110 and 114 of the Waste Regulation.
- 6.2. The exemption does not apply in circumstances where Qenos fly ash is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

- 7.1. At the time the blended Qenos fly ash is received at the premises, the material must meet all chemical and other material requirements for blended Qenos fly ash which are required on or before the supply of blended Qenos fly ash under 'the Qenos fly ash order October 2018'.
- 7.2. The blended Qenos fly ash can only be applied to land for road making activities.
- 7.3. The consumer must apply blended Qenos fly ash to land within a reasonable period of time after its receipt.

8. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, blended Qenos fly ash to land.

Director, Waste Policy, Strategy and Innovation
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the Qenos fly ash is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Qenos fly ash remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Rous County Council Stockpile exemption December 2018

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of Rous County Council Stockpile from certain requirements in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Rous County Council Stockpile order December 2018'. This exemption applies to Rous County Council Stockpile that is, or is intended to be, applied to land as engineering fill or use in earthworks.

1. Waste to which this exemption applies

1.1. This exemption applies to Rous County Council Stockpile. In this exemption, Rous County Council Stockpile means up to 6,800 m³ excavated soil created from earthwork activities that:

- (a) has been sourced from Lot 321 DP 1219914, 9 Fredericks Lane, Caniaba NSW 2480 (see map at Attachment 1 of the order);
- (b) contains at least 98% (by weight) natural material; and
- (c) does not meet the definition of virgin excavated natural material in the POEO Act.

Rous County Council Stockpile does not include material that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

2. Persons to whom this exemption applies

2.1. This exemption applies to Rous County Council, who intend to apply Rous County Council Stockpile to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 20 December 2018 and is valid until 19 December 2019 or unless revoked by the EPA by notice published in the Government Gazette.

4. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application of excavated natural material is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Rous County Council Stockpile to land as engineering fill or for use in earthworks at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Rous County Council Stockpile is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time Rous County Council Stockpile is received at the premises, it must meet all chemical and other material requirements for Rous County Council Stockpile which are required under 'the Rous County Council Stockpile order 2018'.
- 6.2. The excavated natural material can only be applied to land as engineering fill or for use in earthworks.
- 6.3. The consumer can only apply Rous County Council Stockpile to land consistent with section 6.2 where it is not applied in or beneath water, including groundwater.
- 6.4. The consumer must keep a written record of the following for a period of six years:
- 6.4.1. the quantity of Rous County Council Stockpile received; and
 - 6.4.2. the name and address of the supplier of Rous County Council Stockpile received.
- 6.5. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.6. The consumer must ensure that any application of Rous County Council Stockpile to land must occur within a reasonable period of time after receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Rous County Council Stockpile to land.

Director Waste Policy, Innovation and Strategy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Rous County Council Stockpile is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Rous County Council Stockpile remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The SCE Resources cement fibre board exemption August 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of SCE Resources cement fibre board from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the SCE Resources cement fibre board order August 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to SCE Resources cement fibre board that is, or is intended to be, applied to land for the purposes of pipe bedding, haunch, and overlay, for public road construction or maintenance activities being use as road base, sub base, engineering fill or select fill, or for the construction of dams or related water storage.
- 1.2. SCE Resources cement fibre board means a material comprising of sand, cement, cellulose and water, with a particle size less than 25mm that is derived from the manufacturing of cement fibre board at CSR Build Products Ltd Victoria Rd, Wetherill Park NSW 2164.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, SCE Resources cement fibre board to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 15 August 2019 and is valid until 18 December 2020 or until revoked by the EPA by notice published in the Government Gazette.

4. Revocation

- 4.1. 'The SCE Resources cement fibre board exemption December 2018' which commenced on 19 December 2018 is revoked from 15 August 2019.

5. Premises to which this exemption applies

- 5.1. This exemption applies to the premises at which the consumer's actual or intended application of SCE Resources cement fibre board is carried out.

6. Exemption

- 6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of SCE Resources cement fibre board to land for the purposes of pipe bedding, haunch, and overlay, for public road construction or maintenance activities being use as road base, sub base, engineering fill or select fill, or for the construction of dams or related water storage at the premises:
 - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 6.2. The exemption does not apply in circumstances where SCE Resources cement fibre board is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

- 7.1. At the time SCE Resources cement fibre board is received at the premises, the material must meet all chemical and other material requirements for SCE Resources cement fibre board which are required on or before the supply of SCE Resources cement fibre board under 'the SCE Resources cement fibre board order August 2019'.
- 7.2. SCE Resources cement fibre board can only be applied to land for the purposes of pipe bedding, haunch, and overlay, for public road construction or maintenance activities being use as road base, sub base, engineering fill or select fill, or for the construction of dams or related water storage. This approval does not apply to any of the following applications:
 - 7.2.1. Mine site rehabilitation,
 - 7.2.2. Quarry rehabilitation,

- 7.2.3. Sand dredge pond rehabilitation,
- 7.2.4. Back-filling of quarry voids,
- 7.2.5. Raising or reshaping of land used for agriculture, and
- 7.2.6. Construction of roads on private land unless:
 - (a) it is applied to land only to the minimum extent necessary for the construction of a road, and
 - (b) applicable development consent has been granted for the activity, or
 - (c) it is to provide access (temporary or permanent) to a development approved by a Council, or
 - (d) the works are either exempt or complying development.
- 7.3. The consumer must keep a written record of the following for a period of six years:
 - the quantity of any SCE Resources cement fibre board received; and
 - the name and address of the supplier of SCE Resources cement fibre board received.
- 7.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.5. The consumer must ensure that any application of SCE Resources cement fibre board to land must occur within a reasonable period of time after its receipt.

8. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, SCE Resources cement fibre board to land.

haunch means material within a trench surrounding a pipe between the bottom of the pipe and the spring line (site of greatest horizontal dimension).

overlay means material within a trench surrounding a pipe from the spring line to the level of backfilling.

Director Resource Recovery Policy
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not SCE Resources cement fibre board is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of SCE Resources cement fibre board remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Sydney Holcim concrete washout exemption 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Sydney Holcim concrete washout from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'The Sydney Holcim concrete washout order 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Sydney Holcim concrete washout that is, or is intended to be, applied to land for road making activities, building, landscaping and construction works.
- 1.2. Sydney Holcim concrete washout means waste concrete and fines washed out of concrete trucks and dried. The concrete washout originates from:
 - Holcim Alexandria (132 Euston Road, Alexandria NSW 2015);
 - Holcim Artamon (8 Marden Street, Artamon NSW 2064);
 - Holcim Blacktown (70 Tattersal Road, Blacktown 2148);
 - Holcim Brookvale (18 William Street, Brookvale NSW 2100);
 - Holcim Camelia (1 Grand Avenue, North Camellia NSW 2142);
 - Holcim Caringbah (20 Parraweena Road, Caringbah NSW 2229);
 - Holcim Emu Plains (Kite Street, Emu Plains NSW 2750);
 - Holcim Hornsby/Thornleigh (12 Chilvers Road, Thornleigh NSW 2120);
 - Holcim Hurstville (156 Bellevue Parade, Hurstville 2220);

- Holcim Lidcombe (40 Birnie Avenue, Lidcombe NSW 2141);
- Holcim Liverpool (28 Regent Crescent, Moorebank NSW 2170);
- Holcim Narellan (Lot 9 Graham Hill Road, Narellan NSW 2567);
- Holcim Pendle Hill (154a Bungaree Road, Pendle Hill NSW 2145);
- Holcim Rooty Hill (21 Kellogg Road, Rooty Hill NSW 2766); and
- Holcim Windsor (Lot 10 Fairey Road, Windsor NSW 2756).

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, Sydney Holcim concrete washout to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 5 February 2019 and is valid until 4 February 2020, unless revoked by the EPA by notice in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of recovered aggregate is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Sydney Holcim concrete washout to land when used for road making activities, building, landscaping and construction works at the premises:

- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
- Part 4 of the Waste Regulation;
- section 88 of the POEO Act; and
- clause 109 and 110 of the Waste Regulation.

- 5.2. The exemption does not apply in circumstances where Sydney Holcim concrete washout is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the Sydney Holcim concrete washout is received at the premises, the material must meet all chemical and other material requirements for Sydney Holcim concrete washout which are required on or before the supply of Sydney Holcim concrete washout under 'the Sydney Holcim concrete washout order 2019'.

- 6.2. The Sydney Holcim concrete washout can only be applied to land in road making activities, building, landscaping and construction works. This approval does not apply to any of the following applications:
- 6.2.1. Construction of dams or related water storage infrastructure,
 - 6.2.2. Mine site rehabilitation,
 - 6.2.3. Quarry rehabilitation,
 - 6.2.4. Sand dredge pond rehabilitation,
 - 6.2.5. Back filling of quarry voids,
 - 6.2.6. Raising or reshaping of land used for agriculture, and
 - 6.2.7. Construction of roads on private land unless:
 - (a) the recovered aggregate is applied only to the minimum extent necessary for the construction of the road, and
 - (b) a development consent has been granted under the relevant Environmental Planning Instrument (EPI), or
 - (c) it is to provide access (temporary or permanent) to a development approved by a Council, or
 - (d) the works are either exempt or complying development.
- 6.3. The consumer must keep a written record of the following for a period of six years:
- the quantity of any Sydney Holcim concrete washout received; and
 - the name and address of the supplier of the Sydney Holcim concrete washout received.
- 6.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.5. The consumer must ensure that any application of Sydney Holcim concrete washout to land must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Sydney Holcim concrete washout to land.

processor means a person who processes, mixes, blends, or otherwise incorporates Sydney Holcim concrete washout into a material in its final form for supply to a consumer. In this exemption, the processor is HOLCIM (AUSTRALIA) Pty Ltd.

Director Waste Policy, Innovation and Strategy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the Sydney Holcim concrete washout is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Sydney Holcim concrete washout remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Sydney Metro harbour tunnel sandstone material exemption August 2019

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of Sydney Metro harbour tunnel sandstone material from certain requirements in relation to the application of that waste to land or use as a raw material, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Sydney Metro harbour tunnel sandstone material order August 2019'. This exemption applies to Sydney Metro harbour tunnel sandstone material that is, or is intended to be, applied to land as engineering fill, or for use in earthworks.

1. Waste to which this exemption applies

1.1. This exemption applies to Sydney Metro harbour tunnel sandstone material. In this exemption, Sydney Metro harbour tunnel sandstone material means approximately 80,000 tonnes of naturally occurring sandstone that:

- (a) has been generated from the Sydney Metro and Southwest Project extending beneath the Sydney Harbour (excluding estuarine sediments sourced from beneath the Sydney Harbour);
- (b) has been virgin excavated by the use of machinery;
- (c) has not been contaminated with manufactured chemicals or process residues (except for bentonite);
- (d) does not meet the definition of virgin excavated natural material in the POEO Act;
- (e) has been processed at the Barangaroo treatment plant located on Hickson Road, Barangaroo to dewater and remove bentonite from the Sydney Metro harbour tunnel sandstone material to the extent practicable;
- (f) may have been processed by intermediate waste facilities licensed by the EPA; and
- (g) does not meet the definition of liquid waste in the *Waste Classification Guidelines, part 1: classifying waste, EPA 2014*.

Sydney Metro harbour tunnel sandstone material does not include material that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate Soils (PASS) or sulfidic ores.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies or intends to apply Sydney Metro harbour tunnel sandstone material as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 19 August 2019 and is valid until 30 August 2020 or until revoked by the EPA by notice in writing at an earlier date.

4. Revocation

- 4.1. 'The Sydney Metro harbour tunnel sandstone material exemption June 2019' which commenced on 30 June 2019 is revoked from 19 August 2019.

5. Premises to which this exemption applies

- 5.1. This exemption applies to the premises at which the consumer's actual or intended application of Sydney Metro harbour tunnel sandstone material is carried out.

6. Exemption

- 6.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Sydney Metro harbour tunnel sandstone material to land as engineering fill, or use in earthworks at the premises:
 - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39, 40 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 6.2. The exemption does not apply in circumstances where Sydney Metro harbour tunnel sandstone material is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

7. Conditions of exemption

The exemption is subject to the following conditions:

- 7.1. At the time Sydney Metro harbour tunnel sandstone material is received at the premises, it must meet all material requirements for Sydney Metro harbour tunnel sandstone material which are required under 'the Sydney Metro harbour tunnel sandstone material order August 2019'.
- 7.2. Sydney Metro harbour tunnel sandstone material can only be applied to land as engineering fill or use in earthworks.
- 7.3. The consumer must keep a written record of the following for a period of six years:
 - 7.3.1. the quantity of Sydney Metro harbour tunnel sandstone material received; and
 - 7.3.2. the name and address of the supplier of Sydney Metro harbour tunnel sandstone material received.

- 7.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.5. The consumer must ensure that any application of Sydney Metro harbour tunnel sandstone material to land must occur within a reasonable period of time after receipt.

8. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means:

- a person who applies, or intends to apply, Sydney Metro harbour tunnel sandstone material to land; and
- a person who uses, or intends to use, Sydney Metro harbour tunnel sandstone material in connection with a process involving thermal treatment.

Director Resource Recovery Policy
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Sydney Metro harbour tunnel sandstone material is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Sydney Metro harbour tunnel sandstone material remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Tomago Aluminium refractory brick exemption January 2019

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Tomago Aluminium refractory brick or processed Tomago Aluminium refractory brick from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the Tomago Aluminium refractory brick order January 2019'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Tomago Aluminium refractory brick that is, or is intended to be, applied to land for road making activities, building, landscaping and construction works.
- 1.2. For the purposes of this exemption, Tomago Aluminium refractory brick is the flue wall refractory brick material generated from maintenance of the bake ovens at Tomago Aluminium Smelter located at Tomago Aluminium Company Pty Limited, 35 & 45 Tomago Road, Tomago, NSW, 2322. It does not include:
 - (a) any refractory floor brick from the bake ovens;
 - (b) any waste material covered by the Chemical Control Order in Relation to Aluminium Smelter Wastes Containing Fluoride and/or Cyanide 1986, made under the *Environmentally Hazardous Chemicals Act 1985*;
 - (c) anode waste and pitch contaminated bake ovens concrete waste covered by Specific Immobilisation Approval 2006-S-10A issued under the Waste Regulation; and

- (d) fluoride-contaminated waste covered by Specific Immobilisation Approval 2006-S-18 issued under the Waste Regulation as amended and in force from time to time.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, processed Tomago Aluminium refractory brick to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 29 January 2019 and is valid until 28 January 2021 unless revoked by the EPA at an earlier date.

4. Premises to which this exemption applies

- 4.1 This exemption only applies to the premises at which the consumer's actual or intended application of Tomago Aluminium refractory bricks or processed Tomago Aluminium refractory brick is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Tomago Aluminium refractory brick or processed Tomago Aluminium refractory brick to land for road making activities, building, landscaping and construction works at the premises:
 - (a) section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - (b) Part 4 of the Waste Regulation;
 - (c) section 88 of the POEO Act; and
 - (d) clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Tomago Aluminium refractory brick or processed Tomago Aluminium refractory brick is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the Tomago Aluminium refractory brick or processed Tomago Aluminium refractory brick is received at the premises, the material must meet all chemical and other material requirements for Tomago Aluminium refractory brick which are required on or before supply of Tomago Aluminium refractory brick under 'the Tomago Aluminium refractory brick order January 2019'.
- 6.2. The processed Tomago Aluminium refractory brick can only be applied to land for road making activities, building, landscaping and construction works. This exemption does not apply to any of the following applications:
 - 6.2.1. Construction of dams or related water storage infrastructure,
 - 6.2.2. Mine site rehabilitation,

- 6.2.3. Quarry rehabilitation,
- 6.2.4. Sand dredge pond rehabilitation,
- 6.2.5. Back-filling of quarry voids,
- 6.2.6. Raising or reshaping of land used for agriculture, and
- 6.2.7. Construction of roads on private land unless:
 - (a) the Tomago Aluminium refractory brick or processed Tomago Aluminium refractory brick is applied to land to the minimum extent necessary for the construction of a road, and
 - (b) a development consent been granted under the relevant Environmental Planning Instrument (EPI), or
 - (c) it is to provide access (temporary or permanent) to a development approved by a Council, or
 - (d) the works are either exempt or complying development.
- 6.2.8. In or beneath water, including groundwater.
- 6.3. The consumer must keep a written record of the following for a period of six years:
 - the quantity of processed Tomago Aluminium refractory brick received; and
 - the name and address of the supplier of processed Tomago Aluminium refractory brick received.
- 6.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.5. The consumer must apply processed Tomago Aluminium refractory brick to land within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Tomago Aluminium refractory brick or processed Tomago Aluminium refractory brick to land.

Director Waste Policy, Innovation and Strategy

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au.

In gazetting this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Tomago Aluminium refractory brick or processed Tomago Aluminium refractory brick is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site.

The receipt of Tomago Aluminium refractory brick or processed Tomago Aluminium refractory brick remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Veolia water treatment residuals exemption 2018

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Veolia water treatment residuals from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'The Veolia water treatment residuals order 2018'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Veolia water treatment residuals that is, or is intended to be, applied to land for road making activities, building, landscaping and construction works.
- 1.2. Veolia water treatment residuals means the dried sludge (predominately silty clay with gravel) generated from water filtration as part of the drinking water treatment process at Hunter Water Pty Ltd's Dungog (65 Short Street, Dungog NSW 2420) and Grahamstown (Tomago Road, Tomago NSW 2322) drinking water treatment plants.

2. Persons to whom this exemption applies

This exemption applies to any person who applies, or intends to apply, Veolia water treatment residuals to land as set out in 1.1.

3. Duration

This order commences on 31 May 2018 and is valid until 31 May 2020 unless revoked by the EPA by notice in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of Veolia water treatment residuals is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Veolia water treatment residuals to land when used for road making activities, building, landscaping and construction works at the premises:
 - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Veolia water treatment residuals is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the Veolia water treatment residuals is received at the premises, the material must meet all chemical and other material requirements for Veolia water treatment residuals which are required on or before the supply of Veolia water treatment residuals under 'the Veolia water treatment residuals order 2018'.
- 6.2. The consumer can only apply Veolia water treatment residuals to land where it is not applied in or beneath water, including groundwater.
- 6.3. Veolia water treatment residuals can only be applied to land in residential, commercial and industrial construction areas, and must not be applied to land within 100 m of environmentally sensitive areas.
- 6.4. The Veolia water treatment residuals can only be applied to land in road making activities, building, landscaping and construction works. This approval does not apply to any of the following applications:
 - 6.4.1. Construction of dams or related water storage infrastructure,
 - 6.4.2. Mine site rehabilitation,
 - 6.4.3. Quarry rehabilitation,
 - 6.4.4. Sand dredge pond rehabilitation,
 - 6.4.5. Back filling of quarry voids,
 - 6.4.6. Raising or reshaping of land used for agriculture, and
 - 6.4.7. Construction of roads on private land unless:
 - (a) the Veolia water treatment residuals is applied only to the minimum extent necessary for the construction of the road, and

- (b) a development consent has been granted under the relevant Environmental Planning Instrument (EPI), or
- (c) the works are either exempt or complying development.

- 6.5. The consumer must keep a written record of the following for a period of six years:
- the quantity of any Veolia water treatment residuals received; and
 - the name and address of the supplier of the Veolia water treatment residuals received.
- 6.6. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.7. The consumer must ensure that any application of Veolia water treatment residuals to land must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, Veolia water treatment residuals to land.

landscaping means use in construction of sediment basins, median strips, council verges, and kerbing, and other related landscaping structures.

processor means a person who processes, mixes, blends, or otherwise incorporates Veolia water treatment residuals into a material in its final form for supply to a consumer. In this exemption, the processor is Veolia Water Operations Pty Ltd.

Manager Waste Strategy and Innovation
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the Veolia water treatment residuals is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Veolia water treatment residuals remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Weathertex bottom ash exemption 2018

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Weathertex bottom ash or blended Weathertex bottom ash from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'The Weathertex bottom ash order 2018'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to Weathertex bottom ash ('bottom ash') generated at the Weathertex manufacturing facility (Lot 23, DP 1234094, 470 Masonite Road, Heatherbrae, 2324), and bottom ash blended with other materials ('blended bottom ash') that is, or is intended to be, applied to land as a soil amendment or as an engineering material.
- 1.2. In this order, bottom ash means bottom ash from burning Australian black coal and Weathertex fibreboard. This does not include fly ash, brine conditioned ash or treated ash.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, bottom ash or blended bottom ash to land as set out in 1.1.

3. Duration

- 3.1. This order commences on 4 June 2018 and is valid until 4 June 2020, unless revoked by the EPA in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application of bottom ash or blended bottom ash is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of bottom ash or blended bottom ash to land as a soil amendment or as an engineering material at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109, 110 and 114 of the Waste Regulation
- 5.2. The exemption does not apply in circumstances where bottom ash or blended bottom ash is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the bottom ash or blended bottom ash is received at the premises, the material must meet all chemical and other material requirements for bottom ash or blended bottom ash which are required on or before the supply of bottom ash or blended bottom ash under 'the Weathertex bottom ash order 2018'.
- 6.2. Bottom ash and blended bottom ash can only be applied to land:
- 6.2.1. as a soil amendment for the growing of vegetation,
 - 6.2.2. in cementitious mixes such as concrete, and
 - 6.2.3. in non-cementitious mixes such as an engineered fill, stabiliser, filter or drainage material or as a sand substitute as follows:
 - (a) pipe bedding material,
 - (b) selected backfill adjacent to structures,
 - (c) road pavement, base and sub-base structures,
 - (d) composite filler in asphalt pavements,
 - (e) rigid and composite pavement structures,
 - (f) select layers which act as working platforms at the top of earthworks,
 - (g) fill for reinforced soil structures (including geo-grid applications).
- 6.3. In cementitious mixes, the consumer can only apply bottom ash or blended bottom ash to land where it complies with a relevant specification or Australian Standard or supply agreement.

- 6.4. In non-cementitious mixes the consumer can only apply bottom ash or blended bottom ash to land where it:
- 6.4.1. complies with the relevant specification or Australian Standard or complies with supply agreement/s, or
 - 6.4.2. complies with a development consent that specifically considers the use of bottom ash, and
 - 6.4.3. is not applied in or beneath water including groundwater.
- 6.5. The consumer must keep a written record of the following for a period of six years:
- the quantity of any bottom ash received; and
 - the name and address of the supplier of the bottom ash received.
- 6.6. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.7. The consumer must apply bottom ash to land within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

cementitious mixes means either bottom ash or blended bottom ash which has been mixed with general purpose cement, lime and other activators for use in bound applications, where the materials must be chemically bound together.

consumer means a person who applies, or intends to apply, bottom ash or blended bottom ash to land.

non-cementitious mixes means either blended bottom ash or bottom ash that is not blended with general purpose cement, lime and other activators or used in bound applications.

Weathertex fibreboard means the fibreboard produced by Weathertex Pty Ltd, being 97% virgin wood and 3% paraffin wax. Weathertex fibreboard may be primed with “weatherable vacuum primer”, or be un-primed. Weathertex fibreboard does not include urban wood residues.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the bottom ash is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site.

The receipt of bottom ash remains subject to other relevant environmental regulations in the POEO Act and Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The Weathertex wood fibre exemption 2018

Introduction

This exemption:

- is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation); and
- exempts a consumer of Weathertex wood fibre or blended Weathertex wood fibre from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'The Weathertex wood fibre order 2018'.

1. Waste to which this exemption applies

- 1.1. This order applies to Weathertex wood fibre ('wood fibre') and wood fibre blended with other materials ('blended wood fibre') that is, or is intended to be, applied to land as a soil amendment.
- 1.2. In this order, wood fibre means wood residues:
 - a) from the manufacture of Weathertex fibreboard products, being fibres lost in process waters and through the milling process; and
 - b) generated at the Weathertex manufacturing facility (Lot 23, DP 1234094, 470 Masonite Road, Heatherbrae, 2324).

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, wood fibre or blended wood fibre to land as set out in 1.1.

3. Duration

- 3.1. This order commences on 4 June 2018 and is valid until 4 June 2020, unless revoked by the EPA in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application of wood fibre or blended wood fibre is carried out.

5. Exemption

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of wood fibre or blended wood fibre to land as a soil amendment at the premises:
- section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109, 110 and 114 of the Waste Regulation
- 5.2. The exemption does not apply in circumstances where wood fibre or blended wood fibre is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the wood fibre or blended wood fibre is received at the premises, the material must meet all chemical and other material requirements for wood fibre or blended wood fibre which are required on or before the supply of wood fibre or blended wood fibre under 'the Weathertex wood fibre order 2018'.
- 6.2. Wood fibre and blended wood fibre can only be applied to land as a soil amendment for the growing of vegetation.
- 6.3. The consumer must apply wood fibre and blended wood fibre to land within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, wood fibre or blended wood fibre to land.

urban wood residues means untreated, unpainted, and uncontaminated urban derived timber and wood material that is collected as a separate material stream for processing. Urban wood residues include materials such as off-cuts, saw dust, wood shavings, packaging crates and pallets.

Weathertex fibreboard means the fibreboard produced by Weathertex Pty Ltd, being 97% virgin wood and 3% paraffin wax. Weathertex fibreboard may be primed with “weatherable vacuum primer”, or be un-primed. Weathertex fibreboard does not include urban wood residues.

Manager Waste Strategy and Innovation
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption. The current version of this exemption will be available on www.epa.nsw.gov.au

In gazetting this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not the wood fibre or blended wood fibre is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site.

The receipt of wood fibre or blended wood fibre remains subject to other relevant environmental regulations in the POEO Act and Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.



Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

The WestConnex Stage 2 tunnel spoil exemption 2017

Introduction

This exemption, issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), exempts a consumer of WestConnex Stage 2 tunnel spoil from certain requirements in relation to the application of that waste to land or use as a raw material, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with 'the WestConnex Stage 2 tunnel spoil order 2017'. This exemption applies to WestConnex Stage 2 tunnel spoil that is, or is intended to be, applied to land as engineering fill, or for use in earthworks, or for use as an alternative raw material in the manufacture of bricks.

1. Waste to which this exemption applies

1.1. This exemption applies to WestConnex Stage 2 tunnel spoil. In this exemption, WestConnex Stage 2 tunnel spoil means up to 6 million tonnes of naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that:

- (a) has been generated from the WestConnex Stage 2 Project extending from the Kind Georges Road interchange on the existing M5 East Motorway at Beverly Hills, to St Peters;
- (b) has been virgin excavated by the use of roadheaders;
- (c) contains no more than 0.5% w/w shotcrete;
- (d) has not been contaminated with manufactured chemicals or process residues (except for shotcrete); and
- (e) does not meet the definition of virgin excavated natural material in the POEO Act.

WestConnex Stage 2 tunnel spoil does not include material that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

1. Persons to whom this exemption applies

1.1. This exemption applies to any person who applies or intends to apply WestConnex Stage 2 tunnel spoil as set out in 1.1.

2. Duration

- 2.1. This order commences on 13 March 2017 and is valid until 13 March 2020 or until revoked by the EPA by notice in writing at an earlier date.

3. Premises to which this exemption applies

- 4.1 This exemption applies to the premises at which the consumer's actual or intended application of WestConnex Stage 2 tunnel spoil is carried out.

4. Exemption

- 4.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of WestConnex Stage 2 tunnel spoil to land as engineering fill, or use in earthworks, or for use as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of bricks at the premises
 - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39, 40 and 42 of Schedule 1 of the POEO Act;
 - Part 4 of the Waste Regulation;
 - section 88 of the POEO Act; and
 - clause 109 and 110 of the Waste Regulation.
- 4.2. The exemption does not apply in circumstances where WestConnex Stage 2 tunnel spoil is received at the premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of Schedule 1 of the POEO Act.

5. Conditions of exemption

The exemption is subject to the following conditions:

- 5.1. At the time WestConnex Stage 2 tunnel spoil is received at the premises, it must meet all material requirements for WestConnex Stage 2 tunnel spoil which are required under 'the WestConnex Stage 2 tunnel spoil order 2017'.
- 5.2. WestConnex Stage 2 tunnel spoil can only be:
 - 5.2.1. applied to land as engineering fill, or use in earthworks, or
 - 5.2.2. used as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of bricks.
- 5.3. The consumer must keep a written record of the following for a period of six years:
 - 5.3.1. the quantity of WestConnex Stage 2 tunnel spoil received; and
 - 5.3.2. the name and address of the supplier of WestConnex Stage 2 tunnel spoil received.
- 5.4. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 5.5. The consumer must ensure that any application of WestConnex Stage 2 tunnel spoil to land must occur within a reasonable period of time after receipt.

6. Definitions

In this exemption:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land;
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

consumer means:

- a person who applies, or intends to apply, WestConnex Stage 2 tunnel spoil to land; and
- a person who uses, or intends to use, WestConnex Stage 2 tunnel spoil in connection with a process involving thermal treatment.

generator means a person who generates WestConnex Stage 2 tunnel spoil for supply to a consumer. The generator in this order is C CPB Contractors, Dragados, Samsung Joint Venture.

metal staples means small pieces of metal that resemble the shape of staples, with each staple having an approximate dimension of 35 mm x 0.5 mm.

shotcrete means cement grout reinforced with metal staples used to line the tunnel of WestConnex Stage 2 Project.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not WestConnex Stage 2 tunnel spoil is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of WestConnex Stage 2 tunnel spoil remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.