



# Government Gazette

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## PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2005

General Exemption under Part 6, Clauses 51 and 51A

The Bulk Agricultural Crop Waste Exemption 2014

### Name

1. This exemption is to be known as 'The bulk agricultural crop waste exemption 2014'.

### Commencement

2. This exemption commences on 8 August 2014.

### Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the *NSW Government Gazette*.

### Legislation

4. Under the Protection of the Environment Operations (Waste) Regulation 2005 (the Regulation):
  - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
  - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied, used as a fuel, or used in connection with a process of thermal treatment:
    - the provisions of sections 47 to 49 and 88 of the Protection of the Environment Operations Act 1997 (the Act),
    - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
    - the provisions of Part 3 and Clauses 45 and 47 of the Regulation.

### Exemption

5. In this Notice of Exemption:
  - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only:
    - in relation to activities involving the relevant waste, and
    - only where the responsible person complies with the conditions referred to in Column 3 of the table, and
    - in the case of a consumer, in relation to the premises where the waste is used as permitted by Clause 7.1.
 However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.
  - 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

Table 1

<i>Column 1</i> <i>Responsible person</i>	<i>Column 2</i> <i>Provisions from which the responsible person is exempt</i>
Processor	section 48 of the Act in respect of Clause 39 of Schedule 1 to the Act
Consumer	section 48 of the Act in respect of Clauses 39 and 42 of Schedule 1 to the Act section 88 of the Act

This Notice of Exemption is a general exemption for the purposes of Clause 51 (3) of the Regulation.

### Definitions

6. In this Notice of Exemption:

**Bulk agricultural crop waste** means the non-putrescible organic residues left behind following crop harvest. These residues may include fibres, roots, stalks, stubble, leaves, and seed pods.

**Consumer** means a person who applies, causes, or permits the application to land of bulk agricultural crop waste within the definitions of “application to land” in accordance with the Act. The consumer may be the landholder responsible for the land to which bulk agricultural crop waste is applied.

**Processor** means a person who generates, processes, supplies, causes, or permits the supply of bulk agricultural crop waste to a consumer.

**Relevant waste** means bulk agricultural crop waste that meets the requirements of section 7.

### General conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The bulk agricultural crop waste can only be applied to land as a soil amendment material.

7.2. The consumer must land apply the bulk agricultural crop waste within a reasonable period of time.

### Exemption Granted.

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 generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of an exemption will be available on the EPA website: [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (section 142A) or water (section 120), or causes air pollution through the emission of odours (section 126), or does not meet the special requirements for asbestos waste (Clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a ‘transaction’ is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A ‘statement of compliance’ must be in writing and be provided with each transaction.

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

It should be noted that other contaminants may be present in the relevant waste that can potentially cause harm. Application rates may need to be lower than those listed in the exemption depending on local circumstances and should be determined as appropriate to those circumstances prior to application. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption.

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

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

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).

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 the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under Clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

## PROTECTION OF THE ENVIRONMENT OPERATIONS (WASTE) REGULATION 2005

General Exemption under Part 6, Clauses 51 and 51A

The Manure Exemption 2014

### Name

1. This exemption is to be known as 'The manure exemption 2014'.

### Commencement

2. This exemption commences on 8 August 2014.

### Duration

3. This exemption is valid until revoked by the Environment Protection Authority (EPA) by notice published in the *NSW Government Gazette*.

### Legislation

4. Under the Protection of the Environment Operations (Waste) Regulation 2005 (the Regulation):
  - 4.1. Clause 51 (2) authorises the EPA to grant an exemption in relation to any matter or thing including an activity or class of activities, and
  - 4.2. Clause 51A authorises the EPA to exempt a person from any of the following provisions in relation to an activity or class of activities relating to certain waste that is to be land applied, used as a fuel, or used in connection with a process of thermal treatment:
    - the provisions of sections 47 to 49 and 88 of the Protection of the Environment Operations Act 1997 (the Act),
    - the provisions of Schedule 1 to the Act, either in total or as they apply to a particular activity, and
    - the provisions of Part 3 and Clauses 45 and 47 of the Regulation.

### Exemption

5. In this Notice of Exemption:
  - 5.1. The responsible person listed in Column 1 of Table 1 is exempt from the provision/s listed in Column 2 of that table but only:
    - in relation to activities involving the relevant waste, and
    - only where the responsible person complies with the conditions referred to in Column 3 of the table, and
    - in the case of a consumer, in relation to the premises where the waste is used as permitted by Clause 7.1.
 However, this Notice of Exemption does not exempt the responsible person from the provisions specified in Column 2 where the relevant waste is received at premises that are, despite this exemption, required to be licensed for waste disposal (application to land) activities under the provisions of the Act.
  - 5.2. Where a responsible person complies with the conditions of this Notice of Exemption, the activity referred to in Schedule 1 from which that person is exempt is taken to be a non-scheduled activity for the purposes of the Act.

**TABLE 1**

<i>Column 1</i> <i>Responsible person</i>	<i>Column 2</i> <i>Provisions from which the responsible person is exempt</i>
Processor	section 48 of the Act in respect of Clause 39 of Schedule 1 to the Act
Consumer	section 48 of the Act in respect of Clauses 39 and 42 of Schedule 1 to the Act section 88 of the Act Clause 47 of the Regulation

This Notice of Exemption is a general exemption for the purposes of Clause 51 (3) of the Regulation.

### Definitions

6. In this Notice of Exemption:

**Consumer** means a person who applies, causes, or permits the application to land of manure within the definitions of "application to land" in accordance with the Act. The consumer may be the landholder responsible for the land to which manure is applied.

**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.

**Processor** means a person who generates, processes, supplies, causes, or permits the supply of manure to a consumer.

**Relevant waste** means manure that meets the requirements of section 7.

#### General conditions

7. This Notice of Exemption is subject to the following conditions:

7.1. The manure can only be applied to land as a soil amendment material either singularly or as part of a compost, which outside of containing manure, complies with all requirements listed in the compost exemption 2014.

7.2. The consumer must land apply the manure within a reasonable period of time.

#### Exemption Granted.

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 generator, processor and consumer to ensure that they comply with all relevant requirements of the most current exemption. The current version of a general exemption will be available on the EPA website: [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

In gazetting this general exemption, the EPA is exempting the relevant waste from the specific requirements of the Act and Regulations as stated in this exemption. The EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The use of exempted material remains subject to other relevant environmental regulations within the Act and Regulations. For example, a person who pollutes land (section 142A) or water (section 120), or causes air pollution through the emission of odours (section 126), or does not meet the special requirements for asbestos waste (Clause 42), regardless of having an exemption, is guilty of an offence and subject to prosecution.

For the purposes of arrangements between a generator, a processor and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of waste material from one party to another. A 'statement of compliance' must be in writing and be provided with each transaction.

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

It should be noted that other contaminants may be present in the relevant waste that can potentially cause harm. Application rates may need to be lower than those listed in the exemption depending on local circumstances and should be determined as appropriate to those circumstances prior to application. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption.

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

This exemption does not apply to any material received at a premises that is required to be licensed for waste disposal (application to land) activities under the provisions of the Act. This exemption does not remove the need for a site at which processing occurs to be licensed, if required under Schedule 1 of the Act.

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).

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 the development consent requirements of the land.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Failure to comply with the conditions of this Notice of Exemption may constitute an offence under Clause 51 of the Regulation and the responsible person will be required to comply with the normal regulatory provisions.

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By Authority

PETER MUSGRAVE, Government Printer

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