



Government Gazette

of the State of

New South Wales

Number 11

Friday, 17 January 2020

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Immobilised Contaminants Approval

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



A) Approval Number

2020/01

This Approval replaces general immobilisation approval number 2017/02 which is hereby revoked.

B) Duration of Approval

This Approval is valid until 19 January 2025 unless sooner amended or revoked.

C) Waste to which this Approval applies

This Approval applies to metallurgical furnace flue dust or excavated soil that contains metallurgical furnace flue dust that is located at residential premises inside the Pasminco Lead Abatement Strategy (LAS) Area at Cockle Creek, NSW 2284 (Annexure A – Map of Pasminco Lead Abatement Strategy Area).

This Approval **does not** apply to metallurgical furnace slag or metallurgical slag contaminated excavated materials (Annexure B – Metallurgical slag and metallurgical slag impacted soil). Metallurgical slag waste or metallurgical slag impacted excavated soil must be assessed on a case by case basis via a specific Immobilised Contaminants Approval.

D) Contaminants to which this Approval applies

This Approval applies to the following contaminants:

- Arsenic (As)
- Beryllium (Be)
- Hexavalent chromium (Cr(VI))
- Lead (Pb)
- Nickel (Ni)

E) Responsible Person

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

F) Mechanism of immobilisation

Waste subject to this Approval is considered naturally immobilised.

G) Conditions of Approval

- **Packaging requirements**

Dusty materials must be bagged or drummed or otherwise contained to avoid dust generation during handling.

Excavated materials contaminated by metallurgical furnace flue dust should be handled, packaged and transported with the appropriate health, safety and environmental controls to prevent or minimise human and environmental exposure to the materials, or cross contamination.

- **Waste assessment requirements**

For waste subject to this Approval, no further analytical assessment is required. The naturally immobilised Pasminco furnace flue dust waste has been classified as general solid waste (non-putrescible) based on the total and leachable concentrations of the contaminants referred to in Part D of this Approval.

Note: Any contaminants listed in Tables 1 and 2 of the Waste Classification Guidelines (other than those referred to in part D of this Approval) that are contained within the naturally immobilised Pasminco furnace flue dust waste must be assessed in accordance with the Waste Classification Guidelines.

- **Disposal restrictions**

A waste facility receiving waste subject to this Approval must be legally able to receive such waste.

Naturally immobilised Pasminco furnace flue dust waste may only be disposed of at solid waste landfills that have currently operating leachate management systems, and which are licensed to receive that particular class of waste, and that have licence conditions to receive waste subject to immobilisation approvals with this type of disposal restriction.

- **Waste Management Requirements**

The responsible person should ensure the landfill is permitted by conditions in its Environment Protection Licence to receive waste subject to an immobilisation approval.

- **Waste tracking and notification requirements**

The responsible person must ensure a designated waste certificate is given to the receiving facility in relation to the waste.

Note: A separate waste tracking exemption has been granted by the EPA in relation this waste.

The responsible person is required to keep records of the management and disposal of excavated materials which are not classified as general solid waste (non-putrescible) for a period of at least 3 years from the date on which the waste is disposed of off-site.

H) Definitions




In this Approval:

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

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

Date: 15 January 2020



<p>Legend</p> <p> Pasmenco LAS Area</p>	<p align="center">Pasmenco Lead Abatement Strategy (LAS Area)</p> <p align="center"><small>Copyright NSW Environment Protection Authority (EPA) August 2017 This map is not guaranteed to be free from errors or omission NSW Environment Protection Authority (EPA) and its employees disclaim liability for any act done on the information in the map and any consequences of such acts or omissions. Imagery: NearMap, 23 July 2017</small></p>	<p align="center">N 0  500 Metres GDA94 Zone 56</p> <p align="center"></p>
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Annexure A – Map of Pasmenco Lead Abatement Strategy Area



Annexure B – Metallurgical slag on soil surface (top), as in-fill below topsoil (bottom left) and zoomed metallurgical slag on soil surface impacted soil (bottom right)

While metallurgical slag has been observed at ground level, it is more common as in-fill material located 150-200 mm below ground level with a layer thickness up to about 200 mm. Metallurgical slag is discernible from flue dust by its black colour. Slag impacted soil will have a black colouration associated with it rather than an ordinary brown appearance of flue dust impacted soil.

Waste Tracking Exemption

Pasminco Naturally Immobilised Waste

Protection of the Environment Operations (Waste) Regulation 2014

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

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

1. This exemption has effect from the date of publication and remains in force until 19 January 2025 or amended by a notice published in the Government Gazette.

Waste to which the exemption applies

2. This exemption applies to Pasminco naturally immobilised waste referred to in Immobilised Contaminants Approval 2020/01 that is trackable waste.
3. This exemption applies to such waste delivered by a householder or collected from a householder.
4. It exempts
 - a. a consignor;
 - b. a transporter; and
 - c. a receiverof waste to which this exemption applies from Part 4 of the Regulation, but only in so far as Part 4 applies by virtue of Clause 41(1)(a) of the Regulation.
5. An exemption under this notice has effect only if the waste is transported to a place that can lawfully be used as a waste facility for that waste.

Conditions relating to the exemption of receivers

6. A receiver is exempt under this notice only if the receiver complies with the following conditions. For each load of waste transported, the receiver must make a record of the:
 - (i) amount of waste received
 - (ii) date on which the waste is delivered to the receiver.

Interstate movement of waste to which Part 3 applies

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

Dangerous Goods requirements

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

Definitions:

- **Householder** – person who owns, or rents, or lives in a house or tenement, and generates Pasmenco naturally immobilised waste.
- **Pasmenco naturally immobilised waste** – Metallurgical furnace flue dust or metallurgical furnace flue dust impacted excavated materials or any mixture of those materials that is located at residential premises inside the Pasmenco Lead Abatement Strategy (LAS) Area at Cockle Creek, NSW 2284 (Annexure A - Map).

Dated: 8 January 2020

A SELA ATAPATTU

Director Hazardous Materials, Chemicals and Radiation

(On behalf of the Environment Protection Authority)

Annexure A – Map



Legend

 Pasmenco LAS Area

Pasmenco Lead Abatement Strategy (LAS Area)

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Imagery: NearMap, 23 July 2017

