



Government Gazette

of the State of

New South Wales

Number 253 - Environment

Friday, 05 July 2024

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It can also contain local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of each page of the notice and can be used as a reference for that notice. For example, [NSWGG-2024-10-1].

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW Government Gazette website (www.gazette.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, visit the website.



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

The reDirect washed clay fines exemption July 2024

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 reDirect washed clay fines 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 reDirect washed clay fines order July 2024'.

1. Waste to which this exemption applies

1.1. This exemption applies to reDirect washed clay fines that is, or is intended to be, used:

- 1.1.1. In connection with a process of thermal treatment for the manufacturing of bricks or for use as pavers or concrete blocks that are intended to be applied to land for construction purposes, and
- 1.1.2. for **land application** for use as engineering fill, in earthworks, or applied to land within the road corridor for public road related activities including road construction.

1.2. In this exemption, the reDirect washed clay fines means clay fines that:

- 1.2.1. is generally less than 75 µm in particle size;
- 1.2.2. has been processed at the reDirect Recycling Pty Ltd facility (premises), located at 24 Davis Road, Wetherill Park, NSW 2164 (ACN 635 826 256), Environment Protection Licence (EPL) 21092;
- 1.2.3. has been sourced from the processing of any of the following waste streams:
 - 1.2.3.1. waste collected by or on behalf of local councils from street sweepings;

- 1.2.3.2. drilling mud and/or muddy waters from drilling and pot holing operations;
 - 1.2.3.3. concrete slurry;
 - 1.2.3.4. stormwater that is contaminated with gross pollutants and only collected from council stormwater infrastructure or construction sites;
 - 1.2.3.5. recovered aggregate that meets the requirements of *The recovered aggregate order 2014* when received at the premises;
 - 1.2.3.6. soils which meet the CT1 thresholds for general solid waste in the Waste Classification Guidelines – as described in Condition L2.1 of EPL 21092;
 - 1.2.3.7. excavated natural material that meets the requirements of *The excavated natural material order 2014* when received at the premises; and
 - 1.2.3.8. virgin excavated natural material – as defined in the POEO Act.
- 1.2.4. Does not contain asbestos, acid sulfate soils (ASS), potential acid sulfate soils (PASS), or per- and polyfluoroalkyl substances (PFAS).

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who uses, or intends to use, reDirect washed clay fines as set out in clause 1.1.

3. Duration

- 3.1. This exemption commences on 1 July 2024 and is valid until 1 July 2026 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 reDirect washed clay fines 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 reuse of reDirect washed clay fines as set out in clause 1.1:

- 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 reDirect washed clay fines 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 reDirect washed clay fines is received at the premises, the material must meet all chemical and other material requirements for reDirect washed clay fines which are required on or before the supply of reDirect washed clay fines under 'The reDirect washed clay fines order July 2024'.
- 6.2. The reDirect washed clay fines can only be used for the purposes as set out in clause 1.1.
- 6.3. The consumer can only apply reDirect washed clay fines to land consistent with clause 6.2 where it:
 - 6.3.1. 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:
 - the quantity of reDirect washed clay fines received; and
 - the name and address of the supplier of reDirect washed clay fines 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 reuse of reDirect washed clay fines 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 uses, or intends to use, the reDirect washed clay fines:

- in connection with a process of thermal treatment for the manufacturing of bricks or for use as pavers or concrete blocks that are intended to be applied to land for construction purposes, and
- for land application for use as engineering fill, in earthworks, or applied to land within the road corridor for public road related activities including road construction.

engineering fill means material that is required to support structures or associated pavements, or for which engineering properties are to be controlled.

EPL means Environment Protection Licence.

PFAS means per- and polyfluoroalkyl substances specifically related to Perfluorooctane sulfonate ('PFOS'), perfluorooctanoic acid ('PFOA'), and perfluorohexane sulfonate ('PFHxS') where the sum of the concentrations of PFOS + PFHxS, and PFOA are more than the laboratory limit of reporting of 5 µg/kg.

Signed 1/7/24

HELEN PRIFTI

A/Director Technical (Chemicals, Land and Radiation)

Regulatory Practice and Services Division

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 reDirect washed clay fines 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 reDirect washed clay fines 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 reDirect washed sand exemption July 2024

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 reDirect washed sand and blended reDirect washed sand 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 reDirect washed sand order July 2024'.

1. Waste to which this exemption applies

1.1. This exemption applies to reDirect washed sand and blended reDirect washed sand that is, or is intended to be, used:

- 1.1.1. For **land application** for use as pipe bedding, drainage, in earthworks, or applied to land within the road corridor for public road related activities including road construction or in building, landscaping or construction works;
- 1.1.2. As an alternative raw material in soil blends, concrete and pre-filled sandbags. Pre-filled sandbags may be used as temporary flood control, water diversion, and retaining walls. The use of reDirect washed sand in soil blends to make blended reDirect washed sand is limited to the blending with the following materials:
 - 1.1.2.1. Virgin excavated natural material as defined in the POEO Act;
 - 1.1.2.2. Compost as defined in *The compost order and exemption 2016*;
 - 1.1.2.3. Pasteurized garden organics as defined in *The pasteurised garden organics order and exemption 2016*; and,
 - 1.1.2.4. Mulch as defined in *The mulch order and exemption 2016*.

- 1.1.3. In connection with a process of thermal treatment for the manufacturing of bricks or for use as pavers or concrete blocks that are intended to be applied to land for construction purposes.
- 1.2. In this exemption, the reDirect washed sand means sand that:
 - 1.2.1. is between 75 µm and 5 mm in particle size;
 - 1.2.2. has been processed at the reDirect Recycling Pty Ltd facility (premises), located at 24 Davis Road, Wetherill Park, NSW 2164 (ACN 635 826 256), Environment Protection Licence (EPL) 21092;
 - 1.2.3. has been sourced from the processing of any of the following waste streams:
 - 1.2.3.1. waste collected by or on behalf of local councils from street sweepings;
 - 1.2.3.2. drilling mud and/or muddy waters from drilling and pot holing operations;
 - 1.2.3.3. concrete slurry;
 - 1.2.3.4. stormwater that is contaminated with gross pollutants and only collected from council stormwater infrastructure or construction sites;
 - 1.2.3.5. recovered aggregate that meets the requirements of *The recovered aggregate order 2014* when received at the premises;
 - 1.2.3.6. soils which meet the CT1 thresholds for general solid waste in the Waste Classification Guidelines – as described in Condition L2.1 of EPL 21092;
 - 1.2.3.7. excavated natural material that meets the requirements of *The excavated natural material order 2014* when received at the premises; and
 - 1.2.3.8. virgin excavated natural material – as defined in the POEO Act.
 - 1.2.4. Does not contain asbestos, acid sulfate soils (ASS), potential acid sulfate soils (PASS), or per- and polyfluoroalkyl substances (PFAS).

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who uses, or intends to use, reDirect washed sand or blended reDirect washed sand, as set out in clause 1.1.

3. Duration

- 3.1. This exemption commences on 1 July 2024 and is valid until 1 July 2026 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 reDirect washed sand or blended reDirect washed sand 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 reuse of the reDirect washed sand or blended reDirect washed sand as set out in clause 1.1:

- 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 reDirect washed sand or blended reDirect washed sand 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 reDirect washed sand or blended reDirect washed sand is received at the premises, the material must meet all chemical and other material requirements for reDirect washed sand or must meet the blending requirements for blended reDirect washed sand, which are required on or before the supply of reDirect washed sand or blended reDirect washed sand under 'The reDirect washed sand order July 2024'.
- 6.2. The reDirect washed sand and blended reDirect washed sand can only be used for the purposes as set out in clause 1.1.
- 6.3. The **consumer** can only apply reDirect washed sand and blended reDirect washed sand to land consistent with clause 6.2 where it:
- 6.3.1. is not applied in or beneath water, including groundwater, unless used within sandbags.
- 6.4. The **consumer** must keep a written record of the following for a period of six years:
- the quantity of reDirect washed sand and blended reDirect washed sand received; and
 - the name and address of the supplier of reDirect washed sand and blended reDirect washed sand 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 reuse of the reDirect washed sand must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land or **land application** 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 uses, or intends to use, the reDirect washed sand:

- For **land application** for use as pipe bedding, drainage, in earthworks, or applied to land within the road corridor for public road related activities including road construction or in building, landscaping or construction works;
- As an alternative raw material in soil blends, concrete and pre-filled sandbags. Pre-filled sandbags may be used as temporary flood control, water diversion, and retaining walls. The use of reDirect washed sand in soil blends to make blended reDirect washed sand is limited to the blending with the following materials:
 - Virgin excavated natural material as defined in the POEO Act;
 - Compost as defined in *The compost order and exemption 2016*;
 - Pasteurized garden organics as defined in *The pasteurised garden organics order and exemption 2016*; and,
 - Mulch as defined in *The mulch order and exemption 2016*.
- In connection with a process of thermal treatment for the manufacturing of bricks or for use as pavers or concrete blocks that are intended to be applied to land for construction purposes.

engineering fill means material that is required to support structures or associated pavements, or for which engineering properties are to be controlled.

EPL means Environment Protection Licence.

PFAS means per- and polyfluoroalkyl substances specifically related to Perfluorooctane sulfonate ('PFOS'), perfluorooctanoic acid ('PFOA'), and perfluorohexane sulfonate ('PFHxS') where the sum of the concentrations of PFOS + PFHxS, and PFOA are more than the laboratory limit of reporting of 5 µg/kg.

Signed 1/7/24

HELEN PRIFTI

A/Director Technical (Chemicals, Land and Radiation)

Regulatory Practice and Services Division

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 reDirect washed sand and blended reDirect washed sand 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 reDirect washed sand and blended reDirect washed sand 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 reDirect washed aggregate exemption July 2024

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 reDirect washed 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 reDirect washed aggregate order July 2024'.

1. Waste to which this exemption applies

1.1. This exemption applies to reDirect washed aggregate that is, or is intended to be, used:

- 1.1.1. **For land application** for use as **engineering fill**, asphalt manufacturing, road sealing applications, concrete, road construction material, or in building, landscaping or construction works.

1.2. In this exemption, reDirect washed aggregate means aggregate that:

- 1.2.1. is between 5mm and 80mm in particle size;
- 1.2.2. has been processed at the reDirect Recycling Pty Ltd facility (premises), located at 24 Davis Road, Wetherill Park, NSW 2164 (ACN 635 826 256), Environment Protection Licence (EPL) 21092;
- 1.2.3. has been sourced from the processing of any of the following waste streams:
- 1.2.3.1. waste collected by or on behalf of local councils from street sweepings;
- 1.2.3.2. drilling mud and/or muddy waters from drilling and pot holing operations;

- 1.2.3.3. concrete slurry;
 - 1.2.3.4. stormwater that is contaminated with gross pollutants and only collected from council stormwater infrastructure or construction sites;
 - 1.2.3.5. recovered aggregate that meets the requirements of *The recovered aggregate order 2014* when received at the premises;
 - 1.2.3.6. soils which meet the CT1 thresholds for general solid waste in the Waste Classification Guidelines – as described in Condition L2.1 of EPL 21092;
 - 1.2.3.7. excavated natural material that meets the requirements of *The excavated natural material order 2014* when received at the premises; and
 - 1.2.3.8. virgin excavated natural material – as defined in the POEO Act.
- 1.2.4. Does not contain asbestos, acid sulfate soils (ASS), potential acid sulfate soils (PASS), or per- and polyfluoroalkyl substances (PFAS).

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who uses, or intends to use, reDirect washed aggregate as set out in clause 1.1.

3. Duration

- 3.1. This exemption commences on 1 July 2024 and is valid until 1 July 2026 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 reDirect washed 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 reuse of the reDirect washed aggregate as set out in clause 1.1:
 - 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 reDirect washed 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.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the reDirect washed aggregate is received at the premises, the material must meet all chemical and other material requirements for reDirect washed aggregate which are required on or before the supply of reDirect washed aggregate under 'the reDirect washed aggregate order July 2024'.
- 6.2. The reDirect washed aggregate can only be used for the purposes as set out in clause 1.1.
- 6.3. The **consumer** can only apply the reDirect washed aggregate to land consistent with clause 6.2 where it:
 - 6.3.1. 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:
 - the quantity of the reDirect washed aggregate received; and
 - the name and address of the supplier of the reDirect washed aggregate 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 reuse of the reDirect washed aggregate must occur within a reasonable period of time after its receipt.

7. Definitions

In this exemption:

application or apply to land or land application 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 uses, or intends to use, the reDirect washed aggregate:

- **Land application** for use as **engineering fill**, asphalt manufacturing, road sealing applications, concrete, road construction material, or in building, landscaping or construction works;

engineering fill means material that is required to support structures or associated pavements, or for which engineering properties are to be controlled.

EPL means Environment Protection Licence.

PFAS means per- and polyfluoroalkyl substances specifically related to Perfluorooctane sulfonate ('PFOS'), perfluorooctanoic acid ('PFOA'), and perfluorohexane sulfonate ('PFHxS') where the sum of the concentrations of PFOS + PFHxS, and PFOA are more than the laboratory limit of reporting of 5 µg/kg.

Signed

1/7/24

HELEN PRIFTI

A/Director Technical (Chemicals, Land and Radiation)

Regulatory Practice and Services Division

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 reDirect washed 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 reDirect washed 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 Order under Section 286A of the Protection of the Environment Operations Act 1997

The gin trash order 2024

Introduction

This order, issued by the Environment Protection Authority (EPA) under section 286A of the *Protection of the Environment Operations Act 1997* (POEO Act), imposes the requirements that must be met by suppliers of gin trash to which 'The gin trash exemption 2024' applies. The requirements in this order apply in relation to the supply of gin trash for application to land as soil amendment.

1. Waste to which this order applies

- 1.1. This order applies to gin trash. In this order, gin trash means the organic by-product of the ginning of cotton. Gin trash is made up of leaves, sticks, soil, lint cotton and cotton seed fragments which have been separated from the cotton during ginning (processing). For the purposes of this order, gin trash may also include gin trash which has undergone partial or full composting at the land application site.

2. Persons to whom this order applies

- 2.1. The requirements in this order apply, as relevant, to any person who supplies gin trash that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of gin trash to a consumer for land application purposes 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 5 July 2024 and is valid until revoked by EPA by notice in writing at an earlier date.

4. Revocation

- 4.1. The gin trash order 2021 which commenced on 12 November 2021 is revoked from 5 July 2024.

5. Generator requirements

The EPA imposes the following requirements on any generator who supplies gin trash.

- 5.1. Generators must not supply gin trash to a consumer where the gin trash is derived from cotton that has been grown using a new product unless Cotton Australia have:
 - 5.1.1. Performed a desktop assessment examining the effect of that product on any gin trash generated. The assessment must consider and report on the potential for environmentally hazardous concentrations of chemical residues to be present in the gin trash.
 - 5.1.2. where the desktop assessment indicates the potential for environmentally hazardous concentrations of chemical residues in the gin trash, Cotton Australia

must undertake chemical analysis of the gin trash generated following the use of the new product(s) by testing for all of the chemicals present in the new product(s); and

- 5.1.3. report the results of the assessment required by condition 5.1.1, and any chemical analysis required by condition 5.1.2 to the EPA by forwarding to info@epa.nsw.gov.au.
- 5.2. Cotton Australia must have written approval from the EPA and provide a copy of this approval to the generator before any gin trash which has been produced using a new product is land applied.

Notification

- 5.3. On or before each transaction, the generator must provide the following to each person to whom the generator supplies the gin trash:
 - a written statement of compliance certifying that all the requirements set out in this order have been met
 - a copy of 'The gin trash exemption 2024' or a link to the EPA website where 'The gin trash exemption 2024' can be found; and
 - a copy of 'The gin trash order 2024' or a link to the EPA website where 'The gin trash order 2024' can be found.

Record keeping and reporting

- 5.4. The generator must keep a written record of the following for a period of six years:
 - the quantity of the gin trash supplied,
 - the result of desk top assessments and chemical analysis required by condition 5.1; and
 - the name and address of each person to whom the generator supplied the gin trash.

6. Definitions

In this order:

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
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, gin trash to land.

Cotton Australia means Cotton Australia Limited (ACN 054 122 879) the peak representative body for the Australian cotton growing industry.

generator means a person who generates gin trash for supply to a consumer.

new product means any product (including but not limited to pesticides, herbicides and fertilisers) that has not previously been used by cotton growers in NSW or that has commenced use following the commencement of this order.

transaction means:

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

SIGNED 1/7/24

Helen Prifti
A/Director Technical (Chemicals, Land and Radiation)
Regulatory Practice and Services Division

Notes

The EPA may amend or revoke this order at any time. It is the responsibility of each of the generator and 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 gin trash 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 supplier may need to seek expert engineering or 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 gin trash remains subject to other relevant environmental regulations in the POEO Act and Protection of the Environment Operations (Waste) Regulation 2014 (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 requirements for asbestos waste (S. 144AAB), 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 section 286A of the Protection of the Environment Operations Act 1997.



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

The gin trash exemption 2024

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 gin trash 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 gin trash order 2024'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to gin trash that is, or is intended to be, applied to land as a soil amendment.
- 1.2. Gin trash is the organic by-product of the ginning of cotton. Gin trash is made up of leaves, sticks, soil, lint cotton and cotton seed fragments which have been separated from the cotton during processing. For the purposes of this exemption, gin trash may also include gin trash which has undergone partial or full composting at the land application site.

2. Persons to whom this exemption applies

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

3. Duration

- 3.1. This exemption commences on 5 July 2024 and is valid until revoked by EPA by notice in writing at an earlier date.

4. Revocation

- 4.1. The gin trash exemption 2021 which commenced on 12 November 2021 is revoked from 5 July 2024.

5. Premises to which this exemption applies

- 5.1. This exemption applies to the premises at which the application or intended application of gin trash 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 gin trash 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 gin trash 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 gin trash is received at the premises, the material must meet all requirements of 'The gin trash order 2024'.
- 7.2. The gin trash can only be applied to land as a soil amendment.
- 7.3. The consumer must calculate an appropriate application rate prior to land applying the gin trash. The application rate must not exceed 15 tonnes per hectare per year.
- 7.4. For gin trash which has not been composted/mulched, the gin trash must be incorporated into the soil to a depth of 10cm following application. Incorporation must occur within 28 days of application.
- 7.5. The consumer must ensure that gin trash once land applied is not transported offsite through wind or any other action.
- 7.6. The consumer must keep a written record of the following for a period of six years:
 - the quantity of any gin trash received,
 - the location where the gin trash was land applied and in what quantity (application rate); and
 - name and address of the supplier of the gin trash 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 ensure that any application of gin trash 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, gin trash to land.

generator means a person who generates gin trash in its final form for supply to a consumer.

SIGNED 1/7/24

Helen Prifti

A/Director Technical (Chemicals, Land and Radiation)

Regulatory Practice and Services Division

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

Consumers should be aware that whilst this exemption permits that land application of gin trash which has undergone composting on the land application premises it does not exempt consumers from the need to be licenced for that activity should the consumer exceed the thresholds contained in Clause 12 of Schedule 1 to the POEO Act.

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 gin trash 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 gin trash 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 requirements for asbestos waste (s. 144AAB), 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.