



# **Waste Matters**

**Scott Hunter**

**Head Waste Compliance Unit Coffs Harbour**



## Who is the NSW EPA?

- The NSW Environment Protection Authority protects our environment and community
- We do this by being a leader, a partner and protector
- We lead in protecting our air, waterways, land and health of the community
- We work with communities, government and business
- We hold people and organisations to account through:
  - Licensing
  - Monitoring
  - Regulation
  - Enforcement



## Protecting the environment and human health

- The NSW Environment Protection Authority protects our air, waterways, land and the health of the community.
- Our regulatory activities help prevent or minimise pollution
- We advise the Government on best practice standards
- We set mandatory targets for environmental improvement
- We support industry to do the right thing but take firm action when it doesn't



## Innovative waste management

- Reducing litter volume is one of the Premier's 12 Priorities for NSW
- We have programs and policies to:
  - Reduce waste
  - Increase recycling
  - Encourage better waste disposal behaviour
  - Manage problem waste
  - Reduce landfill
- We are establishing a container deposit scheme to start December 2017
- We regulate the transport, handling and disposal of waste
- We encourage the re-use and recovery of diverse materials





# Waste Framework

**Waste** includes:

- (a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
  - (b) any discarded, rejected, unwanted, surplus or abandoned substance, or
  - (c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
  - (d) any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
  - (e) any substance prescribed by the regulations to be waste.
- A substance is not precluded from being waste for the purposes of this Act merely because it is or may be processed, recycled, re-used or recovered.

## Waste Framework

- **Applies to illegal dumping sites**
- **Applies to illegal land application sites**
- **EPA generally requires clean up – removal of waste to a lawful waste facility**
- **Landowners, occupiers or land managers can be responsible for cleaning up illegally land applied waste**
- **Clean Up Notices**

# Disposal or re-use?



# 'Clean fill' does not exist

Don't risk a fine...





## Avoiding the dangers of accepting fill on your land

If you're buying or accepting fill onto your property BEWARE: you may harm the health of your family, permanently devalue your property and face substantial clean-up costs.



## Important information for landholders

Beware: you can devalue your property and risk the health of you and your family

Don't risk hefty fines and clean-up costs

Environment Protection Authority  
 59-61 Goulburn Street, Sydney  
 PO Box A290, Sydney South 1232  
 Phone: 131 555 (NSW only — publication and information requests)  
 Phone: (02) 9995 5000 (switchboard)  
 Fax: (02) 9995 5999  
 TTY: (02) 133 677 then ask for 131 555  
 Speak and listen: 1300 555 727 then ask for 131 555  
 Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)  
 Website: [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)  
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# Waste Management Options

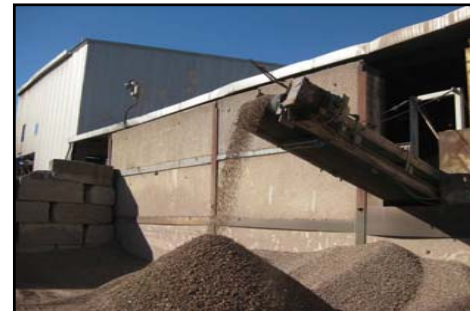
1. **MANAGE WASTE AS A WASTE FOR DISPOSAL**  
(Waste Classification)



2. **MANAGE WASTE AS A RESOURCE FOR REUSE**  
(VENM)



3. **MANAGE WASTE AS A RESOURCE FOR REUSE**  
(Resource recovery exemptions)



## Resource for Reuse

1. **Virgin Excavated Natural Material**
  
2. **Resource Recovery Order & Exemption Framework**
  - **Excavated Natural Material**
  - **Excavated public road material**
  - **Reclaimed asphalt**
  - **Raw Mulch**
  - **Pasteurised Garden Organics**

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

#### The excavated natural material order 2014

##### 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 excavated natural material to which 'the excavated natural material exemption 2014' applies. The requirements in this order apply in relation to the supply of excavated natural material for application to land as engineering fill or for use in earthworks.

##### 1. Waste to which this order applies

- 1.1. This order applies to excavated natural material. In this order, excavated natural material means naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:
  - a) been excavated from the ground, and
  - b) contains at least 98% (by weight) natural material, and
  - c) does not meet the definition of Virgin Excavated Natural Material in the Act.

Excavated natural material does not include material located in a hotspot; that has been processed; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

##### 2. Persons to whom this order applies

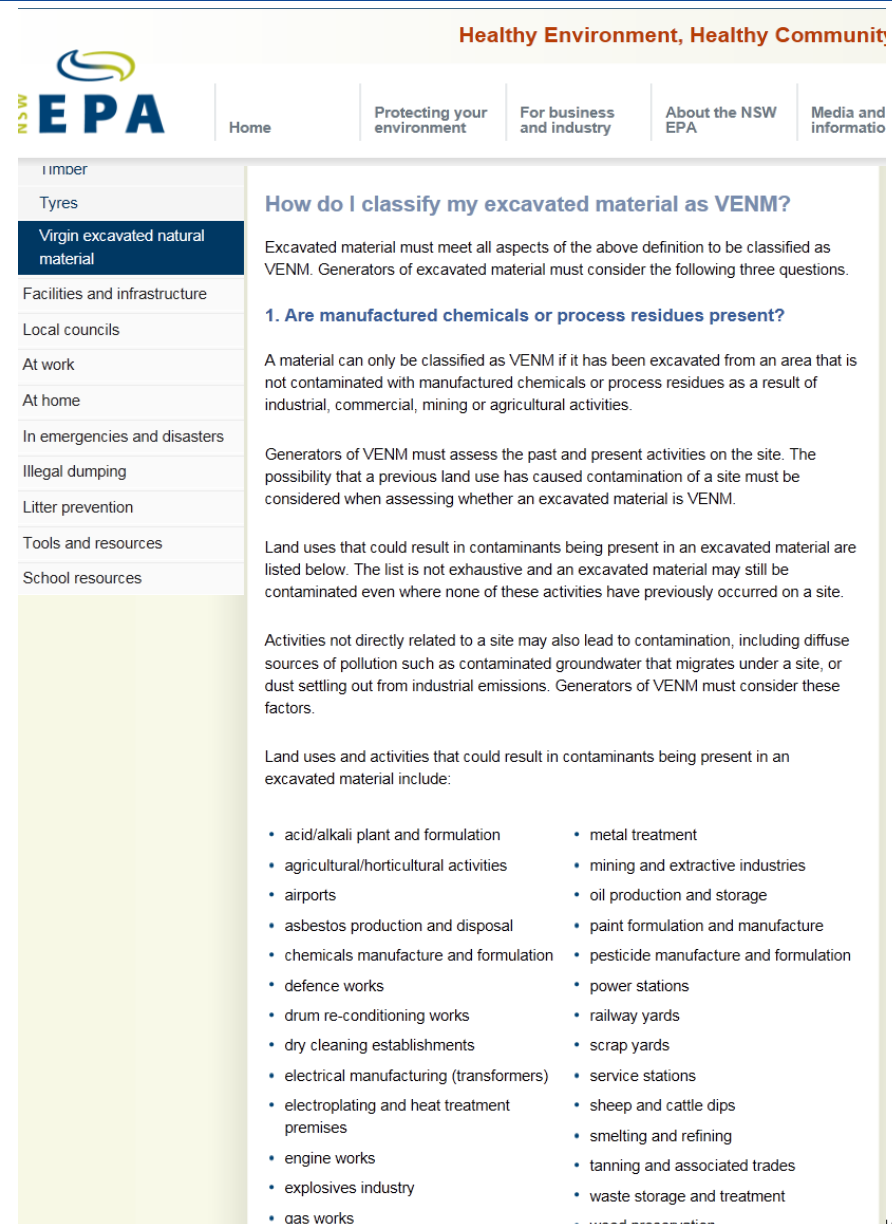
- 2.1. The requirements in this order apply, as relevant, to any person who supplies excavated natural material, that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of excavated natural material to a consumer for land application at a premises 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 24 November 2014 and is valid until revoked by the EPA by notice published in the Government Gazette.

## Definition:

- 'natural material (such as clay, gravel, sand, soil or rock fines):
  - (a) 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
  - (b) 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.'



The screenshot shows the NSW EPA website with the following content:

**Healthy Environment, Healthy Community**

NSW EPA | Home | Protecting your environment | For business and industry | About the NSW EPA | Media and information

Timber  
Tyres  
**Virgin excavated natural material**  
Facilities and infrastructure  
Local councils  
At work  
At home  
In emergencies and disasters  
Illegal dumping  
Litter prevention  
Tools and resources  
School resources

### How do I classify my excavated material as VENM?

Excavated material must meet all aspects of the above definition to be classified as VENM. Generators of excavated material must consider the following three questions.

#### 1. Are manufactured chemicals or process residues present?

A material can only be classified as VENM if it has been excavated from an area that is not contaminated with manufactured chemicals or process residues as a result of industrial, commercial, mining or agricultural activities.

Generators of VENM must assess the past and present activities on the site. The possibility that a previous land use has caused contamination of a site must be considered when assessing whether an excavated material is VENM.

Land uses that could result in contaminants being present in an excavated material are listed below. The list is not exhaustive and an excavated material may still be contaminated even where none of these activities have previously occurred on a site.

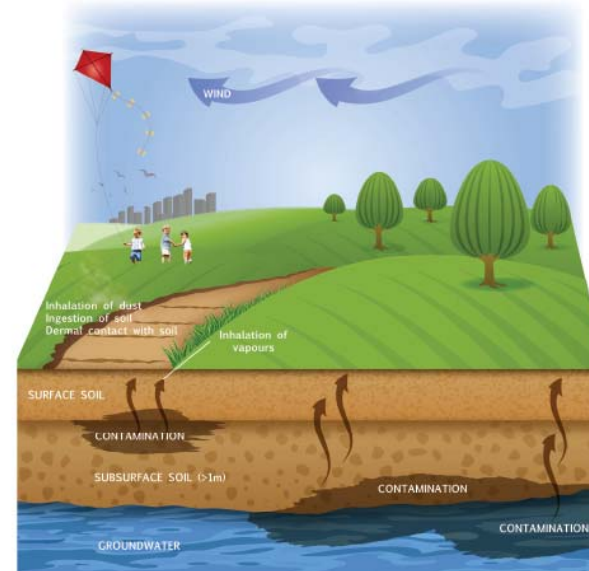
Activities not directly related to a site may also lead to contamination, including diffuse sources of pollution such as contaminated groundwater that migrates under a site, or dust settling out from industrial emissions. Generators of VENM must consider these factors.

Land uses and activities that could result in contaminants being present in an excavated material include:

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

## Tips for assessing VENM

1. Check site history
  - What is the current landuse?
  - What were the previous landuses/ site activities?
2. Inspect material
  - Does it contain foreign materials – bricks, concrete, plastic, metal, etc?
3. Is there a potential for contamination by chemicals/ process residues/ sulfidic soils/ ores?
4. Use the above questions to inform whether sampling and testing is required.



## What can VENM be used for?

- VENM can be used as fill for earthworks or as an engineered fill.
- Check for landowners consent
- Check for development consent

## Resource Recovery Orders & Exemptions

- **Resource recovery orders and exemptions facilitate the reuse of waste materials outside certain requirements of the waste regulatory framework**
- **EPA has the power to grant exemptions:**
  - **Fit for purpose**
  - **bona-fide**
  - **Minimal risk of harm to human health and the environment**



- **General Orders & Exemptions – 40**

- Have changed since 2014 due to new regulations
- High volume, commonly generated, low risk materials
- Available publicly

<http://www.epa.nsw.gov.au/waste/generalRRE.htm>

- **Council related Orders & Exemptions**

- Excavated Natural Material (ENM)
- Excavated public road material
- Reclaimed asphalt pavement
- Recovered aggregate
- Slag: 4 Exemptions - blast furnace, steel furnace, etc
- Pasteurised garden organics
- Raw Mulch

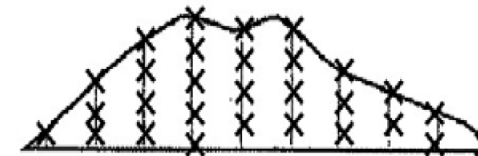
# Excavated Natural Material (ENM)

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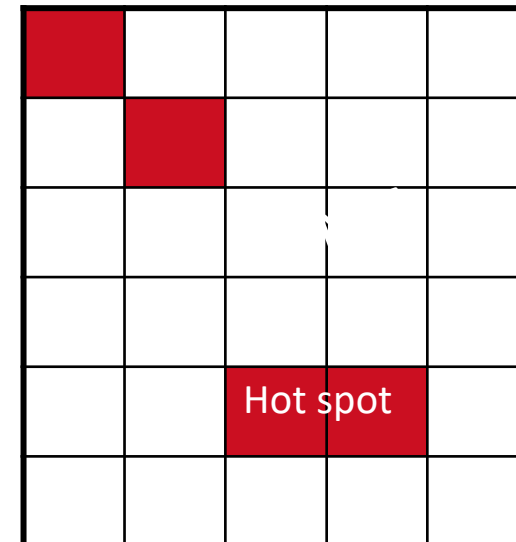
Chemical requirements



Stockpile sampling requirements

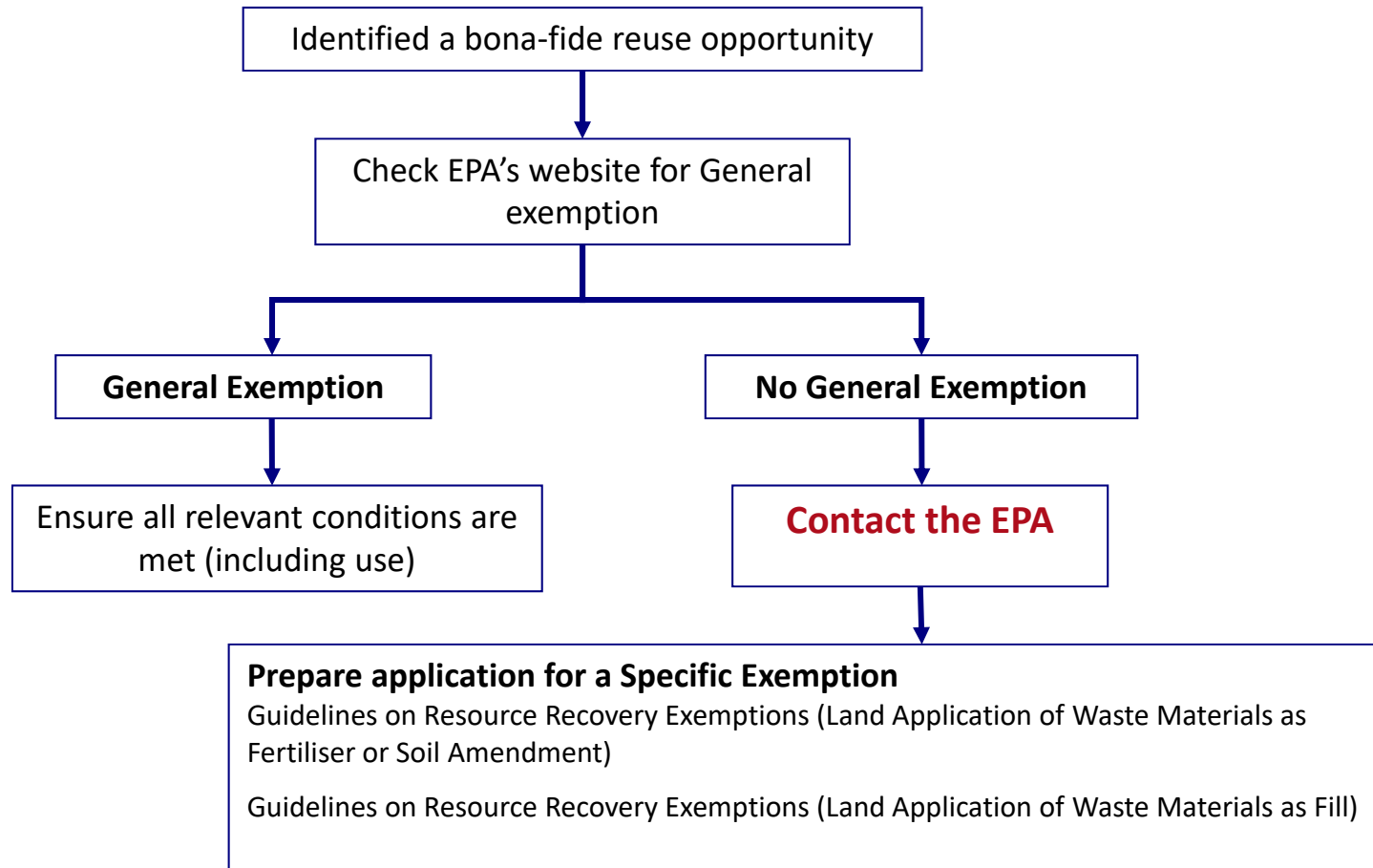


In-situ sampling requirements





# Using a resource recovery exemption



## Waste Offence Provisions

**s115** Disposal of waste – harm to the environment

**s143** Unlawful transport or deposit of waste

**s144** Use of land as illegal waste facility

**s144AA (1)** Supply false and misleading information about waste

**s144AA (2)** Knowingly supply false and misleading information about waste

**s144AB** Repeat waste offenders



## Penalties

\$240K - \$5M

18 months – 7 years Jail time



# Transporting waste

## **Asbestos transport requirements**

- **Part 7 of the POEO Act**

**Any part of vehicle transporting asbestos waste must be covered and leak-proof.**

**Friable asbestos must be kept in sealed containers during transport.**

**Asbestos contaminated soils must be wetted down**

## **Changes to transporting waste**

**Removal of the proximity principle offence is proposed**

**But still required to meet:**

- Waste Locate and Interstate Waste Tracking**
- Asbestos transport requirements**
- Lawful transport of waste, s143 POEO Act**

**Fines apply for each non-compliant truckload**

# Questions?

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[waste.updates@epa.nsw.gov.au](mailto:waste.updates@epa.nsw.gov.au)

[Waste.exemptions@epa.nsw.gov.au](mailto:Waste.exemptions@epa.nsw.gov.au)

**Enquiries: 131 555**

