Waste Matters

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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
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
Virgin Excavated Natural Material (VENM)

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.’
Virgin Excavated Natural Material (VENM)

**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
Resource Recovery Orders & Exemptions

- **General Orders & Exemptions – 40**
  - Have changed since 2014 due to new regulations
  - High volume, commonly generated, low risk materials
  - Available publicly

- **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)

- **Excavated natural material** is naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:
  - been excavated from the ground, and
  - contains at least **98%** (by weight) **natural material**, and
  - 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) or Potential Acid Sulfate soils (PASS).
Using a resource recovery exemption

- Identified a bona-fide reuse opportunity
  - Check EPA’s website for General exemption
    - General Exemption
      - Ensure all relevant conditions are met (including use)
    - No General Exemption
      - Contact the EPA
        - Prepare application for a Specific Exemption
          Guidelines on Resource Recovery Exemptions (Land Application of Waste Materials as Fertiliser or Soil Amendment)
          Guidelines on Resource Recovery Exemptions (Land Application of Waste Materials as Fill)
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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