



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

The Direct Pallets mulch exemption 2016

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 Direct Pallets mulch 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 Direct Pallets mulch order 2016'.

1. Waste to which this exemption applies

- 1.1 This exemption applies to Direct Pallets mulch that is, or is intended to be, applied to land as a soil amendment.
- 1.2 Direct Pallets mulch means shredded urban wood residues from the processing of pallets and framing material at Direct Corp Ply Ltd processing facility at 38 Williamson Road Ingleburn NSW 2565. Direct Pallets mulch may contain a maximum of 5% total of:
 - 1.2.1 engineered wood products where only urea formaldehyde, melamine formaldehyde, and melamine urea formaldehyde resins have been used; and
 - 1.2.2 blue pine which has been surface treated with permethrin or bifenthrin.

Direct Pallets mulch does not include source separated garden waste. It also must not contain asbestos, engineered wood products or preservative treated or coated wood residues other than those described above or any physical contaminants, including but not limited to glass, metal, rigid plastics, flexible plastics, or polystyrene.

2. Persons to whom this exemption applies

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

3. Duration

- 3.1 This exemption commences on 15 April 2016 and is valid until 16 April 2018 or until revoked by the EPA by notice published in the Government Gazette.

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 Direct Pallets mulch 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 application of Direct Pallets mulch to land 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.

- 5.2 The exemption does not apply in circumstances where Direct Pallets mulch 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 Direct Pallets mulch is received at the premises, the material must meet all material requirements for Direct Pallets mulch which are required on or before the supply of Direct Pallets mulch under 'the Direct Pallets mulch order 2016'.
- 6.2 Direct Pallets mulch can only be applied to land as a soil amendment.
- 6.3 The consumer must ensure that they do not cause or permit the migration of leachate from the land application site.
- 6.4 The consumer must not undertake further processing of Direct Pallets mulch at the land application site.
- 6.5 The consumer must ensure that any application of Direct Pallets mulch to land occurs 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;
- 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, Direct Pallets mulch to land.

engineered wood products means engineered, painted, treated or composite wood products such as particleboard, oriented strand board, plywood, laminated veneer lumber, glulam or fibreboard that are manufactured with glues, resins, water repellents, fire retardants, fungal inhibitors and/or other chemicals.

preservative treated or coated wood residues means wood residues that are preservative treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP) and/or coated with substances such as varnish or paint.

processor means a person who processes, mixes, blends, or otherwise incorporates Direct Pallets mulch into a material in its final form for supply to a consumer.

source separated garden waste means garden vegetation and plant materials that are segregated at the point of generation and are collected as a separate material stream for processing. Source separated garden waste is limited to materials from kerbside garden waste collections and includes materials such as branches, grass, leaves, plant trimmings, tree stumps and bark.

urban wood residues means untreated, unpainted, and uncontaminated urban derived timber and wood material that is collected as a separate material stream for processing. Urban wood residues include materials such as off-cuts, saw dust, wood shavings, packaging crates and pallets.



13.4.16

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 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

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 Direct Pallets mulch 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 Direct Pallets mulch 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.

The processor must implement procedures to prevent the presence of engineered wood products or preservative treated or coated wood residues other than those described above and/or physical contaminants in Direct Pallets mulch. These procedures must be formally documented. However, as noted in this exemption, Direct Pallets mulch must not contain any asbestos.

Direct Pallets mulch that meets the conditions of this exemption should be applied to land by the consumer within 2 weeks of being received. Where there are extenuating circumstances Direct Pallets mulch should be land applied within 4 weeks to ensure that composting of Direct Pallets mulch does not occur. The EPA considers that 6 weeks would be the absolute limit in all circumstances.