

**ENVIRONMENT PROTECTION AUTHORITY
NSW**

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State Pollution Control Commission,
Sydney, 21st March, 1986.

ENVIRONMENTALLY HAZARDOUS CHEMICALS ACT, 1985

**CHEMICAL CONTROL ORDER IN RELATION TO ALUMINIUM SMELTER
WASTES CONTAINING FLUORIDE AND/OR CYANIDE**

NOTICE is hereby given pursuant to section 21 of the Environmentally Hazardous Chemicals Act, 1985, that the State Pollution Control Commission has made a chemical control order under section 22 of the said Act in relation to aluminium smelter wastes containing fluoride and/or cyanide. The terms of the chemical control order are as follows:

1. *Definitions:*

In this order-

- 1.1 “*Commission*” means the State Pollution Control Commission.
- 1.2 “*Aluminium smelter waste*” means any chemical substance from an aluminium smelting process which is or is likely to be stored in accumulating deposits or dumped or abandoned or otherwise dealt with as a chemical waste other than any emissions to the atmosphere or discharges to water which are for the time being the subject of a licence under the State Pollution Control Commission Act, 1970.
- 1.3 “*Leachable fluoride*” in relation to aluminium smelter wastes means those wastes that when subjected to a test as specified by the Commission, being either the United States Environmental Protection Agency “Toxicity Characteristic Leaching Procedure (TCLP, method 13xx)” or other similar specified test, produce a leachate containing more than 150mg L⁻¹ of fluoride.
- 1.4 “*Leachable cyanide*” in relation to aluminium smelter wastes means those wastes that when subjected to a test as specified by the Commission, being either the United States Environmental Protection Agency “Toxicity Characteristic Leaching Procedure (TCLP, Method 13xx)” or other similar specified test, produce a leachate containing more than 10mg L⁻¹ of cyanide.
- 1.5 The “*Act*” means the Environmentally Hazardous Chemicals Act, 1985.

2. *Prohibition of Prescribed Activities:*

The following prescribed activities are prohibited:

- 2.1 The disposing of aluminium smelter wastes containing leachable fluoride and/or leachable cyanide.
- 2.2 The processing, keeping, selling, distributing, conveying, or using of aluminium smelter wastes containing leachable fluoride and/or leachable cyanide, except in accordance with a licence issued by the Commission.
- 2.3 The keeping, selling, distributing, using, conveying or disposing of aluminium smelter wastes, other than those referred to in paragraphs 2.1 and 2.2, except in accordance with a licence issued by the Commission.

3. *Terms:*

The following terms shall govern the issue of licences under paragraphs 2.2 and 2.3:

- 3.1 A separate licence shall be obtained in relation to each premises at which an activity referred to in paragraph 2.2 or 2.3 is to be carried on. Any such licence may cover:
 - (a) Conveying of aluminium smelter wastes from the site.
 - (b) Processing of aluminium smelter wastes for the purpose of research into and development of environmentally acceptable methods for reducing the levels of leachable fluoride and/or leachable cyanide in such wastes.
- 3.2 Licences relating to aluminium smelter wastes containing leachable fluoride and/or leachable cyanide may have conditions relating to remedial action to be taken in the event of the premises becoming contaminated or other contamination occurring by reason of the carrying on of the licensed activity and, in accordance with section 34 of the Act, may require the applicant to lodge with the Commission security in such form as the Commission considers appropriate for the performance of such conditions.
- 3.3 Licences shall contain conditions relating to the physical security of premises and measures necessary to minimize the risk of environmental harm.
- 3.4 Licences shall contain conditions relating to the monitoring of any licensed activities and of the environment in relation to those activities,

including conditions for the reporting and certification of the results of any monitoring.

- 3.5 Licences issued in accordance with paragraph 2.2 may allow the processing of wastes for the recovery of components, the making of other products, or to reduce the fluoride and/or cyanide content or leachability.

Wastes or waste residues which after processing do not contain leachable fluoride or leachable cyanide shall be kept, conveyed or disposed of in accordance with paragraph 2.3.

- 3.6 Licence conditions may require certification to the Commission that wastes do not contain leachable fluoride or leachable cyanide, the location and manner of disposal of wastes and any monitoring required to detect the occurrence of environmental contamination.

4. *Commencement*

This chemical control order shall take effect on and from 21st April, 1986.

Any conditions made under this order for the lodging of security shall apply only in respect of wastes produced after the above date.

With regard to any wastes produced and kept on or before the above date, arrangements needed to bring the keeping or processing of those wastes into compliance with the order shall be specified within any relevant licence which shall require compliance with all aspects of this order by a date to be specified in the licence, being a date not later than 1st July, 1988.

5. The Commission has made this order on the advice of the Hazardous Chemicals Advisory Committee. The Committee's advice was given following consideration of a report on the Commission's assessment of the potential impacts on the environment of aluminium smelter wastes containing fluoride and/or cyanide, and following consideration of submissions received in response to a notice given of its intention to make the order.

Copies of the assessment report are available from the Secretary, State Pollution Control Commission, 157 Liverpool Street, SYDNEY 2000.

PETER STANDEN,
Director, State Pollution Control Commission