



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

The processed animal waste exemption 2014

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 processed animal waste 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 processed animal waste order 2014'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to processed animal waste that is, or is intended to be, applied to land as a soil amendment.
- 1.2. Processed animal waste means animal waste that has been processed into meal, fish emulsion or fish hydrolysate.

2. Persons to whom this exemption applies

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

3. Duration

- 3.1. This exemption commences on 24 November 2014 and is valid 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 processed animal waste is carried out.

5. Revocation

- 5.1. 'The processed animal waste exemption 2012' which commenced on 7 December 2012 is revoked from 24 November 2014.

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 processed animal waste 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 processed animal waste 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. The processed animal waste can only be applied to land as a soil amendment.
- 7.2. Application rates must be equal to or less than the agronomic rate for the most limiting factor.
- 7.3. The consumer must ensure that any application of processed animal waste 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, processed animal waste to land.

fish emulsion means the liquid produced from the heat treatment of animal waste from fishery industries.

fish hydrolysate means the liquid produced from the hydrolysis and/or enzymatic breakdown of animal waste from fishery industries.

heat treatment means the process of heating the animal waste at temperatures and for times which, in combination, are sufficient to destroy pathogenic micro-organisms.

meal means defatted and dried solid product from rendering animal waste after milling, including but is not restricted to meat and bone meal, poultry meal, fish meal and blood meal.

processor means a person who processes, mixes, blends, or otherwise incorporates processed animal waste into a material in its final form for supply to a consumer.

rendering means the heat treatment of animal waste to remove moisture and/or liberate fat.

transaction means:

- in the case of a once-off supply, the supply of processed animal waste.
- where the supplier and recipient have an arrangement for more than one supply of processed animal waste, over a defined period (not exceeding two years), the first supply of processed animal waste as required under the arrangement.

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 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 processed animal waste 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.

The receipt of processed animal waste remains subject to other relevant environmental regulations in the POEO Act and 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.