



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

The treated grease trap 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 treated grease trap 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 treated grease trap waste order 2014'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to treated grease trap waste that is, or is intended to be, applied to land as a soil amendment.
- 1.2. Treated grease trap waste means grease trap waste that has undergone treatment according to the following:
 - screening to remove physical contaminants;
 - leaving the grease trap waste to settle by operation of gravity for at least 4 hours, so that the floating fats and oils, the aqueous liquid waste and the settleable portions of the grease trap waste separate; and
 - the floating layer must either be removed or be incorporated into the bottom settled layer following saponification by the addition of lime.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, treated grease trap 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 to land of treated grease trap waste is carried out.

5. Revocation

- 5.1. 'The treated grease trap waste exemption 2008' which commenced on 20 June 2008 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 treated grease trap 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 treated grease trap 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. At the time the treated grease trap waste is received at the premises, the material must meet all chemical and other material requirements for treated grease trap waste which are required on or before the supply of treated grease trap waste under 'the treated grease trap waste order 2014'.
- 7.2. The treated grease trap waste can only be applied to land as a soil amendment.
- 7.3. Where the oil and grease content of the treated grease trap waste is 50% or greater the consumer must ensure that the application rate does not exceed 100 t/ha (wet weight) at any location. Where the oil and grease content of the treated grease trap waste is measured at less than the values listed in Column 1 of Table 1 the consumer may apply the material at a rate up to the corresponding rate in Column 2 of Table 1.

Table 1

Column 1	Column 2
Oil and grease content (%)	Maximum application rate (wet t/ha)
<50	120
<40	150
<30	200
<20	300
<10	600

- 7.4. The consumer must ensure that at the time of application the treated grease trap waste is injected into the soil at a depth of between 10cm and 30cm below the soil surface.
- 7.5. The consumer must ensure that the treated grease trap waste does not flow across the surface of the land.
- 7.6. The consumer must ensure that treated grease trap waste is not applied to land in areas where the site characteristics specified in Column 1 of Table 2 do not comply with the requirements listed in Column 2 of Table 2.

Table 2

Column 1	Column 2
Site Characteristic	Requirement
Slope	< 10%
Drainage	No application of wastes permitted in: - Waterlogged soil; and/or - Slow or highly permeable soil
Depth to bedrock	> 60 cm
Surface rock outcrop	< 10%

- 7.7. The consumer must ensure that treated grease trap waste is not applied to land within the buffer zones for protected areas specified in Table 3.

Table 3

Column 1	Column 2	Column 3	Column 4
Protected Area	Minimum width of Buffer Zones (m)		
	Flat (< 3% or 2° slope)	Downslope (> 3% or 2° slope)	Upslope
Surface waters	50	100	5
Farm dams	20	30	5
Drinking water bores	250	250	250
Other bores	50	50	50
Farm driveways and fence lines	5	5	5
Native forests and other significant vegetation types	10	10	5
Animal enclosures	25	50	25
Occupied dwelling	50	100	50

Residential zone	250	500	250
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- 7.8. The consumer must ensure that livestock are withheld from all land which has had treated grease trap waste applied for a period of 30 days following application.
- 7.9. The consumer must keep a written record of the following for a period of six years:
- the quantity of any treated grease trap waste received; and
 - the name and address of the supplier of the treated grease trap waste received.
- 7.10. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.11. The consumer must ensure that any application of treated grease trap 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, treated grease trap waste to land.

grease trap waste means any grease, oils, solids, water or other matter resulting only from the preparation or manufacturing of food that is collected in a grease trap in the usual course of the operation of the grease trap. This definition includes dissolved air flotation (DAF) units used to treat grease trap waste, but does not include grease trap waste collected from grease traps in hospitals and shopping centres other than those solely from the preparation of food.

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

**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 the treated grease trap 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(s).

The receipt of treated grease trap waste 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.