

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

The steel furnace slag exemption 2017

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 steel furnace slag or blended steel furnace slag from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and 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 steel furnace slag order 2017*.

1. Waste to which this exemption applies

1.1. This exemption applies to steel furnace slag and steel furnace slag blended with other materials (blended steel furnace slag) that is, or is intended to be, applied to land:

1.1.1. in cementitious mixes, such as concrete, and

1.1.2. in a non-cementitious mix, such as engineered fill in earthworks, or for roadmaking activities as follows:

- (a) sealing aggregate,
- (b) asphalt aggregate,
- (c) road pavement, base and sub-base structures,
- (d) engineered fill,
- (e) subsoil drains, and
- (f) filter aggregate.

1.2. **Steel furnace slag** means waste formed from the reaction of molten iron, scrap steel and fluxes in a Basic Oxygen Steel (BOS) furnace during the manufacture of steel. Steel furnace slag does not include any bag house dust or air pollution control residues.

2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, steel furnace slag or blended steel furnace slag to land as set out in 1.1.

3. Duration

- 3.1. This exemption commences on 21 July 2017 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 steel furnace slag or blended steel furnace slag is carried out.

5. Revocation

- 5.1. *The steel furnace slag exemption 2014* which commenced on 24 November 2014 is revoked from 21 July 2017.

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 steel furnace slag or blended steel furnace slag to land as an engineering material 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 steel furnace slag or blended steel furnace slag is received for land application at a 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 steel furnace slag or blended steel furnace slag is received at the premises, the material must meet all chemical and other material requirements for steel furnace slag or blended steel furnace slag which are required on or before the supply of steel furnace slag or blended steel furnace under *The steel furnace slag order 2017*.
- 7.2. The steel furnace slag or blended steel furnace slag can only be applied to land:
 - 7.2.1. in cementitious mixes, such as concrete, and
 - 7.2.2. in a non-cementitious mix, such as engineered fill in earthworks, or for roadmaking activities as follows:

- (a) sealing aggregate,
 - (b) asphalt aggregate,
 - (c) road pavement, base and sub-base structures,
 - (d) engineered fill,
 - (e) subsoil drains, and
 - (f) filter aggregate.
- 7.3. In cementitious mixes, the consumer can only apply blended steel furnace slag to land where it complies with a relevant specification or Australian Standard, or supply agreement.
- 7.4. In non-cementitious mixes, the consumer can only apply steel furnace slag to land where such application:
- 7.4.1. complies with the relevant specification or Australian Standard, or
 - 7.4.2. complies with a supply agreement, or
 - 7.4.3. complies with a development consent that specifically considers the use of steel furnace slag or blended steel furnace slag, and
 - 7.4.4. is not applied in or beneath water, including groundwater.
- 7.5. The consumer must keep a written record of the following for a period of six years:
- the quantity of any steel furnace slag and blended steel furnace slag received; and
 - the name and address of the supplier of any steel furnace slag and blended steel furnace slag received.
- 7.6. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.7. The consumer must apply steel furnace slag or blended steel furnace slag to land within a reasonable period of time after receipt.

8. Definitions

In this exemption:

application 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.

cementitious mixes mean either steel furnace slag or blended steel furnace slag which has been mixed with general purpose cement, lime and other activators for use in bound applications, where the materials must be chemically bound together.

consumer means a person who applies, or intends to apply, steel furnace slag or blended steel furnace slag to land.

non-cementitious mixes mean either steel furnace slag or blended steel furnace slag that is not mixed with general purpose cement, lime and other activators or used in bound applications.

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 steel furnace slag or blended steel furnace slag 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 steel furnace slag or blended steel furnace slag 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.