



Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014

The coal washery rejects (coal mine void) order 2014

Introduction

This order, issued by the Environment Protection Authority (EPA) under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), imposes the requirements that must be met by suppliers of coal washery rejects to which 'the coal washery rejects (coal mine void) exemption 2014' applies. The requirements in this order apply in relation to the supply of coal washery rejects for application to land as fill for coal mine voids.

1. Waste to which this order applies

- 1.1. This order applies to coal washery rejects. In this order, coal washery rejects means the waste resulting from washing coal (including substances such as coal fines, soil, sand and rock resulting from that process).

2. Persons to whom this order applies

- 2.1. The requirements in this order apply, as relevant, to any person who supplies coal washery rejects that have been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of coal washery rejects to a consumer 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.

3. Duration

- 3.1. This order commences on 24 November 2014 and is valid until revoked by the EPA by notice published in the Government Gazette.

4. Generator requirements

The EPA imposes the following requirements on any generator who supplies coal washery rejects.

Notification

- 4.1. On or before each transaction, the generator must provide the following to each person to whom the generator supplies the coal washery rejects:
- a written statement of compliance certifying that all the requirements set out in this order have been met;
 - a copy of the coal washery rejects exemption, or a link to the EPA website where the coal washery rejects exemption can be found; and
 - a copy of the coal washery rejects order, or a link to the EPA website where the coal washery rejects order can be found.

5. Definitions

In this order:

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.

coal mine void is an artificially created pit within a Mining Lease (as defined by the *Mining Act 1992*) from which coal is or has been extracted.

consumer means a person who applies, or intends to apply, coal washery rejects to land.

generator means a person who generates coal washery rejects.

transaction means:

- in the case of a one-off supply, the supply of a batch, truckload or stockpile of coal washery rejects that is not repeated.
- in the case where the supplier has an arrangement with the recipient for more than one supply of coal washery rejects, the first supply of coal washery rejects as required under the arrangement.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this order at any time. It is the responsibility of each of the generator and processor to ensure it complies with all relevant requirements of the most current order. The current version of this order will be available on www.epa.nsw.gov.au

In gazetting or otherwise issuing this order, the EPA is not in any way endorsing the supply or use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this order are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this order nor the accompanying exemption guarantee that the environment, human health or agriculture will not be harmed.

Any person or entity which supplies coal washery rejects should assess whether the material is fit for the purpose the material is proposed to be used for, and whether this use may cause harm. The supplier may need to seek expert engineering or technical advice.

Regardless of any exemption or order 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 supply of coal washery rejects 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 this order, is guilty of an offence and subject to prosecution.

This order does not alter the requirements of any other relevant legislation that must be met in supplying this material, including for example, the need to prepare a Safety Data Sheet. Failure to comply with the conditions of this order constitutes an offence under clause 93 of the Waste Regulation.