



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

The gin trash exemption 2021

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 gin trash 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 gin trash order 2021'.

1. Waste to which this exemption applies

- 1.1. This exemption applies to gin trash that is, or is intended to be, applied to land as a soil amendment.
- 1.2. Gin trash is the organic by-product of the ginning of cotton. Gin trash is made up of leaves, sticks, soil, lint cotton and cotton seed fragments which have been separated from the cotton during processing. For the purposes of this exemption, gin trash may also include gin trash which has undergone partial or full composting at the land application site.

2. Persons to whom this exemption applies

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

3. Duration

- 3.1. This exemption commences on 12 November 2021 and is valid until 12 November 2026 unless revoked by EPA by notice in writing at an earlier date.

4. Premises to which this exemption applies

- 4.1. This exemption applies to the premises at which the application or intended application of gin trash takes place.

5. Exemption

- 5.1. 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 gin trash 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, 110 and 114 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where gin trash 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.

6. Conditions of exemption

The exemption is subject to the following conditions:

- 6.1. At the time the gin trash is received at the premises, the material must meet all requirements of 'The gin trash order 2021'.
- 6.2. The gin trash can only be applied to land as a soil amendment.
- 6.3. The consumer must calculate an appropriate application rate prior to land applying the gin trash. The application rate must not exceed 15 tonnes per hectare per year.
- 6.4. For gin trash which has not been composted/mulched the gin trash must be incorporated into the soil to a depth of 10cm following application. Incorporation must occur within 28 days of application.
- 6.5. The consumer must ensure that gin trash once land applied is not transported offsite through wind or any other action.
- 6.6. The consumer must ensure that livestock are not permitted to feed on the gin trash.
- 6.7. The consumer must keep a written record of the following for a period of six years:
- the quantity of any gin trash received
 - the location where the gin trash was land applied and in what quantity; and
 - name and address of the supplier of the gin trash received.
- 6.8. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 6.9. The consumer must ensure that any application of gin trash to land must occur within a reasonable period of time after its receipt.

7. 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, gin trash to land.

generator means a person who generates gin trash in its final form for supply to a consumer.



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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

Consumers should be aware that whilst this exemption permits that land application of gin trash which has undergone composting on the land application premises it does not exempt consumers from the need to be licenced for that activity should the consumer exceed the thresholds contained in Clause 12 of Schedule 1 to the POEO Act.

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 gin trash 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 gin trash 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.