

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

## **The gin trash order 2016**

### **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 gin trash to which 'the gin trash exemption 2016' applies. The requirements in this order apply in relation to the supply of gin trash for application to land as soil amendment.

### **1. Waste to which this order applies**

- 1.1. This order applies to gin trash. In this order, gin trash means the organic by-product of the ginning of cotton at gins. 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 order, gin trash may also include gin trash which has undergone partial or full composting at the land application site.

### **2. Persons to whom this order applies**

- 2.1. The requirements in this order apply, as relevant, to any person who supplies gin trash that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of gin trash to a consumer for land application purposes 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)' of Schedule 1 of the POEO Act.

### **3. Duration**

- 3.1. This order commences on 26 May 2016 2016 and is valid until 26 May 2020.

### **4. Generator requirements**

The EPA imposes the following requirements on any generator who supplies gin trash.

- 4.1. Generators must not supply gin trash to a consumer where the cotton has been grown using new product unless Cotton Australia have done the following:
  - 4.1.1. Performed a desktop assessment examining the effect of that product on any gin trash generated. The assessment must report on the potential for environmental hazardous concentrations of chemical residues to be present in the gin trash, and
  - 4.1.2. where the desktop assessment indicates the potential for environmentally hazardous concentrations in the gin trash, Cotton Australia will undertake chemical analysis of gin trash generated

following the use of the chemical by testing for all of the chemicals present in the new product, and

4.1.3. reported the results of the assessment including all chemical analysis results to the EPA.

4.2. Generators must wait for written approval from the EPA (which will be provided to Cotton Australia) before supplying any gin trash which has been produced using a new product.

### **Notification**

4.3. On or before each transaction, the generator must provide the following to each person to whom the generator supplies the gin trash:

- a written statement of compliance certifying that all the requirements set out in this order have been met;
- a copy of 'the gin trash exemption 2016' or a link to the EPA website where 'the gin trash exemption 2016' can be found; and
- a copy of 'the gin trash order 2016' or a link to the EPA website where 'the gin trash order 2016' can be found.

### **Record keeping and reporting**

4.4. The generator must keep a written record of the following for a period of six years:

- the quantity of the gin trash supplied; and
- the name and address of each person to whom the generator supplied the gin trash.

## **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.

**consumer** means a person who applies, or intends to apply, gin trash to land.

**Cotton Australia** means the peak representative body for the Australian cotton growing industry.

**generator** means a person generates gin trash for supply to a consumer.

**new product** means any product (pesticide/herbicide/fertiliser) that has not previously been used by cotton growers in NSW or that has commenced use following the commencement of this order.

**transaction** means:

- in the case of a one-off supply, the supply of a batch, truckload or stockpile of gin trash that is not repeated.
- in the case where the supplier has an arrangement with the recipient for more than one supply of gin trash the first supply of gin trash 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 generator to ensure it complies with all relevant requirements of the most current order.

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 gin trash 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 gin trash 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.