



New South Wales

Protection of the Environment Operations (Waste) Amendment (Liquid Waste) Regulation 2007

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

PHILIP KOPERBERG, M.P.,
Minister for Climate Change, Environment and Water

Explanatory note

The object of this Regulation is to amend the *Protection of the Environment Operations (Waste) Regulation 2005 (the Principal Regulation)* so as to provide for the contribution payable under section 88 of the *Protection of the Environment Operations Act 1997* in respect of certain types of liquid waste received at waste facilities. In particular this Regulation:

- (a) applies the contribution only in respect of **trackable liquid waste**, being liquid waste of a type described in Part 1 of Schedule 1 to the Principal Regulation, and
- (b) provides that the level of the contribution is \$38.60 for each tonne of trackable liquid waste received between 1 October 2007 and 30 June 2008 and then after that the contribution is to be the same as the contribution for solid waste received in the Sydney metropolitan area (no contribution is payable in respect of liquid waste received before 1 October 2007), and
- (c) provides that contributions in respect of trackable liquid waste are to be paid quarterly, and
- (d) provides for deductions in respect of trackable liquid waste that is received at a facility and is then transported elsewhere in specified circumstances (**transported trackable liquid waste deductions**), and
- (e) sets out the record keeping requirements in respect of trackable liquid waste, and
- (f) provides that for waste other than liquid waste, a contribution is payable not only if the waste is generated in the Sydney metropolitan area or the extended regulated area under the Principal Regulation, but also if it was generated from waste generated in either of those areas.

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Explanatory note

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 88 and 323 (the general regulation-making power).

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under the

Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Waste) Amendment (Liquid Waste) Regulation 2007*.

2 Commencement

This Regulation commences on 1 August 2007.

3 Amendment of Protection of the Environment Operations (Waste) Regulation 2005

The *Protection of the Environment Operations (Waste) Regulation 2005* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 3)

[1] Clause 4 Definitions

Insert in alphabetical order:

liquid waste means any waste other than:

- (a) non-liquid waste within the meaning of Schedule 1 to the Act, or
- (b) a gas.

trackable liquid waste means liquid waste of a type described in Part 1 of Schedule 1.

[2] Clause 4 (2)

Insert at the end of the clause:

- (2) For the purposes of this Part, and despite clause 6 (6), one kilolitre of trackable liquid waste is taken to be the equivalent of one tonne of that waste.

[3] Clause 4A Payment of contributions

Insert “in respect of waste other than trackable liquid waste” after “be paid” in clause 4A (2).

[4] Clause 4A (3) and note

Insert after clause 4A (2):

- (3) For the purposes of section 88 (3) (b) of the Act, the period of 28 days after the end of each 3 month period (being the 3 month periods ending on 31 August, 30 November, the last day of February and 31 May in each year) is prescribed as the time within which the contribution payable by an occupier is to be paid in respect of trackable liquid waste.

Note. Contributions are not payable in respect of liquid waste other than trackable liquid waste.

[5] Clause 5 Contributions payable in relation to scheduled waste facilities where adequate records kept

Insert “in respect of waste other than liquid waste” after “occupiers of scheduled waste facilities” in clause 5 (1).

[6] Clause 5 (1) (d) (ii) and (e) (ii)

Insert “, or generated from waste (including liquid waste) generated in,” after “generated in” wherever occurring.

[7] Clause 5 (1A) and (1B)

Insert after clause 5 (1):

- (1A) For the purposes of section 88 (2) of the Act, the contributions required to be paid by an occupier of a scheduled waste facility in respect of trackable liquid waste that is received at the scheduled waste facility are prescribed as:
 - (a) \$38.60 for each tonne of the waste that is received in the period beginning on 1 October 2007 and ending on 30 June 2008, or
 - (b) for any other year beginning on or after 1 July 2008, the SMA amount for that year for each tonne of the waste that is received in that year.
- (1B) For the purposes of section 88 (5) of the Act, an occupier of a scheduled waste facility is exempt from the requirement to pay contributions in respect of trackable liquid waste that is received at the scheduled waste facility before 1 October 2007.

[8] Clause 6 Contributions payable in relation to scheduled waste facilities where inadequate records kept

Insert before clause 6 (1):

- (1A) This clause does not apply to or in respect of liquid waste other than trackable liquid waste.

[9] Clause 6 (3) (a)

Insert “in respect of waste other than liquid waste,” before “a volumetric survey”.

[10] Clause 9 Exemption of certain occupiers from requirement to pay contributions

Insert “, but only in respect of waste other than liquid waste” after “the Act”.

[11] Clause 10 Certain types of waste exempted from calculation of contributions

Omit clause 10 (1) (a). Insert instead:

- (a) trackable liquid waste that does not have any of the characteristics set out in Part 3 of Schedule 1,
- (a1) liquid waste to which Part 3 does not apply,

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Schedule 1 Amendments

[12] Clause 11 Approval of operational purpose

Insert before clause 11 (1):

(1A) This clause does not apply to or in respect of liquid waste.

[13] Clause 11A Deductions from contributions

Insert “(other than liquid waste)” after “of waste” wherever occurring in clause 11A (1) (a), (b) and (c).

[14] Clause 11A (1) (b1)

Insert after clause 11A (1) (b):

(b1) an amount in respect of trackable liquid waste received by the occupier that the occupier has transported to another place as referred to in subclause (3AA) (*transported trackable liquid waste deduction*), or

[15] Clause 11A (3AA)

Insert after clause 11A (3):

(3AA) Transported trackable liquid waste deductions

A transported trackable liquid waste deduction is available to the occupier of a scheduled waste facility in respect of trackable liquid waste received at the facility on or after 1 October 2007 that is transported:

- (a) to another facility as waste (other than liquid waste) and is disposed of at a scheduled waste facility within the SMA or ERA, in accordance with the guidelines (if any) published or approved by the EPA from time to time for the purposes of this paragraph, or
- (b) as a substance (other than trackable liquid waste) to a place that can lawfully receive it for recycling, reuse or processing but only if guidelines have been published or approved by the EPA for the purposes of this paragraph and all the requirements of those guidelines have been satisfied, or
- (c) as trackable liquid waste to a facility that is authorised to receive it, in accordance with the guidelines (if any) published or approved by the EPA from time to time for the purposes of this paragraph.

[16] Clause 11A (9)

Omit “clause 11A”. Insert instead “this clause”.

[17] Clause 12 Records to be kept by waste facilities

Insert before clause 12 (1):

- (1A) This clause does not apply to or in respect of liquid waste other than trackable liquid waste.

[18] Clause 12 (3)

Insert “except in relation to trackable liquid waste, where the occupier is only required to record the information set out in paragraph (b)” after “following information”.

[19] Clause 12 (3) (b)

Omit the paragraph. Insert instead:

- (b) the quantity and type of waste or other material held in each stockpile as at 30 June of each year and, in respect of waste other than trackable liquid waste (including material mixed with that trackable liquid waste), as at 31 December of each year,

[20] Clause 12 (6)

Omit the subclause. Insert instead:

(6) **Records to be kept in accordance with guidelines**

The occupier of a scheduled waste facility that is required to record information under this clause is required to ensure that the records required to be kept are:

- (a) kept in accordance with the guidelines (if any) published by the EPA, from time to time, for the purposes of this subclause, and
- (b) in the case of records relating to trackable liquid waste, provided to the EPA electronically at such times in a form and manner approved by the EPA.

[21] Clause 13 Waste contribution monthly reports

Insert at the end of the clause:

- (2) This clause does not apply to or in respect of liquid waste.

[22] Clause 15 (1) (a) and (b)

Insert “(other than liquid waste)” after “of waste” wherever occurring.