



New South Wales

Protection of the Environment Operations (Waste) Amendment (Land 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*.

BOB DEBUS, M.P.,
Minister for the Environment

Explanatory note

The object of this Regulation is to amend the *Protection of the Environment Operations (Waste) Regulation 2005* to include as waste for the purposes of provisions regulating waste under the *Protection of the Environment Operations Act 1997* and that Regulation any substance, not otherwise included as waste within the meaning of that Act, that is received at a scheduled waste facility and is reasonably capable of being applied to land at that facility. There will be specified exceptions to the requirement to pay waste contributions relating to the use of new concrete and asphalt and the use of substances for leachate management, landfill lining systems and landfill gas collection systems and of plastic sheeting.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 88 (5) and 323 (the general regulation-making power) and paragraph (e) of the definition of *waste* in the Dictionary.

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Clause 1

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1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 March 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.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3A

Insert after clause 3:

3A Additional substances prescribed as waste

For the purposes of paragraph (e) of the definition of *waste* in the Dictionary to the Act, a substance is prescribed as waste if the substance:

- (a) is not otherwise included as waste within the meaning of the Act, and
- (b) is reasonably capable of being applied to land at a scheduled waste facility, and
- (c) is received by a waste facility to which section 88 of the Act applies.

[2] Clause 11A Deductions from contributions

Insert at the end of clause 11A (1) (b):

, or

- (c) an amount in respect of waste referred to in clause 3A received by the occupier that has been or is to be used for a land application purpose by the occupier.

[3] Clause 11A (3A)

Insert after clause 11A (3):

(3A) Waste used for a land application purpose

For the purposes of subclause (1) (c), waste has been or is to be used for a land application purpose at a waste facility if:

- (a) it is new asphalt or concrete, obtained from a batching plant that is used at the facility for roads or other construction works, or
- (b) it is any one or more of the following substances that is used at the facility for leachate collection systems associated with leachate management in accordance with conditions of an environment protection licence:
 - (i) geonets,
 - (ii) geotextiles,

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Schedule 1 Amendments

- (iii) drainage layer media (having a thickness not greater than 300 mm) placed over landfill base liners,
 - (iv) piping,
 - (v) electrical equipment,
 - (vi) any other machinery, or
- (c) it is any one or more of the following substances that is used at the facility for landfill lining systems (including landfill cell bases and sides) or associated stormwater management systems in accordance with conditions of an environment protection licence:
- (i) geomembranes,
 - (ii) geotextiles,
 - (iii) clay liners (having a thickness not greater than 900 mm),
 - (iv) piping, or
- (d) it is any one or more of the following substances that is used at the facility for landfill gas collection systems associated with landfill gas management in accordance with conditions of an environment protection licence:
- (i) drainage gravels (not exceeding the minimum amount required in any applicable licence),
 - (ii) piping,
 - (iii) electrical equipment,
 - (iv) any other machinery, or
- (e) it is plastic sheeting that is used at the facility as a daily cover for waste.

BY AUTHORITY