



New South Wales

Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2008

under the

Protection of the Environment Operations Act 1997

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

VERITY FIRTH, M.P.,
Minister for Climate Change and the Environment

Explanatory note

This Regulation:

- (a) replaces Schedule 1 to the *Protection of the Environment Operations Act 1997 (the 1997 Act)*, which lists certain “scheduled activities” for which an environment protection licence is required (and, in the process omits some activities and includes others), and
- (b) amends the *Protection of the Environment Operations (General) Regulation 1998 (the 1998 Regulation)* so as:
 - (i) to insert a provision to apply the definitions contained in Schedule 1 to the 1997 Act to the provisions of Schedule 1 to the 1998 Regulation, and
 - (ii) to insert a transitional provision declaring the EPA to be the appropriate regulatory authority for certain existing waste activities, and
 - (iii) to insert savings and transitional provisions with respect to the replacement of Schedule 1 to the 1997 Act, and
 - (iv) to replace Schedule 1, which prescribes licence fees, as a consequence of the replacement of Schedule 1 to the 1997 Act, and
 - (v) to make other minor amendments, and
- (c) amends the *Protection of the Environment Operations (Waste) Regulation 2005 (the 2005 Regulation)* in relation to waste so as:
 - (i) to prescribe the circumstances in which any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, is within the definition of **waste** in the 1997 Act, and

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- (ii) to impose new requirements for the transportation, disposal, re-use or recycling of asbestos waste, and
- (iii) to impose new requirements in relation to clinical and related waste, and
- (iv) to enable certain kinds of waste to be granted an exemption from requirements of the 1997 Act and the 2005 Regulation, and
- (v) to reduce, from 60 to 56 days, the period within which occupiers of waste facilities must pay their contributions under section 88 of the 1997 Act, and
- (vi) to make other minor amendments.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 5 (Scheduled activities) and 323 (the general regulation-making power), Schedule 2 and the definition of *waste* in the Dictionary.

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under the

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1 Name of Regulation

This Regulation is the *Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2008*.

2 Commencement

This Regulation commences on 28 April 2008.

3 Amendment of Protection of the Environment Operations Act 1997 No 156

The *Protection of the Environment Operations Act 1997* is amended as set out in Schedule 1.

4 Amendment of Protection of the Environment Operations (General) Regulation 1998

The *Protection of the Environment Operations (General) Regulation 1998* is amended as set out in Schedule 2.

5 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 3.

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Schedule 1 Amendment of Protection of the Environment Operations Act 1997

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(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Scheduled activities

(Section 5)

Note. Parts 1 and 2 of this Schedule list the activities that are scheduled activities for the purposes of this Act (see sections 48 and 49). Part 3 defines various words and expressions that are used in Parts 1 and 2.

Part 1 Premises-based activities

1 Application of Part

- (1) For the purposes of section 48, any activity that is declared by this Part to be a scheduled activity is taken to be an activity for which a licence is required for the premises at which it is carried out (the activity is *premises-based*).

Note. Section 48 (2) provides that the occupier of premises at which such an activity is carried out is guilty of an offence unless he or she holds a licence that authorises the activity to be carried out at those premises.

- (2) However, such an activity is not premises-based if it is carried out by means of mobile plant.

Note. But see clauses 46 and 47 by operation of which activities carried out by means of mobile plant are declared for the purposes of section 49.

2 Agricultural processing

- (1) This clause applies to the following activities:

dairy processing, meaning the processing of dairy produce as part of the production of milk, evaporated or condensed milk, buttermilk, cream, cheese, butter, ice-cream or similar products.

general agricultural processing, meaning the processing of agricultural produce (otherwise than as part of the manufacture of beer, wine, spirits, vinegar, acetic acid or similar products), but excluding:

- (a) dairy processing and grape processing, and
- (b) the processing of agricultural produce by means of mobile processing operations.

grape processing, meaning the processing of grapes (otherwise than by distilling) as part of the manufacture of wine, spirits, vinegar, acetic acid or similar products.

- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.
- (3) In this clause:
agricultural produce includes seeds, fruit, vegetables and other plant material, but excludes dairy produce and grapes.
process includes crush, juice, grind, gin, mill, separate, wash, sort, coat, roll, press, steam, flake, comb, homogenise and pasteurise.

Table

Column 1	Column 2
Activity	Criteria
dairy processing	capacity to process more than 30,000 megalitres of dairy produce per year
general agricultural processing	capacity to process more than 30,000 tonnes of agricultural produce per year
grape processing	capacity to process more than 30,000 tonnes of grapes per year

3 Aquaculture and mariculture

- (1) This clause applies to *aquaculture* and *mariculture*, each meaning the commercial production of marine, estuarine or freshwater organisms, including aquatic animals and plants but excluding oysters, being an activity that involves:
 - (a) supplemental feeding in tanks or artificial waterbodies, and
 - (b) the discharge of effluent, liquid sludge or other waste water into natural waterbodies, including discharge by means of a pipe, drain, drainage depression, canal or other form of conveyance.

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- (2) Each activity to which this clause applies is declared to be a scheduled activity.
- (3) In this clause, *natural waterbody* includes any river, stream, lake, lagoon, swamp, wetland or watercourse (including any natural watercourse that has been artificially modified) or tidal waters (including the sea).

4 Bitumen mixing

- (1) This clause applies to *bitumen mixing*, meaning the mixing of crushed or ground rock with bituminous materials.
- (2) The activity to which this clause applies is declared to be a scheduled activity if:
 - (a) it has a capacity to produce more than 150 tonnes of bituminous mixture per day or 30,000 tonnes of bituminous mixture per year, and
 - (b) it is carried out otherwise than on or adjacent to a construction site by means of temporary works used to provide bituminous mixture for that site (that is, works used for periods totalling no more than 12 months).

5 Brewing and distilling

- (1) This clause applies to the activities of *brewing* and *distilling*, each meaning the production of alcohol or alcoholic products (otherwise than for the manufacture of wine, vinegar, acetic acid or similar products).
- (2) Each activity to which this clause applies is declared to be a scheduled activity if it has a capacity to produce more than 30 tonnes of alcohol or alcoholic products per day or 10,000 tonnes of alcohol or alcoholic products per year.

6 Cement or lime works

- (1) This clause applies to the following activities:

cement or lime handling, meaning the handling of cement, fly ash, powdered lime (other than agricultural lime) or any other similar dry cement products.

cement or lime production, meaning the production of cement or lime:

 - (a) by heating argillaceous or calcareous materials to produce cement clinkers, grinding clinkers or slags, or
 - (b) by hydrating quicklime.

- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
cement or lime handling	capacity to handle more than 150 tonnes of cement or lime per day or 30,000 tonnes of cement or lime per year
cement or lime production	capacity to produce more than 150 tonnes of cement or lime per day or 30,000 tonnes of cement or lime per year

7 Ceramic works

- (1) This clause applies to the following activities:
ceramic waste generation, meaning ceramics production or glass production that involves having on site any prescribed waste (that is, hazardous waste, restricted solid waste or liquid waste, or any combination of them).
ceramics production, meaning the production of ceramics (other than glass), including products such as bricks, tiles, pipes, pottery goods or refractories manufactured through a firing process.
glass production, meaning the production of glass by melting.
- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
ceramic waste generation	involves having on site at any time more than 5 tonnes of prescribed waste, not including excluded material (where 1,000 litres of liquid is taken to weigh 1 tonne)

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Column 1	Column 2
Activity	Criteria
ceramics production	capacity to produce more than 150 tonnes of ceramics per day or 15,000 tonnes of ceramics per year
glass production	capacity to produce more than 150 tonnes of glass per day or 15,000 tonnes of glass per year

8 Chemical production

(1) This clause applies to the following activities:

agricultural fertiliser (inorganic) production, meaning the commercial production of, or research into, inorganic (other than phosphate) plant fertilisers.

agricultural fertiliser (phosphate) production, meaning the commercial production of, or research into, phosphate plant fertilisers.

ammonium nitrate production, meaning the commercial production of, or research into, ammonium nitrate for any purpose, including fertilisers or explosives.

battery production, meaning the commercial production of, or research into, batteries containing acid or alkali and metal plates.

carbon black production, meaning the commercial production of, or research into, carbon black.

chemical production waste generation, meaning the commercial production of, or research into, any chemical substance that involves having on site any prescribed waste (that is, hazardous waste, restricted solid waste or liquid waste, or any combination of them).

dangerous goods production, meaning the commercial production of, or blending, recovering, using or research into, dangerous goods (other than toxic substances, explosives or radioactive substances).

explosives production, meaning the commercial production of, or research into, explosives for industrial, extractive and mining purposes or for the production of ammunition, fireworks or fuel propellants, but not including:

- (a) ammonium nitrate production, or
- (b) the production of explosives for mining purposes, when carried out at a mine.

paints/polishes/adhesives production, meaning the commercial production of, or research into, paints, paint solvents, pigments, dyes, printing inks, industrial polishes, adhesives or sealants.

pesticides and related products production, meaning the commercial production (otherwise than by simple blending) of, or research into, pesticides, fungicides, herbicides, rodenticides, nematocides, miticides, fumigants or related products.

pesticides and related products (toxic substances) production, meaning the commercial production (otherwise than by simple blending) of, or research into, pesticides, fungicides, herbicides, rodenticides, nematocides, miticides, fumigants or related products that are toxic substances.

petrochemical production, meaning the commercial production of, or research into, petrochemicals and petrochemical products.

pharmaceutical and veterinary products production, meaning the commercial production of, or research into, pharmaceutical or veterinary products that are toxic substances.

plastic resins production, meaning the commercial production of, or research into, synthetic plastic resins.

plastics reprocessing, meaning the reprocessing of plastics otherwise than by simple melting and reforming.

rubber products/tyres production, meaning the commercial production of, or research into, rubber products or rubber tyres (including tyre retreading).

soap and detergents production, meaning the commercial production (otherwise than by simple blending) of, or research into, soaps or detergents (including any domestic, institutional or industrial soaps or detergent activity).

soap and detergents (toxic substances) production, meaning the commercial production of, or research into, soaps or detergents that contain toxic substances (including any domestic, institutional or industrial soaps or detergent activity).

synthetic rubber production, meaning the commercial production of, or research into, synthetic rubber.

toxic substance production, meaning the commercial production of, or research into, toxic substances, but not including:

- (a) pesticides and related products (toxic substances) production, or
- (b) pharmaceutical and veterinary products production, or
- (c) soap and detergents (toxic substances) production.

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- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
agricultural fertiliser (inorganic) production	capacity to produce more than 20,000 tonnes of inorganic (other than phosphate) plant fertilisers per year
agricultural fertiliser (phosphate) production	capacity to produce more than 20,000 tonnes of phosphate plant fertilisers per year
ammonium nitrate production	capacity to produce more than 20,000 tonnes of ammonium nitrate per year
battery production	capacity to produce more than 30 tonnes of batteries (calculated by the weight of their metal content) per year
carbon black production	capacity to produce more than 5,000 tonnes of carbon black per year
chemical production waste generation	involves having on site at any time more than 5 tonnes of prescribed waste, not including excluded material (where 1,000 litres of liquid is taken to weigh 1 tonne)
dangerous goods production	capacity to produce more than 1,000 tonnes of dangerous goods per year
explosives production	any capacity to produce explosives
paints/polishes/adhesives production	capacity to produce more than 5,000 tonnes of paints, paint solvents, pigments, dyes, printing inks, industrial polishes, adhesives or sealants per year
pesticides and related products production	capacity to produce more than 2,000 tonnes of pesticides and related products per year

Column 1	Column 2
Activity	Criteria
pesticides and related products (toxic substances) production	capacity to produce more than 1 tonne of pesticides and related products (toxic substances) per year
petrochemical production	capacity to produce more than 2,000 tonnes of petrochemicals per year
pharmaceutical and veterinary products production	capacity to produce more than 1 tonne of pharmaceutical and veterinary products per year
plastic resins production	capacity to produce more than 2,000 tonnes of plastic resins per year
plastics reprocessing	capacity to reprocess more than 5,000 tonnes of plastics per year
rubber products/tyres production	capacity to produce more than 5,000 tonnes of rubber products or tyres per year
soap and detergents production	capacity to produce more than 5,000 tonnes of soap and detergents per year
soap and detergents (toxic substances) production	capacity to produce more than 100 tonnes of soap and detergents per year
synthetic rubber production	capacity to produce more than 2,000 tonnes of synthetic rubber per year
toxic substance production	capacity to produce more than 1 tonne of toxic substances per year

9 Chemical storage

- (1) This clause applies to the following activities:

chemical storage waste generation, meaning chemical substances storage that involves having on site any prescribed waste (that is, hazardous waste, restricted solid waste or liquid waste, or any combination of them).

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general chemicals storage, meaning the storage or packaging of chemical substances (other than petroleum or petroleum products) in containers, bulk storage facilities or stockpiles.

petroleum products storage, meaning the storage or packaging of petroleum or petroleum products in containers, bulk storage facilities or stockpiles.

- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
chemical storage waste generation	involves having on site at any time more than 5 tonnes of prescribed waste, not including excluded material (where 1,000 litres of liquid is taken to weigh 1 tonne)
general chemicals storage	capacity to store more than 20 tonnes (pressurised gases), 200 tonnes (liquefied gases) or 2,000 tonnes (chemicals in any other form)
petroleum products storage	capacity to store more than 200 tonnes (liquefied gases) or 2,000 tonnes (chemicals in any other form)

10 Coal works

- (1) This clause applies to *coal works*, meaning any activity (other than coke production) that involves storing, loading or handling coal (whether at any coal loader, conveyor, washery or reject dump or elsewhere) at an existing coal mine or on a separate coal industry site.
- (2) The activity to which this clause applies is declared to be a scheduled activity if:
- (a) it has a capacity to handle more than 500 tonnes per day of coal, or
 - (b) it has a capacity to store more than 5,000 tonnes of coal (not including storage within a closed container or building).

11 Coke production

- (1) This clause applies to *coke production*, meaning the production of coke from coal (including by quenching, cutting, crushing or grinding).
- (2) The activity to which this clause applies is declared to be a scheduled activity if:
 - (a) it has a capacity to handle more than 500 tonnes per day of coke or coal, or
 - (b) it has a capacity to store more than 5,000 tonnes of coke or coal (not including storage within a closed container or building).

12 Composting

- (1) This clause applies to *composting*, meaning the aerobic or anaerobic biological conversion of organics into humus-like products:
 - (a) by methods such as bioconversion, biodigestion or vermiculture, or
 - (b) by size reduction of organics by shredding, chipping, mulching or grinding.
- (2) The activity to which this clause applies is declared to be a scheduled activity if:
 - (a) where it takes place inside the regulated area, or takes place outside the regulated area but receives organics from inside the regulated area (whether or not it also receives organics from outside the regulated area):
 - (i) it has on site at any time more than 200 tonnes of organics received from off site, or
 - (ii) it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics, or
 - (b) where it takes place outside the regulated area and does not receive organics from inside the regulated area:
 - (i) it has on site at any time more than 2,000 tonnes of organics received from off site, or
 - (ii) it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics.
- (3) For the purposes of this clause, 1 cubic metre of organics is taken to weigh 0.5 tonnes.

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13 Concrete works

- (1) This clause applies to *concrete works*, meaning the production of pre-mixed concrete or concrete products (for example, concrete batching plants).
- (2) The activity to which this clause applies is declared to be a scheduled activity if it has a capacity to produce more than 30,000 tonnes per year of concrete or concrete products.

14 Container reconditioning

- (1) This clause applies to *container reconditioning*, meaning:
 - (a) the receiving from off site of containers (including metal, plastic or glass drums, bottles, cylinders or intermediate bulk containers) previously used for the transport or storage of and containing residual quantities of:
 - (i) substances of Class 1, 3, 4, 5 or 8 within the meaning of the *Transport of Dangerous Goods Code*, or
 - (ii) substances to which Division 6.2 of the *Transport of Dangerous Goods Code* applies, and
 - (b) the reconditioning, recovering, treating or storing of such containers.
- (2) The activity to which this clause applies is declared to be a scheduled activity if it involves having more than 100 such containers on site at any time.

15 Contaminated soil treatment

- (1) This clause applies to *contaminated soil treatment*, meaning the on site or off site treatment of contaminated soil (including, in either case, incineration or storage of contaminated soil but excluding excavation for treatment at another site).
- (2) The activity to which this clause applies is declared to be a scheduled activity if:
 - (a) in any case, it has the capacity to treat more than 1,000 cubic metres per year of contaminated soil received from off site, or
 - (b) where it treats contaminated soil originating exclusively on site, it has a capacity:
 - (i) to incinerate more than 1,000 cubic metres per year of contaminated soil, or

- (ii) to treat (otherwise than by incineration) and store more than 30,000 cubic metres of contaminated soil, or
- (iii) to disturb more than an aggregate area of 3 hectares of contaminated soil.

16 Crushing, grinding or separating

- (1) This clause applies to ***crushing, grinding or separating***, meaning the processing of materials (including sand, gravel, rock or minerals, but not including waste of any description) by crushing, grinding or separating them into different sizes.
- (2) The activity to which this clause applies is declared to be a scheduled activity if it has a capacity to process more than 150 tonnes of materials per day or 30,000 tonnes of materials per year.

17 Electricity generation

- (1) This clause applies to the following activities:
 - general electricity works***, meaning the generation of electricity by means of electricity plant that, wherever situated, is based on, or uses, any energy source other than wind power or solar power.
 - metropolitan electricity works (gas turbines)***, meaning the generation of electricity by means of electricity plant:
 - (a) that is based on, or uses, a gas turbine, and
 - (b) that is situated in the metropolitan area or in the local government area of Port Stephens, Maitland, Cessnock, Singleton, Wollondilly or Kiama,
 not being emergency stand-by plant that operates for less than 200 hours per year.
 - metropolitan electricity works (internal combustion engines)***, meaning the generation of electricity by means of electricity plant:
 - (a) that is based on, or uses, an internal combustion engine, and
 - (b) that is situated in the metropolitan area or in the local government area of Port Stephens, Maitland, Cessnock, Singleton, Wollondilly or Kiama,
 not being emergency stand-by plant that operates for less than 200 hours per year.

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- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
general electricity works	capacity to generate more than 30 megawatts of electrical power
metropolitan electricity works (gas turbines)	capacity to burn more 20 megajoules of fuel per second
metropolitan electricity works (internal combustion engines)	capacity to burn more than 3 megajoules of fuel per second

18 Energy recovery

- (1) This clause applies to the following activities:
- energy recovery from general waste***, meaning the receiving from off site of, and the recovery of energy from, any waste (other than hazardous waste, restricted solid waste, liquid waste or special waste).
- energy recovery from hazardous and other waste***, meaning the receiving from on site or off site of, and the recovery of energy from, hazardous waste, restricted solid waste, liquid waste or special waste.
- (2) However, this clause does not apply to any of the following:
- the processing of contaminated soil,
 - container reconditioning,
 - the recovery of gases that are dangerous goods of Class 2 within the meaning of the *Transport of Dangerous Goods Code*.
- (3) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if:
- it meets the criteria set out in Column 2 of that Table, and
 - the regulations under section 286 exempt the person carrying out the activity from the requirements of section 48 (2) as they apply to waste disposal (thermal treatment).
- (4) For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram.

Table	
Column 1	Column 2
Activity	Criteria
energy recovery from general waste	involves processing more than 200 tonnes per year of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste)
energy recovery from hazardous and other waste	involves having on site at any time more than 200 kilograms of hazardous waste, restricted solid waste, liquid waste or special waste

19 Extractive activities

- (1) This clause applies to the following activities:
land-based extractive activity, meaning the extraction, processing or storage of extractive materials, either for sale or re-use, by means of excavation, blasting, tunnelling, quarrying or other such land-based methods.
water-based extractive activity, meaning the extraction of extractive materials, either for sale or re-use, by means of dredging or other such water-based methods.
- (2) In this clause, *extractive materials* means clay, sand, soil, stone, gravel, rock, sandstone or similar substances that are not minerals within the meaning of the *Mining Act 1992*.
- (3) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table	
Column 1	Column 2
Activity	Criteria
land-based extractive activity	involves the extraction, processing or storage of more than 30,000 tonnes per year of extractive materials
water-based extractive activity	involves the extraction of more than 30,000 cubic metres per year of extractive materials

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20 Helicopter-related activities

- (1) This clause applies to a *helicopter-related activity*, meaning the landing, taking-off or parking of helicopters (including the use of terminals and the use of buildings for the parking, servicing or maintenance of helicopters), being an activity:
 - (a) that has an intended use of more than 30 flight movements per week (where take-off and landing are separate flight movements), and
 - (b) that is conducted within 1 kilometre of a dwelling not associated with the landing, taking-off or parking of helicopters,
but not including an activity that is carried out exclusively for the purposes of emergency aeromedical evacuation, retrieval or rescue.
- (2) The activity to which this clause applies is declared to be a scheduled activity.

21 Irrigated agriculture

- (1) This clause applies to *irrigated agriculture*, meaning the irrigation activity of an irrigation corporation within the meaning of the *Water Management Act 2000*, but not including the irrigation activity of individual irrigators in the area of operations of any such irrigation corporation.
- (2) The activity to which this clause applies is declared to be a scheduled activity.

22 Livestock intensive activities

- (1) This clause applies to the following activities:
 - animal accommodation*, meaning the accommodation of animals for the purposes of sale, auction or exchange or for transportation by road, rail or ship.
 - bird accommodation*, meaning the accommodation of birds for commercial production.
 - cattle, sheep or horse accommodation*, meaning the accommodation of cattle, sheep or horses in a confinement area for rearing or fattening (wholly or substantially) on prepared or manufactured feed (excluding facilities for drought or similar emergency relief).
 - dairy animal accommodation*, meaning the accommodation of animals for milk production.

pig accommodation, meaning the accommodation of pigs for commercial production.

- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
animal accommodation	capacity to handle more than 50,000 cattle or 200,000 animals of any type (including cattle) per year
bird accommodation	capacity to accommodate more than 250,000 birds at any time
cattle, sheep or horse accommodation	capacity to accommodate more than 1,000 head of cattle, 4,000 sheep or 400 horses at any time
dairy animal accommodation	capacity to accommodate more than 800 animals at any time
pig accommodation	capacity to accommodate more than 2,000 pigs or 200 breeding sows at any time

23 Livestock processing activities

- (1) This clause applies to the following activities:
 - general animal products production**, meaning the manufacture of products derived from the slaughter of animals occurring in plants producing products such as hides, adhesives, pet food, gelatine, fertiliser or meat products.
 - greasy wool or fleece processing**, meaning the scouring, topping or carbonising of greasy wool or fleeces.
 - rendering or fat extraction**, meaning the manufacture of products derived from the slaughter of animals occurring in rendering or fat extraction plants.
 - slaughtering or processing animals**, meaning the slaughtering or processing of animals (including poultry and fish).

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tanneries or fellmongeries, meaning the manufacture of products derived from the slaughter of animals occurring in tanneries or fellmongeries (that is, operations that process animal skins or other animal products to produce leather or other similar products).

- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
general animal products production	capacity to produce more than 5,000 tonnes of animal products per year
greasy wool or fleece processing	capacity to process more than 200 tonnes of wool or fleece per year
rendering or fat extraction	capacity to produce more than 200 tonnes of tallow, fat or their derivatives or proteinaceous matter per year
slaughtering or processing animals	capacity to slaughter or process more than 750 tonnes live weight per year
tanneries or fellmongeries	capacity to process more than 2 tonnes of skins or hides per year

24 Logging operations

- (1) This clause applies to the following activities:
 - access road construction*, meaning the construction of new access roads in connection with timber-getting in a compartment in a State forest or Crown timber land (within the meaning of the *Forestry Act 1916*).
 - timber-getting*, meaning the cutting and removal of timber (being sawlogs or pulplogs) from a compartment in a State forest or Crown timber land (within the meaning of the *Forestry Act 1916*).
- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

- (3) In this clause:

land west of the Great Dividing Range means the area shown on the map entitled “Land west of the Great Dividing Range”, published by the EPA and as in force from time to time, copies of which are held in the offices of the EPA.

Note. A copy of the map is available on the EPA’s website (www.environment.nsw.gov.au).

Table

Column 1	Column 2
Activity	Criteria
access road construction	when carried out otherwise than in a compartment in a timber plantation or on land west of the Great Dividing Range
timber-getting	when carried out otherwise than in a compartment in a timber plantation or on land west of the Great Dividing Range where: <ul style="list-style-type: none"> (a) at least 20% of the compartment has a slope greater than 18 degrees above or below the horizontal, and (b) at least 30 timber stems (at least 40 centimetres in diameter at breast height) are removed from each hectare of the compartment when averaged over the net harvestable area of the compartment

25 Marinas and boat repairs

- (1) This clause applies to the following activities:

boat construction/maintenance (dry/floating docks), meaning the use of dry docks or floating docks for the construction, repair and maintenance of vessels.

boat construction/maintenance (general), meaning the use of facilities (whether water-based or land-based) for the construction, repair and maintenance of vessels (other than dry docks, floating docks and facilities not having frontage to a waterway).

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boat mooring and storage, meaning the use of pontoons, jetties, piers or other structures (whether water-based or land-based) designed or utilised to provide moorings or dry storage (other than swing moorings and facilities not having frontage to a waterway).

- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.
- (3) In this clause, ***waterway*** means any river, stream, lake, lagoon, swamp, wetlands, unconfined surface water, natural or artificial watercourse, dam or tidal waters (including the sea).

Table

Column 1	Column 2
Activity	Criteria
boat construction/maintenance (dry/floating docks)	capacity to handle vessels 25 metres or longer
boat construction/maintenance (general)	capacity to handle more than 5 vessels longer than 5 metres (excluding rowing boats, dinghies and other small craft) at any time
boat moorings and storage	capacity to handle more than 80 vessels (excluding rowing boats, dinghies and other small craft) at any time

26 Metallurgical activities

- (1) This clause applies to the following activities:
 - aluminium production (alumina)***, meaning the refinement or processing of mainly alumina to produce aluminium products.
 - aluminium production (scrap metal)***, meaning the refinement or processing of mainly scrap aluminium to produce aluminium products.
 - iron or steel production (iron ore)***, meaning the refinement or processing of mainly iron ore to produce iron or steel products.
 - iron or steel production (scrap metal)***, meaning the refinement or processing of mainly scrap iron or steel to produce iron or steel products.

metal coating, meaning the coating of metal by any method (including spray painting, powder coating, enamelling, electroplating, anodising and galvanising, but not the coating of metal on vehicles or vessels).

metal processing, meaning the processing of metals by heating, rolling, melting or casting metal otherwise than in the course of some other activity to which this clause applies.

metal waste generation, meaning any activity that involves:

- (a) the refinement, processing or coating of metal, and
- (b) having on site any prescribed waste (that is, hazardous waste, restricted solid waste or liquid waste, or any combination of them).

non-ferrous metal production (ore concentrates), meaning the refinement or processing of mainly ore concentrates (including copper, zinc and lead ores, but not iron ore or alumina) to produce non-ferrous metal products.

non-ferrous metal production (scrap metal), meaning the refinement or processing of mainly scrap metal (including copper, zinc and lead, but not iron, steel or aluminium) to produce non-ferrous metal products.

scrap metal processing, meaning the crushing, grinding, shredding or sorting (but not smelting) of scrap metal of any kind.

- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
aluminium production (alumina)	capacity to process more than 10,000 tonnes of alumina per year
aluminium production (scrap metal)	capacity to process more than 10,000 tonnes of scrap metal per year
iron or steel production (iron ore)	capacity to process more than 10,000 tonnes of iron ore per year
iron or steel production (scrap metal)	capacity to process more than 10,000 tonnes of scrap metal per year
metal coating	capacity to process more than 10,000 tonnes of metal per year

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Column 1	Column 2
Activity	Criteria
metal processing	capacity to process more than 10,000 tonnes of metal per year
metal waste generation	involves having on site at any time more than 5 tonnes of prescribed waste, not including excluded material (where 1,000 litres of liquid is taken to weigh 1 tonne)
non-ferrous metal production (ore concentrates)	capacity to process more than 10,000 tonnes of ore concentrates per year
non-ferrous metal production (scrap metal)	capacity to process more than 10,000 tonnes of scrap metal per year
scrap metal processing	capacity to process more than 150 tonnes of scrap metal per day or 30,000 tonnes per year (if not carried out wholly indoors) or 50,000 tonnes per year (if carried out wholly indoors)

27 Mineral processing

- (1) This clause applies to the following activities:
mineral processing, meaning the processing, or the commercial production or extraction, of ores (using methods including chemical, electrical, magnetic, gravity or physical-chemical).
mineral waste generation, meaning mineral processing that involves having on site any prescribed waste (that is, hazardous waste, restricted solid waste or liquid waste, or any combination of them).
- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table	
Column 1	Column 2
Activity	Criteria
mineral processing	capacity to process more than 150 tonnes of ore per day
mineral waste generation	involves having on site at any time more than 5 tonnes of prescribed waste, not including excluded material (where 1,000 litres of liquid is taken to weigh 1 tonne)

28 Mining for coal

- (1) This clause applies to *mining for coal*, meaning the mining, processing or handling of coal (including tailings and chitter) at underground mines or open cut mines.
- (2) The activity to which this clause applies is declared to be a scheduled activity if:
 - (a) it has a capacity to produce more than 500 tonnes of coal per day, or
 - (b) it has disturbed, is disturbing or will disturb a total surface area of more than 4 hectares of land by:
 - (i) clearing or excavating, or
 - (ii) constructing dams, ponds, drains, roads, railways or conveyors, or
 - (iii) storing or depositing overburden or coal (including tailings and chitter).

29 Mining for minerals

- (1) This clause applies to *mining for minerals*, meaning the mining, processing or handling of minerals (within the meaning of the *Mining Act 1992*), other than coal, at mines.
- (2) The activity to which this clause applies is declared to be a scheduled activity if it has disturbed, is disturbing or will disturb a total surface area of more than 4 hectares of land (or, in the case of a gold mine, more than 1 hectare of land) by:
 - (a) clearing or excavating, or
 - (b) constructing dams, ponds, drains, roads, railways or conveyors, or

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- (c) storing or depositing overburden, ore or its products or tailings.

30 Paper or pulp production

- (1) This clause applies to the following activities:
 - paper or pulp production*, meaning the manufacturing of paper, paper pulp or pulp products.
 - paper or pulp waste generation*, meaning a paper or pulp activity that involves having on site any prescribed waste (that is, hazardous waste, restricted solid waste or liquid waste, or any combination of them).
- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
paper or pulp production	capacity to produce more than 30,000 tonnes per year (or, where 90% or more of the raw material used is recycled material and no bleaching or de-inking occurs, 70,000 tonnes per year) of paper, paper pulp or pulp products
paper or pulp waste generation	involves having on site at any time more than 5 tonnes of prescribed waste, not including excluded material (where 1,000 litres of liquid is taken to weigh 1 tonne)

31 Petroleum and fuel production

- (1) This clause applies to the following activities:
 - crude oil/shale oil production*, meaning the production, otherwise than in the course of exploratory activities, of crude petroleum or shale oil.
 - natural gas/methane production*, meaning the production of natural gas or methane.
 - petroleum products and fuel production*, meaning the production of petroleum products (including aviation fuel, petrol, kerosene, mineral turpentine, fuel oils, lubricants, wax, bitumen,

liquefied gas and the precursors to petrochemicals, such as acetylene, ethylene, toluene and xylene), whether by means of any of the following or otherwise:

- (a) refining (such as in the processing of crude petroleum or shale oil),
 - (b) fermentation (such as in the production of ethanol),
 - (c) esterification (such as in the production of biodiesel),
 - (d) blending (such as in the production of lubricants and fuels).
- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Table

Column 1	Column 2
Activity	Criteria
crude oil/shale oil production	any production capacity
natural gas/methane production	capacity to produce more than 5 petajoules of natural gas or methane per year
petroleum products and fuel production	capacity to produce more than 100 tonnes of petroleum products or fuel per year

32 Printing, packaging and visual communications

- (1) This clause applies to *printing, packaging and visual communications waste generation*, meaning any printing, packaging or visual communications activity that involves having on site any prescribed waste (that is, hazardous waste, restricted solid waste or liquid waste, or any combination of them).
- (2) The activity to which this clause applies is declared to be a scheduled activity if it involves having on site at any time more than 5 tonnes of prescribed waste, not including excluded material (where 1,000 litres of liquid is taken to weigh 1 tonne).

33 Railway systems activities

- (1) This clause applies to *railway systems activities*, meaning:
 - (a) the installation, on site repair, on site maintenance or on site upgrading of track, including the construction or significant alteration of any ancillary works, or
 - (b) the operation of rolling stock on track.
- (2) However, this clause does not apply to any of the following:
 - (a) an activity in a railway workshop (including the use of fuel burning equipment),
 - (b) re-fuelling of rolling stock,
 - (c) an activity at a railway fuel depot,
 - (d) repair, maintenance or upgrading of track away from the track site,
 - (e) an activity at a railway station building (including platforms and offices),
 - (f) loading of freight into or onto, and unloading of freight from, rolling stock,
 - (g) an activity at a freight depot or centre,
 - (h) operation of signalling, communication or train control systems.
- (3) The activity to which this clause applies is declared to be a scheduled activity.
- (4) For the purposes of subclause (1) (b), rolling stock that is operated on track is taken to be operated by the occupier of the land on which the track is situated.

Note. Consequently, it is the occupier of that land, not the person having control of the rolling stock, that is required to be licensed under section 48 in respect of the operation of the rolling stock.
- (5) In this clause:

ancillary works means any of the following:

 - (a) over track structures,
 - (b) earthworks,
 - (c) cuttings,
 - (d) drainage works,
 - (e) track support,
 - (f) fencing,
 - (g) tunnels,

- (h) bridges,
- (i) level crossings.

track means railway track that forms part of, or consists of, a network of more than 30 kilometres of track, other than railway track that is used solely by railway vehicles that are themselves used solely for heritage purposes.

34 Resource recovery

- (1) This clause applies to the following activities:
 - recovery of general waste**, meaning the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing, otherwise than for the recovery of energy.
 - recovery of hazardous and other waste**, meaning the receiving of hazardous waste, restricted solid waste or special waste (other than asbestos waste or waste tyres) from off site and its processing, otherwise than for the recovery of energy.
 - recovery of waste oil**, meaning the receiving of waste oil from off site and its processing, otherwise than for the recovery of energy.
 - recovery of waste tyres**, meaning the receiving of waste tyres from off site and their processing, otherwise than for the recovery of energy.
- (2) However, this clause does not apply to any of the following:
 - (a) materials separation and sorting of less than 60 tonnes per year of waste lead acid batteries,
 - (b) the treatment of sewage within a sewage treatment system (whether or not that system is licensed),
 - (c) the recovery of stormwater.
- (3) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if:
 - (a) it meets the criteria set out in Column 2 of that Table, and
 - (b) either:
 - (i) less than 50% by weight of the waste received in any year requires disposal after processing, or
 - (ii) the regulations under section 286 exempt the person carrying out the activity from the requirements of section 48 (2) as they apply to waste disposal (application to land), waste disposal (thermal treatment), waste processing (non-thermal treatment) and waste storage.

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Table	
Column 1	Column 2
Activity	Criteria
recovery of general waste	involves having on site at any time more than 5,000 tonnes of waste involves processing more than 120 tonnes of waste per day or 30,000 tonnes of waste per year
recovery of hazardous and other waste	involves having on site at any time more than 200 kilograms of waste
recovery of waste oil	involves processing more than 20 tonnes of waste oil per year or having on site at any time more than 2,000 litres of waste oil
recovery of waste tyres	involves having on site at any time more than 50 tonnes of tyres (where 100 tyres are taken to weigh 1 tonne) involves processing more than 20 tonnes of tyres per day or 5,000 tonnes of tyres per year

35 Road construction

- (1) This clause applies to **road construction**, meaning the construction, widening or re-routing of roads, but does not apply to the maintenance or operation of any such road.
- (2) The activity to which this clause applies is declared to be a scheduled activity if it results in the existence of 4 or more traffic lanes (other than bicycle lanes or lanes used for entry or exit) for at least:
 - (a) where the road is classified, or proposed to be classified, as a freeway or tollway under the *Roads Act 1993*:
 - (i) 1 kilometre of their length in the metropolitan area, or
 - (ii) 5 kilometres of their length in any other area, or

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- (b) where the road is classified, or proposed to be classified, as a main road (but not a freeway or tollway) under the *Roads Act 1993*:
 - (i) 3 kilometres of their length in the metropolitan area, or
 - (ii) 5 kilometres of their length in any other area.

36 Sewage treatment

- (1) This clause applies to ***sewage treatment***, meaning the operation of sewage treatment systems (including the treatment works, pumping stations, sewage overflow structures and the reticulation system) that involve the discharge or likely discharge of wastes or by-products to land or waters.
- (2) The activity to which this clause applies is declared to be a scheduled activity if it has a processing capacity that exceeds:
 - (a) 2,500 persons equivalent, as determined in accordance with guidelines established by an EPA Gazettal notice, or
 - (b) 750 kilolitres per day,whichever is the greater.

37 Shipping in bulk

- (1) This clause applies to ***shipping in bulk***, meaning the operation of wharves and associated facilities for the bulk loading or unloading of agricultural crop products, rock, ores, minerals or chemicals into or from vessels (except where they are contained in shipping containers).
- (2) The activity to which this clause applies is declared to be a scheduled activity if the facilities have a capacity to handle:
 - (a) more than 500 tonnes of agricultural crop products, rock, ores, minerals or chemicals per day, or
 - (b) more than 50,000 tonnes of agricultural crop products, rock, ores, minerals or chemicals per year.

38 Sterilisation activities

- (1) This clause applies to ***sterilisation activities***, meaning the sterilisation of products or equipment by means that include the use of ethylene oxide.
- (2) The activity to which this clause applies is declared to be a scheduled activity if it involves the use of more than one tonne of ethylene oxide per year.

39 Waste disposal (application to land)

- (1) This clause applies to *waste disposal by application to land*, meaning the application to land of waste received from off site, including (but not limited to) application by any of the following methods:
 - (a) spraying, spreading or depositing on the land,
 - (b) ploughing, injecting or mixing into the land,
 - (c) filling, raising, reclaiming or contouring the land.
- (2) However, this clause does not apply to an activity that involves any of the following:
 - (a) landfill sites inside the regulated area that, over any period of time, receive from off site a total of no more than 200 tonnes of the following waste (and no other waste):
 - (i) building and demolition waste only,
 - (ii) building and demolition waste mixed with virgin excavated natural material,
 - (b) landfill sites outside the regulated area that, over any period of time, receive from off site a total of no more than 200 tonnes of the following waste (and no other waste):
 - (i) building and demolition waste only,
 - (ii) building and demolition waste mixed with virgin excavated natural material,being waste generated inside the regulated area,
 - (c) landfill sites outside the regulated area that, over any period of time, receive from off site a total of no more than 20,000 tonnes of the following waste (and no other waste):
 - (i) building and demolition waste only,
 - (ii) building and demolition waste mixed with virgin excavated natural material,being waste generated outside the regulated area,
 - (d) landfill sites that receive from off site no more than 100 tonnes of waste tyres per year or 10,000 waste tyres in total over any period (and no other waste),
 - (e) landfill sites where only virgin excavated natural material is received from off site and applied to land,
 - (f) landfill sites that:
 - (i) are outside the regulated area, and
 - (ii) are owned and operated by or on behalf of a local council, and

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- (iii) were in existence immediately before 28 April 2008, and
 - (iv) were not required to be licensed before 28 April 2008, and
 - (v) had, before 28 April 2008, provided the details required under clause 47 of the *Protection of the Environment Operations (Waste) Regulation 2005*, and
 - (vi) receive from off site less than 5,000 tonnes per year of general solid waste (putrescible), general solid waste (non-putrescible), clinical and related waste, asbestos waste, grease trap waste or waste tyres (or any combination of them), but only if the waste has been generated outside the regulated area.
- (3) The activity to which this clause applies is declared to be a scheduled activity.
 - (4) For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram.

40 Waste disposal (thermal treatment)

- (1) This clause applies to the following activities:
 - thermal treatment of general waste*, meaning the receiving from off site of, and the processing by thermal treatment of, waste (other than hazardous waste, restricted solid waste, liquid waste or special waste).
 - thermal treatment of hazardous and other waste*, meaning the receiving from on site or off site of, and the processing by thermal treatment of, hazardous waste, restricted solid waste, liquid waste or special waste.
- (2) However, this clause does not apply to the treatment of contaminated soil or stormwater, or the treatment of sewage within a sewage treatment system (whether or not that system is licensed).
- (3) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.
- (4) For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram.

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Column 1	Column 2
Activity	Criteria
thermal treatment of general waste	involves processing more than 200 tonnes of waste per year
thermal treatment of hazardous and other waste	involves having on site at any time more than 200 kilograms of waste (other than clinical and related waste) involves having on site at any time any quantity of clinical and related waste

41 Waste processing (non-thermal treatment)

- (1) This clause applies to the following activities:

non-thermal treatment of general waste, meaning the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing otherwise than by thermal treatment.

non-thermal treatment of hazardous and other waste, meaning the receiving of hazardous waste, restricted solid waste, liquid waste, clinical and related waste or asbestos waste, whether from on site or off site, and its processing otherwise than by thermal treatment.

non-thermal treatment of waste tyres, meaning the receiving of waste tyres from off site and their processing otherwise than by thermal treatment.

- (2) However, this clause does not apply to any of the following:
- processing of contaminated soil or stormwater, or sewage within a sewage treatment system (whether or not that system is licensed),
 - the storage and transfer of liquid waste that is generated and treated on site prior to sewer discharge, or lawful discharge to waters.
- (3) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if:
- it meets the criteria set out in Column 2 of that Table, and
 - more than 50% by weight of the total amount of waste received per year requires disposal after processing.

- (4) For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram.

Table

Column 1	Column 2
Activity	Criteria
non-thermal treatment of general waste	involves having on site at any time more than 2,500 tonnes, or 2,500 cubic metres, whichever is the lesser, of general waste involves processing more than 120 tonnes per day, or 30,000 tonnes per year, of general waste
non-thermal treatment of hazardous and other waste	involves having on site at any time more than 200 kilograms of waste (other than clinical and related waste) involves having on site at any time any quantity of clinical and related waste
non-thermal treatment of waste tyres	involves having on site at any time more than 50 tonnes of tyres (where 100 tyres are taken to weigh 1 tonne) involves processing more than 20 tonnes of tyres per day or 5,000 tonnes of tyres per year

42 Waste storage

- (1) This clause applies to **waste storage**, meaning the receiving from off site and storing (including storage for transfer) of waste.
- (2) However, this clause does not apply to any of the following:
- (a) the storage of stormwater,
 - (b) the storage of up to 60 tonnes at any time of grease trap waste, waste lead acid batteries or waste oil collected for recovery (but not when accompanied by any other kind of waste),
 - (c) the storage of sewage within a sewage treatment system,
 - (d) the storage and transfer of liquid waste that is generated and treated on site prior to sewer discharge, or lawful discharge to waters.

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- (3) The activity to which this clause applies is declared to be a scheduled activity if:
 - (a) more than 5 tonnes of hazardous waste, restricted solid waste, liquid waste, clinical or related waste or asbestos waste is stored on the premises at any time, or
 - (b) more than 50 tonnes of waste tyres or 5,000 waste tyres is stored on the premises at any time, or
 - (c) more than 2,500 tonnes or 2,500 cubic metres, whichever is the lesser, of waste (other than waste referred to in paragraph (a) or (b)) is stored on the premises at any time, or
 - (d) more than 30,000 tonnes of waste (other than waste referred to in paragraph (a) or (b)) is received per year from off site.
- (4) For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram.

43 Wood or timber milling or processing

- (1) This clause applies to ***wood or timber milling or processing***, meaning the sawing, machining, milling, chipping, pulping or compressing of timber or wood (otherwise than at a joinery, builders' supply yard or home improvement centre).
- (2) The activity to which this clause applies is declared to be a scheduled activity if:
 - (a) in the case of an activity that burns waste (otherwise than as fuel), it has a capacity to process more than 6,000 cubic metres of timber (or timber products) per year, or
 - (b) in any other case, it has a capacity to process more than 50,000 cubic metres of timber (or timber products) per year.

44 Wood preservation

- (1) This clause applies to ***wood preservation***, meaning the treating or preserving timber with pesticides (within the meaning of the *Pesticides Act 1999*).
- (2) The activity to which this clause applies is declared to be a scheduled activity if it has a capacity to process more than 10,000 cubic metres of timber per year.

Part 2 Activities not premises-based

45 Application of Part

For the purposes of section 49, any activity that is declared by this Part to be a scheduled activity is taken to be an activity for which a licence is required, but where no licence is required for the premises at which it is carried out (the activity is *not premises-based*).

Note. Section 49 (2) provides that a person who carries on such an activity is guilty of an offence unless he or she holds a licence that authorises him or her to carry on that activity.

46 Mobile plant activities

- (1) This clause applies to a *mobile plant activity*, meaning an activity that includes any one or more of the scheduled activities described in Part 1 of this Schedule and that is carried out by means of mobile plant.
- (2) The activity to which this clause applies is declared to be a scheduled activity.

47 Mobile waste processing

- (1) This clause applies to *mobile waste processing*, meaning an activity:
 - (a) that involves the processing of hazardous waste, liquid waste or restricted solid waste (or any combination of them), and
 - (b) that is carried out, for business or commercial purposes, by means of mobile plant.
- (2) The activity to which this clause applies is declared to be a scheduled activity.

48 Transport of waste

- (1) This clause applies to the following activities:

transport of hazardous and other waste, meaning the transport of hazardous waste, restricted solid waste, liquid waste, clinical and related waste or friable asbestos waste (or any combination of them) (not being excluded waste).

transport of waste tyres, meaning the transport of waste tyres (not being excluded waste).
- (2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

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- (3) In this clause, *excluded waste* means the following:
- (a) waste that is transported in the course of dealing with an accident or emergency,
 - (b) lead acid batteries or waste oil collected for recovery,
 - (c) stormwater.

Table

Column 1	Column 2
Activity	Criteria
transport of hazardous and other waste	involves the transport of more than 200 kilograms in any load
transport of waste tyres	involves the transport of more than 2 tonnes in any load

Part 3 Definitions

Division 1 Waste classifications

49 Definitions of waste classifications

In this Schedule:

general solid waste (non-putrescible) means waste (other than special waste, hazardous waste, restricted solid waste, general solid waste (putrescible) or liquid waste) that includes any of the following:

- (a) glass, plastic, rubber, plasterboard, ceramics, bricks, concrete or metal,
- (b) paper or cardboard,
- (c) household waste from municipal clean-up that does not contain food waste,
- (d) waste collected by or on behalf of local councils from street sweeping,
- (e) grit, sediment, litter and gross pollutants collected in, and removed from, stormwater treatment devices or stormwater management systems, that has been dewatered so that it does not contain free liquids,
- (f) grit and screenings from potable water and water reticulation plants that has been dewatered so that it does not contain free liquids,
- (g) garden waste,

- (h) wood waste,
- (i) waste contaminated with lead (including lead paint waste) from residential premises or educational or child care institutions,
- (j) containers, having previously contained dangerous goods, from which residues have been removed by washing or vacuuming,
- (k) drained oil filters (mechanically crushed), rags and oil absorbent materials that only contain non-volatile petroleum hydrocarbons and do not contain free liquids,
- (l) drained motor oil containers that do not contain free liquids,
- (m) non-putrescible vegetative waste from agriculture, silviculture or horticulture,
- (n) building cavity dust waste removed from residential premises, or educational or child care institutions, being waste that is packaged securely to prevent dust emissions and direct contact,
- (o) synthetic fibre waste (from materials such as fibreglass, polyesters and other plastics) being waste that is packaged securely to prevent dust emissions, but excluding asbestos waste,
- (p) virgin excavated natural material,
- (q) building and demolition waste,
- (r) asphalt waste (including asphalt resulting from road construction and waterproofing works),
- (s) biosolids categorised as unrestricted use, or as restricted use 1, 2 or 3, in accordance with the criteria set out in the *Biosolids Guidelines*,
- (t) cured concrete waste from a batch plant,
- (u) fully cured and set thermosetting polymers and fibre reinforcing resins,
- (v) fully cured and dried residues of resins, glues, paints, coatings and inks,
- (w) anything that is classified as general solid waste (non-putrescible) pursuant to an EPA Gazettal notice,
- (x) anything that is general solid waste (non-putrescible) within the meaning of the *Waste Classification Guidelines*,
- (y) any mixture of anything referred to in paragraphs (a)–(x).

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general solid waste (putrescible) means waste (other than special waste, hazardous waste, restricted solid waste or liquid waste) that includes any of the following:

- (a) household waste containing putrescible organics,
- (b) waste from litter bins collected by or on behalf of local councils,
- (c) manure and nightsoil,
- (d) disposable nappies, incontinence pads or sanitary napkins,
- (e) food waste,
- (f) animal waste,
- (g) grit or screenings from sewage treatment systems that have been dewatered so that the grit or screenings do not contain free liquids,
- (h) anything that is classified as general solid waste (putrescible) pursuant to an EPA Gazettal notice,
- (i) anything that is general solid waste (putrescible) within the meaning of the *Waste Classification Guidelines*,
- (j) a mixture of anything referred to in paragraphs (a)–(i).

hazardous waste means waste (other than special waste or liquid waste) that includes any of the following:

- (a) anything that is classified as:
 - (i) a substance of Class 1, 2, 5 or 8 within the meaning of the *Transport of Dangerous Goods Code*, or
 - (ii) a substance to which Division 4.1, 4.2, 4.3 or 6.1 of the *Transport of Dangerous Goods Code* applies,
- (b) containers, having previously contained:
 - (i) a substance of Class 1, 3, 4, 5 or 8 within the meaning of the *Transport of Dangerous Goods Code*, or
 - (ii) a substance to which Division 6.1 of the *Transport of Dangerous Goods Code* applies,from which residues have not been removed by washing or vacuuming,
- (c) coal tar or coal tar pitch waste (being the tarry residue from the heating, processing or burning of coal or coke) comprising more than 1% (by weight) of coal tar or coal tar pitch waste,

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- (d) lead-acid or nickel-cadmium batteries (being waste generated or separately collected by activities carried out for business, commercial or community services purposes),
 - (e) lead paint waste arising otherwise than from residential premises or educational or child care institutions,
 - (f) anything that is classified as hazardous waste pursuant to an EPA Gazettal notice,
 - (g) anything that is hazardous waste within the meaning of the *Waste Classification Guidelines*,
 - (h) a mixture of anything referred to in paragraphs (a)–(g).

liquid waste means any waste (other than special waste) that includes any of the following:

- (a) anything that:
 - (i) has an angle of repose of less than 5 degrees above horizontal, or
 - (ii) becomes free-flowing at or below 60°C or when it is transported, or
 - (iii) is generally not capable of being picked up by a spade or shovel,
- (b) anything that is classified as liquid waste pursuant to an EPA Gazettal notice.

restricted solid waste means any waste (other than special waste, hazardous waste or liquid waste) that includes any of the following:

- (a) anything that is restricted solid waste within the meaning of the *Waste Classification Guidelines*,
- (b) anything that is classified as restricted solid waste pursuant to an EPA Gazettal notice.

special waste means any of the following:

- (a) clinical and related waste,
- (b) asbestos waste,
- (c) waste tyres,
- (d) anything that is classified as special waste pursuant to an EPA Gazettal notice.

Division 2 Other definitions

50 Other definitions

(1) In this Schedule:

animal waste includes dead animals and animal parts and any mixture of dead animals and animal parts.

asbestos means the fibrous form of those mineral silicates that belong to the serpentine or amphibole groups of rock-forming minerals, including actinolite, amosite (brown asbestos), anthophyllite, chrysotile (white asbestos), crocidolite (blue asbestos) and tremolite.

asbestos waste means any waste that contains asbestos.

Australian Explosives Code means the document entitled *Australian Code for the Transport of Explosives by Road and Rail*, published by the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government and as in force from time to time.

biosolids means the organic product that results from sewage treatment processes (sometimes referred to as sewage sludge).

Biosolids Guidelines means the document entitled *Environmental Guidelines: Use and Disposal of Biosolids Products*, published by the EPA and as in force from time to time, copies of which are held in the offices of the EPA.

Note. A copy of the guidelines is available on the EPA's website (www.environment.nsw.gov.au).

building and demolition waste means unsegregated material (other than material containing asbestos waste) that results from:

- (a) the demolition, erection, construction, refurbishment or alteration of buildings other than:
 - (i) chemical works, or
 - (ii) mineral processing works, or
 - (iii) container reconditioning works, or
 - (iv) waste treatment facilities, or
- (b) the construction, replacement, repair or alteration of infrastructure development such as roads, tunnels, sewage, water, electricity, telecommunications and airports,

and includes materials such as:

- (c) bricks, concrete, soil, paper, plastics, glass and metal, and

-
- (d) timber, including unsegregated timber, that may contain timber treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP).

clinical and related waste means:

- (a) clinical waste, or
(b) cytotoxic waste, or
(c) pharmaceutical, drug or medicine waste, or
(d) sharps waste.

clinical waste means any waste resulting from medical, nursing, dental, pharmaceutical, skin penetration or other related clinical activity, being waste that has the potential to cause injury, infection or offence, and includes waste containing any of the following:

- (a) human tissue (other than hair, teeth and nails),
(b) bulk body fluids or blood,
(c) visibly blood-stained body fluids, materials or equipment,
(d) laboratory specimens or cultures,
(e) animal tissue, carcasses or other waste from animals used for medical research,

but does not include any such waste that has been treated by a method approved in writing by the Director-General of the Department of Health.

coal includes any other carbonaceous material.

contaminated soil means soil that contains a substance at a concentration above the concentration at which the substance is normally present in soil from the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment, where ***harm to the environment*** includes any direct or indirect alteration of the environment that has the effect of degrading the environment.

cytotoxic waste means any substance contaminated with any residues or preparations that contain materials that are toxic to cells principally through their action on cell reproduction.

dangerous goods has the same meaning as it has in the *Transport of Dangerous Goods Code*.

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effluent means:

- (a) waste water from sewage collection or treatment plants, or
- (b) waste water from collection or treatment systems that are ancillary to processing industries involving livestock, agriculture, wood, paper or food, being waste water that is conveyed from the place of generation by means of a pipe, canal or conventional method used in irrigation (but not by means of a tanker or truck), or
- (c) waste water from collection or treatment systems that are ancillary to intensive livestock, aquaculture or mariculture, being waste water that is released by means of a pipe, canal or other conventional method used in irrigation as part of day to day farming operations.

electricity plant includes all associated water storage, ash recovery and waste management facilities.

EPA Gazettal notice means a notice that has been published in the Gazette by the EPA, copies of which are held in the offices of the EPA.

Note. A copy of each EPA Gazettal notice is available on the EPA's website (www.environment.nsw.gov.au).

excluded material means contaminated soil, grease trap waste, waste stored prior to its lawful discharge to a sewer or waters, septic tank waste, stormwater or recoverable oil or oil and water mixture.

explosives has the same meaning as it has in the *Australian Explosives Code*.

food waste means waste from the manufacture, preparation, sale or consumption of food but does not include grease trap waste.

friable asbestos waste means asbestos waste:

- (a) that is in the form of a powder, or
- (b) that can be crumbled or reduced to powder by hand pressure when dry.

garden waste means waste that consists of branches, grass, leaves, plants, loppings, tree trunks, tree stumps and similar materials, and includes any mixture of those materials.

grease trap waste means any grease, oil, solids, water or other matter:

- (a) that results from the preparation or manufacturing of food, and
- (b) that is collected in a grease trap in the usual course of the operation of the grease trap.

manure includes any mixture of manure and biodegradable animal bedding (such as straw).

metropolitan area means the area of Sydney, Newcastle, Central Coast and Wollongong bounded by and including the local government areas of Newcastle, Lake Macquarie, Wyong, Gosford, Hawkesbury, Blue Mountains, Penrith, Liverpool, Camden, Campbelltown, Wollongong and Shellharbour.

mobile plant means any equipment or machinery that:

- (a) is capable of carrying on any one or more of the activities referred to in Part 1 of this Schedule, and
- (b) is capable of moving under its own motive power or being transported, and
- (c) is operated at a particular site on a temporary basis only (that is, for a total period of not more than 6 months in any 12-month period),

but does not include rolling stock.

natural organic fibrous materials means bagasse, peat, seed hulls and husks, straw and the like, and includes any mixture of those materials.

on site—see subclause (2).

organics means natural organic fibrous materials of waste and non-waste origin, including:

- (a) putrescible organics (such as meat, fish, poultry, fruit, vegetable and their cooked or processed products, biosolids and animal materials), and
- (b) non-putrescible organics (such as timber, garden trimmings, agricultural, forestry and crop materials, and natural fibrous organic and vegetative materials),

but does not include:

- (c) human-made organic chemicals (such as solvents, industrial, agricultural, mining, household chemical cleaning agents and personal care products), or
- (d) naturally occurring organic chemicals that have been refined and concentrated by human activity (such as oil, petrol, diesel and coal tar).

pharmaceutical, drug or medicine waste means waste:

- (a) that has been generated by activities carried out for business or commercial purposes, and

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- (b) that consists of pharmaceutical or other chemical substances specified in the Poisons List made under section 8 of the *Poisons and Therapeutic Goods Act 1966*.

regulated area means the area comprising the local government areas of Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Botany, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Cessnock, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kiama, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leichhardt, Liverpool, Maitland, Manly, Marrickville, Mosman, Newcastle, North Sydney, Parramatta, Penrith, Pittwater, Port Stephens, Randwick, Rockdale, Ryde, Shellharbour, Shoalhaven, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby, Wingecarribee, Wollongong, Woollahra and Wyong.

rolling stock means:

- (a) railway vehicles used or intended to be used to transport passengers or freight for reward, or
- (b) railway vehicles used or intended to be used to maintain railway track and equipment (whether or not for reward),

but does not include railway vehicles that are used solely for heritage purposes.

sharps means those things:

- (a) that have sharp points or edges capable of cutting, piercing or penetrating the skin (such as needles, syringes with needles or surgical instruments), and
- (b) that are designed for the purpose of cutting, piercing or penetrating the skin, and
- (c) that have the potential to cause injury or infection.

sharps waste means any waste collected from designated sharps waste containers used in the course of business, commercial or community service activities, being waste resulting from the use of sharps for any of the following purposes:

- (a) human health care by health professionals and other health care providers,
- (b) medical research or work on cadavers,
- (c) veterinary care or veterinary research,
- (d) skin penetration or the injection of drugs or other substances for medical or non-medical reasons,

but does not include waste that has been treated on the site where it was generated, and to a standard specified in an EPA Gazettal notice.

thermal treatment means the processing of wastes by burning, incineration, thermal oxidation, gasification, pyrolysis, plasma or other thermal treatment processes.

toxic substance has the same meaning as it has in the *Transport of Dangerous Goods Code*.

Transport of Dangerous Goods Code means the document called the *Australian Code for the Transport of Dangerous Goods by Road and Rail* (7th edition) approved by the Ministerial Council for Road Transport and published by the Commonwealth Government from time to time.

virgin excavated natural material means natural material (such as clay, gravel, sand, soil or rock fines):

- (a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and
- (b) that does not contain any sulfidic ores or soils or any other waste,

and includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time being pursuant to an EPA Gazettal notice.

Waste Classification Guidelines means the document entitled *Waste Classification Guidelines*, published by the EPA and as in force from time to time, copies of which are held in the offices of the EPA.

Note. A copy of the guidelines is available on the EPA's website (www.environment.nsw.gov.au).

waste tyres means used, rejected or unwanted tyres, including shredded tyres or tyre pieces.

wood waste means sawdust, timber offcuts, wooden crates, wooden packaging, wooden pallets, wood shavings and similar materials, and includes any mixture of those materials, but does not include wood treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP).

- (2) A reference to something being done in relation to waste **on site** is a reference to that thing being done only on the premises on which the waste was generated.

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(Clause 4)

[1] Clause 3 Definitions

Insert at the end of the clause:

- (2) Terms used in Schedule 1 to this Regulation that are defined in Schedule 1 to the Act have the same meanings as they have in Schedule 1 to the Act.

[2] Clause 6 Fee units

Omit clause 6 (4).

[3] Clause 44 Commencement of licensing requirement for existing activities not previously required to be licensed: sec 52 (1)

Insert “except as otherwise provided by this clause” after “months” in clause 44 (1).

[4] Clause 44 (2)

Omit “However, in”. Insert instead “In”.

[5] Clause 44 (3)

Insert after clause 44 (2):

- (3) The prescribed period in relation to sterilisation activities is the period ending 28 July 2008.

Note. Sterilisation activities became licensable on 28 April 2008 as a consequence of the replacement of Schedule 1 to the Act by the *Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2008*.

[6] Clause 57S Meaning of certain expressions

Omit the definition of *non-hazardous agricultural or crop waste*.

Insert instead:

non-hazardous agricultural or crop waste means agricultural or crop waste that is not hazardous waste or restricted solid waste within the meaning of Schedule 1 to the Act.

[7] Clause 67B

Insert as clause 67B in Part 4.6:

67B Existing waste activities

The EPA is declared, under section 6 (3) of the Act, to be the appropriate regulatory authority for any non-scheduled activity that, immediately before 28 April 2008 (the commencement of the *Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2008*), was licensed as a waste activity (within the meaning of Schedule 1 to the Act, as then in force) but only for so long as that waste activity continues.

[8] Part 4.9

Insert after Part 4.8:

Part 4.9 Savings and transitional provisions**79 Definitions**

In this Part:

existing licence means a licence that was in force immediately before 28 April 2008, but does not include a licence for an activity that has ceased to be a scheduled activity as a consequence of the commencement of the 2008 amending Regulation unless the licence:

- (a) has, under the new rules, become a licence for a different kind of scheduled activity, or
- (b) continues to authorise the pollution of water for the purposes of section 122 of the Act.

the 2008 amending Regulation means the *Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2008*.

the new rules means Schedule 1 to the Act, as amended by the 2008 amending Regulation, and Schedule 1 to this Regulation, as so amended.

the old rules means Schedule 1 to the Act, as in force immediately before 28 April 2008, and Schedule 1 to this Regulation, as then in force.

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80 Pending applications

- (1) The new rules apply to and in respect of a pending application.
- (2) In this clause, *pending application* means an application for a licence that had been made, but not determined, before 28 April 2008.

81 Existing licences

- (1) Subject to this clause, the old rules continue to apply to and in respect of an existing licence as if the 2008 amending Regulation had not been made.
- (2) The EPA may, for the purposes of this Part, replace an existing licence with a new licence, whether with or without variation.
- (3) A new licence takes effect, and the existing licence it replaces ceases to have effect, when notice of that fact (whether or not accompanied by a copy of the new licence) is served on the licensee.
- (4) To the extent to which the authority conferred by the new licence differs from the authority conferred by the existing licence it replaces, the existing licence is taken to be varied under section 58 of the Act and the Act applies accordingly.
Note. Section 287 of the Act provides for appeals against variations of a licence.
- (5) This clause does not limit the power of the EPA to vary an existing licence under the Act.

82 Changes of classification

- (1) Subject to subclause (2), clause 34 applies to any change in:
 - (a) the classification of any activity, and
 - (b) the fees payable in respect of any activity,being a change that arises from the replacement of the old rules by the new rules as if the change arose from a change in the activity itself.
- (2) Clause 34 (2) does not apply in relation to any change referred to in subclause (1).
- (3) For the purposes of clause 34, as applied by subclause (1):
 - (a) any such change is taken to have occurred, in relation to any activity for which a licence was in force immediately before 28 April 2008:

- (i) at the end of the licence fee period during which that date occurred, or
- (ii) when the licence is replaced by a new licence, whichever is the later, and
- (b) if any such change is taken to have occurred at the end of the licence fee period during which 28 April 2008 occurred, the fact that the licence is replaced by a new licence before the end of that period is to be ignored.
- (4) For the purposes of this clause, any statement that is of the kind referred to in clause 6 (4), as in force immediately before 28 April 2008, and that was included in Schedule 1 to this Regulation, as then in force, is of no effect.

[9] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Licensing fees

(Clauses 6, 9, 10, 12, 13, 17, 22, 33 and 43A)

AGRICULTURAL PROCESSING

Dairy processing (see clause 2 (1) of Schedule 1 to the Act)

1 Units of measure: megalitres

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 30,000 megalitres	5
More than 30,000 but not more than 100,000 megalitres	15
More than 100,000 megalitres	50

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

General agricultural processing (see clause 2 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

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AGRICULTURAL PROCESSING

2 Administrative fee

Annual processing capacity	Administrative fee units
Not more than 30,000 tonnes	5
More than 30,000 but not more than 100,000 tonnes	15
More than 100,000 but not more than 250,000 tonnes	50
More than 250,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**Grape processing (see clause 2 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual processing capacity	Administrative fee units
Not more than 30,000 tonnes	5
More than 30,000 but not more than 100,000 tonnes	15
More than 100,000 but not more than 250,000 tonnes	50
More than 250,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

AQUACULTURE AND MARICULTURE

Aquaculture and mariculture (see clause 3 (1) of Schedule 1 to the Act)**1 Units of measure: megalitres****2 Administrative fee**

Annual volume of discharge	Administrative fee units
Not more than 2,000 megalitres	5

AQUACULTURE AND MARICULTURE

More than 2,000 but not more than 20,000 megalitres	15
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More than 20,000 megalitres	50
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3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

BITUMEN MIXING

Bitumen mixing (see clause 4 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
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Not more than 30,000 tonnes	15
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More than 30,000 but not more than 100,000 tonnes	50
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More than 100,000 tonnes	135
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3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

BREWING AND DISTILLING

Brewing and distilling (see clause 5 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
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Not more than 10,000 tonnes	5
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More than 10,000 but not more than 20,000 tonnes	50
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More than 20,000 tonnes	135
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3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

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CEMENT OR LIME WORKS

Cement or lime handling (see clause 6 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual handling capacity	Administrative fee units
Not more than 30,000 tonnes	5
More than 30,000 but not more than 100,000 tonnes	8
More than 100,000 but not more than 500,000 tonnes	25
More than 500,000 but not more than 2,000,000 tonnes	65
More than 2,000,000 tonnes	165

3 Load-based fee (but only if the annual handling capacity exceeds 30,000 tonnes)

Air pollutants	Threshold factor
Coarse particulates	0.23
Fine particulates	0.37
Water pollutants	Threshold factor
Nil	Not applicable

Cement or lime production (see clause 6 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 30,000 tonnes	5
More than 30,000 but not more than 100,000 tonnes	65
More than 100,000 but not more than 250,000 tonnes	165

CEMENT OR LIME WORKS

More than 250,000 but not more than 500,000 tonnes	300
More than 500,000 tonnes	420
3 Load-based fee (but only if the annual production capacity exceeds 30,000 tonnes)	
Air pollutants	Threshold factor
Coarse particulates	0.23
Fine particulates	0.37
Nitrogen oxides and nitrogen oxides (summer)	3.2
Sulfur oxides	0.16
Water pollutants	Threshold factor
Nil	Not applicable

CERAMIC WORKS**Ceramic waste generation (see clause 7 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee** (but only if the activity is a scheduled activity under clause 7 (2) of Schedule 1 to the Act)

Annual volume of waste generated or stored	Administrative fee units
More than 5 but not more than 100 tonnes	8
More than 100 tonnes	16

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**Ceramics production (see clause 7 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 15,000 tonnes	8

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CERAMIC WORKS

More than 15,000 but not more than 50,000 tonnes 25

More than 50,000 but not more than 200,000 tonnes 65

More than 200,000 tonnes 165

3 Load-based fee (but only if the annual production capacity exceeds 15,000 tonnes)

Air pollutants	Threshold factor
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Coarse particulates	0.18
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Fine particulates	1.58
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Fluoride	0.8
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Nitrogen oxides and nitrogen oxides (summer)	10.5
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Sulfur oxides	18.2
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Water pollutants	Threshold factor
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Nil	Not applicable
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Glass production (see clause 7 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual melting capacity	Administrative fee units
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Not more than 15,000 tonnes	8
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More than 15,000 but not more than 30,000 tonnes	25
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More than 30,000 but not more than 100,000 tonnes	65
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More than 100,000 tonnes	165
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3 Load-based fee (but only if the annual melting capacity exceeds 15,000 tonnes)

Production of container glass

Air pollutants	Threshold factor
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Coarse particulates	0.05
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Fine particulates	0.05
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CERAMIC WORKS

Nitrogen oxides and nitrogen oxides (summer)	4.02
Sulfur oxides	3.12
Water pollutants	Threshold factor
Nil	Not applicable
Production of float glass	
Air pollutants	Threshold factor
Coarse particulates	0.11
Fine particulates	0.11
Nitrogen oxides and nitrogen oxides (summer)	2.00
Sulfur oxides	3.64
Water pollutants	Threshold factor
Nil	Not applicable
Production of other glass	
Air pollutants	Threshold factor
Coarse particulates	2.75
Fine particulates	2.75
Nitrogen oxides and nitrogen oxides (summer)	4.29
Sulfur oxides	4.16
Water pollutants	Threshold factor
Nil	Not applicable

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CHEMICAL PRODUCTION

Agricultural fertiliser (inorganic) production (see clause 8 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 50,000 tonnes	25
More than 50,000 but not more than 100,000 tonnes	65
More than 100,000 tonnes	165

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**Agricultural fertiliser (phosphate) production (see clause 8 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 50,000 tonnes	25
More than 50,000 but not more than 100,000 tonnes	65
More than 100,000 tonnes	165

3 Load-based fee (but only if the activity is a scheduled activity under clause 8 (2) of Schedule 1 to the Act)

Air pollutants	Threshold factor
Coarse particulates	0.022
Fine particulates	0.13
Fluoride	1.1
Water pollutants	Threshold factor
Total phosphorous	0.002

CHEMICAL PRODUCTION**Ammonium nitrate production (see clause 8 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 50,000 tonnes	25
More than 50,000 but not more than 100,000 tonnes	65
More than 100,000 tonnes	165

3 Load-based fee (but only if the activity is a scheduled activity under clause 8 (2) of Schedule 1 to the Act)

Air pollutants	Threshold factor
Coarse particulates	0.77
Fine particulates	0.33
Nitrogen oxides and nitrogen oxides (summer)	1.5
Water pollutants	Threshold factor
Total nitrogen	0.11

Battery production (see clause 8 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 500 tonnes	15
More than 500 but not more than 1,500 tonnes	50
More than 1,500 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

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CHEMICAL PRODUCTION

Chemical production waste generation (see clause 8 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee (but only if the activity is a scheduled activity under clause 8 (2) of Schedule 1 to the Act)

Annual volume of waste generated or stored	Administrative fee units
More than 5 but not more than 100 tonnes	8
More than 100 tonnes	16

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Dangerous goods production (see clause 8 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 10,000 tonnes	15
More than 10,000 but not more than 25,000 tonnes	50
More than 25,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Explosives production (see clause 8 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 2,000 tonnes	15
More than 2,000 but not more than 10,000 tonnes	50
More than 10,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

CHEMICAL PRODUCTION**Paints/polishes/adhesives production (see clause 8 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 5,000 tonnes	25
More than 5,000 but not more than 15,000 tonnes	65
More than 15,000 tonnes	165

3 Load-based fee (but only if the activity is a scheduled activity under clause 8 (2) of Schedule 1 to the Act)

Air pollutants	Threshold factor
Benzene	0.27
Fine particulates	5.0
Nitrogen oxides and nitrogen oxides (summer)	3.0
VOCs and VOCs (summer)	8.73
Water pollutants	Threshold factor
Nil	Not applicable

Pesticides and related products production (see clause 8 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 2,000 tonnes	15
More than 2,000 but not more than 10,000 tonnes	50
More than 10,000 but not more than 30,000 tonnes	135
More than 30,000 tonnes	335

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

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CHEMICAL PRODUCTION

Pesticides and related products (toxic substances) production (see clause 8 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 2,000 tonnes	15
More than 2,000 but not more than 10,000 tonnes	50
More than 10,000 but not more than 30,000 tonnes	135
More than 30,000 tonnes	335

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Petrochemical production (see clause 8 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 10,000 tonnes	25
More than 10,000 but not more than 30,000 tonnes	65
More than 30,000 but not more than 100,000 tonnes	165
More than 100,000 but not more than 200,000 tonnes	300
More than 200,000 tonnes	420

3 Load-based fee (but only if the activity is a scheduled activity under clause 8 (2) of Schedule 1 to the Act)

Air pollutants	Threshold factor
Benzene	0.25
Fine particulates	0.02
Nitrogen oxides and nitrogen oxides (summer)	0.96
VOCs and VOCs (summer)	0.5

CHEMICAL PRODUCTION

Water pollutants	Threshold factor
Nil	Not applicable

Pharmaceutical and veterinary products production (see clause 8 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 2,000 tonnes	15
More than 2,000 but not more than 5,000 tonnes	50
More than 5,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**Plastic resins production (see clause 8 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 2,000 tonnes	25
More than 2,000 but not more than 10,000 tonnes	65
More than 10,000 tonnes	165

3 Load-based fee (but only if the activity is a scheduled activity under clause 8 (2) of Schedule 1 to the Act)

Air pollutants	Threshold factor
Benzene	0.5
Fine particulates	5.0
Nitrogen oxides and nitrogen oxides (summer)	3.0
VOCs and VOCs (summer)	8.5
Water pollutants	Threshold factor
Nil	Not applicable

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CHEMICAL PRODUCTION

Plastics reprocessing (see clause 8 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual reprocessing capacity	Administrative fee units
Not more than 5,000 tonnes	25
More than 5,000 but not more than 10,000 tonnes	65
More than 10,000 tonnes	165

3 Load-based fee (but only if the activity is a scheduled activity under clause 8 (2) of Schedule 1 to the Act)

Air pollutants	Threshold factor
Benzene	0.5
Fine particulates	5.0
Nitrogen oxides and nitrogen oxides (summer)	3.0
VOCs and VOCs (summer)	8.5

Water pollutants	Threshold factor
Nil	Not applicable

Rubber products/tyres production (see clause 8 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 5,000 tonnes	50
More than 5,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Soap and detergents production (see clause 8 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

CHEMICAL PRODUCTION**2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 2,500 tonnes	15
More than 2,500 but not more than 5,000 tonnes	50
More than 5,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**Soap and detergents (toxic substances) production (see clause 8 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 2,500 tonnes	15
More than 2,500 but not more than 5,000 tonnes	50
More than 5,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**Synthetic rubber production (see clause 8 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 2,000 tonnes	15
More than 2,000 but not more than 5,000 tonnes	50
More than 5,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

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CHEMICAL PRODUCTION

Toxic substance production (see clause 8 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 10,000 tonnes	15
More than 10,000 but not more than 25,000 tonnes	50
More than 25,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

CHEMICAL STORAGE

Chemical storage waste generation (see clause 9 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee (but only if the activity is a scheduled activity under clause 9 (2) of Schedule 1 to the Act)

Annual volume of waste generated or stored	Administrative fee units
More than 5 but not more than 100 tonnes	8
More than 100 tonnes	16

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

General chemicals storage (see clause 9 (1) of Schedule 1 to the Act)

1 Units of measure: kilolitres

2 Administrative fee

Storage capacity	Administrative fee units
Not more than 5,000 kilolitres	8
More than 5,000 but not more than 100,000 kilolitres	25

CHEMICAL STORAGE

More than 100,000 kilolitres	65
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3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**Petroleum products storage (see clause 9 (1) of Schedule 1 to the Act)****1 Units of measure: kilolitres****2 Administrative fee**

Storage capacity	Administrative fee units
Not more than 5,000 kilolitres	8
More than 5,000 but not more than 100,000 kilolitres	25
More than 100,000 kilolitres	65

3 Load-based fee

Air pollutants	Threshold factor
Benzene	0.0005
VOCs and VOCs (summer)	0.05
Water pollutants	Threshold factor
Nil	Not applicable

COAL WORKS

Coal works (see clause 10 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual handling capacity	Administrative fee units
Not more than 2,000,000 tonnes	50
More than 2,000,000 but not more than 5,000,000 tonnes	135
More than 5,000,000 tonnes	335

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

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COKE PRODUCTION

Coke production (see clause 11 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual handling capacity	Administrative fee units
Not more than 100,000 tonnes	65
More than 100,000 tonnes	165

3 Load-based fee (but only if the activity is a scheduled activity under clause 11 (2) of Schedule 1 to the Act)

Air pollutants	Threshold factor
Benzene	0.072
Benzo(a)pyrene (equivalent)	0.00073
Coarse particulates	0.45
Fine particulates	0.45
Hydrogen sulfide	0.002
Nitrogen oxides and nitrogen oxides (summer)	0.03
Sulfur oxides	0.4
VOCs and VOCs (summer)	0.83
Water pollutants	Threshold factor
Oil and grease	0.011
Suspended solids	0.13
Total PAHs	0.000032
Total phenolics	0.000032

COMPOSTING**Composting (see clause 12 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual capacity to receive organics	Administrative fee units
Not more than 5,000 tonnes	5
More than 5,000 but not more than 50,000 tonnes	15
More than 50,000 tonnes	50

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**CONCRETE WORKS****Concrete works (see clause 13 (1) of Schedule 1 to the Act)****1 Units of measure: cubic metres****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 13,000 cubic metres	5
More than 13,000 but not more than 25,000 cubic metres	15
More than 25,000 but not more than 50,000 cubic metres	50
More than 50,000 cubic metres	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

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CONTAINER RECONDITIONING

Container reconditioning (see clause 14 (1) of Schedule 1 to the Act)

1 Units of measure (not applicable)

2 Administrative fee

Annual capacity to recondition, recover, treat or store	Administrative fee units
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Any capacity	50
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3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

CONTAMINATED SOIL TREATMENT

Contaminated soil treatment (see clause 15 (1) of Schedule 1 to the Act)

1 Units of measure (not applicable)

2 Administrative fee

Annual handling capacity	Administrative fee units
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Any capacity	50
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3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

CRUSHING, GRINDING OR SEPARATING

Crushing, grinding or separating (see clause 16 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual processing capacity	Administrative fee units
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Not more than 30,000 tonnes	5
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More than 30,000 but not more than 100,000 tonnes	15
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More than 100,000 but not more than 500,000 tonnes	50
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CRUSHING, GRINDING OR SEPARATING

More than 500,000 but not more than 2,000,000 tonnes	135
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More than 2,000,000 tonnes	335
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- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

ELECTRICITY GENERATION**Electricity generation (see clause 17 (1) of Schedule 1 to the Act)**

- 1 Units of measure: gigawatt-hours**

- 2 Administrative fee**

Annual generating capacity	Administrative fee units
Not more than 450 gigawatt-hours (GWh)	25
More than 450 but not more than 1,000 gigawatt-hours (GWh)	65
More than 1,000 but not more than 4,000 gigawatt-hours (GWh)	165
More than 4,000 gigawatt-hours (GWh)	420

- 3 Load-based fee** (but only if the annual generating capacity exceeds 250 gigawatt-hours)

Generation of electrical power from coal

Air pollutants	Threshold factor
Benzo(a)pyrene (equivalent)	0.0036
Coarse particulates	80.0
Fine particulates	54.0
Fluoride	14.0
Nitrogen oxides and nitrogen oxides (summer)	2,700
Sulfur oxides	5,300
Water pollutants	Threshold factor
Salt	3.6

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ELECTRICITY GENERATION

Selenium 0.14

Suspended solids 0.18

Generation of electrical power from gas**Air pollutants****Threshold factor**

Nitrogen oxides and nitrogen oxides (summer) 2,700

Water pollutants**Threshold factor**

Salt 3.6

Suspended solids 0.18

Generation of electrical power otherwise than from coal or from gas
(there are no assessable pollutants and therefore no load-based fee in relation to this activity)

ENERGY RECOVERY

Energy recovery from general waste (see clause 18 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes**2 Administrative fee****Annual capacity****Administrative fee units**

Any capacity 65

3 Load-based fee**Air pollutants****Threshold factor**

Arsenic 0.00005

Benzene 0.0000011

Benzo(a)pyrene 0.00002

Fine particulates 0.7

Lead 0.035

Mercury 0.003

Nitrogen oxides and nitrogen oxides (summer) 2.5

ENERGY RECOVERY

Sulfur oxides	0.07
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Water pollutants**Threshold factor**

Nil

Not applicable

**Energy recovery from hazardous or other waste (see clause 18 (1) of
Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee****Annual capacity****Administrative fee units**

Any capacity

65

3 Load-based fee**Air pollutants****Threshold factor**

Arsenic

0.00005

Benzene

0.0000011

Benzo(a)pyrene

0.00002

Fine particulates

0.7

Lead

0.035

Mercury

0.003

Nitrogen oxides and nitrogen oxides (summer)

2.5

Sulfur oxides

0.07

Water pollutants**Threshold factor**

Nil

Not applicable

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EXTRACTIVE ACTIVITIES

Land-based extractive activity (see clause 19 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Extractive, processing or storage capacity	Administrative fee units
Not more than 30,000 tonnes	5
More than 30,000 but not more than 50,000 tonnes	15
More than 50,000 but not more than 100,000 tonnes	50
More than 100,000 but not more than 500,000 tonnes	135
More than 500,000 but not more than 2,000,000 tonnes	335
More than 2,000,000 tonnes	600

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Water-based extractive activity (see clause 19 (1) of Schedule 1 to the Act)

1 Units of measure: cubic metres

2 Administrative fee

Extractive capacity	Administrative fee units
Not more than 30,000 cubic metres	5
More than 30,000 but not more than 50,000 cubic metres	15
More than 50,000 but not more than 100,000 cubic metres	50
More than 100,000 but not more than 500,000 cubic metres	135
More than 500,000 but not more than 2,000,000 cubic metres	335
More than 2,000,000 cubic metres	600

EXTRACTIVE ACTIVITIES

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

HELICOPTER-RELATED ACTIVITIES**Helicopter-related activity (see clause 20 (1) of Schedule 1 to the Act)**

- 1 Units of measure: flights**

- 2 Administrative fee**

Annual flight movement capacity	Administrative fee units
Not more than 1,500 flights	5
More than 1,500 but not more than 5,000 flights	15
More than 5,000 flights	50

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

IRRIGATED AGRICULTURE**Irrigated agriculture (see clause 21 (1) of Schedule 1 to the Act)**

- 1 Units of measure: hectares**

- 2 Administrative fee**

Total area of existing area of operations of irrigation corporation	Administrative fee units
Not more than 10,000 hectares	15
More than 10,000 but not more than 100,000 hectares	50
More than 100,000 hectares	135

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

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LIVESTOCK INTENSIVE ACTIVITIES

Animal accommodation (see clause 22 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Live weight capacity to accommodate	Administrative fee units
Not more than 25,000 tonnes	5
More than 25,000 but not more than 60,000 tonnes	15
More than 60,000 tonnes	50

Note. Live weight capacity is to be calculated either by using the actual live weight, or estimating live weight on the basis that 1 tonne live weight equals 2 cattle, 13 goats, 22 sheep, 2 horses, 5 deer, 17 emus, 13 kangaroos, 5 breeding sows, 17 porker or finisher pigs or 11 bacon pigs.

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Bird accommodation (see clause 22 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Live weight capacity to accommodate	Administrative fee units
Not more than 375 tonnes	5
More than 375 but not more than 1,000 tonnes	15
More than 1,000 tonnes	50

Note. Live weight capacity is to be calculated either by using the actual live weight, or estimating live weight on the basis that 1 tonne live weight equals 555 layer chickens, 1,100 broiler chickens, 17 emus, 310 ducks, 165 geese or 110 turkeys.

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Cattle, sheep or horse accommodation (see clause 22 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

LIVESTOCK INTENSIVE ACTIVITIES**2 Administrative fee**

Live weight capacity to accommodate	Administrative fee units
Not more than 500 tonnes	5
More than 500 but not more than 2,500 tonnes	15
More than 2,500 tonnes	50

Note. Live weight capacity is to be calculated either by using the actual live weight, or estimating live weight on the basis that 1 tonne live weight equals 2 cattle, 13 goats, 2 horses or 22 sheep.

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**Dairy animal accommodation (see clause 22 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Live weight capacity to accommodate	Administrative fee units
Not more than 500 tonnes	5
More than 500 but not more than 1,000 tonnes	15
More than 1,000 tonnes	50

Note. Live weight capacity is to be calculated either by using the actual live weight, or estimating live weight on the basis that 1 tonne live weight equals 1.6 milking cows or 13 other dairy animals.

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**Pig accommodation (see clause 22 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Live weight capacity to accommodate	Administrative fee units
Not more than 250 tonnes	5
More than 250 but not more than 500 tonnes	15

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LIVESTOCK INTENSIVE ACTIVITIES

More than 500 tonnes	50
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Note. Live weight capacity is to be calculated either by using the actual live weight, or estimating live weight on the basis that 1 tonne live weight equals 5 breeding sows, 62 weaner pigs, 31 grower pigs, 17 porker or finisher pigs or 11 bacon pigs.

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

LIVESTOCK PROCESSING ACTIVITIES

General animal products production (see clause 23 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 100,000 tonnes	5
More than 100,000 tonnes	15

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Greasy wool or fleece processing (see clause 23 (1) of Schedule 1 to the Act)

1 Units of measure (not applicable)

2 Administrative fee

Annual processing capacity	Administrative fee units
Any capacity	5

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Rendering or fat extraction (see clause 23 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 4,000 tonnes	5

LIVESTOCK PROCESSING ACTIVITIES

More than 4,000 tonnes	15
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- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Slaughtering or processing animals (see clause 23 (1) of Schedule 1 to the Act)

- 1 Units of measure: tonnes**

- 2 Administrative fee**

Annual processing capacity	Administrative fee units
Not more than 30,000 tonnes	5
More than 30,000 tonnes	15

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Tanneries or fellmongeries (see clause 23 (1) of Schedule 1 to the Act)

- 1 Units of measure: tonnes**

- 2 Administrative fee**

Annual processing capacity	Administrative fee units
Not more than 10,000 tonnes	5
More than 10,000 tonnes	15

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)
-

LOGGING OPERATIONS

Logging operations (see clause 24 (1) of Schedule 1 to the Act)

- 1 Units of measure** (not applicable)

- 2 Administrative fee**

Annual capacity	Administrative fee units
Any capacity	5,500

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)
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MARINAS AND BOAT REPAIRS

Boat construction/maintenance (dry/floating docks) (see clause 25 (1) of Schedule 1 to the Act)

1 **Units of measure** (not applicable)

2 **Administrative fee**

Annual handling capacity	Administrative fee units
Any capacity	135

3 **Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Boat construction/maintenance (general) (see clause 25 (1) of Schedule 1 to the Act)

1 **Units of measure** (not applicable)

2 **Administrative fee**

Annual handling capacity	Administrative fee units
Any capacity	50

3 **Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Boat mooring and storage (see clause 25 (1) of Schedule 1 to the Act)

1 **Units of measure** (not applicable)

2 **Administrative fee**

Annual handling capacity	Administrative fee units
Any capacity	15

3 **Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

METALLURGICAL ACTIVITIES**Aluminium production (alumina) (see clause 26 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Any capacity	420

3 Load-based fee

Air pollutants	Threshold factor
Coarse particulates	5
Fine particulates	12
Fluoride	1
Nitrogen oxides and nitrogen oxides (summer)	0.2
Sulfur oxides	20
Water pollutants	Threshold factor
Nil	Not applicable

Aluminium production (scrap metal) (see clause 26 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 10,000 tonnes	65
More than 10,000 tonnes	165

3 Load-based fee

Air pollutants	Threshold factor
Coarse particulates	0.048
Fine particulates	0.066
Fluoride	1

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METALLURGICAL ACTIVITIES

Nitrogen oxides and nitrogen oxides (summer)	4
Sulfur oxides	9.6
VOCs and VOCs (summer)	0.68

Water pollutants	Threshold factor
Nil	Not applicable

Iron or steel production (iron ore) (see clause 26 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual processing capacity	Administrative fee units
Any capacity	2,650

3 Load-based fee

Air pollutants	Threshold factor
Benzene	0.0011
Benzo(a)pyrene (equivalent)	0.003
Coarse particulates	0.47
Fine particulates	0.38
Hydrogen sulfide	0.018
Nitrogen oxides and nitrogen oxides (summer)	3.81
Sulfur oxides	6.6
VOCs and VOCs (summer)	7

Water pollutants	Threshold factor
Arsenic	0.0091
Cadmium	0.0018
Chromium	0.0054
Copper	0.0036
Lead	0.0018

METALLURGICAL ACTIVITIES

Mercury	0.000091
Oil and grease	0.015
Selenium	0.00091
Suspended solids	0.24
Zinc	0.0091

**Iron or steel production (scrap metal) (see clause 26 (1) of Schedule 1
to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 10,000 tonnes	65
More than 10,000 tonnes	165

3 Load-based fee

Air pollutants	Threshold factor
Coarse particulates	0.085
Fine particulates	0.77
Nitrogen oxides and nitrogen oxides (summer)	1.95
Sulfur oxides	3.38
VOCs and VOCs (summer)	0.09
Water pollutants	Threshold factor
Nil	Not applicable

Metal coating (see clause 26 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual capacity to coat metal	Administrative fee units
Not more than 100,000 tonnes	15
More than 100,000 but not more than 1,000,000 tonnes	50

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METALLURGICAL ACTIVITIES

More than 1,000,000 tonnes 135

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Metal processing (see clause 26 (1) of Schedule 1 to the Act)

- 1 Units of measure: tonnes**

- 2 Administrative fee**

Annual processing capacity	Administrative fee units
Not more than 100,000 tonnes	15
More than 100,000 but not more than 500,000 tonnes	50
More than 500,000 tonnes	135

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Metal waste generation (see clause 26 (1) of Schedule 1 to the Act)

- 1 Units of measure: tonnes**

- 2 Administrative fee** (but only if the activity is a scheduled activity under clause 26 (2) (b) of Schedule 1 to the Act)

Annual volume of waste generated or stored	Administrative fee units
More than 5 but not more than 100 tonnes	8
More than 100 tonnes	16

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Non-ferrous metal production (ore concentrates) (see clause 26 (1) of Schedule 1 to the Act)

- 1 Units of measure: tonnes**

- 2 Administrative fee**

Annual production capacity	Administrative fee units
Any capacity	660

METALLURGICAL ACTIVITIES

3 Load-based fee

Air pollutants	Threshold factor
Arsenic	0.03
Coarse particulates	0.33
Fine particulates	0.49
Lead	0.06
Mercury	0.03
Sulfur oxides	230
Water pollutants	Threshold factor
Arsenic	0.0003
Cadmium	0.0003
Chromium	0.0003
Copper	0.0026
Lead	0.03
Mercury	0.0003
Selenium	0.0003
Suspended solids	0.78
Zinc	0.02

**Non-ferrous metal production (scrap metal) (see clause 26 (1) of
Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 10,000 tonnes	65
More than 10,000 tonnes	165

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METALLURGICAL ACTIVITIES

3 Load-based fee

Air pollutants	Threshold factor
Coarse particulates	0.011
Fine particulates	0.033
Lead	0.002
Nitrogen oxides and nitrogen oxides (summer)	0.57
Sulfur oxides	0.99
VOCs and VOCs (summer)	2.28
Water pollutants	Threshold factor
Nil	Not applicable

Scrap metal processing (see clause 26 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 100,000 tonnes	15
More than 100,000 but not more than 500,000 tonnes	50
More than 500,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

MINERAL PROCESSING

Mineral processing (see clause 27 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual processing capacity	Administrative fee units
Not more than 30,000 tonnes	5
More than 30,000 but not more than 100,000 tonnes	15

MINERAL PROCESSING

More than 100,000 but not more than 500,000 tonnes	50
More than 500,000 but not more than 2,000,000 tonnes	135
More than 2,000,000 tonnes	335

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Mineral waste generation (see clause 27 (1) of Schedule 1 to the Act)

- 1 Units of measure: tonnes**

- 2 Administrative fee** (but only if the activity is a scheduled activity under clause 27 (2) of Schedule 1 to the Act)

Annual volume of waste generated or stored	Administrative fee units
More than 5 but not more than 100 tonnes	8
More than 100 tonnes	16

- 3 Load-based fee** (there are no assessable pollutants and therefore no load-based fee in relation to this activity)
-

MINING FOR COAL

Mining for coal (see clause 28 (1) of Schedule 1 to the Act)

- 1 Units of measure: tonnes**

- 2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 500,000 tonnes	50
More than 500,000 but not more than 2,000,000 tonnes	135
More than 2,000,000 but not more than 3,500,000 tonnes	335
More than 3,500,000 but not more than 5,000,000 tonnes	600
More than 5,000,000 tonnes	850

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MINING FOR COAL

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

MINING FOR MINERALS

Mining for minerals (see clause 29 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 30,000 tonnes	5
More than 30,000 but not more than 50,000 tonnes	15
More than 50,000 but not more than 100,000 tonnes	50
More than 100,000 but not more than 500,000 tonnes	135
More than 500,000 but not more than 2,000,000 tonnes	335
More than 2,000,000 but not more than 5,000,000 tonnes	600
More than 5,000,000 tonnes	850

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

PAPER OR PULP PRODUCTION

Paper or pulp production (see clause 30 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 150,000 tonnes	65
More than 150,000 tonnes	165

PAPER OR PULP PRODUCTION

3 Load-based fee

Air pollutants	Threshold factor
Coarse particulates	0.39
Fine particulates	1.49
Nitrogen oxides and nitrogen oxides (summer)	3.51
Water pollutants	Threshold factor
BOD	5.55
Salt	3.0
Suspended solids	8.35
Total nitrogen	0.1
Total phosphorous	0.001
Zinc	0.13

Paper or pulp waste generation (see clause 30 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual volume of waste generated or stored	Administrative fee units
More than 5 but not more than 100 tonnes	8
More than 100 tonnes	16

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

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PETROLEUM AND FUEL PRODUCTION

Crude oil/shale oil production (see clause 31 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual production capacity	Administrative fee units
Not more than 10,000 tonnes	25
More than 10,000 but not more than 200,000 tonnes	65
More than 200,000 but not more than 500,000 tonnes	165
More than 500,000 tonnes	660

3 Load-based fee (but only if the activity is a scheduled activity under clause 31 (2) of Schedule 1 to the Act)

Air pollutants	Threshold factor
Benzene	0.004
Benzo(a)pyrene (equivalent)	0.005
Fine particulates	0.2
Hydrogen sulfide	0.031
Nitrogen oxides and nitrogen oxides (summer)	0.5
Sulfur oxides	0.6
VOCs and VOCs (summer)	0.4
Water pollutants	Threshold factor
BOD	0.14
Oil and grease	0.12
Suspended solids	0.36
Total PAHs	0.07
Total phenolics	0.27

PETROLEUM AND FUEL PRODUCTION

Natural gas/methane production (see clause 31 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 10,000 tonnes	25
More than 10,000 but not more than 200,000 tonnes	65
More than 200,000 but not more than 500,000 tonnes	165
More than 500,000 tonnes	660

3 Load-based fee (but only if the activity is a scheduled activity under clause 31 (2) of Schedule 1 to the Act)

Air pollutants	Threshold factor
Benzene	0.004
Benzo(a)pyrene (equivalent)	0.005
Fine particulates	0.2
Hydrogen sulfide	0.031
Nitrogen oxides and nitrogen oxides (summer)	0.5
Sulfur oxides	0.6
VOCs and VOCs (summer)	0.4
Water pollutants	Threshold factor
BOD	0.14
Oil and grease	0.12
Suspended solids	0.36
Total PAHs	0.07
Total phenolics	0.27

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PETROLEUM AND FUEL PRODUCTION

Petroleum products and fuel production (see clause 31 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual production capacity	Administrative fee units
Not more than 10,000 tonnes	25
More than 10,000 but not more than 200,000 tonnes	65
More than 200,000 but not more than 500,000 tonnes	165
More than 500,000 tonnes	660

3 Load-based fee (but only if the activity is a scheduled activity under clause 31 (2) of Schedule 1 to the Act)

Air pollutants	Threshold factor
Benzene	0.004
Benzo(a)pyrene (equivalent)	0.005
Fine particulates	0.2
Hydrogen sulfide	0.031
Nitrogen oxides and nitrogen oxides (summer)	0.5
Sulfur oxides	0.6
VOCs and VOCs (summer)	0.4
Water pollutants	Threshold factor
BOD	0.14
Oil and grease	0.12
Suspended solids	0.36
Total PAHs	0.07
Total phenolics	0.27

PRINTING, PACKAGING AND VISUAL COMMUNICATIONS**Printing, packaging and visual communications waste generation (see
clause 32 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual volume of waste generated or stored	Administrative fee units
More than 5 but not more than 100 tonnes	8
More than 100 tonnes	16

3 Load-based fee (there are no assessable pollutants and therefore no
load-based fee in relation to this activity)**RAILWAY SYSTEMS ACTIVITIES****Railway systems activities (see clause 33 (1) of Schedule 1 to the Act)****1 Units of measure** (not applicable)**2 Administrative fee**

Annual capacity	Administrative fee units
Any capacity	50

3 Load-based fee (there are no assessable pollutants and therefore no
load-based fee in relation to this activity)**RESOURCE RECOVERY****Recovery of general waste (see clause 34 (1) of Schedule 1 to the Act)****1 Units of measure** (not applicable)**2 Administrative fee**

Type of material recovered	Administrative fee units
General waste	16

3 Load-based fee (there are no assessable pollutants and therefore no
load-based fee in relation to this activity)

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RESOURCE RECOVERY

Recovery of hazardous and other waste (see clause 34 (1) of Schedule 1 to the Act)

1 Units of measure (not applicable)

2 Administrative fee

Type of material recovered	Administrative fee units
Hazardous and other waste	32

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Recovery of waste oil (see clause 34 (1) of Schedule 1 to the Act)

1 Units of measure: tonnes

2 Administrative fee

Annual recovery capacity	Administrative fee units
Not more than 1,000 tonnes	25
More than 1,000 tonnes	65

3 Load-based fee (but only if the annual capacity exceeds 20,000 tonnes)

Air pollutants	Threshold factor
Lead	0.2
VOCs and VOCs (summer)	0.05

Water pollutants	Threshold factor
Oil and grease	4.8

Recovery of waste tyres (see clause 34 (1) of Schedule 1 to the Act)

1 Units of measure (not applicable)

2 Administrative fee

Type of material recovered	Administrative fee units
Waste tyres	12

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

ROAD CONSTRUCTION**Road construction (see clause 35 (1) of Schedule 1 to the Act)****1 Units of measure: kilometres****2 Administrative fee**

Design length of road to be constructed, widened or re-routed	Administrative fee units
Not more than 10 kilometres	50
More than 10 but not more than 30 kilometres	135
More than 30 kilometres	335

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**SEWAGE TREATMENT****Sewage treatment (see clause 36 (1) of Schedule 1 to the Act)****1 Units of measure: megalitres****2 Administrative fee**

Annual maximum volume of discharge	Administrative fee units
Not more than 20 megalitres	5
More than 20 but not more than 100 megalitres	8
More than 100 but not more than 1,000 megalitres	25
More than 1,000 but not more than 5,000 megalitres	65
More than 5,000 but not more than 10,000 megalitres	165
More than 10,000 but not more than 20,000 megalitres	300
More than 20,000 but not more than 30,000 megalitres	420
More than 30,000 megalitres	2,650

3 Load-based fee (but only if the maximum annual volume of sewage that the relevant licence authorises to be discharged exceeds 219 megalitres)

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SEWAGE TREATMENT

Processing by small plants (less than 10,000 megalitres annual capacity)**Air pollutants** **Threshold factor**

Nil Not applicable

Water pollutants **Threshold factor**

BOD 10

Oil and grease 2

Total nitrogen 10

Total phosphorous 0.3

Suspended solids 15

Processing by large plants (more than 10,000 megalitres annual capacity)**Air pollutants** **Threshold factor**

Nil Not applicable

Water pollutants **Threshold factor**

BOD 10

Cadmium 0.00005

Chromium 0.0025

Copper 0.01

Lead 0.0005

Mercury 0.00005

Oil and grease 2

Selenium 0.0025

Suspended solids 15

Total nitrogen 10

Pesticides and PCBs 0.00012

Total phosphorous 0.3

Zinc 0.012

SHIPPING IN BULK**Shipping in bulk (see clause 37 (1) of Schedule 1 to the Act)****1 Units of measure: tonnes****2 Administrative fee**

Annual capacity to load and unload	Administrative fee units
Not more than 100,000 tonnes	15
More than 100,000 but not more than 500,000 tonnes	50
More than 500,000 tonnes	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**STERILISATION ACTIVITIES****Sterilisation activities (see clause 38 (1) of Schedule 1 to the Act)****1 Units of measure** (not applicable)**2 Administrative fee**

Annual capacity	Administrative fee units
Any capacity	32

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**WASTE DISPOSAL (APPLICATION TO LAND)****Waste disposal by application to land (see clause 39 (1) of Schedule 1 to the Act)****1 Units of measure** (not applicable)**2 Administrative fee**

Annual capacity	Administrative fee units
Any capacity	32

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WASTE DISPOSAL (APPLICATION TO LAND)

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

WASTE DISPOSAL (THERMAL TREATMENT)

Thermal treatment of general waste (see clause 40 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual capacity	Administrative fee units
Any capacity	65

3 Load-based fee

Air pollutants	Threshold factor
Arsenic	0.00005
Benzene	0.0000011
Benzo(a)pyrene	0.00002
Fine particulates	0.7
Lead	0.035
Mercury	0.003
Nitrogen oxides and nitrogen oxides (summer)	2.5
Sulfur oxides	0.07

Water pollutants	Threshold factor
Nil	Not applicable

Thermal treatment of hazardous and other waste (see clause 40 (1) of Schedule 1 to the Act)**1 Units of measure: tonnes****2 Administrative fee**

Annual capacity	Administrative fee units
Any capacity	65

WASTE DISPOSAL (THERMAL TREATMENT)**3 Load-based fee**

Air pollutants	Threshold factor
Arsenic	0.00005
Benzene	0.0000011
Benzo(a)pyrene	0.00002
Fine particulates	0.7
Lead	0.035
Mercury	0.003
Nitrogen oxides and nitrogen oxides (summer)	2.5
Sulfur oxides	0.07
Water pollutants	Threshold factor
Nil	Not applicable

WASTE PROCESSING (NON-THERMAL TREATMENT)**Non-thermal treatment of general waste (see clause 41 (1) of Schedule 1 to the Act)****1 Units of measure** (not applicable)**2 Administrative fee**

Type of waste treated	Administrative fee units
General waste	16

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)**Non-thermal treatment of hazardous and other waste (see clause 41 (1) of Schedule 1 to the Act)****1 Units of measure** (not applicable)**2 Administrative fee**

Type of waste treated	Administrative fee units
Hazardous and other waste	32

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WASTE PROCESSING (NON-THERMAL TREATMENT)

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Non-thermal treatment of waste tyres (see clause 41 (1) of Schedule 1 to the Act)

1 Units of measure (not applicable)

2 Administrative fee

Type of waste treated	Administrative fee units
Waste tyres	12

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

WASTE STORAGE

Waste storage (see clause 42 (1) of Schedule 1 to the Act)

1 Units of measure (not applicable)

2 Administrative fee

Type of waste stored	Administrative fee units
Hazardous waste, restricted solid waste, liquid waste, clinical and related waste and asbestos waste	32
Waste tyres	12
Other types of waste	16

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

WOOD OR TIMBER MILLING OR PROCESSING

Wood or timber milling or processing (see clause 43 (1) of Schedule 1 to the Act)

1 Units of measure: cubic metres

WOOD OR TIMBER MILLING OR PROCESSING

2 Administrative fee

Annual processing capacity	Administrative fee units
Not more than 50,000 cubic metres	5
More than 50,000 but not more than 100,000 cubic metres	15
More than 100,000 but not more than 200,000 cubic metres	50
More than 200,000 cubic metres	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

WOOD PRESERVATION

Wood preservation (see clause 44 (1) of Schedule 1 to the Act)**1 Units of measure: cubic metres****2 Administrative fee**

Annual processing capacity	Administrative fee units
Not more than 10,000 cubic metres	15
More than 10,000 but not more than 30,000 cubic metres	50
More than 30,000 cubic metres	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

MOBILE PLANT ACTIVITIES

Mobile plant activity (see clause 46 (1) of Schedule 1 to the Act)**1 Units of measure** (not applicable)**2 Administrative fee**

Type of activity	Administrative fee units
Any capacity	5

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MOBILE PLANT ACTIVITIES

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

MOBILE WASTE PROCESSING

Mobile waste processing (see clause 47 (1) of Schedule 1 to the Act)

1 Units of measure (not applicable)

2 Administrative fee

Type of activity	Administrative fee units
Any capacity	32

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

TRANSPORT OF WASTE

Transport of hazardous and other waste (see clause 48 (1) of Schedule 1 to the Act)

1 Units of measure (not applicable)

2 Administrative fee

Annual capacity to transport	Administrative fee units
Any capacity	4

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Transport of waste tyres (see clause 48 (1) of Schedule 1 to the Act)

1 Units of measure (not applicable)

2 Administrative fee

Annual capacity to transport	Administrative fee units
Any capacity	4

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

MISCELLANEOUS WATER ACTIVITIES

Miscellaneous licensed discharge to waters (wet weather only), meaning any activity (other than a scheduled activity) in relation to which a licence to discharge pollutants to waters during or immediately following periods of wet weather (but not at any other time) has been granted under the Act

1 Units of measure: megalitres**2 Administrative fee**

Maximum annual volume of discharge authorised by licence (calculated by multiplying maximum allowable daily discharge by 50)	Administrative fee units
Not more than 3 megalitres	5
More than 3 but not more than 15 megalitres	15
More than 15 but not more than 150 megalitres	50
More than 150 megalitres	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

Miscellaneous licensed discharge to waters (at any time), meaning any activity (other than a scheduled activity) in relation to which a licence to discharge pollutants to waters has been granted under the Act

1 Units of measure: megalitres**2 Administrative fee**

Maximum annual volume of discharge authorised by licence	Administrative fee units
Not more than 20 megalitres	5
More than 20 but not more than 100 megalitres	15
More than 100 but not more than 1,000 megalitres	50
More than 1,000 megalitres	135

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

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OTHER ACTIVITIES NOT OTHERWISE LISTED

Other activities, meaning any activity (other than a scheduled activity or miscellaneous water activity)

1 Units of measure (not applicable)

2 Administrative fee

Type of activity	Administrative fee units
Any capacity	5

3 Load-based fee (there are no assessable pollutants and therefore no load-based fee in relation to this activity)

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(Clause 5)

[1] Clause 3 Definitions

Omit “Interpretative provisions” from clause 3 (2).

Insert instead “Definitions”.

[2] Clause 3B

Insert after clause 3A:

3B Definition of “waste”

- (1) For the purposes of paragraph (d) of the definition of *waste* in the Dictionary to the Act, the following circumstances are prescribed:
 - (a) in relation to substances that are applied to land, the application to land by:
 - (i) spraying, spreading or depositing on the land, or
 - (ii) ploughing, injecting or mixing into the land, or
 - (iii) filling, raising, reclaiming or contouring the land,
 - (b) in relation to substances that are used as fuel, all circumstances.
- (2) Subclause (1) (a) does not apply where the substances concerned are either bulk agricultural crop materials or manure.

[3] Clause 4 Definitions

Insert “, being the area comprising the local government areas of Cessnock, Gosford, Hawkesbury, Kiama, Lake Macquarie, Maitland, Newcastle, Port Stephens, Shellharbour, Shoalhaven, Wingecarribee, Wollongong and Wyong” after “area” in the definition of *ERA* in clause 4 (1).

[4] Clause 4 (1), definition of “liquid waste”

Omit the definition. Insert instead:

liquid waste has the same meaning as it has in Schedule 1 to the Act.

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[5] Clause 4 (1), definition of “scheduled waste facility”

Insert “by reason only that it is used for the storage, treatment, processing, sorting or disposal of waste” after “the Act”.

[6] Clause 4 (1), definition of “SMA”

Insert “, being the local government areas of Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Botany, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, Fairfield, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby and Woollahra” after “area”.

[7] Clause 4A Payment of contributions

Omit “60” from clause 4A (2). Insert instead “56”.

[8] Clause 4A, note

Omit the note at the end of the clause.

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

Insert “trackable” after “waste other than” in clause 5 (1).

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

Insert “trackable” after “waste other than” in clause 9 (1).

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

Omit clause 10 (1) (a1) and (b).

[12] Clause 11 Approval of operational purpose

Insert “trackable” before “liquid waste” in clause 11 (1A).

[13] Clause 11A Deductions from contributions

Insert “trackable” after “other than” wherever occurring in clause 11A (1) (a), (b) and (c) and (3AA) (a).

[14] Clause 13 Waste contribution monthly reports

Omit “60”. Insert instead “56”.

[15] Clause 26 Receiver of waste may accept or reject waste

Omit the note to clause 26 (1).

[16] Clause 27 Appointment of authorised agent

Omit “occupier or” from clause 27 (5). Insert instead “occupier”.

[17] Clause 42

Omit the clause. Insert instead:

42 Special requirements relating to asbestos waste

- (1) This clause applies to any activity that involves the transportation, disposal, re-use or recycling of any type of asbestos waste, regardless of whether the activity is required to be licensed.
- (2) A person who carries on an activity to which this clause applies must comply with the requirements specified in this clause in relation to the activity concerned.
Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.
- (3) The requirements relating to the transportation of asbestos waste are as follows:
 - (a) bonded asbestos material must be securely packaged at all times,
 - (b) friable asbestos material must be kept in a sealed container,
 - (c) asbestos-contaminated soils must be wetted down,
 - (d) all asbestos waste must be transported in a covered, leak-proof vehicle.
- (4) The requirements relating to the off site disposal of asbestos waste are as follows:
 - (a) asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste,
 - (b) when asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos,
 - (c) when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust,

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- (d) asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility's environment protection licence:
 - (i) initially (at the time of disposal), to a depth of at least 0.15 metre, and
 - (ii) at the end of each day's operation, to a depth of at least 0.5 metre, and
 - (iii) finally, to a depth of at least 1 metre (in the case of bonded asbestos waste or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.
- (5) A person must not cause or permit asbestos waste in any form to be re-used or recycled.
- (6) In this clause:
 - bonded asbestos material*** means any material (other than friable asbestos material) that contains asbestos.
 - friable asbestos material*** means any material that contains asbestos and is in the form of a powder or can be crumbled, pulverised or reduced to powder by hand pressure when dry.

[18] Clause 43

Omit the clause. Insert instead:

43 Special requirements relating to clinical and related waste

- (1) If a person disposes of clinical and related waste at a waste facility that is a landfill site or application site and is not licensed under the Act, the person must comply with the following requirements:
 - (a) the waste must be disposed of only at a waste facility that is operated by a local authority and located outside the Sydney metropolitan area or extended regulated area,
 - (b) the written approval of the local authority must be obtained before the waste is disposed of,
 - (c) the waste must not be disposed of unless it was generated outside the extended regulated area,
 - (d) the waste must not contain any recognisable body parts, sharps waste, cytotoxic waste or radioactive waste,

- (e) the waste must be packaged in accordance with the requirements set out in the document called *NSW Health: Waste Management Guidelines for Health Care Facilities* issued by the Department of Health and dated August 1998,
- (f) the waste must not be disposed of in amounts that exceed 40 kilograms at any time,
- (g) the waste must be buried, or be immediately contained, in a manner that prevents the waste coming into contact with any person or animal.

Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.

- (2) If a person collects waste for disposal at a waste facility that is a landfill site (being waste that the person knows, or ought reasonably to know, to include clinical and related waste), the person must comply with the following requirements:

- (a) sharps waste must, as far as is practicable, be collected and separately stored from other waste in securely packaged containers that satisfy the requirements of the relevant Australian Standards (for example, in sharps disposal bins),
- (b) waste contaminated with sharps waste must be packaged securely at all times (that is, where sharps are unintentionally mixed with other wastes, and it is not practicable to separate the sharps, then all the waste must be securely packaged as if it were all sharps waste),
- (c) waste contaminated with sharps waste must comply with the packaging and disposal requirements of both sharps waste and any waste that it is contaminating (for example, sharps waste mixed with cytotoxic waste must meet the standards for packaging and disposal of both wastes),
- (d) clinical waste, cytotoxic waste and pharmaceutical, drug or medicine waste must each be packaged securely and appropriately labelled or placed in containers designed especially for its containment.

Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.

- (3) The occupier of a hospital, day procedure centre, pathology laboratory, mortuary or medical research facility where clinical and related waste is generated:

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- (a) must develop a clinical and related waste management plan in accordance with the *NSW Health: Waste Management Guidelines for Health Care Facilities* (as in force from time to time), and
- (b) must designate an appropriate person or persons responsible for implementing and monitoring the clinical and related waste management plan, and
- (c) must keep the clinical and related waste management plan up to date, retained on the premises and available for inspection by the appropriate regulatory authority.

Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.

[19] Clause 44 Definitions

Omit paragraph (g) in the definition of *residue waste*. Insert instead:

- (g) any substance that is hazardous waste or restricted solid waste.

[20] Clause 47 Reporting requirements for non-paying landfills

Omit “licensed under the Act” from clause 47 (1).

Insert instead “required to pay contributions under section 88 of the Act”.

[21] Clause 51 General provisions relating to exemptions

Insert “any provision of the Act or by” after “by” in clause 51 (1).

[22] Clause 51A

Insert after clause 51:

51A Exemptions relating to certain waste

- (1) This clause applies to:
 - (a) waste that is waste by virtue of paragraph (d) of the definition of *waste* in the Dictionary to the Act, and
 - (b) any other waste that is used in connection with a process of thermal treatment.
- (2) The EPA may from time to time grant an exemption under clause 51 that exempts a person from any one or more of the following provisions in relation to an activity or class of activities relating to waste to which this clause applies:
 - (a) the provisions of sections 47–49 and 88 of the Act,

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- (b) the provisions of Schedule 1 to the Act, either in total or as they apply to a particular type of activity,
- (c) the provisions of Part 3 and clauses 45 and 47 of this Regulation.