



New South Wales

# Protection of the Environment Operations (Waste) Amendment Regulation 2019

under the

Protection of the Environment Operations Act 1997

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

MATTHEW KEAN, MP  
Minister for Energy and Environment

## Explanatory note

The objects of this Regulation are—

- (a) to provide for the contributions payable by occupiers of scheduled waste disposal facilities in respect of residual waste generated from the shredding of scrap metal, and
- (b) to provide that a penalty notice may be issued for the offence under the *Waste Avoidance and Resource Recovery Act 2001* of supplying a beverage in a container without a refund marking under the container deposit scheme and to specify the amount payable.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 88 (2), Division 3 of Part 8.2 and section 323 (the general regulation-making power).

## **Protection of the Environment Operations (Waste) Amendment Regulation 2019**

under the

Protection of the Environment Operations Act 1997

### **1 Name of Regulation**

This Regulation is the *Protection of the Environment Operations (Waste) Amendment Regulation 2019*.

### **2 Commencement**

- (1) This Regulation commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 1.2 commences on 1 December 2019.

## Schedule 1 Amendments

### 1.1 Protection of the Environment Operations (Waste) Regulation 2014

#### [1] Clause 12 Calculation of contributions

Omit clause 12(7)(b). Insert instead—

- (b) the *MLA amount* or *RLA amount*, in respect of residual waste generated directly from the shredding of scrap metal at a relevant waste facility and received at a scheduled waste disposal facility on any of the following days is the following percentage of the MLA amount, or RLA amount, otherwise applying for the purposes of this Division (as calculated under clause 11)—
  - (i) between 1 September 2019 and 30 June 2020—50%,
  - (ii) between 1 July 2020 and 30 June 2021—52.5%,
  - (iii) between 1 July 2021 and 30 June 2022—57.5%,
  - (iv) between 1 July 2022 and 30 June 2023—62.5%,
  - (v) between 1 July 2023 and 30 June 2024—75%, and

#### [2] Clause 12(9)

Insert after clause 12(8)—

- (9) In subclause (7)(b), *relevant waste facility* means a waste facility—
  - (a) at which scrap metal processing (as listed in clause 26 of Schedule 1 to the Act) is authorised to be carried out under a licence, and
  - (b) that is specified by the EPA by notice published in the Gazette (including a notice in force under subclause (7)(b) immediately before its substitution by the *Protection of the Environment Operations (Waste) Amendment Regulation 2019*).

### 1.2 Protection of the Environment Operations (General) Regulation 2009

#### Schedule 6 Penalty notice offences

Insert in appropriate order in the matter relating to the *Waste Avoidance and Resource Recovery Act 2001*—

Section 39	2	\$1,500	\$3,000
------------	---	---------	---------