



New South Wales

Protection of the Environment Operations Amendment (Drug Exhibit Waste and Vapour Recovery) Regulation 2019

under the

Protection of the Environment Operations Act 1997

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

GABRIELLE UPTON, MP
Minister for the Environment

Explanatory note

The objects of this Regulation are:

- (a) to provide that, if certain requirements are met, the destruction of drug exhibit waste is not a scheduled activity under the *Protection of the Environment Operations Act 1997* and so is not required to be licensed, and
- (b) to empower class 1 enforcement officers (being, principally, members of staff of local councils) to issue penalty notices for offences under the *Protection of the Environment Operations (Clean Air) Regulation 2010* relating to the testing, commissioning and operation of certain petrol dispensers and petrol storage tanks that are required to be fitted with equipment to control the emission of petrol vapours. (At present, only class 2 enforcement officers (that is, members of staff of the Environment Protection Authority) may issue penalty notices for offences of this kind.)

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 5 (3) (which provides for the regulations to amend Schedule 1 to the Act), 226 (1) (which is about enforcement officers) and 323 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Protection of the Environment Operations Amendment (Drug Exhibit Waste and Vapour Recovery) Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Protection of the Environment Operations Act 1997 No 156

[1] Schedule 1 Scheduled activities

Insert after clause 40 (3):

- (3A) However, this clause does not apply to the destruction of drug exhibit waste if the activity is carried out in compliance with the following requirements:
- (a) the combustion chamber used for the destruction of drug exhibit waste and its casing is as airtight as reasonably possible,
 - (b) during the destruction of drug exhibit waste in that combustion chamber, combustion gases within the chamber are at or above 850°C for a minimum of 2 seconds,
 - (c) the plant used for the destruction is fitted with monitoring and control equipment to monitor and ensure compliance with paragraph (b) and that equipment is maintained in working condition and used during any destruction of drug exhibit waste,
 - (d) drug exhibit waste is destroyed only if it is contained in bags made of polyethylene, or polypropylene, that is chlorine-free,
 - (e) no more than 50 kilograms of drug exhibit waste is placed into, or otherwise contained in, the combustion chamber for destruction at any one time.

[2] Schedule 1, clause 40 (5)

Insert after clause 40 (4):

- (5) In this clause:
- drug exhibit waste*** means any prohibited drug (within the meaning of the *Drug Misuse and Trafficking Act 1985*) that:
- (a) was collected, seized or confiscated by, or surrendered to, the NSW Police Force, and
 - (b) is no longer required by the NSW Police Force.

Schedule 2 Amendment of Protection of the Environment Operations (General) Regulation 2009

Schedule 6 Penalty notice offences

Insert “1,” before “2” wherever occurring in Column 2 of the matter relating to clauses 69 (2) and (3), 70, 71 (1) and (2), 73 (1) and (2), 75 (1) and (2), 76 (1) and (2) and 77 (1) of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.