



New South Wales

Protection of the Environment Operations Amendment (Waste Storage) Regulation 2023

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*.

JAMES GRIFFIN, MP
Minister for Environment and Heritage

Explanatory note

The object of this Regulation is to provide that waste storage is not a scheduled activity in certain circumstances relating to community recycling centres and household chemical clean-out events.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 5 and 323, the general regulation-making power.

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Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations Amendment (Waste Storage) Regulation 2023*.

2 Commencement

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

Schedule 1 Protection of the Environment Operations Act 1997 No 156

[1] Schedule 1 Scheduled activities

Omit clause 42(3)(a). Insert instead—

- (a) more than the following amount of hazardous waste, restricted solid waste, liquid waste or special waste, other than waste tyres, is stored on the premises at any time—
 - (i) for a community recycling centre—12 tonnes,
 - (ii) for premises to which an environment protection licence does not otherwise apply, if the waste has been collected as part of a household chemical clean-out event—80 tonnes,
 - (iii) otherwise—5 tonnes, or

[2] Schedule 1, clause 42(5)

Insert after clause 42(4)—

- (5) In this clause—

community recycling centre means premises—

- (a) at which the following waste generated in the local community is collected free of charge—
 - (i) household problem waste,
 - (ii) waste that the local authority or EPA has agreed to collect under a product stewardship scheme, and
- (b) at which no other waste is collected, unless the collection of the waste is reasonably necessary to reduce risks to human health or prevent the degradation of the environment, and
- (c) identified as a community recycling centre in the notice titled *Identification of Community Recycling Centres* published by the EPA in the Gazette on 10 February 2023, and
- (d) where waste collection and processing is funded in whole or in part by the EPA.

funded by the EPA includes the EPA providing in kind support including—

- (a) arranging for the disposal of waste stored on premises, or
- (b) arranging for the use of waste disposal services at a discounted rate.

household chemical clean-out event means an event—

- (a) conducted by or on behalf of—
 - (i) a local authority, including a joint organisation within the meaning of the *Local Government Act 1993*, or
 - (ii) the EPA, and
- (b) conducted for no more than 5 days, and
- (c) funded in whole or in part by the EPA, and
- (d) involving the collection of the following waste generated in the local community free of charge—
 - (i) household problem waste,
 - (ii) chemical waste generated in households from substances ordinarily used in households,

- (iii) waste that the local authority or EPA has agreed to collect under a product stewardship scheme, and
- (e) where no other waste is collected, unless the collection of the waste is reasonably necessary to reduce risks to human health or prevent the degradation of the environment, and
- (f) where the waste is stored on premises for no more than 5 days.

Note— Details of household chemical clean-out events are available on the website of the EPA.

household problem waste means waste ordinarily generated in a household that is not able to be collected through council kerbside waste or recycling services.

Example— Household batteries or fluorescent globes.