



# *Government Gazette*

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## PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

### Order granting exemption under section 284

#### Background

- (a) The *Protection of the Environment Operations 1997 (POEO Act)* and the *Protection of the Environment Operations (Waste) Regulation 2014* contain provisions requiring the occupier of a scheduled waste facility that receives liquid waste to pay contributions in certain circumstances.
- (b) The EPA has considered an exemption under section 284 of the POEO Act from section 88 of the POEO Act for occupiers of certain scheduled waste facilities receiving liquid waste, in the form of Leachate, from scheduled waste disposal facilities located in the Local Government Areas of Bellingen Shire, Nambucca Valley, Kempsey and Port Macquarie-Hastings. The landfill leachate dams are at capacity due to the March 2021 storms and floods. There is an increased risk of overflowing during future rainfall events, leading to a higher risk of pollution and environmental harm.
- (c) The EPA is satisfied that the March 2021 storms and floods in New South Wales are an emergency and that it may grant an exemption under section 284 of the POEO Act.
- (d) The purpose of the Order is to exempt occupiers of scheduled waste facilities from the requirement to pay contributions for the receipt of liquid waste in the form of leachate from Raleigh Landfill (Bellingen Shire LGA), Nambucca Landfill (Nambucca Valley LGA), Crescent Head Waste Management Centre (Kempsey LGA) and Cairncross Waste Management Facility (Port Macquarie-Hastings LGA).

#### Order

By this Order, the Environment Protection Authority, in circumstances of an emergency, being the March 2021 storms and floods in New South Wales, grants exemptions to the occupiers of scheduled waste facilities that receive leachate in the form of liquid waste from any of the following landfill sites from compliance with section 88 of the POEO Act in relation to the receipt of that leachate:

- (a) Cairncross Waste Management Facility
- (b) Crescent Head Waste Management Centre
- (c) Nambucca Landfill
- (d) Raleigh Landfill

#### Conditions

This exemption is granted under section 284 of the POEO Act subject to the following conditions:

1. Scheduled waste facilities that receive leachate from Raleigh Landfill, Nambucca Landfill, Crescent Head Waste Management Centre and Cairncross Waste Management Facility must be lawfully able to receive and treat that waste.
2. Prior to accepting the waste, the occupier of the scheduled waste facility must verify that the leachate was generated at Raleigh Landfill, Nambucca Landfill, Crescent Head Waste Management Centre or Cairncross Waste Management Facility.
3. In addition to complying with the record keeping requirements under the *Protection of the Environment Operations (Waste) Regulation 2014*, the occupier of the scheduled waste facility receiving leachate to which this exemption applies must make and keep written records of the following information:
  - a. The name and contact details of the person that transported the leachate to the scheduled waste facility and their employer;
  - b. The date the leachate was received,
  - c. What scheduled waste disposal facility the leachate was transported from
  - d. Description and amount of the leachate received at the scheduled waste facility
  - e. How the leachate will be treated at the scheduled waste facility
4. The occupier of the scheduled waste facility that receives leachate must keep records as required in Condition 3 for two years. These records must be made available by the EPA on request.

#### **Definitions**

In this Order:

**Cairncross Waste Management Facility** means the premises to which Environment Protection Licence No. 11189 applies.

**Crescent Head Waste Management Centre** means the premises to which Environment Protection Licence No. 6269 applies.

**Leachate** is limited to leachate generated at Cairncross Waste Management Facility, Crescent Head Waste Management Centre, Nambucca Landfill or Raleigh Landfill.

**Liquid waste** has the same meaning that it has in Schedule 1 to the POEO Act.

**Nambucca Landfill** means the premises to which Environment Protection Licence No. 11386 applies.

**Raleigh Landfill** means the premises to which Environment Protection Licence No. 5896 applies.

#### **Duration of Exemption**

This Order takes effect from the date the Order is made and ceases to have effect on 30 June 2021 unless otherwise varied, revoked or renewed under section 284(4) of the POEO Act.



**Tracy Mackey**

**Chief Executive Officer**

**Environment Protection Authority**

**(by delegation)**

Date: 27.4.21