



New South Wales

Protection of the Environment Operations (Waste) Amendment (Waste Contributions Exemption) Regulation 2018

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 object of this Regulation is to amend the *Protection of the Environment Operations (Waste) Regulation 2014* to exempt mixed waste organic outputs, for a period of one year, from the calculation of waste contributions payable by licensees of waste facilities under the *Protection of the Environment Operations Act 1997*. The exemption is limited to waste processed at facilities approved by the Environment Protection Authority by notice published in the Gazette (not exceeding the amount of waste specified in the notice).

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 88 (5), 286 and 323 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Waste) Amendment (Waste Contributions Exemption) Regulation 2018*.

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 (Waste) Regulation 2014

[1] Clause 8 Tonnes to be rounded in calculations

Insert “or 21A” after “clause 21” in clause 8 (1).

[2] Clause 21A

Insert after clause 21:

21A Mixed waste organic outputs exempted from calculation of contributions

- (1) This clause applies to waste received at a scheduled waste disposal facility during the period of 12 months commencing on the day on which this clause commences.
- (2) Waste consisting of mixed waste organic outputs that is received at a scheduled waste disposal facility is exempted from the calculation of the contribution payable under section 88 of the Act for each tonne of that waste that has been processed at an approved scheduled waste facility.
- (3) For the purposes of this clause, *mixed waste organic outputs* is a substance that:
 - (a) consists only of pasteurised and biologically stabilised organic outputs produced from the mechanical biological treatment of general solid waste (putrescible) (within the meaning of Schedule 1 to the Act), and
 - (b) complies with any other requirements specified by the EPA by notice published in the Gazette for the purposes of this clause.
- (4) The EPA may, by notice published in the Gazette:
 - (a) approve a scheduled waste facility for the purposes of this clause, and
 - (b) limit the amount of the waste processed by the approved scheduled waste facility that is exempted from the calculation of the contribution payable for waste received at a scheduled waste disposal facility.
- (5) An exemption under this clause does not apply to any amount of the waste received at the scheduled waste disposal facility that exceeds the amount specified in the notice under subclause (4) (b) in relation to the approved scheduled waste facility concerned.
- (6) An exemption under this clause does not apply unless the approved scheduled waste facility certifies in writing that the waste does not contain any substance other than mixed waste organic outputs.
- (7) Waste is not exempt under this clause from the calculation of the contribution payable by the occupier of a scheduled waste disposal facility if the occupier fails to comply with any requirement under Division 1 of Part 3 with respect to the waste.
- (8) The EPA may vary or revoke a notice under this clause by notice published in the Gazette.