

Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014

The recovered aggregate order 2014

Introduction

This order, issued by the Environment Protection Authority (EPA) under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), imposes the requirements that must be met by suppliers of recovered aggregate to which 'the recovered aggregate exemption 2014' applies. The requirements in this order apply in relation to the supply of recovered aggregate for application to land as a road making material, or in building, landscaping or construction works.

1. Waste to which this order applies

- 1.1. This order applies to recovered aggregate. In this order, recovered aggregate means material comprising of concrete, brick, ceramics, natural rock and asphalt processed into an engineered material. This does not include refractory bricks or associated refractory materials, or asphalt that contains coal tar.

2. Persons to whom this order applies

- 2.1. The requirements in this order apply, as relevant, to any person who supplies recovered aggregate that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of recovered aggregate to a consumer for land application at a premises for which the consumer holds a licence under the POEO Act that authorises the carrying out of the scheduled activities on the premises under clause 39 'waste disposal (application to land)' or clause 40 'waste disposal (thermal treatment)' of ScScScl

- 4.7.2.1. Sample preparation by digesting using USEPA SW-846 Method 3051A Microwave assisted acid digestion of sediments, sludges, soils, and oils.
 - 4.7.2.2. Analysis using USEPA SW-846 Method 6010C Inductively coupled plasma - atomic emission spectrometry, or an equivalent analytical method with a detection limit < 10% of stated maximum concentration in Table 1, Column 2 (i.e. 1 mg/kg dry weight for lead).
 - 4.7.2.3. Report as mg/kg dry weight.
- 4.7.3. Test methods for measuring the electrical conductivity:
- 4.7.3.1. Sample preparation by mixing 1 part recovered aggregate with 5 parts distilled water.
 - 4.7.3.2. Analysis using Method 104 (Electrical Conductivity) in Schedule B (3): Guideline on Laboratory Analysis of Potentially Contaminated Soils, National Environment Protection (Assessment of Site Contamination) Measure 1999 (or an equivalent analytical method).
 - 4.7.3.3. Report deciSiemens per metre (dS/m).
- 4.7.4. Test method for measuring the attributes 10 - 12:
- 4.7.4.1. NSW Roads & Traffic Authority Test Method T276 Foreign Materials Content of Recycled Crushed Aggregate (or an equivalent method), for the materials listed in 10 - 12 of Column 1, Table 1.
 - 4.7.4.2. Report as %

Notification

- 4.8. On or before each transaction, the processor must provide the following to each person to whom the processor supplies the recovered aggregate:
- a written statement of compliance certifying that all the requirements set out in this order have been met;
 - a copy of the recovered aggregate exemption, or a link to the EPA website where the recovered aggregate exemption can be found; and
 - a copy of the recovered aggregate order, or a link to the EPA website where the recovered aggregate order can be found.

Record keeping and reporting

- 4.9. The processor must keep a written record of the following for a period of six years:
- the sampling plan required to be prepared under clause 4.1.1;
 - all characterisation, routine and/or one-off sampling results in relation to the recovered aggregate supplied;
 - the quantity of the recovered aggregate supplied; and
 - the name and address of each person to whom the processor supplied the recovered aggregate.
- 4.10. The processor must provide, on request, the most recent characterisation and sampling (whether routine or one-off or both) results for recovered aggregate supplied to any consumer of the recovered aggregate.
- 4.11. The processor must notify the EPA within seven days of becoming aware that it has not complied with any requirement in clause 4.1 to 4.7.

5. Definitions

In this order:

application or apply to land means applying to land by:

- spraying, spreading or depositing on the land; or
- ploughing, injecting or mixing into the land; or
- filling, raising, reclaiming or contouring the land.

composite sample means a sample that combines five discrete sub-samples of equal size into a single sample for the purpose of analysis.

consumer means a person who applies, or intends to apply, recovered aggregate to land.

continuous process means a process that produces recovered aggregate on an ongoing basis.

processor means a person who processes, mixes, blends, or otherwise incorporates recovered aggregate into a material in its final form for supply to a consumer.

transaction means:

- in the case of a one-off supply, the supply of a batch, truckload or stockpile of recovered aggregate that is not repeated.
- in the case where the supplier has an arrangement with the recipient for more than one supply of recovered aggregate the first supply of recovered aggregate as required under the arrangement.

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this order