



# Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014

## The Ocean2Earth compost exemption September 2023

### Introduction

This exemption is issued by the Environment Protection Authority (EPA) under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation), and exempts a consumer of Ocean2Earth compost from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and the Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this exemption.

This exemption should be read in conjunction with '*The Ocean2Earth compost order September 2023*'.

### 1. Waste to which this exemption applies

- 1.1. This exemption applies to Ocean2Earth compost and blended Ocean2Earth compost that is, or is intended to be, applied to land as a soil amendment.
- 1.2. In this exemption, Ocean2Earth compost means compost made from any combination of seafood waste, new seafood waste, pine bark mulch, coal ash that meets *The coal ash order 2014* and/or ash that meets *The ash from burning biomass order 2014*, that has undergone composting by Ocean2Earth at the Bega Valley Shire Council Merimbula Waste Depot, Sapphire Coast Drive, Merimbula NSW 2548 (Environment Protection Licence number 6044).
- 1.3. In this exemption, blended Ocean2Earth compost means Ocean2Earth compost that has been blended with any combination of:
  - 1.3.1. composted pine bark
  - 1.3.2. synthetic fertilisers
  - 1.3.3. manure that complies with the requirements of *The manure order 2014*,
  - 1.3.4. processed animal waste that complies with the requirements of *The processed animal waste order 2014*,
  - 1.3.5. coal ash that complies with the requirements of *The coal ash order 2014*,
  - 1.3.6. compost that complies with the requirements of *The compost order 2016*, and
  - 1.3.7. ash that complies with the requirements of *The ash from burning biomass order 2014*.

## **2. Persons to whom this exemption applies**

- 2.1. This exemption applies to any person who applies, or intends to apply, Ocean2Earth compost or blended Ocean2Earth compost to land as set out in clause 1.1.

## **3. Duration**

- 3.1. This exemption commences on 29 September 2023 and is valid until 29 September 2025 or until revoked by the EPA by notice in writing at an earlier date.

## **4. Premises to which this exemption applies**

- 4.1. This exemption applies to the premises at which the consumer's actual or intended application of Ocean2Earth compost or blended Ocean2Earth compost is carried out.

## **5. Exemption**

- 5.1. Subject to the conditions of this exemption, the EPA exempts each consumer from the following provisions of the POEO Act and the Waste Regulation in relation to the consumer's actual or intended application of Ocean2Earth compost or blended Ocean2Earth compost to land as a soil amendment at the premises:
  - section 48 of the POEO Act in respect of the scheduled activities described in clauses 39 and 42 of Schedule 1 of the POEO Act;
  - Part 4 of the Waste Regulation;
  - section 88 of the POEO Act; and
  - clause 109 and 110 of the Waste Regulation.
- 5.2. The exemption does not apply in circumstances where Ocean2Earth compost **or** blended Ocean2Earth compost is received at the 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 Schedule 1 of the POEO Act.

## **6. Conditions of exemption**

The exemption is subject to the following conditions:

### **General conditions**

- 6.1. At the time the Ocean2Earth compost or blended Ocean2Earth compost is received at the premises, the material must meet all requirements which are required on or before the supply of Ocean2Earth compost or blended Ocean2Earth compost under '*The Ocean2Earth compost order September 2023*'.
- 6.2. The Ocean2Earth compost and blended Ocean2Earth compost can only be applied to land as a soil amendment.
- 6.3. If the consumer receives Ocean2Earth compost with specific land application instructions, the consumer must incorporate a maximum of 1L of Ocean2Earth compost for every 1m<sup>2</sup> of topsoil at the time of land application.

- 6.4. If the consumer receives Ocean2Earth compost or blended Ocean2Earth compost with no specific land application instructions, the consumer must ensure that the application rates of the Ocean2Earth compost or blended Ocean2Earth compost must be equal to or less than the agronomic rate for the most limiting factor.
- 6.5. The consumer must ensure that they do not cause or permit the migration of leachate from the land application site.
- 6.6. The consumer must ensure that any bulk application of Ocean2Earth compost or blended Ocean2Earth compost to land must occur within a reasonable period of time after its receipt (see notes).

#### **Livestock related**

- 6.7. The consumer must not allow Ocean2Earth compost or blended Ocean2Earth compost to be fed or come into contact with pigs or ruminants.

Note: Consistent with clauses 37 and 38 of the Biosecurity Regulation 2017.

## **7. Definitions**

In this exemption:

**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.

**composting** means a process of managed biological transformation:

(a) to achieve pasteurisation, and

(b) for a period of not less than a total of 6 weeks of composting and curing at an adequate moisture level (>40 % by weight), and/or until an equivalent level of biological stability can be demonstrated.

Composting does not include drying or dehydration processes.

**composted pine bark** means raw bark sourced from a timber mill that is ground, screened and composted.

**consumer** means a person who applies, or intends to apply, Ocean2Earth compost to land.

**engineered wood products** means engineered, painted, treated or composite wood products such as particleboard, oriented strand board, plywood, laminated veneer lumber, glulam or fibreboard that are manufactured with glues, resins, water repellents, fire retardants, fungal inhibitors and/or other chemicals.

**forestry and sawmill residues** are untreated and uncontaminated plant materials from forestry operations such as logging, silviculture and sawmilling. Forestry and sawmill residues include materials such as bark, woodchip, sawdust and wood fibre that are collected as a source separated material stream for processing.

**mulch** means plant material that by virtue of the nature and source of the material poses minimal risk of the presence of plant propagules, pathogens and other contaminants. Such materials may be shredded and/or screened to a preferred particle size grading for particular applications. Mulch only includes:

- (a) horticultural barks, leaf mulch and wood chip mulch produced from forestry and sawmill residues, and urban wood residues; and
- (b) branches, tree stumps and bark that are absent of leaves, flowers, fruit and plant propagules.

**new seafood waste** means any seafood waste materials that have not been previously composted by Ocean2Earth. This could include mussels, oysters, abalone, crabs, lobsters, prawns and algae collected from dedicated Ocean2Earth waste bins at boat ramps and from commercial and aquaculture fish processing facilities.

**pasteurisation** means a process to significantly reduce the numbers of plant and animal pathogens and plant propagules. Pasteurisation requires that the entire mass of organic material be subjected to either of the following:

- (a) Appropriate turning of outer material to the inside of the windrow so that the whole mass is subjected to a minimum of 3 turns with the internal temperature reaching a minimum of 55°C for 3 consecutive days before each turn. Where materials with a higher risk of containing pathogens are present, including but not limited to manure and food waste, the core temperature of the material mass should be maintained at 55°C or higher for 15 days or longer, and during this period the windrow should be turned a minimum of 5 times.
- (b) An alternative process that guarantees the same level of pathogen reduction, and the reduction of plant propagules as in (a). Any such alternative process must be clearly defined in writing and validated by a suitably qualified person prior to claiming compliance with this exemption. A written record of the validation report must be kept for a minimum period of six years.

**pine bark mulch** means screened mulch sourced from the Eden log export yard that meets conditions of 'The mulch order 2016'.

**potting mix** means 1 part unblended compost mixed with between 5-10 parts composted pine bark.

**preservative treated or coated wood residues** means wood residues that are preservative treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP) and/or coated with substances such as varnish or paint.

**processor** means a person who processes, mixes, blends, or otherwise incorporates Ocean2Earth compost into a material in its final form for supply to a consumer. The processor in this order is Pentarch Group Pty Ltd (ACN 607 144 196).

**ruminant** means an animal that has a rumen including, but not limited to, alpacas, camels, cattle, deer, goats and sheep as defined in Clause 3(1) Part 1 of the *Biosecurity Regulation 2017*.

**seafood waste** means any combination of fish, sea urchins, mussels, oysters, abalone, crabs, lobsters, prawns and algae collected from dedicated Ocean2Earth waste bins at boat ramps and from commercial and aquaculture fish processing facilities.

**unblended compost** means composted waste produced from 1 part seafood waste with 4 parts pine bark mulch.

**urban wood residues** means untreated, unpainted, and uncontaminated urban derived timber and wood material that is collected as a separate material stream for processing. Urban wood residues include materials such as off-cuts, saw dust, wood shavings, packaging crates and pallets.



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## Notes

The EPA may amend or revoke this exemption at any time. It is the responsibility of the consumer to ensure they comply with all relevant requirements of the most current exemption.

In gazetting or otherwise issuing this exemption, the EPA is not in any way endorsing the use of this substance or guaranteeing that the substance will confer benefit.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, although neither this exemption nor the accompanying order guarantee that the environment, human health or agriculture will not be harmed.

The consumer should assess whether or not Ocean2Earth compost or blended Ocean2Earth compost is fit for the purpose the material is proposed to be used for, and whether this use will cause harm. The consumer may need to seek expert engineering or technical advice.

Regardless of any exemption provided by the EPA, the person who causes or permits the application of the substance to land must ensure that the action is lawful and consistent with any other legislative requirements including, if applicable, any development consent(s) for managing operations on the site(s).

The receipt of Ocean2Earth compost or blended Ocean2Earth compost remains subject to other relevant environmental regulations in the POEO Act and the Waste Regulation. For example, a person who pollutes land (s. 142A) or water (s. 120), or causes air pollution through the emission of odours (s. 126), or does not meet the special requirements for asbestos waste (Part 7 of the Waste Regulation), regardless of having an exemption, is guilty of an offence and subject to prosecution.

This exemption does not alter the requirements of any other relevant legislation that must be met in utilising this material, including for example, the need to prepare a Safety Data Sheet (SDS).

Bulk quantities of Ocean2Earth compost or blended Ocean2Earth compost that meets the conditions of this exemption should be applied to land by the consumer within 2 weeks of being received. Where there are extenuating circumstances the compost should be land applied within 4 weeks. The EPA considers that 6 weeks would be the absolute limit in all circumstances.

Failure to comply with the conditions of this exemption constitutes an offence under clause 91 of the Waste Regulation.