



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

The blast furnace slag 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 blast furnace slag and blended blast furnace slag to which 'the blast furnace slag exemption 2014' applies. The requirements in this order apply in relation to the supply of blast furnace slag and blended blast furnace slag for application to land in line with the uses described in 'the blast furnace slag exemption 2014'.

1. Waste to which this order applies

- 1.1. This order applies to blast furnace slag and blast furnace slag blended with other materials (blended blast furnace slag). In this order, blast furnace slag means waste formed when iron ore, a mixture of oxides of iron, silica and alumina, a fuel consisting of coke, natural gas, oxygen and pulverised coal and limestone are fed into a blast furnace during the manufacture of iron for steel production.

2. Persons to whom this order applies

- 2.1. The requirements in this order apply, as relevant, to any person who supplies blast furnace slag or blended blast furnace slag that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of blast furnace slag or blended blast furnace slag 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 Schedule 1 of the POEO Act.

3. Duration

- 3.1. This order commences on 24 November 2014 and is valid until revoked by the EPA by notice published in the Government Gazette.

4. Generator requirements

The EPA imposes the following requirements on any generator who supplies blast furnace slag.

Sampling requirements

- 4.1. On or before supplying blast furnace slag, the generator must:
 - 4.1.1. Prepare a written sampling plan which includes a description of sample preparation and storage procedures for the blast furnace slag.
 - 4.1.2. Undertake sampling and testing of the blast furnace slag as required under clauses 4.2 and 4.3 below. The sampling must be carried out in accordance with the written sampling plan and Australian Standard 1141.3.1-2012 Methods for sampling and testing aggregates – Sampling – Aggregates (or equivalent).
- 4.2. Where the blast furnace slag is generated as part of a continuous process, the generator must undertake the following sampling:
 - 4.2.1. Characterisation of the blast furnace slag by collecting 20 composite samples of the waste and testing each sample for the chemicals and other attributes listed in Column 1 of Table 1. Each composite sample must be taken from a batch, truckload or stockpile that has not been previously sampled for the purposes of characterisation. Characterisation must be conducted for blast furnace slag generated and processed during each 2-year period following the commencement of the continuous process; and
 - 4.2.2. Routine sampling of the blast furnace slag by collecting either 5 composite samples from every 10,000 tonnes (or part thereof) processed or 5 composite samples every 6 months (whichever is the lesser); and testing each sample for the chemicals and other attributes listed in Column 1 of Table 1 other than those listed as 'not required' in Column 3. Each composite sample must be taken from a batch, truckload or stockpile that has not been previously sampled for the purposes of routine sampling. However, if characterisation sampling occurs at the same frequency as routine sampling, any sample collected and tested for the purposes of characterisation under clause 4.2.1 may be treated as a sample collected and tested for the purposes of routine sampling under clause 4.2.2.
- 4.3. Where the blast furnace slag is not generated as part of a continuous process, the generator must undertake one-off sampling of a batch, truckload or stockpile of the blast furnace slag, by collecting and testing 10 composite samples from every 4,000 tonnes (or part thereof) generated and testing each sample for the chemicals and other attributes listed in Column 1 of Table 1.

Chemical and other material requirements

- 4.4. The generator must not supply blast furnace slag to any person if, in relation to any of the chemical and other attributes of the blast furnace slag:
 - 4.4.1. The concentration or other value of that attribute of any sample collected and tested as part of the characterisation or the routine or one-off sampling of the blast furnace slag exceeds the absolute maximum concentration or other value listed in Column 4 of Table 1, or
 - 4.4.2. The average concentration or other value of that attribute from the characterisation or one-off sampling of the blast furnace slag (based on the arithmetic mean) exceeds the maximum average concentration or other value listed in Column 2 of Table 1, or

4.4.3. The average concentration or other value of that attribute from the routine sampling of the blast furnace slag (based on the arithmetic mean) exceeds the maximum average concentration or other value listed in Column 3 of Table 1.

4.5. The absolute maximum concentration or other value of that attribute in any blast furnace slag supplied under this order must not exceed the absolute maximum concentration or other value listed in Column 4 of Table 1.

Table 1

Column 1	Column 2	Column 3	Column 4
Chemicals and other attributes	Maximum average concentration for characterisation testing (mg/kg 'dry weight' unless otherwise specified)	Maximum average concentration for routine testing (mg/kg 'dry weight' unless otherwise specified)	Absolute maximum concentration (mg/kg 'dry weight' unless otherwise specified)
1. Mercury	0.5	Not Required	1
2. Cadmium	0.5	0.5	1
3. Lead	10	10	20
4. Arsenic	5	Not Required	10
5. Beryllium	10	Not Required	20
6. Boron ¹	NA	NA	NA
7. Chromium (total)	50	Not Required	100
8. Copper	10	Not Required	20
9. Molybdenum	5	5	10
10. Nickel	10	Not Required	20
11. Selenium	2	Not Required	5
12. Zinc	25	25	50
13. Electrical Conductivity	NA	NA	NA
14. pH ²	7.5 to 12.5	Not Required	7 to 13

¹While limits are not included for boron and electrical conductivity these must be tested in each sample and a record kept of the results.

²The ranges given for pH are for the minimum and maximum acceptable pH values in the blast furnace slag.

Test methods

4.6. The generator must ensure that any testing of samples required by this order is undertaken by analytical laboratories accredited by the National Association of Testing Authorities (NATA), or equivalent.

4.7. The generator must ensure that the chemicals and other attributes (listed in Column 1 of Table 1) in the blast furnace slag it supplies are tested in accordance with the test methods specified below or other equivalent analytical methods. Where an equivalent analytical method is used the detection limit must be equal to or less than that nominated for the given method below.

- 4.7.1. Test method for measuring the mercury concentration:
- 4.7.1.1. Analysis using USEPA SW-846 Method 7471B Mercury in solid or semisolid waste (manual cold vapour technique), or an equivalent analytical method with a detection limit < 20% of the stated maximum average concentration in Table 1, Column 2 (i.e. < 0.1 mg/kg dry weight).
 - 4.7.1.2. Report as mg/kg dry weight.
- 4.7.2. Test methods for measuring chemicals 2 - 12:
- 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 average 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 and pH:
- 4.7.3.1. Sample preparation by mixing 1 part blast furnace slag with 5 parts distilled water.
 - 4.7.3.2. Analysis using Method 103 (pH) and 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 electrical conductivity in deciSiemens per metre (dS/m).

Notification

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

Record keeping and reporting

- 4.9. The generator 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 blast furnace slag supplied;
 - the quantity of any blast furnace slag supplied; and
 - the name and address of each person to whom the generator supplied blast furnace slag.

- 4.10. The generator must provide, on request, the most recent characterisation and sampling (whether routine or one-off or both) results for blast furnace slag supplied to any processor or consumer.
- 4.11. The generator must notify the EPA within seven days of becoming aware that it has not complied with any requirement in clauses 4.1 to 4.7.

5. Processor requirements

The EPA imposes the following requirements on any processor who supplies blended blast furnace slag.

- 5.1. The processor may only blend blast furnace slag with materials that are the subject of a Resource Recovery Exemption and Resource Recovery Order if that material complies with all of the chemical and other material requirements under its Resource Recovery Order, and is able to be applied to land under its Resource Recovery Exemption for the same purpose(s) described in clause 5.1.1 and 5.1.2.
 - 5.1.1. in cementitious mixes such as concrete; and
 - 5.1.2. in non-cementitious mixes such as an engineered fill in earthworks or for roadmaking activities as follows:
 - 5.1.2.1. asphalt aggregate,
 - 5.1.2.2. engineered pavements (base and sub-base course),
 - 5.1.2.3. engineered fill,
 - 5.1.2.4. filter aggregate.

Notification

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

Record keeping and reporting

- 5.3. The processor must keep a written record of the following for a period of six years:
 - the quantity of blast furnace slag received from the generator and the generators name and address. This does not have to be met by non-processing suppliers.
 - the quantity of the blended blast furnace slag supplied; and
 - the name and address of each person to whom the processor supplied the blended blast furnace slag.
- 5.4. The processor must provide, on request, the most recent characterisation and sampling (whether routine or one-off or both) results for blast furnace slag supplied to any consumer of the blast furnace slag.

6. 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.

cementitious mixes means either blast furnace slag or blended blast furnace slag which has been mixed with general purpose cement, lime and other activators for use in bound applications, where the materials must be chemically bound together.

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 who intends to supply, blast furnace slag or blended blast furnace slag to land.

continuous process means a process that produces blast furnace slag on an ongoing basis.

generator means a person who generates blast furnace slag for supply to a processor or consumer.

non-cementitious mixes means either blast furnace slag or blended blast furnace slag that is not mixed with general purpose cement, lime and other activators or used in bound applications.

non-processing supplier means a person who supplies, causes, or permits the supply of cementitious mixes to a consumer and who does not undertake any processing of blast furnace slag.

processor means a person who processes, mixes, blends, or otherwise incorporates blast furnace slag into blended blast furnace slag for supply to a consumer.

transaction means:

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

Manager Waste Strategy and Innovation

Environment Protection Authority

(by delegation)

Notes

The EPA may amend or revoke this order at any time. It is the responsibility of each of the generator and processor and to ensure it complies with all relevant requirements of the most current order. The current version of this order will be available on www.epa.nsw.gov.au

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

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

Any person or entity which supplies blast furnace slag should assess whether the material is fit for the purpose the material is proposed to be used for, and whether this use may cause harm. The supplier may need to seek expert engineering or technical advice.

Regardless of any exemption or order 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 supply of blast furnace slag remains subject to other relevant environmental regulations in the POEO Act and 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 this order, is guilty of an offence and subject to prosecution.

This order does not alter the requirements of any other relevant legislation that must be met in supplying this material, including for example, the need to prepare a Safety Data Sheet. Failure to comply with the conditions of this order constitutes an offence under clause 93 of the Waste Regulation.