



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

## The ASMS steel furnace slag exemption 2021

### 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 ASMS steel furnace slag 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 ASMS steel furnace slag order 2021'.

### 1. Waste to which this exemption applies

- 1.1. This exemption applies to ASMS steel furnace slag that is, or is intended to be, applied to land as a liming material.
- 1.2. ASMS Steel furnace slag means waste formed from the reaction of molten iron, scrap steel, and fluxes in a Basic Oxygen Steel (BOS) furnace during the manufacture of steel at Bluescope Steel at Port Kembla, NSW and which has been further processed by crushing and screening to a particle size <10mm.

### 2. Persons to whom this exemption applies

- 2.1. This exemption applies to any person who applies, or intends to apply, ASMS steel furnace slag to land as set out in 1.1.

### 3. Duration

- 3.1. This order commences on 28 May 2021 and is valid until 28 May 2024 unless revoked by the EPA by notice in writing at an earlier date.

### 4. Revocation

- 4.1. 'The ASMS steel furnace slag trial exemption 2018' which commenced on 23 July 2018 is revoked from 28 May 2021.

## 5. Premises to which this exemption applies

- 5.1. This exemption applies to the premises at which the consumer's actual or intended application of ASMS steel furnace slag is carried out.

## 6. Exemption

- 6.1. 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 ASMS Steel furnace slag to land when used as a liming material:
  - 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.
- 6.2. The exemption does not apply in circumstances where ASMS steel furnace slag 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.

## 7. Conditions of exemption

The exemption is subject to the following conditions:

- 7.1. At the time the ASMS steel furnace slag is received at the premises, the material must meet all chemical and other material requirements for ASMS steel furnace slag which are required on or before the supply of ASMS steel furnace slag under 'the ASMS steel furnace slag order 2021'.
- 7.2. The consumer must not land apply the ASMS steel furnace slag at a total application rate greater than 10 tonnes per hectare within a three year period at any one site.
- 7.3. The consumer must incorporate the ASMS steel furnace slag into the soil to a minimum of 5cm depth.
- 7.4. The consumer must keep a written record of the following for a period of six years:
  - the quantity of ASMS steel furnace slag received; and
  - the locations where the ASMS steel furnace slag is applied.
- 7.5. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.6. The consumer must ensure that any application of ASMS steel furnace slag to land must occur within a reasonable period of time after its receipt.

## 8. 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.

**consumer** means a person who applies, or intends to apply, ASMS steel furnace slag to land.

**Liming material** means a calcium and magnesium rich material which when applied to land, amends the soil pH to neutralise acidity.

**processor** means a person who processes, mixes, blends, or otherwise incorporates Steel furnace slag into a material in its final form for supply to a consumer. In this exemption, the processor is Australian Steel Mill Services Pty Ltd (ASMS).



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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 the ASMS Steel furnace slag 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 ASMS Steel furnace slag 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).

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