



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

## The electric arc furnace slag exemption 2014

### 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 electric arc furnace slag and blended electric arc furnace slag from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and 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 electric arc furnace slag order 2014'.

### 1. Waste to which this exemption applies

- 1.1. This exemption applies to electric arc furnace slag and electric arc furnace slag blended with other materials (blended electric arc furnace slag) that is, or is intended to be, applied to land as an engineering material.
- 1.2. Electric arc furnace slag means waste sourced from electric arcs produced by the Electric Arc Furnace steelmaking process, and is formed after the molten solution of silicates and oxides cools and solidifies. Electric arc furnace slag does not include any bag house dust or air pollution control residues.

### 2. Persons to whom this exemption applies

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

### 3. Duration

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

## **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 electric arc furnace slag and blended electric arc furnace slag is carried out.

## **5. Revocation**

- 5.1. *The electric arc furnace slag exemption 2013* which commenced on 1 July 2013 is revoked from 24 November 2014.

## **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 electric arc furnace slag and blended electric arc furnace slag to land as an engineering material 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
- 6.2. The exemption does not apply in circumstances where electric arc furnace slag or blended electric arc 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 electric arc furnace slag or blended electric arc furnace slag is received at the premises, the material must meet all chemical and other material requirements for electric arc furnace slag or blended electric arc furnace slag which are required on or before the supply of electric arc furnace slag or blended electric arc furnace slag under 'the electric arc furnace slag order 2014'.
- 7.2. The electric arc furnace slag or blended electric arc furnace slag can only be applied to land:
- 7.2.1. in cementitious mixes such as concrete, and
  - 7.2.2. in non-cementitious mixes such as an engineered fill in earthworks or for roadmaking activities as follows:
    - (a) sealing aggregate,
    - (b) asphalt aggregate,
    - (c) engineered pavements (base and sub-base course),
    - (d) engineered fill,
    - (e) subsoil drains,
    - (f) filter aggregate.

- 7.3. In cementitious mixes, the consumer can only apply blended electric arc furnace slag to land where it complies with a relevant specification or Australian Standard, or supply agreement(s).
- 7.4. In non-cementitious mixes the consumer can only apply electric arc furnace slag or blended electric arc furnace slag to land where it:
- 7.4.1. complies with the relevant specification or Australian Standard, or complies with supply agreement/s, or
  - 7.4.2. complies with a development consent that specifically considers the use of electric arc furnace slag, and
  - 7.4.3. is not applied in or beneath water, including groundwater.
- 7.5. The consumer must keep a written record of the following for a period of six years:
- the quantity of any electric arc furnace slag or blended electric arc furnace slag received; and
  - the name and address of the supplier of electric arc furnace slag or blended electric arc furnace slag received.
- 7.6. The consumer must make any records required to be kept under this exemption available to authorised officers of the EPA on request.
- 7.7. The consumer must apply electric arc furnace slag to land within a reasonable period of time after its receipt.

## 8. Definitions

In this exemption:

**application 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 electric arc furnace slag or blended electric arc 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.

**consumer** means a person who applies, or intends to apply, electric arc furnace slag or blended electric arc furnace slag to land.

**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 electric arc furnace slag.

**Manager Waste Strategy and Innovation**  
**Environment Protection Authority**  
**(by delegation)**

## 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. The current version of this exemption will be available on [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

In gazetting 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 electric arc 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.

The receipt of electric arc 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 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.