



Resource Recovery Order under Section 286A of the Protection of the Environment Operations Act 1997

The gin trash order 2024

Introduction

This order, issued by the Environment Protection Authority (EPA) under section 286A of the *Protection of the Environment Operations Act 1997* (POEO Act), imposes the requirements that must be met by suppliers of gin trash to which 'The gin trash exemption 2024' applies. The requirements in this order apply in relation to the supply of gin trash for application to land as soil amendment.

1. Waste to which this order applies

- 1.1. This order applies to gin trash. In this order, gin trash means the organic by-product of the ginning of cotton. Gin trash is made up of leaves, sticks, soil, lint cotton and cotton seed fragments which have been separated from the cotton during ginning (processing). For the purposes of this order, gin trash may also include gin trash which has undergone partial or full composting at the land application site.

2. Persons to whom this order applies

- 2.1. The requirements in this order apply, as relevant, to any person who supplies gin trash that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of gin trash to a consumer for land application purposes 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 5 July 2024 and is valid until revoked by EPA by notice in writing at an earlier date.

4. Revocation

- 4.1. The gin trash order 2021 which commenced on 12 November 2021 is revoked from 5 July 2024.

5. Generator requirements

The EPA imposes the following requirements on any generator who supplies gin trash.

- 5.1. Generators must not supply gin trash to a consumer where the gin trash is derived from cotton that has been grown using a new product unless Cotton Australia have:
 - 5.1.1. Performed a desktop assessment examining the effect of that product on any gin trash generated. The assessment must consider and report on the potential for environmentally hazardous concentrations of chemical residues to be present in the gin trash.
 - 5.1.2. where the desktop assessment indicates the potential for environmentally hazardous concentrations of chemical residues in the gin trash, Cotton Australia

must undertake chemical analysis of the gin trash generated following the use of the new product(s) by testing for all of the chemicals present in the new product(s); and

- 5.1.3. report the results of the assessment required by condition 5.1.1, and any chemical analysis required by condition 5.1.2 to the EPA by forwarding to info@epa.nsw.gov.au.
- 5.2. Cotton Australia must have written approval from the EPA and provide a copy of this approval to the generator before any gin trash which has been produced using a new product is land applied.

Notification

- 5.3. On or before each transaction, the generator must provide the following to each person to whom the generator supplies the gin trash:
- a written statement of compliance certifying that all the requirements set out in this order have been met
 - a copy of 'The gin trash exemption 2024' or a link to the EPA website where 'The gin trash exemption 2024' can be found; and
 - a copy of 'The gin trash order 2024' or a link to the EPA website where 'The gin trash order 2024' can be found.

Record keeping and reporting

- 5.4. The generator must keep a written record of the following for a period of six years:
- the quantity of the gin trash supplied,
 - the result of desk top assessments and chemical analysis required by condition 5.1; and
 - the name and address of each person to whom the generator supplied the gin trash.

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
- filling, raising, reclaiming or contouring the land.

consumer means a person who applies, or intends to apply, gin trash to land.

Cotton Australia means Cotton Australia Limited (ACN 054 122 879) the peak representative body for the Australian cotton growing industry.

generator means a person who generates gin trash for supply to a consumer.

new product means any product (including but not limited to pesticides, herbicides and fertilisers) that has not previously been used by cotton growers in NSW or that has commenced use following the commencement of this order.

transaction means:

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

SIGNED 1/7/24

Helen Prifti
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Notes

The EPA may amend or revoke this order at any time. It is the responsibility of each of the generator and generator to ensure it complies with all relevant requirements of the most current order.

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 gin trash 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 gin trash remains subject to other relevant environmental regulations in the POEO Act and Protection of the Environment Operations (Waste) Regulation 2014 (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 requirements for asbestos waste (S. 144AAB), 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 section 286A of the Protection of the Environment Operations Act 1997.