



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

The Boral engineered glass sand order 2020

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 Boral engineered glass sand to which 'the Boral engineered glass sand exemption 2020' applies. The requirements in this order apply in relation to the supply of Boral engineered glass sand for application to land for the purpose of pipe bedding, drainage, compaction sand or road making activities, or for inclusion in concrete or asphalt.

1. Waste to which this order applies

1.1. This order applies to approximately 250,000 tonnes per annum of Boral engineered glass sand. In this order, Boral engineered glass sand means a blend of:

- recovered glass sand that meets all conditions of the 'recovered glass sand order 2014', and
- recovered aggregate that meets all conditions of the 'recovered aggregate order 2014' and has been produced at the Boral Recycling facility in Kooragang (EPL: 11968); and/or
- tunnel spoil generated by major infrastructure projects, for which a resource recovery order and exemption has been granted; and/or
- virgin quarried sand; and/or
- virgin quarried sandstone; and/or
- virgin excavation natural material (VENM) as defined in the *Protection of the Environment Operations Act 1997* (POEO Act)

that has been processed to produce a 'sand-like' material engineered for the purpose of pipe bedding, drainage, compaction sand or road making activities, or for inclusion in concrete or asphalt.

2. Persons to whom this order applies

2.1. The requirements in this order apply, as relevant, to any person who supplies Boral engineered glass sand that has been generated, processed or recovered by the person.

2.2. This order does not apply to the supply of Boral engineered glass sand to a consumer for land application 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.

3. Duration

- 3.1. This order commences on 8 April 2020 and is valid until 8 April 2021 unless revoked by the EPA in writing.

4. Processor requirements

The EPA imposes the following requirements on any processor who supplies Boral engineered glass sand.

Notification

- 4.1. On or before each transaction, the processor must provide the following to each person to whom the processor supplies the Boral engineered glass sand:
- a written statement of compliance certifying that all the requirements set out in this order have been met;
 - a copy of the Boral engineered glass sand exemption 2020; and
 - a copy of the Boral engineered glass sand order 2020.

Record keeping and reporting

- 4.2. The processor must keep a written record of the following for a period of six years:
- the source and quantity of materials that are received and blended to create Boral engineered glass sand;
 - the quantity of the Boral engineered glass sand supplied; and
 - the name and address of each person to whom the processor supplied the Boral engineered glass sand.
- 4.3. The processor must provide to any consumer of the Boral engineered glass sand, on request, the most recent characterisation and sampling (whether routine or one-off or both) results for any recovered glass sand, recovered aggregate and/or tunnel spoil blended to produce the Boral engineered glass sand supplied.
- 4.4. The processor must notify the EPA within seven days of becoming aware that it has not complied with any requirement in clause 4.1 to 4.2.

5. 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.

compaction sand means Boral engineered glass sand that meets the required properties and is land applied in a manner that complies with a relevant Australian Standard or with a relevant Government-referenced specification (for example, the *Roads and Maritime Services (RMS) QA Specification R11 for Stormwater Drainage*, or the *Sydney Water Technical Specification Civil*).

consumer means a person who applies, or intends to apply, Boral engineered glass sand to land.

processor means a person who processes, mixes, blends, or otherwise incorporates Boral engineered glass sand into a material in its final form for supply to a consumer. In this order, the processor is Boral Recycling Pty Ltd (ABN: 42 000 061 843).

transaction means:

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


Director Environment Solution (CLR)
Environment Protection Authority
(by delegation)

Notes

The EPA may amend or revoke this order at any time. It is the responsibility of the processor 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 Boral engineered glass sand 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 Boral engineered glass sand 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.