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Attention: Jim Lawler

Request for Advice – Willow Tree and Inverell Quarries – Blended Fly Ash

Dear Mr Lawler,

Thank you for the request for initial advice from the NSW Environment Protection Authority (EPA) on the proposed fly ash and concrete washout waste processing at Willow Tree Gravels Quarry (EPL 5154) and Inverell Quarry (EPL 20338).

The EPA understands the proposal is for each premise to import 5,000 tonnes of fly ash and 5,000 tonnes of solid concrete washout per year for processing and blending with material extracted from the quarry to produce a range of quarry products. Less than 12,000 tonnes of blended material will be processed at each premise per year.

Resource Recovery Framework and Licensing Requirements

The EPA considers that applicable activities under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) are clause 34 'resource recovery' and clause 42 'waste storage'. Both clauses provide that no more than 2,500 tonnes or 2,500 cubic metres of waste are to be stored on the premises at any time.

The Resource Recovery Framework may also apply via Resource Recovery Orders ('orders') and Exemptions ('exemptions'). Orders and exemptions allow some wastes to be beneficially and safely re-used, independent of licensing requirements.

Under the *Coal Ash Exemption 2014* (the exemption), coal ash is defined as coal combustion products from burning Australian black coal which includes fly ash. Blended coal ash is coal ash blended with other materials that is intended to be applied to land as an engineered material. Both coal ash and blended coal ash are exempt from the licensing provisions in clauses 34 and 42 of Schedule 1 of the POEO Act, provided the conditions outlined in the exemption and the associated *Coal Ash Order 2014* (the order) are met.

However, as the proposal is to import 5,000 tonnes of solid concrete washout per year to each premise, solid concrete washout is classified as a waste and the exemption and order do not apply to this material until it has been blended.

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If more than 2,500 tonnes or 2,500 cubic metres of concrete washout waste is proposed to be stored at each premises at any one-time clauses 34 (resource recovery) and 42 (waste storage) will apply and the proposal will need to be licensed. This would occur via variations to the existing licences (EPL 5154 and EPL 20338) assuming relevant development consent has been obtained and the activities are occurring within the licensed premises boundary.

Other Considerations

The EPA will also need to be referred during the planning process, even if non-scheduled or below licensing threshold, as the proposal is to be located on a licensed premise and the EPA needs to assess any additional impacts.

Specific conditions may be added to the current EPLs as an outcome of the planning process even if the proposal is not scheduled or below licensing threshold. For example, this could include identifying resource recovery and waste storage as 'ancillary activities' on the licence and may also include bunding and storage requirements to ensure no offsite discharge of any waste associated with the proposal.

The EPA can provide specific environmental assessment requirements once the planning pathway is determined.

If you have any questions about this request, please contact Daniel Stokes on (02) 4908 6804 or myself on (02) 6773 7000 or via email at info@epa.nsw.gov.au , marked to our attention.

Yours sincerely



REBECCA SCRIVENER
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