



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

The solid food waste order 2014

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 solid food waste to which 'the solid food waste exemption 2014' applies. The requirements in this order apply in relation to the supply of solid food waste for application to land as a soil amendment.

1. Waste to which this order applies

- 1.1. This order applies to solid food waste. In this order, solid food waste means solid food waste from the manufacture, preparation, sale or consumption of food but does not include post-consumer food waste, grease trap waste, animal waste or liquid waste.

2. Persons to whom this order applies

- 2.1. The requirements in this order apply, as relevant, to any person who supplies solid food waste that has been generated, processed or recovered by the person.
- 2.2. This order does not apply to the supply of solid food waste to a consumer for land application 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 24 November 2014 and is valid until revoked by the EPA by notice published in the Government Gazette.

4. Generator requirements

The EPA imposes the following requirements on any generator who supplies solid food waste.

General conditions

- 4.1. On or before supplying solid food waste, the generator must ensure that:
 - 4.1.1. the solid food waste does not include post-consumer food waste, grease trap waste, animal waste or liquid waste.

- 4.1.2. the solid food waste is not corrosive, and does not contain any physical contaminants, including but not limited to glass, metal, rigid plastics, flexible plastics or polystyrene.
- 4.1.3. the solid food waste is in a form and condition that is suitable for land application.

Notification

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

Record keeping and reporting

- 4.3. The generator must keep a written record of the following for a period of six years:
 - the quantity of the solid food waste supplied; and
 - the name and address of each person to whom the generator supplied the solid food waste.
- 4.4. The generator must notify the EPA within seven days of becoming aware that it has not complied with any requirement in clause 4.1.

5. Definitions

In this order:

animal waste means dead animals and animal parts and any mixture of dead animals and animal parts.

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, solid food waste to land.

corrosive means a substance having properties that may damage or destroy living organisms and components of the soil, including soil organic matter. Commonly this includes strong acids and strong bases, or weak acids and weak bases occurring in concentrated form.

generator means a person who generates solid food waste.

post-consumer food waste means food waste generated by the end consumer of food and collected from kerbside collections either as a single stream or co-collected with garden waste.

transaction means:

- in the case of a one-off supply, the supply of a batch, truckload or stockpile of solid food waste that is not repeated.

- in the case where the supplier has an arrangement with the recipient for more than one supply of solid food waste the first supply of solid food waste as required under the arrangement.

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

Notes

The EPA may amend or revoke this order at any time. It is the responsibility of each of the generator and processor to ensure it complies with all relevant requirements of the most current order. The current version of this order will be available on www.epa.nsw.gov.au

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 solid food waste 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 solid food waste 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.