

Protection of the Environment Operations (Waste) Regulation 2005—General Exemption Under Part 6

The lime and gypsum residues from plasterboard exemption 2006

Name

1. This exemption is to be known as 'The lime and gypsum residues from plasterboard exemption 2006'.

Commencement

2. This exemption commences on 1 December 2006.

'The lime and gypsum residues from plasterboard exemption 2005' is revoked from 1 December 2006.

Duration

3. This exemption is valid until revoked by the Environment Protection Authority by notice published in the Government Gazette.

Background

4. The Protection of the Environment Operations (Waste) Regulation 2005 (the Regulation) prohibits the land application of a number of wastes and waste-derived substances for the purposes of growing vegetation. These substances are primarily industrial residues and have been prohibited due to their potential to contain undesirable contaminants such as heavy metals and persistent organic compounds. The land application of lime and gypsum residues from any industrial or manufacturing process is prohibited under the Regulation.

The conditions of this exemption outline the requirements that must be met for this prohibition to no longer apply. Lime and gypsum residues from plasterboard may only be applied to land where the conditions of this exemption are met.

Authority

5. This exemption is made under Clause 51, Part 6 of the Regulation. This exemption is a general exemption and is given in respect of consumers, processors and suppliers.

Definitions

6. In this exemption:

Consumer means a person who applies, or causes or permits the application of, lime and gypsum residues from plasterboard to land. The consumer will generally be the landholder responsible for the land to which the lime and gypsum residues from plasterboard is applied.

Lime and gypsum residues from plasterboard are the residues from plasterboard from manufacturing, construction or fit-outs which comprises > 80% calcium sulphate dihydrate, < 10% paper, < 10% natural clays, < 10% paraffin waxes, < 10% mica, < 2% crystalline silica, with minor quantities (< 5%) of starch and fibrous glass.

In-plasterboard means the lime and gypsum residues from plasterboard prior to blending, mixing or otherwise processing.

Processor means a person who mixes, blends or otherwise incorporates lime and gypsum residues from plasterboard into a commercial land application material.

Supplier means a person who supplies, or causes or permits the supply of, lime and gypsum residues from plasterboard to a party processing these substances or applying these substances to land. The supplier will generally be the generator of the lime and gypsum residues from plasterboard.

For further information on the terms used in this document, refer to Appendix 1 — Guidance.

Who this exemption applies to

7. The responsible person identified in Column 1 of Table 1 is exempt from the provisions identified in Column 2 of Table 1 where that person complies with the conditions identified in section 8.

Table 1

Column 1	Column 2
Responsible person	Provisions from which the responsible person is exempt
Supplier	clause 45 of the Regulation [Residue waste not to be applied to certain land]
Processor	clause 45 of the Regulation [Residue waste not to be applied to certain land]
Consumer	section 48 of the Act [Licensing requirement—scheduled activities (premises based)] section 88 of the Act [Contributions by licensee of waste facilities] clause 45 of the Regulation [Residue waste must not be applied to certain land]

Conditions of this exemption

8. The operation of this exemption is subject to the following conditions:

- 8.1 This exemption applies only to lime and gypsum residues from plasterboard.
- 8.2 The supplier, processor and/or consumer must not cause or permit the land application of lime and gypsum residues from plasterboard where the in-plasterboard contaminant identified in section 9 and listed in Column 1 of Table 2 exceeds the concentrations listed in Column 2 of Table 2.
- 8.3 The supplier must comply with all requirements specified in section 11, ‘Supplier responsibilities’.
- 8.4 The processor must comply with all requirements specified in section 12, ‘Processor responsibilities’.
- 8.5 The consumer must comply with all requirements specified in section 13, ‘Consumer responsibilities’.

Maximum contaminant concentrations

9. The in-plasterboard contaminant listed in Column 1 of Table 2 must not exceed the concentrations listed in Column 2 of Table 2.

Table 2

Column 1	Column 2
Contaminant	Maximum concentration
Lead (mg/kg)	100

Test methods

10.1 Test methods for measuring lead concentrations in lime and gypsum residues from plasterboard require:

- 10.1.1 Sample preparation by digesting plasterboard using USEPA 3051 or equivalent.
- 10.1.2 Analysis using USEPA 6010B (or equivalent analytical method with a 'detection limit' < 10% of stated total concentration in General Exemption).
- 10.1.3 Reporting as mg/Kg dry weight.

Supplier responsibilities

11. The following conditions must be met by the supplier for this exemption to apply:

11.1 Chemical characterisation

- 11.1.1 Suppliers of lime and gypsum residues from plasterboard must initially fully chemically characterise their lime and gypsum residues from plasterboard.
- 11.1.2 Suppliers must repeat the full chemical characterisation of their lime and gypsum residues from plasterboard at least every three years.
- 11.1.3 Where there is a change in inputs that is likely to affect the contaminants in the lime and gypsum residues from plasterboard, initial characterisation of the lime and gypsum residues from plasterboard must be repeated.
- 11.1.4 The contaminant specified in Table 2 must be measured in accordance with the test methods specified in 10.1.
- 11.1.5 A Material Safety Data Sheet (MSDS) must be prepared in accordance with the National Occupational Health and Safety Commission, *National Code of Practice for the Preparation of Material Safety Data Sheets*, published in 2003, by the AGPS, Canberra.

11.2 Maximum allowable contaminant concentrations

- 11.2.1 The in-plasterboard contaminants specified in Column 1, Table 2 must be measured prior to blending, mixing or otherwise incorporating them with another substance and must not exceed the maximum contaminant concentration specified in Column 2, Table 2.

11.3 Information to be provided to processor

- 11.3.1 Suppliers who provide lime and gypsum residues from plasterboard to a processor must provide a written statement of compliance to the processor with each transaction of lime and gypsum residues from plasterboard, certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption.
- 11.3.2 Suppliers who provide lime and gypsum residues from plasterboard to processors must provide the processor with a copy of this exemption and the MSDS.

11.4 **Information to be provided to consumer**

- 11.4.1 Suppliers who cause or permit the provision of lime and gypsum residues from plasterboard to consumers for direct land application must provide a written statement of compliance to the consumer with each transaction of the lime and gypsum residues from plasterboard, certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption. The statement of compliance must be provided prior to the land application of lime and gypsum residues from plasterboard.
- 11.4.2 Suppliers who cause or permit the direct provision of lime and gypsum residues from plasterboard to consumers must provide a copy of this exemption and the MSDS to the consumer.

11.5 **Monitoring and record keeping**

- 11.5.1 Suppliers of lime and gypsum residues from plasterboard shall undertake routine testing of representative samples to ensure that the quality of the supplier's lime and gypsum residues is consistently maintained.
- 11.5.2 At a minimum, suppliers of lime and gypsum residues from plasterboard must test the lime and gypsum residues from plasterboard three times a year where less than 1000 tonnes of lime and gypsum residues from plasterboard are provided to processors and/or consumers in total. Where more than 1000 tonnes of lime and gypsum residues from plasterboard are provided to processors and/or consumers in total, suppliers must test at least three times a year plus once every 1000 tonnes.
- 11.5.3 All testing must be undertaken by analytical laboratories accredited by the National Association of Testing Authorities to perform particular tests.
- 11.5.4 Results shall be kept for a minimum of three years.

Processor responsibilities

12. The following conditions only apply where the lime and gypsum residues from plasterboard are mixed, blended or otherwise incorporated into a commercial land application material prior to land application. For requirements relating to the direct land application of lime and gypsum residues from plasterboard, refer to section 13, 'Consumer responsibilities'.

12.1 **Maximum allowable contaminant concentrations**

- 12.1.1 Prior to mixing, blending or otherwise incorporating into a commercial land application material, the processor must ensure that the in-plasterboard contaminants specified in Column 1 of Table 2 do not exceed the maximum contaminant concentrations specified in Column 2 of Table 2.

12.2 **Information to be provided to the consumer**

- 12.2.1 Where lime and gypsum residues from plasterboard are mixed or blended with, or otherwise incorporated into a commercial land application material, the processor must provide recommendations on the appropriate use, including recommendations regarding appropriate application rates, of that commercial land application material to the consumer.

12.3 *Monitoring and record keeping requirements*

- 12.3.1 Processors must obtain and keep a written statement with each transaction of lime and gypsum residues from plasterboard certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption.
- 12.3.2 Records of the quantity of lime and gypsum residues from plasterboard received, the supplier's name and the period over which the lime and gypsum residues from plasterboard was received must be kept for a period of three years.

Consumer responsibilities

13. The following conditions only apply where lime and gypsum residues from plasterboard are directly applied to the land. These conditions do not apply to lime and gypsum residues from plasterboard that is mixed, blended or otherwise incorporated into a commercial land application material. The following conditions must be met by the consumer for this exemption to apply.

13.1 *Soil application*

- 13.1.1 The soil to which the lime and gypsum residues from plasterboard will be applied must be characterised prior to the initial application of the lime and gypsum residues from plasterboard to determine appropriate application rates.
- 13.1.2 Application rates must be equal to or less than the agronomic rate for the most limiting factor.
- 13.1.3 The lime and gypsum residues from plasterboard must be incorporated into the topsoil.

13.2 *Monitoring and record keeping requirements*

- 13.2.1 Consumers applying lime and gypsum residues from plasterboard must obtain and keep a written statement with each transaction, certifying that the lime and gypsum residues from plasterboard comply with the relevant conditions of this exemption.
- 13.2.2 Records of the supplier's name and the date the lime and gypsum residues from plasterboard were received must be kept for a period of three years.

Exemption Granted



Mark Gorta
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Notes

The EPA may amend or revoke this exemption at any time or if any condition attached to this exemption is contravened or as required where additional information is received.

The maximum penalty for failing to comply with this exemption is 400 penalty units for a corporation and 200 penalty units for an individual.

Operating without appropriate permission or in contravention of the conditions set out in this exemption could lead to prosecution under environment protection legislation and the imposition of substantial penalties.

The conditions set out in this exemption are designed to minimise the risk of potential harm to the environment, human health or agriculture, however neither this exemption nor these conditions guarantee that the environment will not be harmed. The liability for any harm rests with the person who causes or permits the application of the substance to land.

In monitoring the quality of the exempted material, suppliers should be alert to any changes in the process or the raw materials used and any consequent changes to the types and concentrations of the listed or other contaminants in the exempted material and take action to prevent any harmful effects of any such changes on the environment, human health or agriculture.

In gazetting this general exemption, the EPA is not endorsing the use of this substance or guaranteeing that the substance will benefit plant growth.

Limits are specified as maximums only. Plants may display symptoms of toxicity, and/or reductions in yield may occur at values below the maximum concentration limits specified in this exemption. Application rates may need to be lower depending on local circumstances and should be determined as appropriate to those circumstances prior to application.

Substances mixed with more than one residue waste must meet the conditions of all relevant exemptions. All other regulations applying to the waste or blended substances must also be met.

All records required to be kept under this exemption must be made available to authorised officers of the EPA upon request.

Appendix 1—Guidance

Where the supplier and consumer are the same person

Records required to be kept by the supplier, as specified in section 11, 'Supplier responsibilities', that relate to 11.1 'Chemical characterisation' of the lime and gypsum residues and that show compliance with 11.2 'Maximum allowable contaminant concentrations' are deemed to be appropriate documents for the purposes of complying with the conditions of this exemption.

What is a 'transaction'?

For the purposes of arrangements between a supplier and a processor or a supplier and a consumer, a 'transaction' is taken to mean the contractual agreement between the two parties which specifies the exchange of lime and gypsum residues from one party to another. This arrangement should be in written form and be made available to an authorised officer of the EPA on request.

Information to be Included in a statement of compliance

The supplier may determine a convenient format for the statement of compliance, however, it must be in writing and be provided to the processor or consumer with each transaction. It is recommended that the following information be provided in the statement of compliance:

- The name of the relevant exemption.
- The name of the supplier.
- The date of the transaction.
- The quantity of material subject to the transaction.
- The date or dates of delivery.
- The address of the delivery site.
- A statement of compliance with the conditions of the exemption signed or otherwise authorised by the supplier.