

Protection of the Environment Operations Act 1997

Publication of Exemption Granted under section 284

The Environment Protection Authority (EPA) publishes the following exemption in accordance with section 284 of the Protection of the Environment Operations Act 1997. Section 284(2)(a) of the Act provides that the EPA may exempt a person or class of persons from any specified provision of the Act or the regulations under the Act in an emergency. Section 284(5) provides that in the case of an order granted in an emergency, the order may take effect when it is made, and that the order is to be published in the Gazette soon as practicable after it is made.

GRAEME HEAD
Assistant Director-General
(Chemicals & Waste)
Environment Protection Authority

Dated June 16 2000

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Order Granting Exemption under section 284

By this order the Environment Protection Authority ("EPA"), in the circumstances of an emergency, grants the following exemption under section 284 of the Protection of the Environment Operations Act 1997 ("the Act") subject to the following conditions:

Background

1. This order applies to the emergency recall, transport, and storage of pharmaceutical product manufactured by smithkline beecham (Australia) Pty Ltd, of 82 Hughes Avenue, Ermington, NSW, 2115, ("the company") that contains paracetamol, codeine, aspirin or pseudoephedrine ("the recalled product"), being a pharmaceutical waste specified in part 3 of the Appendix to Schedule 1 of the Act. These substances have been subject to an extortion threat and poisonings have occurred as a result of the alleged tampering of the subsequently recalled product.
2. The purpose of this order is to exempt certain persons or classes of persons from compliance with particular waste licensing and waste tracking requirements to permit the recalled product to be transported as quickly as possible from interstate and from locations within New South Wales to the company's secure storage facility in preparation for the lawful disposal of the recalled product. The premises at which the recalled product will be stored is located at 1 Decker Place, Huntingwood, NSW 2148, ("the secure storage facility"), being premises that are occupied by mpg logistics Pty Ltd, of level 17, 50 Albert Road, Melbourne, Victoria, 3205.
3. This order takes effect immediately upon signing and expires on 17 September 2000 unless otherwise varied, renewed or revoked.
4. Expressions used in this order have the same meaning as in the Act.

Collection of the recalled product

5. Any person carrying on a non-licensed waste activity is exempted from compliance with clauses 16 (2) (d),(e),(f), (h),(i) and (j); (3) and (4) of the Protection of the Environment Operations (Waste) Regulation 1996 ("the Waste Regulation") in relation to storage and collection of recalled product for transport and delivery to the secure storage facility.
6. Any person who is the holder of an environment protection licence which authorises the carrying out of the scheduled activity "waste activity" or "transportation of waste" is exempted from section 64 and 66 of the Act in so far as it applies to non-compliance with any condition in an environment protection licence issued under the Act relating to waste tracking, waste identification and transportation which requires the reporting or monitoring of the movement of the recalled product for lawful disposal to the secure storage facility.

Transportation of the recalled product within, into or through NSW

7. TNT Ltd of TNT Plaza, Tower 1, Lawson Square, Redfern, NSW, 2016, is exempted from
 - (a) section 49 (2) of the Act, and
 - (b) clauses 17 (g), (h), (i) and (k) and 26C(3) of the Waste Regulationin relation to the transportation and delivery of the recalled product to the secure storage facility.

Storage of the recalled product at the secure storage facility

8. MPG Logistics Pty Ltd, of Level 17, 50 Albert Road, Melbourne, Victoria, 3205 is exempted from section 49 (2) of the Act in relation to the storage of the recalled product at the secure storage facility.

Note:

This exemption does not exempt any party from compliance with the requirements of the Act, the Waste Regulation or an environment protection licence when the recalled product is transported from the secure storage facility for lawful disposal.

Clause 8 (d) of the National Environment Protection (Movement of Controlled Wastes between States and Territories) Measure 1998 ('the NEPM'), provides that the NEPM does not apply to an emergency which requires urgent action to protect human life, the environment and/or property.

Dated 16 June 2000

GRAEME HEAD
Assistant Director-General
(Chemicals & Waste)
Environment Protection Authority