

## PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

### Publication of Exemption Granted under section 284

The following exemption is published by the Environment Protection Authority (EPA) in accordance with s.284 of the Protection of the Environment Operations Act 1997. Section 284 of the Act provides that the EPA may exempt a person or class of persons from a specified provision of the Act or regulations under the Act:

- being satisfied that it is not practicable to comply with the relevant provision, and
- being satisfied that non-compliance with the provision will not have significant adverse effect on public health, property or the environment, and
- having received approval from its Board for granting the exemption.

### Order Granting Exemption under section 284

BY this order the Environment Protection Authority (EPA):

- being satisfied that it is not practicable to pack more than 300 m<sup>3</sup> of asbestos contaminated sediment into bags containing no more than 25 kg of material as required by clause 29(4)(b) of the Protection of the Environment Operations (Waste) Regulation 1996 ("the provision"), and
- being satisfied that non-compliance with the provision will not have significant adverse effect on public health, property or the environment so long as a protocol that meets the requirements of the *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001* is strictly adhered to, and
- having received approval from the Board for granting of this exemption,

grants to NSW Department of Mineral Resources ("the department") and its contractors, subcontractors and agents, an exemption from compliance with the provision in relation to asbestos contaminated waste resulting from the rehabilitation works at the derelict Woodsreef asbestos mine at Barraba ("the premises").

The exemption is granted under s.284 of the Protection of the Environment Operations Act 1997 subject to the following conditions:

- a) The exemption expires on 30 June 2005 unless otherwise varied or revoked.

- b) All asbestos contaminated waste arising at the premises must be managed by the department and its contractors, subcontractors and agents strictly in accordance with the "*Protocol for the Removal and Handling of Asbestos Contaminated Sediment at the Former Woodsreef Asbestos Mine, Issue #1* dated 6 February 2004" which was confirmed as appearing to meet the requirements of the *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001* in a letter dated 24 November 2003 by the State Coordinator, Asbestos and Demolition, Construction Team of WorkCover NSW. (This document is available for inspection at the Department of Environment and Conservation's head office in 59 Goulburn Street Sydney.)

Dated 26 April 2004.

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**LISA CORBYN**

**Director General**

**Department of Environment and Conservation (NSW) (incorporating the Environment Protection Authority)**