

1.0 INTRODUCTION

- 1.1 To develop a policy to provide guidance for asbestos disposal which meets the disposal standards required by Safework NSW and Environmental Protection Authority legislation, which will reduce the risk and exposure of Asbestos to council staff and the public.

Asbestos is a naturally occurring mineral which was extensively used by the building and construction industry until late 1980's. Asbestos fibers are capable of being caught in lung tissue leading to respiratory disease and death.

Asbestos containing material was prohibited for use in Australia on the 31 December 2003.

2.0 PURPOSE

- 2.1 To provide guidance on the disposal of asbestos waste so as to meet statutory responsibilities and public safety.

3.0 SCOPE

- 3.1 This policy applies to all disposers of asbestos waste in the Moree Plains Shire.

4.0 DEFINITIONS

Asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

- a. actinolite asbestos
- b. grunerite (or amosite) asbestos (brown)
- c. anthophyllite asbestos
- d. chrysotile asbestos (white)
- e. crocidolite asbestos (blue)
- f. tremolite asbestos
- g. a mixture that contains 1 or more of the minerals

Asbestos Containing Material (ACM) means any material or thing that, as part of its design, contains asbestos.

Asbestos Contaminated Dust or Debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

External Policies mean those policies that will have a noticeable effect on the public and are required to be placed on public display.

Friable asbestos means material that:

- a. is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
- b. contains asbestos.

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Licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the Work Health and Safety Regulation 2017 to carry out Class A asbestos removal work or Class B asbestos removal work.

Non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound

Note. Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

5.0 POLICY STATEMENT

5.1 Responsibilities

5.1.1 The *Waste Section* is responsible for implementing this policy.

5.1.2 The *Compliance Section* is responsible for regulatory enforcement action in the event of policy breaches/ noncompliance.

5.1.3 The *Executive Department* is responsible for making this policy readily available to community members and staff on request and for ensuring that this policy is adhered to in a consistent manner.

5.2 Conditions

Asbestos products will be removed, collected, transported, and disposed of in accordance with regulations which govern the disposal of asbestos waste, published by Safe Work NSW, *Code of Practice on how to Safely Remove Asbestos (Catalogue No. SW08286)* or any subsequent and/or updated code of practice that might be adopted by Safe Work.

5.3 Collection

5.3.1 All non-friable (bonded) asbestos waste must be:

- kept damp or sealed with PVA glue
- collected, labelled and double sealed using appropriate plastic or leak proof containers
- stored in labelled, plastic-lined bins that are covered, or leak-proof containers that are covered
- placed in bins or trucks that are large enough to contain full sheets without breaking them
- stored in a secure area awaiting removal
- removed from the site as soon as practicable

5.3.2 All Friable asbestos material must be:

- kept damp or sealed with PVA glue
- collected and sealed in 200-micron thick, appropriately labeled, plastic bags
- double wrapped in 200-micron thick plastic bags
- in bags that weight not more than 25 kilograms, and are less than half full

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- stored in a secure area, awaiting removal
- removed from the site soon as practicable

The Environment Protection Authority (EPA) allows transport of asbestos contaminated soil in unlined bulk trucks, provided the soil is kept damp, the load is securely locked and covered with plastic and a fully protective tarp, and the truck is decontaminated before it leaves the facility.

5.4 Transportation

All asbestos waste must be transported in a covered leak-proof vehicle and:

- Not mixed with general building waste
Note: If general building waste is suspected of containing asbestos the entire load will be considered to be asbestos for the purposes of disposal.
- Not taken to a waste facility for intended recycling
- Where transported interstate must be tracked in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.
- Must be recorded from the place of generation to its final destination. The waste tracking system is administered by the EPA. Operators that use the EPA's *WasteLocate* system will be in compliance with these requirements.

*Note: Information about EPA's WasteLocate system can be found at: www.epa.nsw.gov.au/wasteregulation/transport-asbestos-tyres.htm. Council is required to report to the EPA all disposers which do not comply with the use of the *WasteLocate* system within seven (7) days after the end of the month in which the load was received.*

5.4 Disposal

- Asbestos can only be accepted within the Shire at the Moree Waste Management Facility, which is licensed to accept asbestos waste.
- Notification of all asbestos disposal must be made at least 24 hours prior to delivery by contacting Moree Waste Management Facility on (02) 6752 9013 to notify details of the delivery.
- Council will NOT accept any asbestos material which is not delivered in the approved manner.
- A person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste.
- When unloading and disposing of asbestos waste at the Moree Waste Facility, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.
- Vehicles and their containers must be cleaned before leaving the waste facility.
- To demonstrate proof of correct disposal, copies of asbestos waste disposal receipts are to be kept for inspection by Safework NSW, the EPA or the Council.

5.4.1 Asbestos waste may be rejected from a waste facility if the waste is:

- not correctly packaged for delivery and disposal
- not disclosed by the transporter as being asbestos or asbestos containing materials, or
- Taken to a waste facility that does not accept asbestos waste.

Where waste is rejected as the facility is not licensed or otherwise rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the Protection of the Environment Operations (Waste) Regulation 2014).

Individuals and corporations may be fined under the *Protection of the Environment Operations Act 1997* and Protection of the Environment Operations (Waste) Regulation 2014 for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

If exposed asbestos is found after disposal, the disposer will be required to reload and remove the material from the Waste Management Facility as soon as possible.

5.4.2 Payment Disposal fees

Council will charge for the disposal of asbestos waste at Moree Waste Management Facility in accordance with the current fees and charges schedule as listed in Council's Operational Plan and Budget. Asbestos disposal fees must be paid either at the time of disposal or by account.

5.4.3 Identification of waste

Unless laboratory results are provided, asbestos material is identified at the discretion of Council's Landfill operator. Material that is suspected to be or contain asbestos will be treated as asbestos in the absence of laboratory proof to the contrary.

5.4.4 Identification of origin of waste

A person must provide details of where (property and building) any asbestos originated from.

5.4.5 Requirement to produce Safework NSW Licence to remove bonded Asbestos

A Safework NSW license to remove asbestos from the premises of origin is required to be shown to Council prior to depositing as outlined over:

Type of license	What asbestos can be removed by someone with the type of license shown?
Class A	Can remove any amount or quantity of asbestos or asbestos containing material, including: <ul style="list-style-type: none"> • any amount of friable asbestos or asbestos containing material • any amount of asbestos containing dust • any amount of non-friable asbestos or asbestos containing material.
Class B	Can remove: <ul style="list-style-type: none"> • any amount of non-friable asbestos or asbestos containing material <i>Note: A Class B license is required for removal of more than 10m² of non-friable asbestos or asbestos containing material but the license holder can also remove up to 10m² of non-friable asbestos or asbestos containing material.</i> • Asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material. <i>Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10m² of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10m² of non-friable asbestos or asbestos containing material.</i>
No license required	Can remove: <ul style="list-style-type: none"> • up to 10m² of non-friable asbestos or asbestos containing material • asbestos containing dust that is: • associated with the removal of less than 10m² of non-friable asbestos or asbestos containing material • not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

5.5 Exceptions

There are no exceptions

6.0 DELEGATION

- 6.1 The General Manager is authorised, pursuant to Section 377 of the *Local Government Act 1993*, to allow a matter that does not conform with a policy to proceed if the General Manager is of the opinion that the variation from the Policy is of a minor nature and is consistent with statutory requirements.

7.0 REFERENCES

- 7.1 *Local Government Act 1993*
 7.2 *Contaminated Land Management Act 1997 (NSW)*
 7.3 *Environmental Planning and Assessment Act 1979 (NSW)*
 7.4 Environmental Planning and Assessment Regulation 2000 (NSW)
 7.5 *Protection of the Environment Operations Act 1997 (NSW)*
 7.6 Protection of the Environment Operations (General) Regulation 2009 (NSW)

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- 7.7 Protection of the Environment Operations (Waste) Regulation 2014 (NSW)
- 7.8 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- 7.9 State Environmental Planning Policy No. 55 – Remediation of Land
- 7.10 Demolition work code of practice 2015 (catalogue no. WC03841).
- 7.11 NSW Safework NSW Authority - “Working with Asbestos” 2008 Guidelines
- 7.12 Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by SafeWork NSW
- 7.13 Code of practice on how to safely remove asbestos (catalogue no. SW08286) published by SafeWork NSW
- 7.14 The Department of Health - *Asbestos — A Guide for householders and the general public*
- 7.18 Office of Local Government, *Model Asbestos Policy for NSW Councils*, November 2015

8.0 DISPUTE PROCEDURE

- 8.1 In the event of a dispute over any aspect of this policy, immediate action will be taken by the Director of the Department who was responsible for implementing the policy through effective and constructive consultation between the parties concerned and in accordance with any complaints policy and/or dispute resolution policy that the Council may have. If a resolution cannot be reached, the General Manager will have the final say on the matter.

9.0 ATTACHMENTS

- 9.1 Nil

10.0 REVIEW

- 10.1. Council will review existing policies if at any time it is apparent that the circumstances which gave rise to the policy have changed substantially.
- 10.2 Council will consider existing policies on a progressive basis, however, each policy will be reviewed by staff at least once within four years of the date of adoption and proposed changes reported to the Council.

HISTORY

Original Policy	Asbestos Disposal Policy Water and Waste 2011
Policy drafted by	Planning and Community Development, Waste Section
Policy reviewed by Managers' Meeting	17 January 2018
Policy reviewed by Manex	23 January 2018
Council Resolution Number, if applicable	18/05/22 24 May 2018 Ordinary Council Meeting
Date of Adoption	27 June 2018 (after exhibition)
Review Date	27 June 2022
Classification of Policy	External
This Policy works in conjunction with these polices	Nil
This policy works in conjunction with these procedures:	Nil

ELECTRONICALLY SIGNED BY THE GENERAL MANAGER OF MOREE PLAINS SHIRE COUNCIL,
WHOSE SIGNATURE APPEARS BELOW.

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LESTER RODGERS