

Environment and Planning Update

August 2015



12 NEW NSW PROTECTION OF THE ENVIRONMENT OPERATIONS WASTE REGULATIONS

9&10. New strict waste tyre and asbestos requirements from 1 July 2015

On 1 July 2015 new monitoring and licensing requirements commenced for waste tyres and asbestos waste within NSW. Consignors, transporters and occupiers of premises that receive waste tyres and asbestos waste should now be paying particular attention to these new reporting requirements and taking necessary steps to ensure they are not prosecuted by the EPA.

The additional monitoring requirements is implemented and carried out electronically by way of the online tracking system.

WASTE TYRES

From 1 July 2015 new restrictions on the transporting and licensing of storage and process facilities for waste tyres commenced.

The requirements apply to all loads of waste tyres greater than 200 kilograms or more than 20 waste tyres that are not covered by Part 4, or transported in an emergency or before 1 July 2015. Further exemptions may also be granted by the EPA under Part 9.

Waste monitoring and licensing requirements only apply to waste tyres transported within NSW.

Under the 2014 Regulations a number of involved parties in the waste tyre industry must supply information as follows.

The prescribed manner and form of the above information is to be made available in the Asbestos and Waste Tyre Guidelines on the EPA website.

Non-compliance with the above reporting requirements may result in a maximum penalty of \$22,000 for corporations and \$11,000 for individuals.

Licensing thresholds for waste tyres have been reduced. This reduction was addressed in e-alert 7. **'Reduced licensing thresholds for waste activities'**.

WASTE TYRES

ROLE	SUPPLY INFORMATION TO	INFORMATION
Consignor	EPA	<ul style="list-style-type: none"> the name, address and contact details of the consignor, the name, address and contact details of the premises from which the load is proposed to be transported, the date on which it is proposed that the transportation commence, the name, address and contact details of the premises to which the waste tyres are proposed to be transported, the weight (in kilograms) of waste tyres in the load, the number of tyres in the load if the weight of the load is less than 200 kilograms, any other information specified in the Asbestos and Waste Tyres Guidelines.
Consignor	Transporter	<ul style="list-style-type: none"> the unique consignment code issued by the EPA in relation to that load, and any other information specified in the Asbestos and Waste Tyres Guidelines.
Transporter	EPA	<ul style="list-style-type: none"> If the premises to which the load is delivered (the receiving premises) are not the same as the premises specified by the consignor, the transporter must ensure that the EPA is given the name, address and contact details of the receiving premises (in the prescribed form and manner) within 24 hours after the delivery.
Transporter	Occupier of receiving premises	<ul style="list-style-type: none"> the unique consignment code issued by the EPA in relation to that load, and any other information specified in the Asbestos and Waste Tyres Guidelines.
Occupier of receiving premises	EPA	<ul style="list-style-type: none"> the date and time of delivery, the weight (in kilograms) of waste tyres in the load (rounded to the nearest kilogram and, if the amount to be rounded is 0.5 kilogram, rounded up), the number of tyres in the load if the weight of the load is less than 200 kilograms, any other information specified in the Asbestos and Waste Tyres Guidelines.

HARD LINE TAKEN IN RELATION TO WASTE TYRES

The waste tyre monitoring requirements, in addition to the reduced licensing threshold, illustrate the EPA's tough approach toward the waste tyre industry. This comes in response to a recent compliance campaign which identified a number of prevalent industry issues including unlawful transport, storage and disposal of tyres. Recent investigations led to the discovery of 26 unlicensed waste tyre facilities, and 5 unlawful facilities which were closed. The 'NSW Waste Regulation Cost-benefit Analysis' prepared by the Centre for International Economics (October 2014) found the destination of more than 60 per cent of waste tyres across Australia is unknown and the estimated annual clean-up costs associated with illegally dumped tyres could be up to \$3.23 million per year. Health risks are also caused by waste tyres by way of tyre fires and mosquito borne illnesses.

ASBESTOS

Similar to waste tyres, a new monitoring and reporting system for asbestos waste commenced on 1 July 2015.

The requirements apply to all loads of asbestos waste greater than 100 kilograms or more than 10 square metres of asbestos waste that are not covered by Part 4, or transported in an emergency or before 1 July 2015. Further exemptions may also be granted by the EPA under Part 9.

Waste monitoring requirements only apply to asbestos waste transported within NSW.

Under the 2014 Regulations a number of involved parties in the asbestos waste industry must supply information as follows.

Consignors are not involved, unlike for waste tyres. Asbestos includes both bonded and friable asbestos.

Transportation and reporting must be in accordance with the Asbestos and Waste Tyre Guidelines which are available on the EPA website.

Non-compliance with the above reporting requirements may result in a maximum penalty of \$22,000 for corporations and \$11,000 for individuals.

ASBESTOS

ROLE	SUPPLY INFORMATION TO	INFORMATION
Transporter	EPA	<ul style="list-style-type: none"> the address of the site at which the asbestos waste has been generated (by its removal from the site), if known to the transporter, the name, address and contact details of the premises from which the load is proposed to be transported, the date on which it is proposed that the transportation commence, the name, address and contact details of the premises to which the waste is proposed to be transported, the approximate weight (in kilograms) of each class of asbestos waste in the load, any other information specified in the Asbestos and Waste Tyres Guidelines, if the premises to which the load is delivered (the receiving premises) changes the transporter has 24 hours to notify the EPA of this change.
Transporter	Occupier of receiving premises	<ul style="list-style-type: none"> the unique consignment code issued by the EPA in relation to that load, any other information specified in the Asbestos and Waste Tyres Guidelines.
Occupier of receiving premises	EPA	<ul style="list-style-type: none"> the date and time of delivery, the approximate weight (in kilograms) of each class of asbestos waste in the load (rounded to the nearest kilogram and, if the amount to be rounded is 0.5 kilogram, rounded up), any other information specified in the Asbestos and Waste Tyres Guidelines.

CHANGES TO INCREASE EPA OVERSIGHT OF LIFE CYCLE OF ASBESTOS WASTE

The reporting requirements aim at providing the EPA with increased oversight of the removal, transport and disposal of asbestos waste. These changes come following a number of high profile asbestos dumping incidents heavily covered by the media. However, the precise quantity of illegally dumped asbestos is not known but estimated to be up to 30 tonnes per annum. The Centre for International Economics admits that the full extent risk posed to the community is also not well understood.

The additional information will provide the EPA with data regarding asbestos waste gathered at the point of removal and

disposal, and allow it to identify any illegal dumping that may be occurring along the way.

OPERATORS DEALING WITH TYRE AND ASBESTOS WASTE BE AWARE

The new regulations in relation to tyre and asbestos waste have now commenced. Consignors, transporters and occupiers should now be aware of and comply with their respective reporting obligations so as to avoid risk of prosecution by the EPA.

Further reading about the 12 areas of staged change to the NSW protection of the Environment Operations Waste Regulations: [click here](#)

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