

30 June 2016

Steven Nikolovski
State Inspector – Asbestos and Demolition
SafeWork NSW
Level 4, 128 Marsden Street,
PARRAMATTA NSW 2150

Dear Steven

The Australian Sustainable Business Group (ASBG) is pleased to comment on SafeWork NSW's Managing Asbestos in or on Soils (the Guidelines).

ASBG has identified a number of improvements including:

- Increased flexibility and or guidance for innovative removal processes.
- Allowing alternative methods for the storage of bulk asbestos waste soil stock piles.
- Managing asbestos contaminated soils in emergency response situations.
- Means in which to better identify and manage buried asbestos soils on land into the future.

Encourage Innovative Separation Processes

The Guidelines could go further to permit and encourage innovative approaches to the management of asbestos in soils, provided that health and safety risks are met. Many asbestos impacted soils would benefit from various separation process, such as a combination of agricultural and air pollution control equipment to remove visual asbestos fragments from soil in the top layer of soil or in soils in bulk. The Guidelines do state that *fragments may be removed by hand-picking, tilling or screening (applying suitable work health and safety practices)*, which appears to support such separation process, but this should be clarified. Effective control of asbestos fibres in air would be essential for such equipment. Thorough testing of such processes and practices would be required. Use of such equipment may be also limited, such as, to Asbestos Containing Materials (ACM) only or certain soils, and or concentrations.

Guidance should not close the door on innovative methods, which may be able to handle friable asbestos. Consideration could also be given for the collected asbestos materials from such processes to be buried on site. This could include burying as you go, where the collected particle stream could be buried in a trench >0.5m deep and covered in a continuous action. In all cases evaluation and testing would be required on a range of different conditions, concentrations, moistures etc. Such testing would need to be overseen by a suitably qualified person/s. For areas over a specified amount some trial runs may be necessary on a site by site basis.

Management of Asbestos Waste

Related to this issue is the EPA's interpretation of what is *asbestos waste*. EPA considers that only ACM that are taken to another separate site is defined as *asbestos waste*. Hence, care should be taken to ensure that stockpiles or any asbestos material which is stored on site is not defined as asbestos waste. A preferable definition would be ACM stored for future management. The problem with calling any ACM on site as asbestos waste means it cannot be further processed to remove asbestos materials or even buried on site and therefore must be sent to a landfill for disposal. This issue is somewhat legally complex and can be subjected to different legal interpretations, with the EPA approach much favoured over other interpretations.

ASBG recommends that the Guidelines refrain from calling ACM on-site as *asbestos waste* and if required seek EPA advice on when such ACM is to be called asbestos waste.

The requirement to securely package non-friable asbestos and to seal friable asbestos is limiting in its scope. Packaging of bulk asbestos impacted soils on-site is impractical and is probably not generally practiced. Pre-packaging is only suitable for smaller quantities of asbestos waste or waste ready for shipping for disposal. In practice such soils are generally 'packaged' when placed into a truck ready for transport where it is additionally wetted and covered e.g. packaged in plastic or other suitable means. Bulk quantities of asbestos impacted soil ready for transport for disposal, especially at low concentrations, require alternative bulk storage arrangements which should be included in the Guidelines. Also the packaging guidelines, as [per Part 7 POEO \(Waste\) Regulation 2014](#) should relate to the ACM ready for transport off site for disposal, again refrain from calling it asbestos waste, which it is not until it leaves the site to go to a disposal site.

Emergency Response and ACM


Emergency response, such as bushfires, fires, floods or other can result in asbestos soil contamination or its discovery. Various guidelines and action procedures have been recently developed to deal with such issues following such emergencies. Where guidance is lacking delays occur, which is in no one's interest. The Guidelines could include reference to, or a set of basic guidance, in how to deal with asbestos containing soils generated from emergency responses.

Future Management of Asbestos On Site

The future management of buried asbestos on sites is an issue for NSW. In Western Australia and to a lesser extent in South Australia there is a provision to attach a Memorial on Title on land by either the environmental or health agencies. This provision does not exist in NSW, as only the planning agencies, largely Councils have this power. To ensure the non-disturbance or set of appropriate actions be applied to asbestos buried on site, such memorandums or equivalent are effective. They can provide a far quicker method to ensuring proper identification and future management of such soils left on site. While modification to NSW Planning law is outside the scope of the Guidelines, reference to the future management of buried asbestos is considered worthwhile to at least provide more confidence that long term management of onsite managed asbestos impacted soils is a viable option over disposal. Though currently only 149 Certificates appear the current method in NSW.

In summary the Managing Asbestos in or on Soils a reasonable document requiring fine tuning to be more flexible and accommodate the nuances in what is asbestos waste.

Yours Sincerely



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