



New South Wales

Waste Minimisation and Management Amendment Regulation 1999

under the

Protection of the Environment Operations Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,
Minister for Environment

Explanatory note

As a result of the *Protection of the Environment Operations Act 1997* ("the new Act"), the licensing of waste facilities, waste activities and waste transportation will no longer be done under the *Waste Minimisation and Management Act 1995* but will fall within the licensing regime established under the new Act.

Accordingly, this Regulation removes licensing provisions (eg provisions relating to fees and provisions specifying the type of waste facilities, waste activities and waste transporters that are required to be licensed) from the *Waste Minimisation and Management Regulation 1996* (being a regulation that is taken to be a regulation made under the new Act).

This Regulation also makes a number of amendments to the general requirements relating to waste facilities, waste activities and waste transporters that are not licensed under the new Act. In particular, detailed records and forms will be required in relation to the transportation of waste from premises on which non-licensed waste activities are carried on (ie activities that involve the generating or storage of hazardous waste, industrial waste or certain types of liquid waste, but which are not activities requiring a licence under the new Act).

This Regulation also:

- (a) requires specific details to be recorded about any waste that is exempted from the contribution payable under section 88 of the new Act (such a contribution is payable in respect of the waste received at a licensed waste facility) or that is the subject of a contribution rebate, and
- (b) requires further details to be recorded about vehicular movements in and out of licensed waste facilities, and
- (c) makes provision for the approval, by the Environment Protection Authority, of the immobilisation of Contaminants in waste (such an approval will allow the waste to be assessed and classified in accordance with the special immobilisation procedures set out in the EPA's Waste Guidelines), and
- (d) provides for special requirements in relation to the transportation, collection, storage and disposal of asbestos waste and the disposal of clinical waste at waste facilities that are not licensed under the new Act.

This Regulation refers to a number of publications, including an Australian Standard relating to safety signs for the occupational environment, and a National Environment Protection Measure that relates to the transportation of certain waste between the States. The Waste Guidelines (which are defined under the new Act) are also referred to in this Regulation, and they refer to the document called *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes* issued by the EPA.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power), clause 5 of Schedule 2, and clause 11 of Schedule 5.

Waste Minimisation and Management Amendment Regulation 1999

1 Name of Regulation

This Regulation is the *Waste Minimisation and Management Amendment Regulation 1999*.

2 Commencement

This Regulation commences on 1 July 1999.

3 Amendment of Waste Minimisation and Management Regulation 1996

The *Waste Minimisation and Management Regulation 1996* (being a regulation that is taken to be a regulation made under the *Protection of the Environment Operations Act 1997* by the operation of clause 11 of Schedule 5 to that Act) is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 1

Omit the clause. Insert instead:

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Waste) Regulation 1996*.

[2] Clause 3

Omit the clause. Insert instead:

3 Definitions

(1) In this Regulation:

approved means approved by the EPA from time to time.

the Act means the *Protection of the Environment Operations Act 1997*.

(2) Expressions used in this Regulation that are defined in Part 3 (Interpretative provisions) of Schedule 1 to the Act have the same meanings as specified in that Part.

[3] Clause 3A Meaning of “on site”

Omit the clause.

[4] Parts 2-4

Omit the Parts.

[5] Clause 15 Reporting requirements for non-licensed landfill sites

Omit clause 15 (1). Insert instead:

(1) This clause applies to any landfill site that is not licensed under the Act.

[6] Clause 15 (5)

Omit “\$20,000” and “\$10,000”.

Insert instead “200 penalty units” and “100 penalty units”, respectively.

[7] Clause 16

Omit the clause. Insert instead:

16 Requirements relating to non-licensed waste activities

(1) In this clause:

authorised contractor means a person who:

- (a) is licensed under the Act to transport waste, and
- (b) is specifically authorised under that licence:
 - (i) to transport waste from premises on which non-licensed waste activities are carried on, and
 - (ii) to perform the requirements set out in subclause (2) (d) on behalf of the person carrying on the non-licensed waste activity concerned.

non-licensed waste activity means an activity, carried on for business or other commercial purposes, that involves the generating or storage of any one or more of the following types of waste but is not licensed under the Act:

- (a) hazardous waste,
- (b) industrial waste,
- (c) Group A waste.

(2) A person who carries on a non-licensed waste activity must comply with the following requirements:

- (a) the waste must be stored in an environmentally safe manner,
- (b) the waste must not be stored, or come into contact with, any incompatible waste.

- (c) the EPA (or such other person or body as may be approved for the purposes of this clause) must be provided with such information as the EPA (or the other person or body) may require from time to time in relation to the generation, storage, treatment or disposal of the waste, and such information must be retained by the person for a period of at least 3 years from when it was provided,
- (d) if the waste is transported from the premises on which the non-licensed waste activity is carried on, the person must (except as provided by subclause (3)):
 - (i) obtain a consignment authorisation number for the waste from the person to whom the waste is to be delivered, and
 - (ii) complete, to the required extent, an approved waste data form in relation to the consigned waste and give a copy of the form to the person transporting the waste,
- (e) the person must, if the person is required to comply with paragraph (d), ensure that the waste data form:
 - (i) is completed accurately, and
 - (ii) is retained for a period of not less than 3 years from the time the form was completed, and
 - (iii) is made available for inspection by an authorised officer on request,
- (f) if the waste is transported from the premises and it is of such an amount as to require the person transporting it to be licensed, the person must ensure that the person transporting the waste is licensed,
- (g) if the waste is transported from the premises to an interstate location and the waste is controlled waste within the meaning of the *National Environment Protection (Movement of Controlled*

Waste between States and Territories) Measure made under the National Environment Protection Council Act 1994 of the Commonwealth on 26 June 1998—the person must comply with the requirements of that Measure,

- (h) if the waste is transported from the premises, the person must ensure that the waste is transported:
 - (i) to a waste facility that is licensed under the Act, or
 - (ii) to a person carrying on mobile waste processing that is licensed under the Act, or
 - (iii) to a place that can otherwise lawfully be used as a waste facility for that waste,
- (i) if the waste is transported from the premises, the person must accurately identify the waste (including identification in accordance with the relevant description set out in Technical Appendix 4 to the Waste Guidelines) and advise the transporter accordingly,
- (j) the person must inform the EPA (or such other person or body as may be approved for the purposes of this clause) of any suspected breach of the Act or this Regulation in connection with the transportation of the waste from the premises.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

- (3) If a person carries on a non-licensed waste activity and the waste is transported from the premises on which the activity is carried on, the person is not required to comply with subclause (2) (d) if:
 - (a) the waste is asbestos waste or clinical waste (excluding recognisable body parts), or
 - (b) in any other case—the person has entered into a written agreement with an authorised contractor for the transportation of the waste from the premises.

(4) If the person enters into such an agreement, the person must:

- (a) before any waste is transported under the agreement:
 - (i) make a record of the name, address and licence number of the authorised contractor, and
 - (ii) retain that record and a copy of the agreement for a period of at least 3 years from the date the agreement was made, and
 - (iii) make the record and copy of the agreement available for inspection by an authorised officer on request, and
- (b) in relation to each load of waste that is transported by the authorised contractor under the agreement:
 - (i) accurately identify the waste and advise the authorised contractor accordingly, and
 - (ii) inform the EPA (or such other person or body as may be approved for the purposes of this clause) if the person does not, within 21 days of the waste being collected by the authorised contractor, receive a receipt from the authorised contractor detailing the name and address of the person to whom the waste was delivered, and
 - (iii) keep each receipt that is received by the person for a period of at least 3 years from the date of the collection of the waste, and
 - (iv) make each such receipt available for inspection by an authorised officer on request.

Maximum penalty (subclause (4)): 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

[8] Clause 17

Omit the clause. Insert instead:

17 Requirements relating to non-licensed waste transporting

(1) In this clause:

non-licensed waste transporting means the activities of any person who, for fee or reward, transports waste but who is not licensed under the Act in respect of those activities.

(2) A person who carries on non-licensed waste transporting must comply with the following requirements:

- (a) any vehicle used by the person to transport waste must:
 - (i) be kept in a clean condition, and
 - (ii) be constructed and maintained so as to prevent spillage of waste,
- (b) any container used by the person to transport waste must be safely secured on the vehicle carrying the container,
- (c) any vehicle used by the person to transport waste must be covered when loaded so as to prevent spillage and loss of waste and the emission of odours,
- (d) incompatible wastes must not be mixed or transported together on any vehicle used by the person to transport waste,
- (e) any hazardous waste or industrial waste transported by the person must not be mixed with any other type of waste or with any other material,
- (f) any material segregated for recycling that is transported by the person must not be mixed with other waste.

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- (g) if any hazardous waste, industrial waste or Group A waste (not being asbestos waste or clinical waste, but including recognisable body parts) is transported, the person must:
 - (i) obtain a copy of the waste data form from the occupier of the premises from which the waste is being transported (being the approved waste data form required under the occupier's licence or by this Regulation and that has been completed by the occupier to the required extent), and
 - (ii) ensure that a copy of the form is kept in the vehicle transporting the waste while it is being transported, and
 - (iii) complete the waste data form to the required extent, and
 - (iv) give a copy of the form to the occupier of the waste facility, or the person operating the mobile plant, to which the waste is transported,
 - (v) retain a copy of the form for a period of not less than 3 years from the time the form was completed,
- (h) any waste transported by the person must be transported:
 - (i) to a waste facility that is licensed under the Act, or
 - (ii) to a person carrying on mobile waste processing that is licensed under the Act, or
 - (iii) to a place that can otherwise lawfully be used as a waste facility for that waste,
- (i) the occupier of the waste facility, or the person operating the mobile plant, to which the waste is transported must be advised of the type of waste before it is unloaded.

- (j) the person must provide the EPA (or such other person or body as may be approved for the purposes of this clause) with such information as the EPA (or the other person or body) may require from time to time in relation to the transportation of waste by the person, and such information must be retained by the person for a period of at least 3 years from the time it was provided,
- (k) the person must inform the EPA (or such other person or body as may be approved for the purposes of this clause) of any suspected breach of the Act or this Regulation in connection with the transportation of waste by the person.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

[9] Part 6, heading

Omit “controlled”. Insert instead “scheduled”.

[10] Clause 18A

Insert in Part 6 before clause 18:

18A Definitions

In this Part:

motor car means:

- (a) a motor vehicle constructed primarily for the carriage of persons, or
- (b) a motor vehicle that is of the kind known as a utility, station wagon or panel van.

scheduled waste facility means a waste facility that is required to be licensed under the Act.

[11] Clauses 18 (1), 19 (1), 25 (1) and 26 (1)

Omit “72” wherever occurring. Insert instead “88”.

[12] Clauses 18 and 21

Omit “controlled” wherever occurring. Insert instead “scheduled”.

[13] Clause 18 (2)

Omit “48”. Insert instead “87”.

[14] Clause 20

Omit the clause. Insert instead:

20 Exemption of certain occupiers from requirement to pay contributions

The occupier of any of the following types of scheduled waste facility is exempt from the requirement to pay a contribution to the EPA under section 88 of the Act:

- (a) premises used as a waste storage facility, transfer facility (except where the waste received is to be transported interstate or overseas for disposal) or waste treatment facility (not being an incinerator), or for a combination of any of those uses,
- (b) premises used to dispose of only coal washery rejects, slags or virgin excavated natural material (or any combination of those types of waste).

[15] Clause 21 Certain types of waste exempted from calculation of contributions

Omit clause 21 (1) (a). Insert instead:

- (a) any waste lawfully discharged at the waste facility into waters (in accordance with a licence under the Act) or into a sewer,

[16] Clause 21 (l) (b) and (e)

Omit “waste consisting of” wherever occurring.

[17] Clause 21 (1) (d)

Omit “on site reprocessing or recycling”.

Insert instead “being reprocessed or recycled at the facility”.

[18] Clause 21 (2)

Omit the subclause. Insert instead:

- (2) If the occupier of a scheduled waste facility claims an exemption in respect of any type of waste referred to in subclause (1), the occupier must record the following details:
 - (a) the date on which the waste was received at the waste facility,
 - (b) the type and amount of waste received at the waste facility,
 - (c) particulars of the approved community service or activity (if any) in respect of which the waste has been collected, including the date and number of the approval,
 - (d) if the waste remains at the waste facility:
 - (i) particulars of what has happened to the waste (eg whether it has been used for a specific purpose at the waste facility or whether it has been disposed of, treated, or recycled or reprocessed at the waste facility), and
 - (ii) particulars of the type of any such reprocessing or recycling, and
 - (iii) the date on which the waste was so used, disposed of, treated or recycled or reprocessed, and
 - (iv) the amount and type of waste concerned.

- (e) if the waste is transported to other premises:
 - (i) the name and address of the other premises, and
 - (ii) if the waste is transported to a reprocessing or recycling facility—the type of reprocessing or recycling waste facility concerned, and
 - (iii) the date of transportation, and
 - (iv) the amount and type of waste transported.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

- (3) The occupier must:
 - (a) ensure that the records required to be made under subclause (2):
 - (i) are accurate, and
 - (ii) are retained for a period of at least 3 years from the date on which the exemption is claimed, and
 - (b) make any such record available for inspection by an authorised officer on request.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

- (4) If the occupier fails to comply with any requirement under subclause (2) or (3), the occupier is not entitled to exempt the waste from the calculation of the contribution payable by the occupier.

[19] Clause 22 Contribution rebates

Omit clause 22 (1). Insert instead:

- (1) The occupier of a scheduled waste facility who is required to pay contributions under section 88 of the Act may claim a rebate in respect of any one or more of the following types of waste:
 - (a) any waste received at the waste facility that:

- (i) is reprocessed or recycled at that facility, or
- (ii) is transported to a reprocessing or recycling facility,

- (b) any virgin excavated natural material received at the waste facility, being material that:
 - (i) is intended to be used for an approved operational purpose, and
 - (ii) is identified in an environmental waste management plan (as referred to in section 75 (2) of the Act) for the waste facility,
- (c) any waste received at the waste facility that is intended to be used:
 - (i) for an approved operational purpose, or
 - (ii) for an approved operational purpose identified in an environmental waste management plan (as referred to in section 75 (2) of the Act) for the waste facility.

- (1A) An occupier is not entitled to any rebate in respect of any waste that has already been exempted, in accordance with clause 21, from the calculation of the contribution otherwise payable by the occupier.

[20] Clause 22 (2) (c)

Omit "be submitted".

Insert instead "except in the case of a claim as referred to in subclause (3A), be submitted".

[21] Clause 22 (3) and (3A)

Omit clause 22 (3). Insert instead:

- (3) The EPA may determine a claim for a rebate:
 - (a) by refusing the claim, or

- (b) by allowing the claim:
 - (i) by refunding to the occupier such amount as the EPA determines, or
 - (ii) by allowing the occupier to deduct the amount determined by the EPA from the next contribution payable by the occupier, or
 - (iii) in accordance with subclause (3A).
- (3A) In the case of a claim for a rebate in respect of waste that is intended to be used for an approved operational purpose as referred to in subclause (1) (b) or (c), the EPA may, once the EPA has approved the extent of the operational purpose, allow the occupier to automatically deduct a rebate, from the contribution otherwise payable by the occupier, in respect of any waste received at the waste facility that is to be used for that operational purpose. The amount to be so deducted from the occupier's contribution is to be determined by the EPA.

[22] Clause 22 (4)

Omit the subclause. Insert instead:

- (4) An occupier who is allowed a rebate for any waste must:
 - (a) if the rebate is allowed in relation to waste referred to in subclause (1) (a) (i)—record the following details:
 - (i) the amount and type of waste received,
 - (ii) the date the waste was reprocessed or recycled,
 - (iii) the type of reprocessing or recycling used.

- (b) if the rebate is allowed in relation to waste referred to in subclause (1) (a) (ii)—record the following details:
 - (i) the amount and type of waste received,
 - (ii) the date the waste was transported,
 - (iii) the name and address of the reprocessing or recycling facility,
 - (iv) the type of reprocessing or recycling facility, and
- (c) if the rebate is allowed in relation to waste referred to in subclause (1) (b) or (c)—record the following details:
 - (i) the amount and type of waste received,
 - (ii) the date the waste was received,
 - (iii) particulars of the approved operational purpose for which the waste is intended to be used,
 - (iv) the amount and type of waste used,
 - (v) the date the waste was used,
 - (vi) particulars of the operational purpose for which the waste was used, and
- (d) ensure that the records required to be made under paragraphs (a)–(c):
 - (i) are accurate, and
 - (ii) are retained for a period of at least 3 years from the date on which the rebate is claimed. and
- (e) make any such record available for inspection by an authorised officer on request.

Maximum penalty (subclause (4)): 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

[23] Clause 23

Omit the clause. Insert instead:

23 Records relating to vehicles

- (1) The occupier of a scheduled waste facility who is required to pay contributions under section 88 of the Act must accurately record the following details in respect of each vehicle (other than a motor car or a car trailer) that transports waste to or from the waste facility:
 - (a) the registration number of the vehicle,
 - (b) the time and date of entry to the waste facility,
 - (c) the time and date of exit from the waste facility,
 - (d) the type of waste carried by the vehicle,
 - (e) the quantity (in tonnes) of each type of waste carried by the vehicle,
 - (f) the final destination (whether at that waste facility or otherwise) of the waste.
- (2) The occupier of a scheduled waste facility who is required to pay contributions under section 88 of the Act must accurately record, on a daily basis, the following details in respect of the motor cars or car trailers that transport waste to the waste facility:
 - (a) the total number of motor cars and car trailers that, on each particular day, transport waste to the waste facility,
 - (b) the type of waste transported by each such motor car or car trailer.
- (3) A record required to be made under subclause (1) or (2) must:
 - (a) be kept for at least 3 years from the date on which the waste was received at the waste facility, and
 - (b) be made available for inspection by an authorised officer on request.

Maximum penalty (subclauses (1)–(3)): 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

[24] Clause 23A

Insert after clause 23:

23A Returns

The occupier of a scheduled waste facility who is required to pay contributions under section 88 of the Act must provide the EPA with the following information in such manner and at such times as is required by the EPA:

- (a) the quantity of waste received at the waste facility over any specified period,
- (b) the types of waste received at the waste facility over that period,
- (c) such other information as may be specified by the EPA.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

[25] Clause 24 Volumetric surveys

Omit clause 24 (1). Insert instead:

- (1) Subject to subclause (2), the occupier of a scheduled landfill site who is required to pay contributions under section 88 of the Act must cause a volumetric survey of the landfill site to be carried out by a registered or qualified surveyor:
 - (a) during June in each year and provide the results to the EPA in the approved form and manner by no later than 31 July in that year, and
 - (b) during December in each year and provide the results to the EPA in the approved form and manner by no later than the following 31 January.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

(1A) The occupier must:

- (a) keep a copy of the results of each survey, and
- (b) make those results available for inspection by an authorised officer on request.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

[26] Clause 25 Weighbridges

Omit “before 1 August 1997” from clause 25 (1).

[27] Clause 25 (1) and (2)

Omit “\$20,000” and “\$10,000” wherever occurring.

Insert instead “200 penalty units” and “100 penalty units”, respectively.

[28] Clause 25 (2) (a)

Insert “, within 30 days of installing the weighbridge,” after “EPA”.

[29] Clause 25 (2) (a1)

Insert after clause 25 (2) (a):

- (a1) if any change occurs in relation to those vehicle flow controls, submit a revised plan to the EPA no later than 30 days after the relevant change occurs, and

[30] Clause 25 (2) (b)

Omit “within the meaning of the *Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995*”.

[31] Clause 25 (2) (d1)

Insert after clause 25 (2) (d):

- (d1) keep a copy of the latest vehicle flow control plan, and the latest weighbridge certificate as referred to in paragraph (d), on the premises and make the plan and the certificate available for inspection by an authorised officer on request, and

[32] Clause 26 Video monitoring systems

Insert “on request” after “officer” in clause 26 (2) (c).

[33] Clause 26 (2)

Omit “\$20,000” and “\$10,000”.

Insert instead “200 penalty units” and “100 penalty units”, respectively.

[34] Clauses 28–30

Insert after clause 27:

28 Immobilisation of contaminants in waste

- (1) The EPA may from time to time approve the immobilisation of contaminants in waste.
- (2) Such an approval has the effect of enabling the waste to which the approval relates to be assessed and classified in accordance with the procedures set out in the Waste Guidelines relating to immobilisation.
- (3) An approval under this clause may be a *general approval* or a *specific approval*.
- (4) A general approval may be given by way of notice published in the Gazette. A specific approval may be given after an application is made to the EPA.

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- (5) An application for a specific approval must:
 - (a) be in the approved form, and
 - (b) be accompanied by such fee (if any) as the EPA may determine, and
 - (c) identify the contaminants to be immobilised, and
 - (d) be accompanied by such evidence as may be required by the EPA for the purposes of ascertaining whether the identified contaminants in the waste will be immobilised and will remain immobilised after disposal of the waste.
- (6) An approval is subject to such conditions as may be imposed by the EPA.
- (7) Without limiting the conditions to which an approval is subject, the EPA may impose conditions for or with respect to the following:
 - (a) disposal of the waste to which the approval relates,
 - (b) notification of certain matters to the EPA,
 - (c) record keeping requirements,
 - (d) the immobilisation of the contaminants concerned.
- (8) In giving an approval under this clause, the EPA is required to identify a person (or class of persons) to whom the approval relates (the **responsible person**).
- (9) A general approval may be amended or revoked by the EPA by way of notice published in the Gazette.
- (10) A specific approval may be amended or revoked by the EPA by way of written notice given to the responsible person.
- (11) If an approval is given under this clause, the responsible person must comply with the conditions to which the approval is subject.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

29 Special requirements relating to asbestos waste

(1) This clause applies to any activity that involves the transportation, collection, storage, or disposal of any type of asbestos waste, regardless of whether the activity is required to be licensed.

(2) A person who carries on an activity to which this clause applies must comply with the requirements specified in this clause in relation to the activity concerned.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

(3) The requirements relating to the transportation of asbestos waste are as follows:

(a) any type of asbestos waste must not be transported unless it is conveyed in a covered leak-proof vehicle so as to prevent any spillage or dispersal of the waste.

(b) if asbestos waste that is in the form of stabilised asbestos waste in bonded matrix is to be transported and the waste is not stored in a bag in accordance with subclause (4) (c), the waste must be wetted before it is transported,

(c) any vehicle used to transport any type of asbestos waste must be cleaned before leaving the landfill site at which the waste is disposed of so as to ensure that all residual asbestos waste is removed from the vehicle.

(4) The requirements relating to the collection and storage of asbestos waste are as follows:

(a) asbestos waste that is in the form of asbestos fibre and dust waste must be covered in such a manner as to prevent the emission of any dust,

- (b) asbestos waste that is in the form of asbestos fibre and dust waste must not be collected and stored except in accordance with the following procedures:
 - (i) the waste must be collected and stored in impermeable bags,
 - (ii) each bag must be made of heavy duty low density polyethylene of at least 0.2 mm thickness, and have dimensions of no more than 1.2 m in height and 0.9 m in width,
 - (iii) each bag must be sealed by a wire tie, and contain no more than 25 kg of waste,
 - (iv) each bag must be marked with the words “CAUTION ASBESTOS” in letters of not less than 40 mm and which comply with *Australian Standard AS 1319—Safety Signs for the Occupational Environment*,
- (c) if asbestos waste in any form is stored in a bag, the following procedures must be followed:
 - (i) the bag must be placed in a leak-proof container that is used only for the purposes of storing asbestos waste, and
 - (ii) the container must be marked with the words “DANGER—ASBESTOS WASTE ONLY—AVOID CREATING DUST” in letters of not less than 50 mm and which comply with Australian Standard referred to in paragraph (b) (iv), and
 - (iii) the container must have a close-fitting sealed cover so as to prevent any spillage or dispersal of the waste,
- (d) asbestos waste in any form must not be stored except in accordance with the following procedures:
 - (i) the waste must be stored in a secure area so as to prevent entry by unauthorised persons and to prevent the risk of environmental harm.

- (ii) the waste must, if it is practicable to do so, be stored separately from other types of waste,
- (e) if asbestos waste that is in the form of stabilised asbestos waste in bonded matrix is stored otherwise than in a bag in accordance with paragraph (c), the following procedures must be followed:
 - (i) if it is practicable to do so, the waste must be wetted so as to prevent the emission of any dust,
 - (ii) in wetting the asbestos waste, care must be taken to ensure that the wetting process does not cause any emission of dust or lead to any discharge of polluted water,
 - (iii) the waste must be kept covered at all times.
- (5) The requirements relating to the disposal of asbestos waste are as follows:
 - (a) asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste,
 - (b) disposal of asbestos waste in any form must be by way of burial,
 - (c) before disposal of the asbestos waste, arrangements must be made with the occupier of the landfill site for the purposes of ensuring that the asbestos waste will be covered:
 - (i) initially to a depth of at least 0.5 m, and
 - (ii) finally to a depth of at least 1 m (in the case of stabilised asbestos waste in bonded matrix) or 3 m (in the case of asbestos fibre and dust waste) beneath the planned final land surface of the landfill site,
 - (d) the asbestos waste must:
 - (i) be disposed of in accordance with the arrangements under paragraph (c), and
 - (ii) be buried to the initial depth on the same day it is received at the landfill site,

- (e) in disposing of asbestos waste in any form at a landfill site, the waste must:
 - (i) be unloaded in such a manner as to avoid the creation of dust, and
 - (ii) not be compacted before it is covered, and
 - (iii) not come into contact with any earthmoving equipment at any time.
- (6) A person must not cause asbestos waste in any form to be used as road making material.
Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.
- (7) In this clause, **asbestos waste** means any waste that contains asbestos as defined in the Waste Guidelines.

30 Special requirements relating to clinical waste

If a person disposes of clinical waste at a waste facility that is not licensed under the Act, the person must comply with the following requirements:

- (a) the waste must be disposed of only at a waste facility that is operated by a local authority and located outside the Sydney metropolitan area or extended regulated area,
- (b) the written approval of the local authority must be obtained before the waste is disposed of,
- (c) the waste must not be disposed of unless it was generated outside the Sydney metropolitan area or extended regulated area,
- (d) the waste must not contain any recognisable body parts, sharps waste, cytotoxic waste or radioactive waste,
- (e) the waste must be packaged in accordance with the requirements set out in the document called *NSW Health: Waste Management Guidelines for Health Care Facilities* issued by the Department of Health and dated August 1998.

- (f) the waste must not be disposed of in amounts that exceed 40 kg at any one time,
- (g) the waste must be buried, or be immediately contained, in a manner that prevents the waste coming into contact with any person or animal.

Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in the case of an individual.

[35] Schedule 1 Specified types of waste

Omit the Schedule.