

**APPENDIX C –
ASBESTOS-RELATED SCENARIOS WITH DECISIONS AND OFFENCES**

The following scenarios are provided in order to assist Councils in understanding some of the more common situations, what can be expected as EPA advice on dealing with the matter, along with regulatory references and offences.

Scenario 1 - Movement of asbestos waste

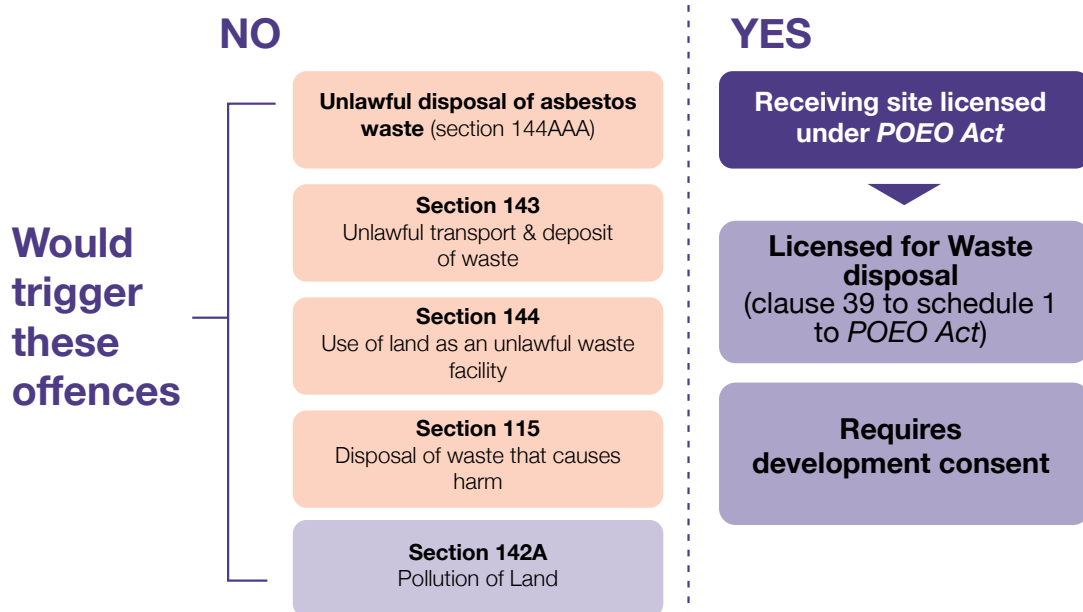
A client of yours has found asbestos in soil on their site.

They would like to excavate this soil and take it to an adjacent site which they own, and build a containment cell to ‘cap and contain’ the asbestos soil

Can they do this?



Scenario 1 - Answer



Answer: Unlawful to deposit asbestos waste offsite via containment cell. But lawful if the receiving site has an environmental protection licence.

Scenario 2 - Disposal of asbestos waste

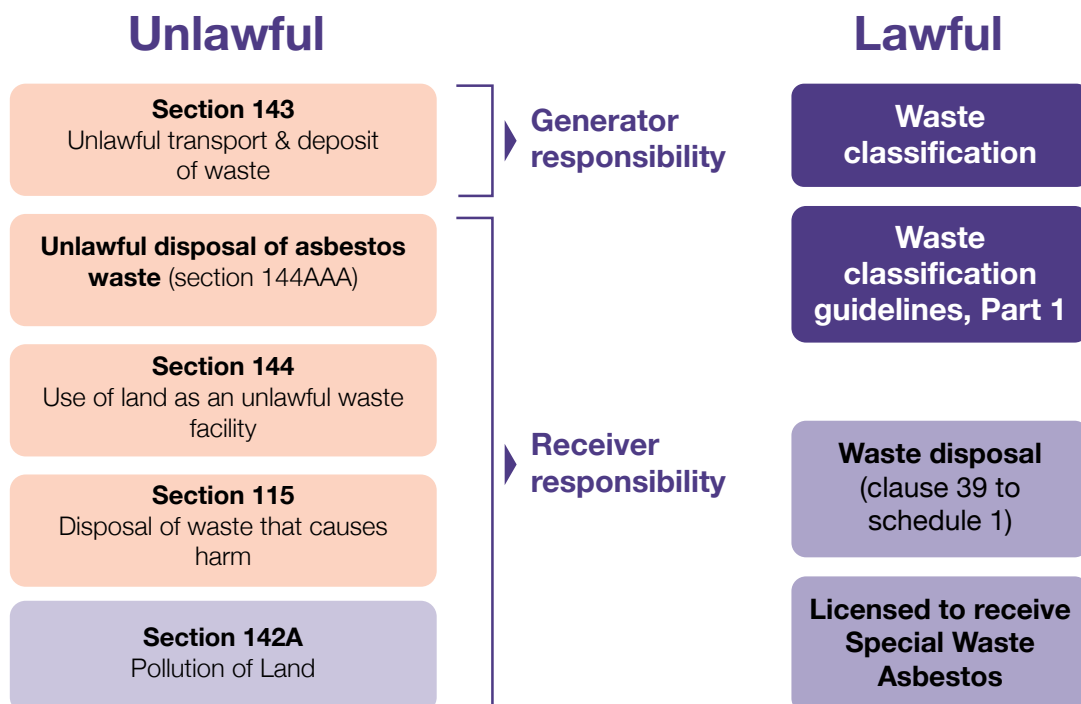
A client of yours is undertaking development works, and found soils contaminated by asbestos.

They would like to dispose of this material.

How do they do this lawfully?



Scenario 2 - Answer



Answer: Waste must be classified by waste generator, and disposed to a lawful facility able to receive Special Waste Asbestos.

Scenario 3 - Processing of asbestos waste for reuse/containment

A client of yours found asbestos onsite. They would like to 'pick/process out' bonded asbestos from soil, and either reuse the soil, or contain on site to meet the consite framework.

Can they do this lawfully?

No - Unlawful

Unlawful if processing and then reusing/recycling the soil

Section 144AAB

Asbestos waste must not be reused or recycled

Section 144AAB

False/misleading information about waste

Answer: Unlawful to pick/process asbestos waste for reuse/recycling. Lawful if picking/processing asbestos waste for containment onsite, but must not meet the definition of "reuse".

Yes - Lawful

Lawful if contained onsite only

CONTAMINATED LAND

NEPM

CLPGLs

s142A triggered if more than 10t.

Unless, approved by Voluntary Management Proposal in CLM Act, or Category 1 remediation

CLPGLs = Contaminated Land Planning Guidelines

Summary offences - asbestos waste

