

Mr Colin Sweet
Chief Executive Officer
Australian Landfill Owners Association
via email: info@aloo.com.au

Dear Mr Sweet

Request for designation on the disposal of asbestos abated soils

Thank you for your letter of 30 May 2022 about a designation on the disposal of asbestos abated soils. In order to issue a designation, Environment Protection Authority Victoria (EPA) must receive a formal application with the requisite supporting documentation. In the absence of a formal application, I provide the following general information regarding disposal of asbestos contaminated soil.

A waste generator must classify soil according to the process set out in the *Environment Protection Act 2017* and Environment Protection Regulations 2021. EPA has developed guidance to assist businesses to understand the classification process (*EPA Publication 1968.1: Guide to classifying industrial waste*).

Waste soil containing asbestos is reportable priority waste (waste code N120). As reportable priority waste, it must also be categorised as per Schedule 6 of the Environment Protection Regulations 2021, including assessment against the contaminant concentrations specified in *EPA Publication 1828.2: Waste disposal categories – characteristics and thresholds*. Soil that contains asbestos but does not contain any contaminant exceeding the upper limits for fill material contaminant concentrations specified in *EPA Publication 1828.2* is categorised as 'Soil containing asbestos only'.

Both 'Soil containing asbestos only' and 'fill material' are subject to the waste levy when deposited at a landfill. The amount payable as waste levy for 'fill material' is calculated as per Schedule 2 of the *Environment Protection Act 2017* and a person may make a claim for a cover rebate for this material per regulation 46 of the Environment Protection Regulations 2021, provided the requirements of this regulation are met.

The amount payable as waste levy for 'soil containing asbestos only' is prescribed as per regulation 45 of the Environment Protection Regulations 2021.

EPA is not presently planning to develop additional guidance nor instruments (e.g. a designation) for the abatement of asbestos containing soils. Waste soils containing asbestos should continue to be classified and managed in accordance with current laws, considering the human health risks associated with asbestos and any conditions or restrictions imposed on the management of this material through EPA permissions or other approvals.

Where a person in management or control of a priority waste is seeking to reclassify this material, they may apply for a designation to do so in accordance with regulation 86 of the Environment Protection Regulations 2021. EPA will assess an application for a designation on the merits of the specific application and in accordance with the criteria set out in the Regulations.

epa.vic.gov.au

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If you would like further information, please contact Mr Con Lolis, Director - Permissioning and Development on 0467 725 063 or at con.lolis@epa.vic.gov.au .

Yours sincerely



Lee Miezi
Chief Executive Officer

18 / 07 / 2022