

# Standards for managing construction waste in NSW

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Published by:

NSW Environment Protection Authority  
59 Goulburn Street, Sydney NSW 2000  
PO Box A290, Sydney South NSW 1232  
Phone: +61 2 9995 5000 (switchboard)  
Phone: 131 555 (NSW only – environment information and publications requests)  
Fax: +61 2 9995 5999  
TTY users: phone 133 677, then ask for 131 555  
Speak and listen users: phone 1300 555 727, then ask for 131 555  
Email: [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
Website: [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

Report pollution and environmental incidents  
Environment Line: 131 555 (NSW only) or [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
See also [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

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# Contents

<b>Definitions</b>	<b>2</b>
<b>Introduction</b>	<b>3</b>
<b>Legislative requirements</b>	<b>3</b>
<b>1. Standard 1: Inspection requirements</b>	<b>4</b>
<b>1.1. Inspection point 1 – initial inspection</b>	<b>4</b>
<b>1.2. Inspection point 2 – tip and spread inspection area</b>	<b>4</b>
1.2.1. Exceptions to Standard 1.2	5
<b>1.3. Training requirements for personnel</b>	<b>5</b>
1.3.1. Training requirements	5
1.3.2. Training records	5
<b>1.4. Rejected loads register</b>	<b>5</b>
<b>2. Standard 2: Sorting requirements</b>	<b>6</b>
<b>2.1. Sorting</b>	<b>6</b>
2.1.1. Exceptions to Standard 2.1	6
<b>3. Standard 3: Mixing of waste</b>	<b>6</b>
<b>3.1. No mixing of inspected and sorted construction waste with construction waste that has not been inspected and sorted</b>	<b>6</b>
<b>4. Standard 4: Waste storage requirements</b>	<b>7</b>
<b>4.1. Waste storage area</b>	<b>7</b>
<b>4.2. Inspection point 3 – waste storage area</b>	<b>7</b>
4.2.1. Obligations of trained personnel	7
4.2.2. Inspection records	7
<b>5. Standard 5: Transport requirements</b>	<b>8</b>
<b>5.1. Transport requirements</b>	<b>8</b>
5.1.1. Exception to Standard 5.1	8
<b>Attachment A</b>	<b>9</b>
<b>Listed waste types</b>	<b>9</b>

# Definitions

The following terms are used throughout these standards (the Standards). Any other terms, unless otherwise stated, take the same meaning as provided in the *Protection of the Environment Operations Act 1997* (POEO Act) and the *Protection of the Environment Operations (Waste) Regulation 2014* (Waste Regulation).

**C&D waste facility** means a construction and demolition waste facility within the meaning of clause 90B of the Waste Regulation.

**EPA** means the New South Wales Environment Protection Authority.

**inspection point 1** means a weighbridge that is verified in accordance with clause 36(3)(f) of the Waste Regulation, or another dedicated inspection point located on a C&D waste facility after such a weighbridge but before inspection point 2.

**inspection point 2 or tip and spread inspection area** means one or more dedicated areas located on a C&D waste facility after inspection point 1 that are used solely for tipping, spreading, turning and inspecting each load of construction waste as required by Standard 1.2. The dedicated areas must:

1. have a combined minimum surface area of 100 square metres (m<sup>2</sup>);
2. be large enough so that each load of construction waste can be tipped, spread, turned and inspected in accordance with Standard 1.2;
3. be clearly delineated from waste storage areas and other working areas at the C&D waste facility; and
4. be a hardstand constructed from material that is:
  - a. clearly distinguishable from any waste being tipped onto the hardstand; and
  - b. capable of withstanding the tipping, spreading and scraping of waste, the load and frequency of incoming vehicles and machinery used at the C&D waste facility.

**inspection point 3 or waste storage area** means a dedicated area with clearly labelled or signposted stockpile areas (free-standing stockpile areas or enclosed bays) as required by Standard 4.

**recovered fines specifications** means the requirements for recovered fines set out in the *Recovered Fines Alternative Daily Cover Specifications* made for the purposes of clause 12(7)(c) of the Waste Regulation.

**rejected loads register** means a hard copy or electronic document held on-site at a C&D waste facility that records the details of each load of waste rejected from the facility in accordance with these Standards.

**resource recovery order** means an order made under clause 93 of the Waste Regulation which generators and processors must comply with in order to lawfully supply the waste for land application, use as fuel or in connection with a process of thermal treatment.

**sorting** means to separate waste into individual listed waste types, waste which meets the requirements of a resource recovery order, or waste which meets the requirements of the recovered fines specifications.

**trained personnel** means any person employed, contracted, engaged or permitted to perform, manage or supervise tasks or duties at the C&D waste facility who has completed training under Standard 1.3.

**unpermitted waste** means waste not permitted by the C&D waste facility's environment protection licence to be received at the C&D waste facility.

**vehicle** includes a motor vehicle, trailer and any combination thereof.

**listed waste type** means a waste type listed in Attachment A to these Standards.

# Introduction

This document contains the Standards a C&D waste facility must comply with for the purposes of Part 8A of the Waste Regulation.

## Legislative requirements

Under Part 8A of the Waste Regulation, it is a condition of an environment protection licence of a C&D waste facility to comply with these Standards.

These standards require the C&D waste facility to:

1. Implement the **inspection requirements** during the operations at the C&D waste facility in accordance with **Standard 1**.
2. Implement the **sorting requirements** during operations at the C&D waste facility in accordance with **Standard 2**.
3. Ensure that construction waste that has been inspected and sorted in accordance with these standards is **not mixed** with other construction waste at the C&D waste facility in accordance with **Standard 3**.
4. Implement the **waste storage requirements** for operations at the C&D waste facility in accordance with **Standard 4**.
5. Ensure that construction waste is not transported from the C&D waste facility unless it complies with **Standard 5**.

# 1. Standard 1: Inspection requirements

Each load of construction waste that enters a C&D waste facility must undergo the following inspection requirements at the facility:

## 1.1. Inspection point 1 – initial inspection

At inspection point 1, trained personnel must:

1. Inspect the entire top of each load from an elevated inspection point or by using a video camera connected to a monitor and determine whether or not the load contains any asbestos waste and any other unpermitted waste;
2. Where the load is identified as containing, or is reasonably suspected to contain, any asbestos waste, reject the entire load of waste by directing the driver to immediately leave the facility and record the information required by Standard 1.4 into the C&D waste facility's rejected loads register; and
3. Where the load is not rejected, record the details as required by clause 27 of the Waste Regulation and direct the driver and the load of waste to proceed directly to inspection point 2.

## 1.2. Inspection point 2 – tip and spread inspection area

At inspection point 2 – tip and spread inspection area(s), trained personnel must:

1. Direct the driver of the vehicle to tip the entire load on the tip and spread inspection area;
2. Spread the entire load and inspect the visible surface area for any asbestos waste and any other unpermitted waste;
3. Ensure that each load tipped under this Standard 1.2 does not come into contact with any other load of waste on the tip and spread inspection area, waste storage area or other working area at all times during the process described in this Standard 1.2;
4. Manually turn, or direct a plant operator to turn the load and inspect the entire load for any asbestos waste and any other unpermitted waste;
5. Where any asbestos waste is identified, reject the entire load of waste;
6. Where any other unpermitted waste is identified under this Standard 1.2, remove that waste from the load or reject the entire load of waste;
7. Where a load is rejected under this Standard 1.2, ensure that the entire load is immediately re-loaded onto the vehicle in which it arrived or onto another vehicle and ensure that the vehicle with the rejected load leaves the C&D waste facility within one day and immediately record the information required by Standard 1.4 into the C&D waste facility's rejected loads register; and
8. Ensure that all waste that may lawfully be received at the C&D waste facility proceeds to be sorted and stored in accordance with Standards 2, 3 and 4.

**Note:** The *Interpretation Act 1987* provides that if the last day of a period of time for the doing of anything falls:

- (a) on a Saturday or Sunday, or
- (b) on a day that is a public holiday or bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following that is not a Saturday or Sunday, or a public holiday or bank holiday in that place, as the case may be.

### 1.2.1. Exceptions to Standard 1.2

Standard 1.2 does not apply to:

- a. A load of construction waste received at the C&D waste facility that, upon receipt, only contains waste that meets the requirements of a resource recovery order, as evidenced by a statement of compliance for that waste which has been provided and kept in accordance with the applicable resource recovery order and is current at the time of receipt. The statement of compliance must be made available for inspection to an authorised officer of the EPA if requested. This load of waste must be immediately transferred to the appropriate waste storage area referred to in Standard 4.

## 1.3. Training requirements for personnel

### 1.3.1. Training requirements

The following training requirements must be completed by all personnel before undertaking any task required by these Standards, including the management or supervision of any such task:

1. Training on:
  - a. the requirements of the POEO Act and its regulations (including the Waste Regulation) applicable to the operations at the C&D waste facility;
  - b. the requirements of the environment protection licence for the C&D waste facility, with reference to the waste conditions and the wastes permitted to be received; and
  - c. the requirements of these Standards.

**Note:** The *Work Health & Safety Regulation 2017* (WHS Regulation) requires operators to ensure that personnel involved in:

(a) asbestos identification, handling, control, removal or carrying out of asbestos-related work complete asbestos-related training (see regulation 419 and 445 of WHS Regulation); and

(b) carrying out the removal of more than 10 square meters of non-friable asbestos (including within asbestos contaminated material), obtain and hold a non-friable asbestos removal licence training (see regulation 487(1) of WHS Regulation);

### 1.3.2. Training records

All records of the training undertaken for the purpose of this Standard must be kept at the C&D waste facility and made available to an authorised officer of the EPA if requested.

## 1.4. Rejected loads register

A C&D waste facility must keep and maintain a rejected loads register. The rejected loads register must be made available for inspection to an authorised officer of the EPA if requested. The rejected loads register must record the following details for each load of waste rejected from the C&D waste facility:

1. the date and time on which the load of waste was rejected;
2. the registration of the vehicle(s) (including any trailer(s)) transporting the rejected load of waste both to and from the facility;
3. the type of waste(s) in the rejected load of waste; and
4. the reason the load of waste was rejected.

## 2. Standard 2: Sorting requirements

### 2.1. Sorting

Following completion of the inspection requirements of Standards 1.1 and 1.2, each load of construction waste received at the C&D waste facility which has not been rejected under these Standards must be sorted and classified into individual listed waste types before being transferred to the waste storage area referred to in Standard 4.

#### 2.1.1. Exceptions to Standard 2.1

Standard 2.1 does not apply to:

- a. A load of construction waste that, upon receipt at the C&D waste facility, constitutes an individual listed waste type other than 'mixed waste'. This load of waste may be immediately transferred to the appropriate waste storage area referred to in Standard 4 after being inspected in accordance with Standard 1.
- b. A load of construction waste that, upon receipt at the C&D waste facility, meets the requirements of a resource recovery order as evidenced by a statement of compliance referred to in Standard 1.2.1.a.

This load of waste must be immediately transferred to the appropriate waste storage area referred to in Standard 4.

## 3. Standard 3: Mixing of waste

### 3.1. No mixing of inspected and sorted construction waste with construction waste that has not been inspected and sorted

Construction waste that has been inspected and sorted in accordance with Standards 1 and 2 must not be mixed with any other construction waste at the C&D waste facility unless the other waste has been inspected and sorted at the C&D waste facility in accordance with Standards 1 and 2.



# 4. Standard 4: Waste storage requirements

## 4.1. Waste storage area

All construction waste received at the C&D waste facility that has been inspected and sorted in accordance with Standards 1 and 2 must be stored in accordance with the following requirements:

1. Waste which has been classified into an individual listed waste type, waste which meets the requirements of a resource recovery order or waste which meets the recovered fines specifications must be stored in a separate storage area for that type of waste that is clearly labelled or signposted to indicate the individual type of waste being stored in that area;
2. Each label or signpost must be legible and clearly visible;
3. The labels or signposts at all waste storage areas containing waste intended to meet the requirements of a resource recovery order that is awaiting compliance test results, must also contain the words 'awaiting validation';
4. If waste is being stored outside of an enclosed bay, each stockpile of waste must be clearly delineated and separated from stockpiles of other listed waste types by a minimum of three metres from the base of the stockpile; and
5. Separate stockpiles containing the same listed waste type may touch at the base and are exempt from the three-metre separation requirement.

## 4.2. Inspection point 3 – waste storage area

### 4.2.1. Obligations of trained personnel

At the waste storage area, trained personnel must do the following on each business day:

1. Inspect each labelled or signposted storage area to determine whether waste is being stored in accordance with Standard 4.1;
2. If any waste, waste which meets the requirements of a resource recovery order or waste that meets the recovered fines specifications is found in a storage area labelled or signposted with another listed waste type, immediately cause the waste to be moved to the correctly labelled or signposted storage area; and
3. Record observations, including each incidence of waste being identified in the wrong storage area, along with the date, time, the role and name of trained personnel carrying out the inspection.

### 4.2.2. Inspection records

Records of each inspection carried out by trained personnel in accordance with Standard 4.2.1 must be kept at the C&D waste facility for a period of three years from the date of the inspection.

# 5. Standard 5: Transport requirements

## 5.1. Transport requirements

Construction waste must not be transported from the C&D waste facility unless it has been inspected, sorted and stored in accordance with these Standards and the load of waste transported from the C&D waste facility consists solely of an individual listed waste type or waste that meets the requirements of a resource recovery order or the recovered fines specifications.

### 5.1.1. Exception to Standard 5.1

Standard 5.1 does not apply to:

- a. Waste that has been rejected from the facility at inspection points 1 or 2 and is being transported from the facility.

# Attachment A

## Listed waste types

Description of waste
Aggregate, roadbase or ballast
Aluminium (non-ferrous)
Ashes
Asphalt
Batteries
Bricks or concrete
Biosolids or manures
Ceramics, tiles, pottery
Composts or mulches
Contaminated soil
Dredging spoil
E-waste
Ferrous (iron or steel)
Food or kitchen
Glass
Mattresses
Mixed Waste
Non-ferrous (metals, not iron steel or aluminium)
Oil
Paper or cardboard
Plasterboard
Pharmacy or clinical
Plastic
Potential Acid Sulphate Soils
Problem Waste
Residues or rejects
Shredder floc
Soil (not contaminated or VENM)
Textiles, rags
Tyres
Vegetation or garden
Virgin excavated natural material
Veterinary waste
Wood, trees or timber

Note: Guidance as to the contents of each listed waste type above can be found at [www.epa.nsw.gov.au/your-environment/waste/waste-facilities/waste-reporting/waste-reporting-definitions](http://www.epa.nsw.gov.au/your-environment/waste/waste-facilities/waste-reporting/waste-reporting-definitions)