

Supplying information about waste

At any time, you can be asked to supply information about waste, such as:

- its type, classification, characteristics, composition or quantity
- its storage, transport, handling, transfer, disposal, processing, recycling, recovery, re-use or use
- the hazards or potential harm to the environment or human health associated with waste or activities relating to waste.

When supplying information about waste, ensure all relevant information is disclosed, such as:

- waste assessment and classification reports, including sampling methodologies and laboratory analysis for potentially harmful materials
- written procedures and plans for managing waste, including handling and storage procedures, and incident response plans
- development applications, including waste management plans
- site assessments including contaminated site assessments, and environmental and geotechnical studies.

The maximum penalty for supplying false or misleading information about waste is \$250,000.



W. Stein/DECC

For example, a Sydney council prosecuted an owner of waste and the transporter for illegally transporting 120 cubic metres of building waste containing asbestos to a council park. The transporter and owner of waste were each fined \$13,200. The court also ordered them to pay clean-up costs of \$18,045.

If you suspect someone is handling waste unlawfully or illegally dumping waste, contact DECC on 131 555.



Z. Thomas/DECC

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our environment *it's a living thing*

Know your responsibilities: managing waste from construction sites



Z. Thomas/DECC

Important information for demolition and excavation companies, builders, contractors, project managers and property developers

Transport waste to a lawful place

Don't risk hefty fines or prosecution

Avoid expensive clean-up costs

Department of **Environment & Climate Change** NSW



What is waste?

Waste is not just rubbish and unwanted material, but also includes:

- excavated material such as dirt, sandstone and soil
- construction, building and demolition waste such as asphalt, bricks, concrete, plasterboard, timber and vegetation
- asbestos and contaminated soil.

Transport waste to a lawful place

Section 143 of the *Protection of the Environment Operations Act 1997* requires waste to be transported to a place that can lawfully accept it.

The **owner of the waste** and the **transporter** are each guilty of an offence when waste is transported to a place that cannot lawfully be used as a waste facility.

Did you know that both the owner of the waste and the transporter are legally responsible for **proving** the waste was transported to a lawful place?

Relying on advice from others, such as consultants, contractors or managers of waste facilities, is no defence for transporting waste to a place that cannot lawfully be used as a waste facility.

The owner of the waste and the transporter can be ordered to clean up and pay for such waste to be taken to a lawful place.



W. Steyn/DECC

Owners of waste can protect themselves from fines and hefty penalties if they can show they did not transport the waste and can prove that:

- the offence was due to causes over which they had no control, and
 - they took reasonable precautions and exercised due diligence to prevent commission of the offence.
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A. Reece/DECC

If a quote for managing waste is low, find out why. The company may be avoiding costs by transporting the waste to a place that cannot lawfully be used as a waste facility.

If waste is illegally dumped and harms the environment, the maximum penalty is \$5 million or 7 years' jail.

Avoiding fines and penalties

- Know what types of waste will be generated during excavation, demolition and construction.
- Check the council development consent and environment protection licence for the waste facility to make sure they can lawfully accept the waste. Provide the waste facility with details of the waste (classification, origin and quantity).
- Prepare and implement a waste management plan that includes:
 - details of, and the waste management action proposed for, each type of waste
 - procedures that ensure the waste is transported to a lawful place
 - a description of the roles and responsibilities of everyone who manages the waste, including the site supervisor and sub-contractors.
- The level of detail in the waste management plan should reflect the size and complexity of the project's waste issues.
- Regularly update the waste management plan to record how waste is managed and audit where waste is taken.
- Provide adequate supervision to ensure waste management plans are implemented and complied with, and regularly audit everyone who manages waste on your behalf.
- Provide training about the waste management plan and protecting the environment.
- Keep accurate written records such as:
 - who transported the waste (company name, ABN, vehicle registration and driver details, date and time of transport, description of waste)
 - copies of waste dockets/receipts for the waste facility (date and time of delivery, name and address of the facility, its ABN, contact person).