



Excavated Public Road Materials (EPRM)

Definition

Excavated Public Road Material (EPRM) means any of the following waste materials:

- Rock, soil, sand, bitumen, reclaimed asphalt pavement, gravel, slag from iron and steel manufacturing, fly and bottom ash, concrete, brick and ceramics excavated during the construction and maintenance of council and Roads and Maritime Services public roads and road public infrastructure facilities.

EPRM does not include any waste that contain coal tar or asbestos, or any waste that is classified as hazardous, restricted solid, special or liquid waste as defined by the EPA's waste classification guidelines.

Waste classification

General solid waste (non-putrescible).

Do I need an Environment Protection Licence for 'waste disposal to land' to re-use EPRM?

- **Onsite re-use:** No.
- **Offsite re-use:** No. Provided the requirements of the excavated public materials order and exemption are met (see below).

Please note that an environment protection licence may still be required for other activities such as road construction and extractive activities.

Is EPRM covered by a resource recovery order and exemption?

Yes. EPRM can be re-used offsite provided all conditions attached to the EPA's resource recovery order and exemption are complied with.

Generator responsibilities are specified in the *Excavated public road materials order 2014*. Requirements include that the EPRM generator provide (to each person supplied with EPRM):

- A written statement of compliance, certifying that the EPRM complies with the conditions of the excavated public road material order
- A copy of the recovered aggregate exemption, or a link to the EPA website where the excavated public road materials exemption can be found
- A copy of the excavated public road materials order, or a link to the EPA website where the recovered aggregate order can be found.

The generator must keep a written record of quantity of EPRM supplied, and the name and address of each person to whom the generator supplied the excavated public road material. Records must be kept for six years.

Consumer responsibilities are specified in the *Excavated public road materials exemption 2014*. They include ensuring that the EPRM:

- Is applied to land within the road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities
- Is stored within the road corridor at the site where it is to be applied to land
- Cannot be applied to private land

- Is applied to land within a reasonable period of time after its receipt.

A copy of the order and exemption can be found here:

<http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm>.

Do I need to take samples and perform any tests for contaminants?

No sampling or testing is required if the material is being re-used within a road corridor, **unless** there is evidence that potentially contaminating activities previously took place on the excavation site (for example, former service station site, cattle tick dip site, asbestos has been dumped on the site). If this is the case, specialist advice should be obtained from Environment Branch on additional test requirements.

Do I need to obtain a Section 143 Notice from the landholder for the offsite disposal of EPRM (for example, as fill material)?

Yes. When disposing of EPRM offsite to a private or publically owned site you must issue the landholder with a copy of the Roads and Maritime proforma letter and Section 143 Notice as per [Environmental Direction No: 20](#). The landholder must complete, sign and return the 143 Notice to Roads and Maritime prior to the waste being transported to the landholder's site.

Important Note: The landholder must attach written evidence that legal consent has been granted from the local council or planning consent authority showing that the material can legally be accepted onto the landholder's site.

If I need to dispose of the material, what type of waste facility can I take the material to?

Any waste facility, such as a council tip, licensed to accept the specific EPRM materials. You should first check that the waste facility is licensed with the EPA to accept the specific excavated material you wish to dispose of. For example, a facility may not be licensed to accept rock and soil but may be licensed to accept concrete waste.

Copies of EPA licenses can be obtained directly from the waste facility or by checking the EPA's public licence register. The EPA's public register is located at: <http://www.epa.nsw.gov.au/prpoeoapp/>.

Are there any legal waste transporter or waste tracking requirements?

No, but as a minimum and for due diligence reasons, you should keep records of the:

- Amount and the type of waste generated, stored, treated or disposed of
- Amount and the type of waste transported
- Name of the transporter and transporter's vehicle registration number
- Date of transportation
- Name and location of the waste facility that is receiving the waste.

Re-use opportunities

Roads and Maritime strongly encourages the re-use of excavated road materials. Roads and Maritime pavement specifications allow for the use of many excavated recycled materials in road construction and maintenance. A list of current applications for recycled materials in road construction and maintenance along with the relevant specifications that allow for their use is available from the Senior Environmental Specialist (Sustainability) in the Environment Branch (contact details below) or on the intranet under Techinfo at http://home.rta.nsw.gov.au/org/techinfo/info_about/pavements/general/sustainable.html.

Further information

If you require further advice on Roads and Maritime waste issues, please contact your regional environment staff or the Senior Environmental Specialist (Sustainability) in the Environment Branch on 02 8843 3055.