

Asbestos in Soil Contamination

The ACT government has recently proposed mandatory training of construction workers in asbestos safety as the government responds to large projects being impacted by asbestos contamination in soil. Land owners and managers, as well as construction managers, need to be aware of the risks of unearthing soil impacted by asbestos and the proposed new legislation which will be introduced nationally to deal with such issues.

Proposed Legislation

The proposed nationally harmonised OH&S legislation is likely to prohibit the reuse and transport of soil contaminated with asbestos. No lower thresholds have been proposed in this new legislation which means even low levels of contamination will need to be treated as a prescribed waste unless it can be shown that the soil has been remediated and rendered free of asbestos materials. In all states and territories, the cost of disposal of contaminated soil to licensed landfills has increased significantly in recent years as available capacity of appropriately licensed landfills becomes increasingly scarce.

Existing Guidelines

In May 2009, the Western Australia Department of Health produced guidelines for the Investigation, Remediation and Management of Asbestos Contamination in Soil. These guidelines proposed a Health Investigation Criteria of 0.001% for asbestos fines in soil. This threshold is a level below which there is not considered to be a risk to human health.

Potential Risks

In April this year an estimated 600,000 m³ of soil at the Eastlake development site in the ACT was found to be impacted with asbestos. The cost to remove the soil was in the order of \$100 million. Disposal and remediation costs of in excess of \$1 million dollars are not uncommon even for small development sites.

Asbestos contamination of soil has resulted from inappropriate dumping of asbestos containing materials on site as well as demolition of buildings containing asbestos that have not had asbestos removed prior to the demolition. Asbestos is perdurable in the natural environment and is often unearthed during construction or excavation works.

What Can be Done?

Where there has been a history of asbestos materials being used on site or where there is imported fill on the site, purchasers should undertake a suitable contamination site investigation to quantify the potential liability associated with this asbestos. When asbestos is unearthed appropriate OH&S procedures need to be introduced to prevent worker exposure to airborne asbestos fibres and appropriate remedial techniques need to be adopted to ensure contaminated soil does not pose a risk to future users of the site. In addition, land owners need to ensure that soils contaminated with asbestos are suitably disposed of at licensed landfills and that records are maintained in accordance with state based environmental legislation.

For more information on this topic please call Cameron Hunter on (03) 9508 0100.

