



Reclaimed Asphalt Pavement (RAP)

Definition

Reclaimed asphalt pavement means asphalt which was previously used as an engineering material and which must not contain a detectable quantity of coal tar or asbestos.

Waste classification

General solid waste (non-putrescible).

Do I need an Environment Protection Licence to re-use RAP?

- **On-site re-use:** No.
- **Off-site re-use:** No. Provided the requirements of the reclaimed asphalt order and exemption are met (see below).

Is RAP covered by a resource recovery order and exemption?

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

Processor responsibilities are specified in the *Reclaimed asphalt pavements order 2014*.

Requirements include that the RAP processor provide (to each person supplied with RAP):

- A written statement of compliance, certifying that the RAP complies with the conditions of the *reclaimed asphalt pavements order 2014*
- A copy of the *reclaimed asphalt pavements exemption 2014*, or a link to the EPA website where the *reclaimed asphalt pavements exemption 2014* can be found
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Appropriate procedures must be adopted and documented to minimise the potential to receive or process reclaimed asphalt pavement containing asbestos or detectable quantities of coal tar¹. These procedures must be compliant with the Roads and Maritime *Environmental Direction No. 21: Coal Tar Asphalt Handling and Disposal* and disposal of asbestos waste to landfill as per *Waste Fact Sheet 5: Asbestos Waste*.

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

Consumer responsibilities are specified in the *Reclaimed asphalt pavements exemption 2014*. They include ensuring that the RAP is only:

- Applied to land for road related activities including road construction or road maintenance activities such as use as a road base and sub base, applied as a surface layer on road shoulders and unsealed roads, or use as an engineering fill material; or

¹ A 'detectable quantity of coal tar' means that coal tar is deemed to be present in an asphalt matrix based on analytical tests of the material using RTA Test Method T542.

- Used as an alternative input into thermal processes for non-energy recovery purposes in the manufacture of asphalt.

Any re-use of RAP (as above) must occur within a reasonable period of time after its receipt.

Further processor and consumer responsibilities are outlined in the order and exemption which 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 **unless** there is evidence that the RAP is potentially contaminated with asbestos and/or coal tar. If this is the case, samples should be collected and analysed for the presence of asbestos and/or coal tar. Work Health and Safety precautions should be taken when sampling and handling the waste.

Do I need a Section 143 Notice for the off-site disposal of RAP?

Yes. When disposing of RAP off-site 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 RAP, what type of waste facility can I take it to?

RAP may be disposed of to any waste facility, such as a council tip, licensed to accept general solid waste. Prior to transporting the material to a waste facility, you should ask for a copy of the facility's environment protection licence or check the EPA's public licence register to ensure that the facility's licence states that it can accept the waste.

Copies of EPA licenses can be obtained directly from the waste facility or by checking the EPA's public licence register 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 site or waste facility that is receiving the waste.

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 Environment Branch on 02 8588 5752.