

VERSION 3

Definition of Waste: Development Industry Code of Practice

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Key Features

- Voluntary
- England and Wales only
- Degree of self regulation – with checks and balances
- Best practice
- Sets out principles for demonstrating or achieving non-waste status
- Re-use without Environmental Permit or Exemption
- Achieves non-waste status sooner
- Living document

Waste - Environment Agency View

- Courts ultimately decide
- Environment Agency does not make it waste, but has a view:
- Contaminated soil and groundwater
 - Waste upon excavation or pumped
- Clean excavated material
 - Upon leaving the site of production

Principles – the 4 factors

1. Does not undermine the aims and objectives of the Waste Framework Directive
2. Suitable for use – without further processing
3. Certainty of use
4. Quantity – that is absolutely necessary

The process

- Adequate characterisation of materials and sites
- Tiered risk assessment
- Remediation Strategy / Design Statement
- Materials Management Plan
- Tracking system
- Declaration by Qualified Person
- Verification Report

Materials Management Plan (MMP)

- Scenario
- Organisation
- Site details
- Landowners
- Summary and Objectives
- Plans and Schematics
- Parties and Consultation
- Lines of Evidence / Tracking system / Records
- Verification Plan
- Environmental Benefits - optional

Declaration and the Qualified Person

- QP reviews MMP and supporting information
- If content completes and submits a Declaration to the EA
- Copy to person who commissioned them
- Advises that:
 - If the work is not carried out in accordance with the CoP, then materials may be deemed to be waste
 - A Verification Report has to be completed – to record reality

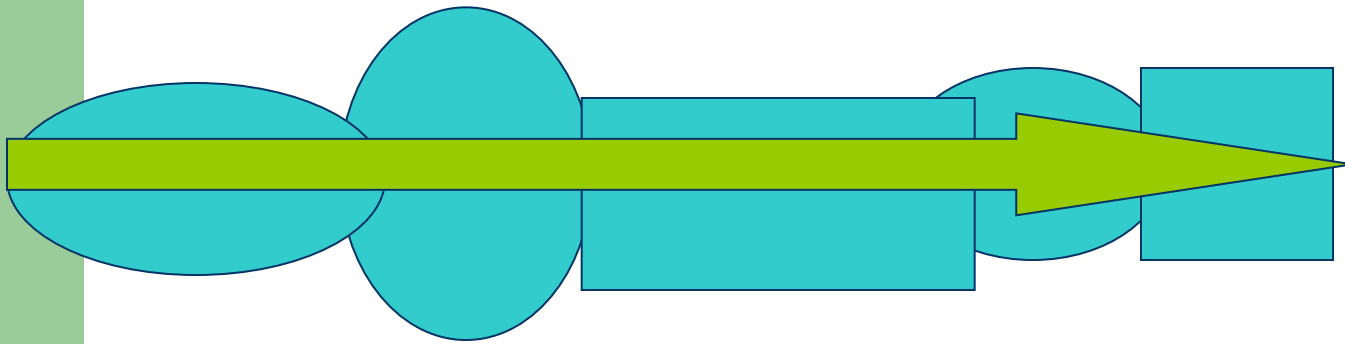
Role of the Qualified Person

- QP provide confidence to EA that best practice is to be followed and that there is an effective audit trail
- Liabilities should be no different than without use of Code of Practice
- Client should not pay for work twice

Material reuse scenarios

- 1. Use on Site of Origin
- 2. Direct Transfer
- 3. Cluster
fixed Soil Treatment Facilities and
Brownfield to Brownfield transfer
- Combinations

1. What is Site of Origin?



Road or pipeline

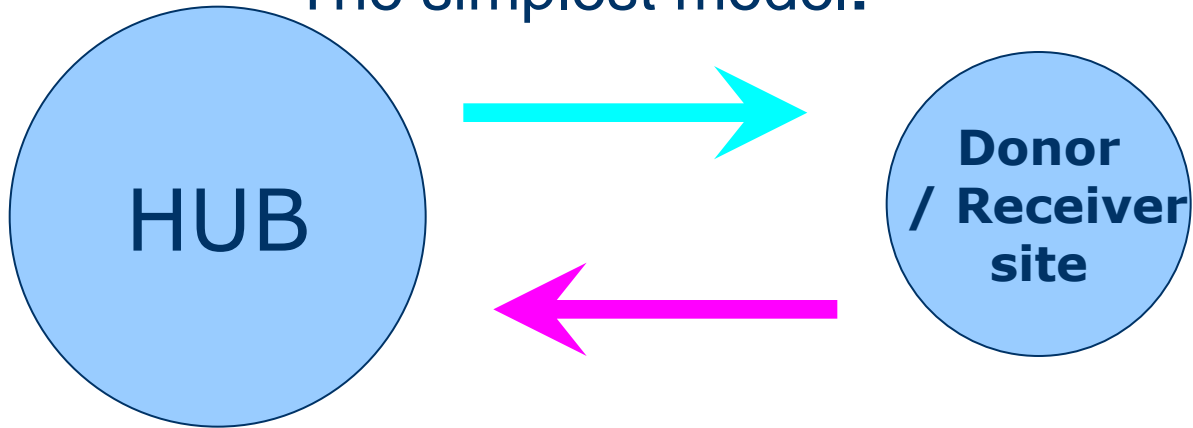
2. Direct Transfer - the materials covered

Clean naturally occurring soil and mineral material includes:

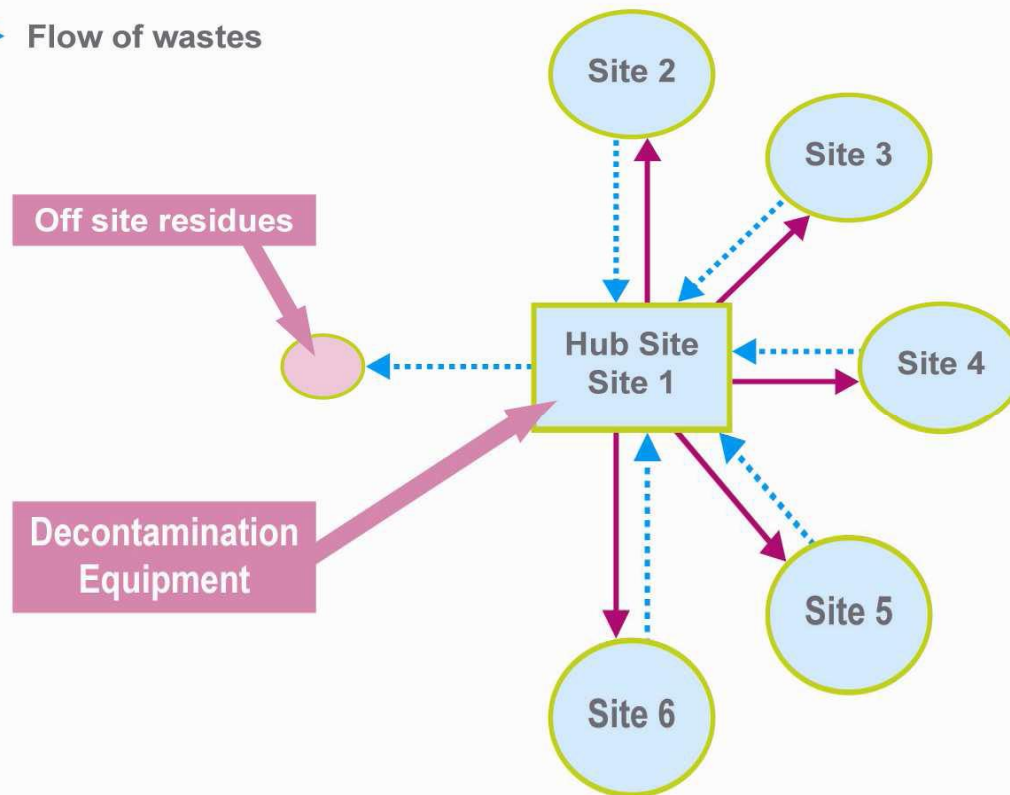
- Soil, both top soil and sub-soil
- Parent material
- Clays, silts, sands and gravels
- Underlying geology
- Made ground consisting of the above materials only

3. Cluster

The simplest model:



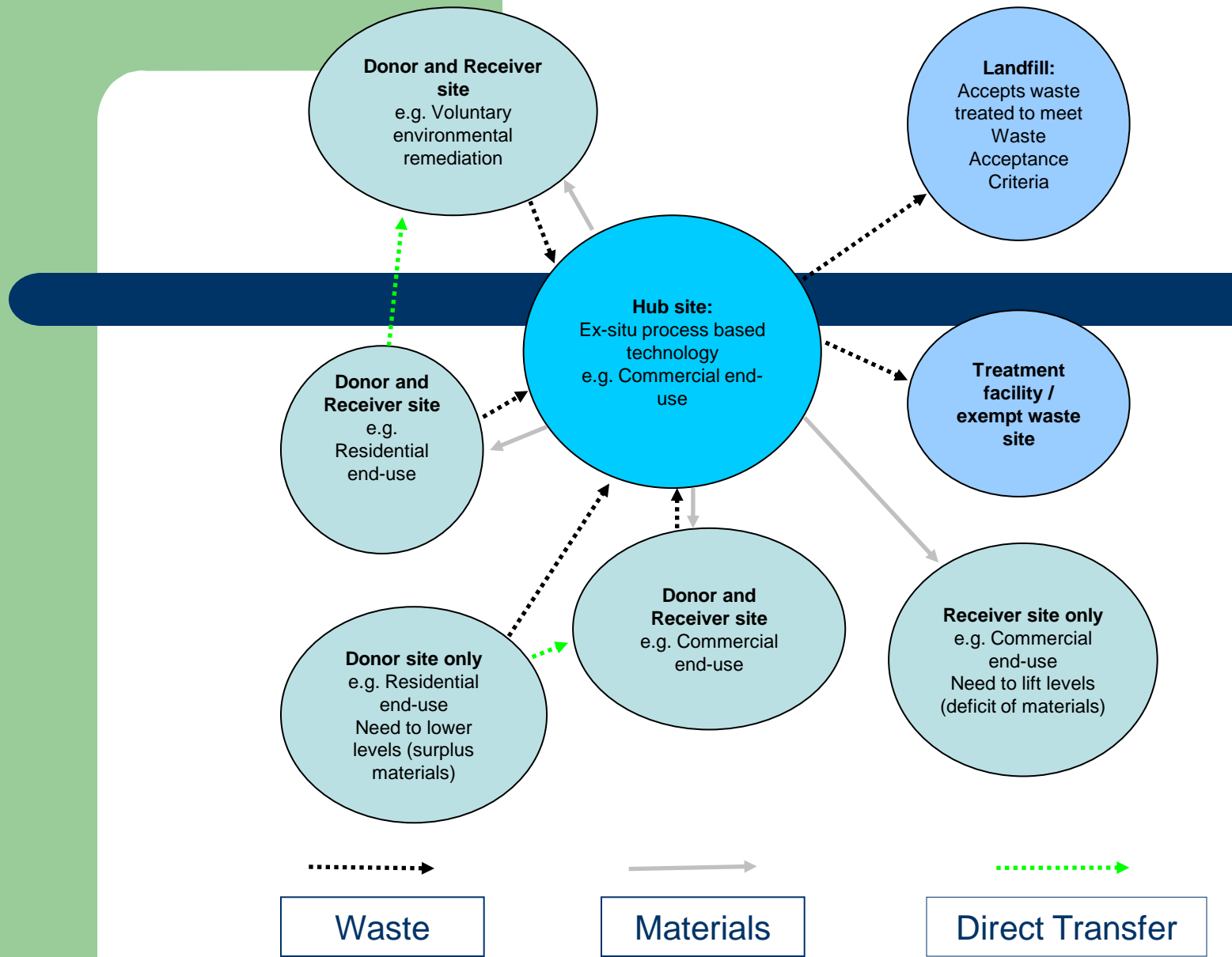
← Flow of treated materials
→ Flow of wastes



In this example each site is acting as a Donor and Receiver site (sites 2 to 6). In practice some may only act in one of these roles. The Hub site may also be a Donor and/or a Receiver site.

Brownfield to brownfield transfer

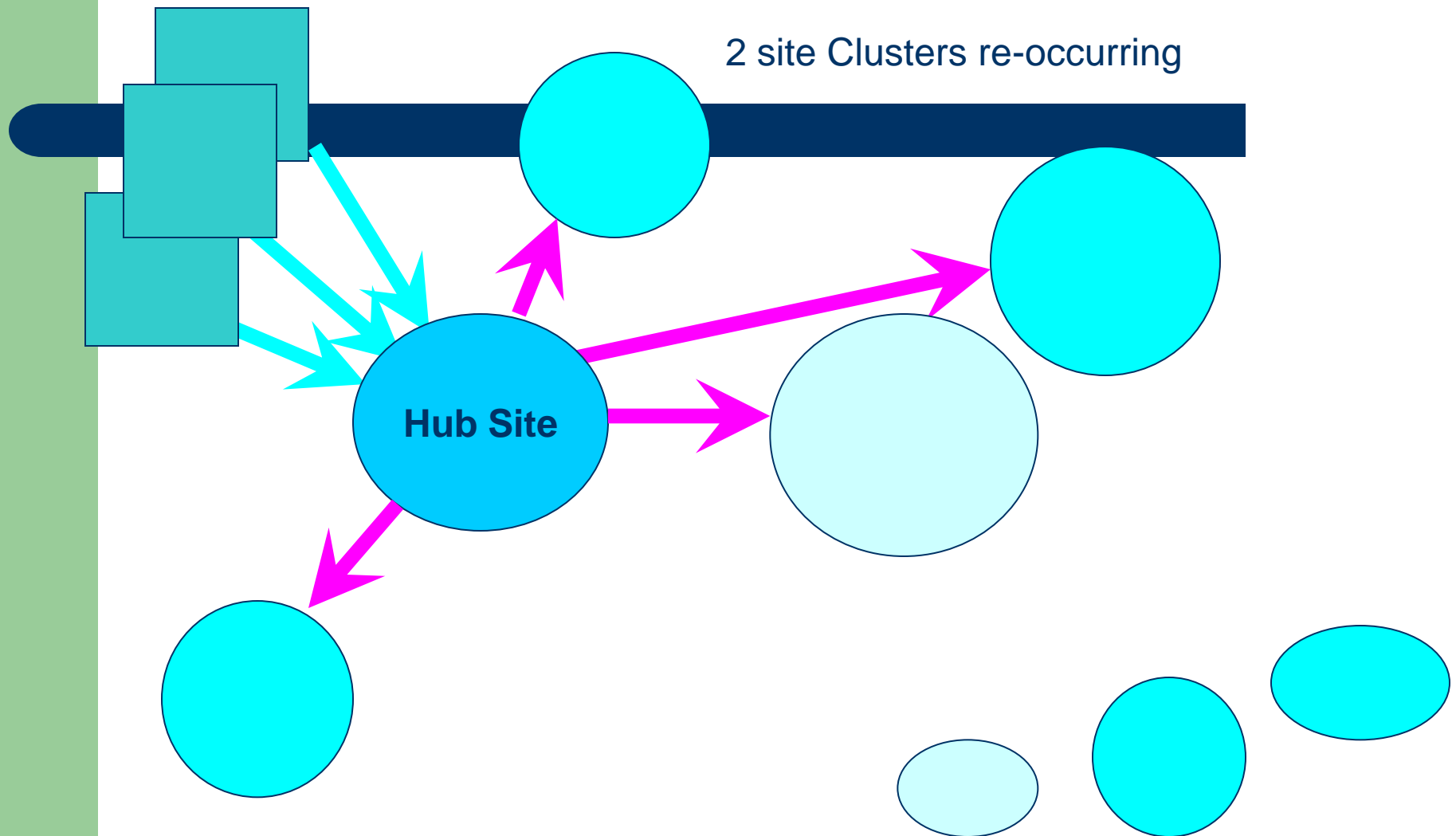
- New regulatory mechanism
- Not clean naturally occurring soils or mineral materials
- Site of Origin or receipt has an appropriate Environmental Permit or Waste Exemption
 - Complex such as a remediation technology or
 - Simple as a sorting, segregating and / or screening operation



Fixed Soil Treatment Facilities

- Permanent
- No predetermined plan of where materials will be used
- Greater variety of waste producers
- Greater number of Receivers site
- 2 site Cluster arrangement - reoccurring

Fixed Soil Treatment Facilities





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Context - alignment

- EA / WRAP Quality Protocols
 - Revisit reuse of aggregates on other sites
 - What are the real concerns of its current exclusion?
- Defra guidance on Definition of Waste
- Standard Rules Permits

Streamlined – small quantities

- Threshold limit
 - 1,000 or 5,000 cubic metres?
- Specified type of use
- Do not provide Planning Permission
- No Verification Report
- QP paper audit
- Smaller MMP and Declaration

Direct Transfer +

- Not clean
 - Specified parameters
- Not naturally occurring
 - Specified parameters
- What will the EA / NRW be comfortable with?

Manufactured soil

- Allow for the reuse of manufactured soils
 - PAS 100 compost
- Other additives?
- Nutrient levels?

Soil Treatment Facilities

- Particularly large receiver sites e.g. soil treatment facilities on former landfills
- Qualified Person Declaration
 - following the treatment of 10,000m³.

Extended guidance (1)

- Minimum information for Desk Top Study –
e.g. Direct Transfer
- Delivery Ticket
- Tracking System

Extended guidance (2)

- Watch Point 15
 - No detriment policy
- “Clean”
- How top soil is currently sold as a product

Longer term storage

- Beyond 12 months
- Limited line of evidence for “certainty”
 - “more than likely”

Qualified Person

- Continuous Professional Development
- Understanding Version 3
- Examination
- Does the criteria need to be revisited?

Verification Report

- Qualified Person involvement
- Produce them?
 - Qualifications
 - Liabilities
 - Timescales (Declaration to Verification)
- Review them?

Updates

- Formalised procedures
- FAQs
- MMP Form
- Declaration