

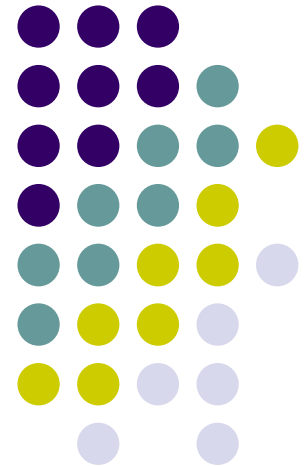
Definition of Waste: Development Industry Code of Practice

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GD Environmental

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Qualified Person 001

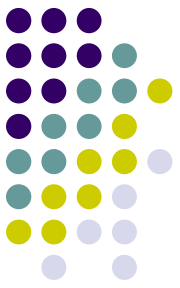
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Definition of Waste UK and ECJ

Case law interpretation



- All the circumstances have to be considered
- Decision turns on the meaning of the word “discard”
- Wide interpretation - can not be interpreted restrictively (store / dispose / treat / recover)
- Aim for a high level of environmental protection
- Economic utilisation – not a factor on its own
- Normally considered to be waste
- Is the use certain or mere possibility
- Suitable for use – without any further processing

- CoP - ENDS THE DEBATE!!
 - For the materials and scenarios covered



Reuse of excavated materials

- England and Wales only
- SEPA and NI have separate guidance (more prescriptive and limited)
- Waste in the first place
- Definitive point that waste ceases to be waste / fully recovered

- Excavated materials used in development =
 - Re-development
 - Remediation and
 - Regrading

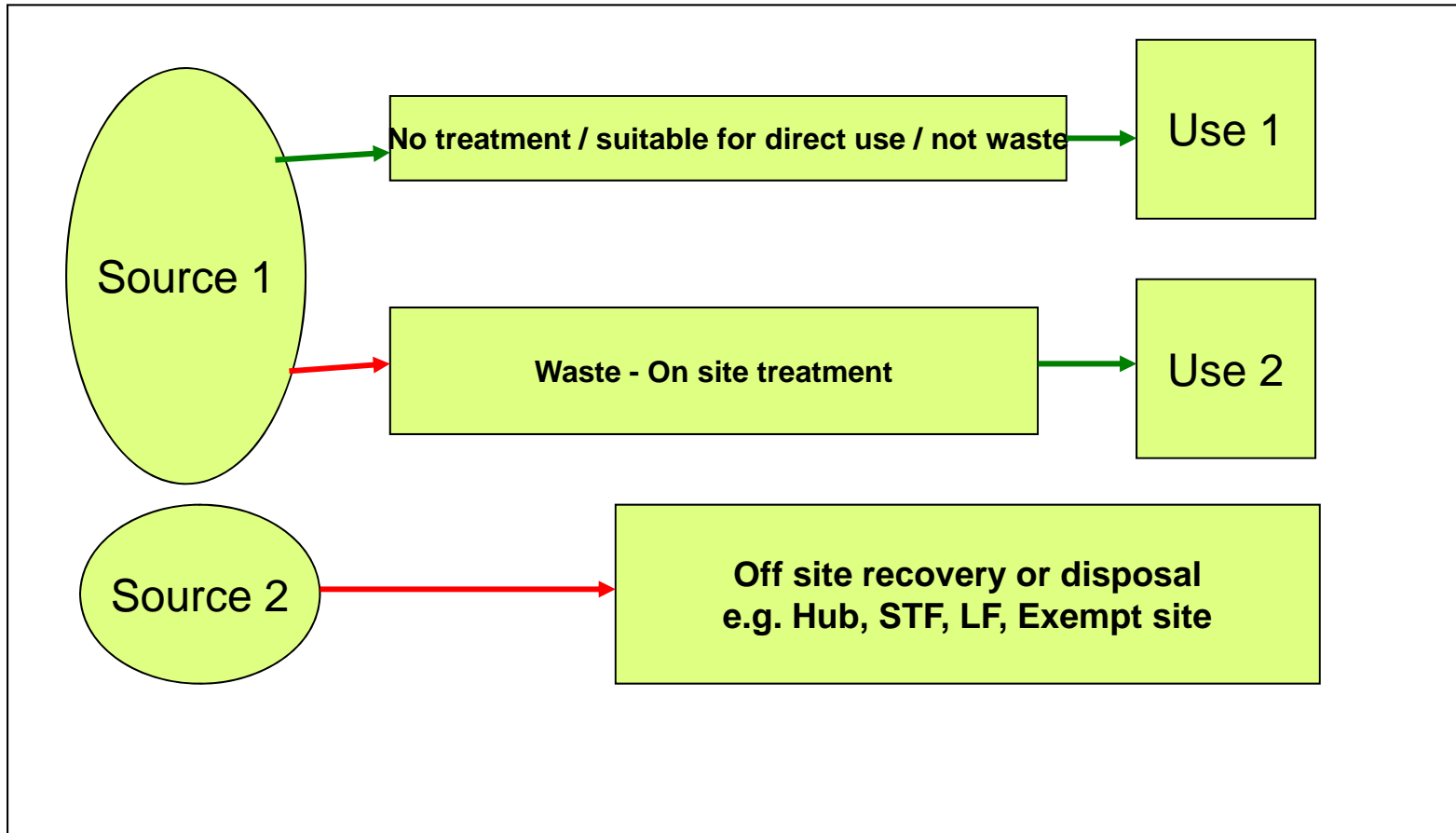
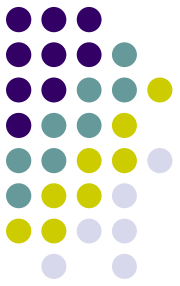


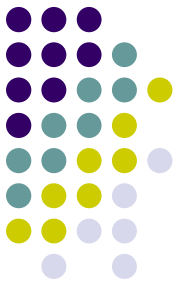
Scenarios

- Environment Agency
 - Step by step approach
 - Increasing degree of self regulation (to a degree)
- Version 1:
 - Site of Origin
 - Cluster
- Version 2:
 - Direct Transfer
 - Naturally elevated concentrations
 - Use of fixed Soil Treatments Facilities within a Cluster

Version 1: Use on Site of Origin

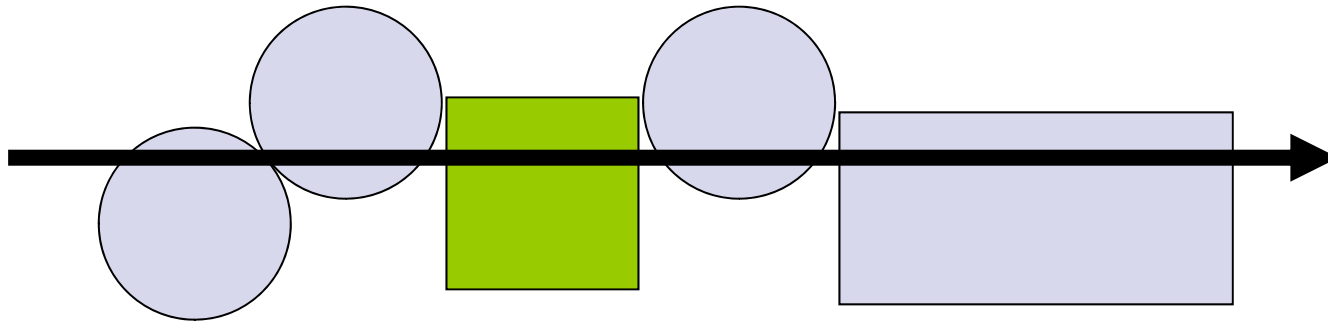
Example 1



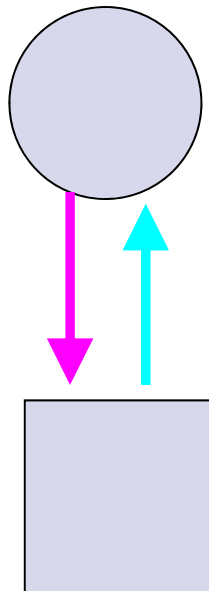


Version 1: Use on site of origin

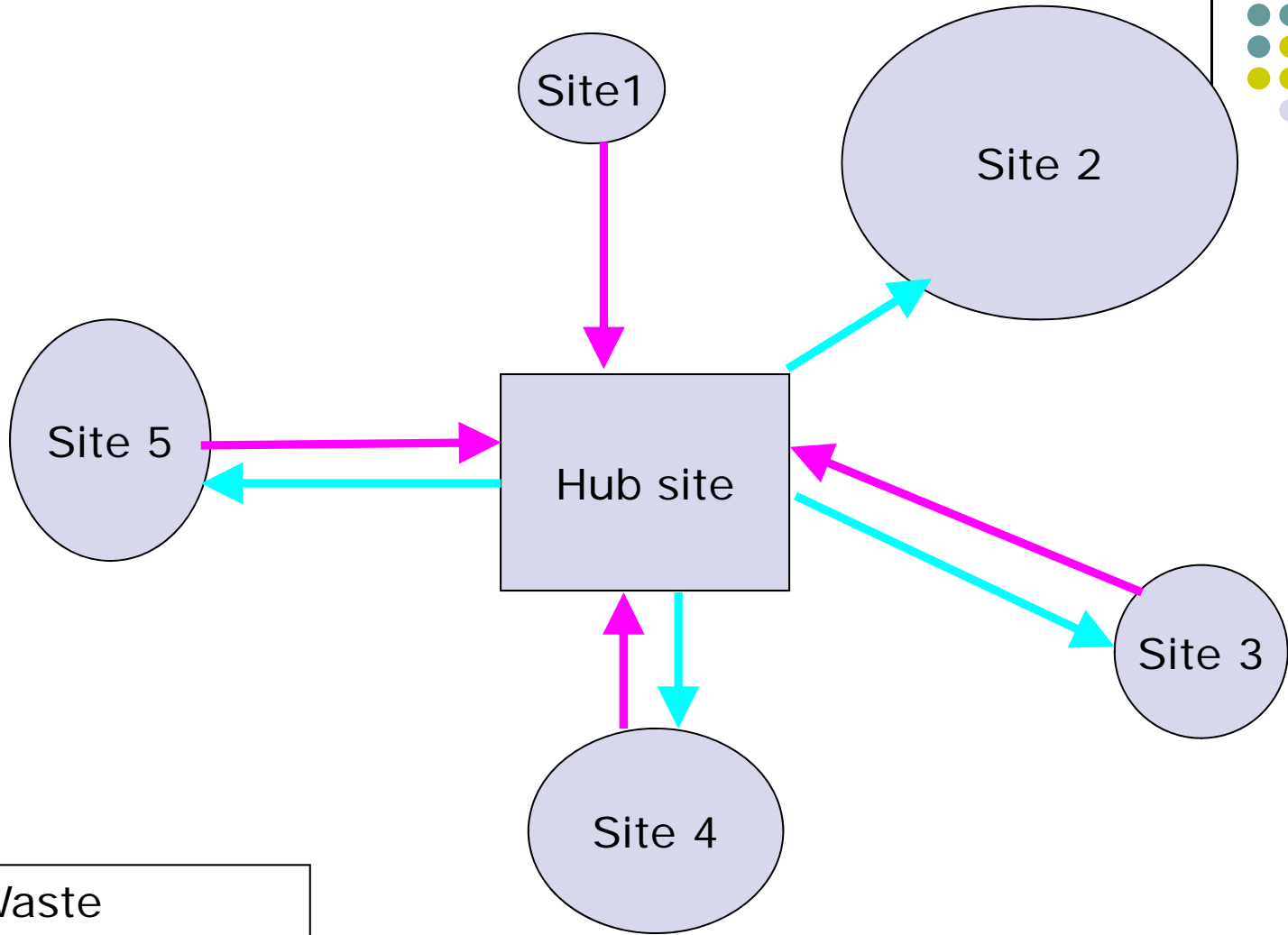
Example 2 : Roads and Pipelines

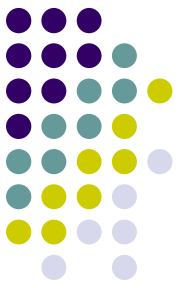


Version 1: Cluster – 2 sites



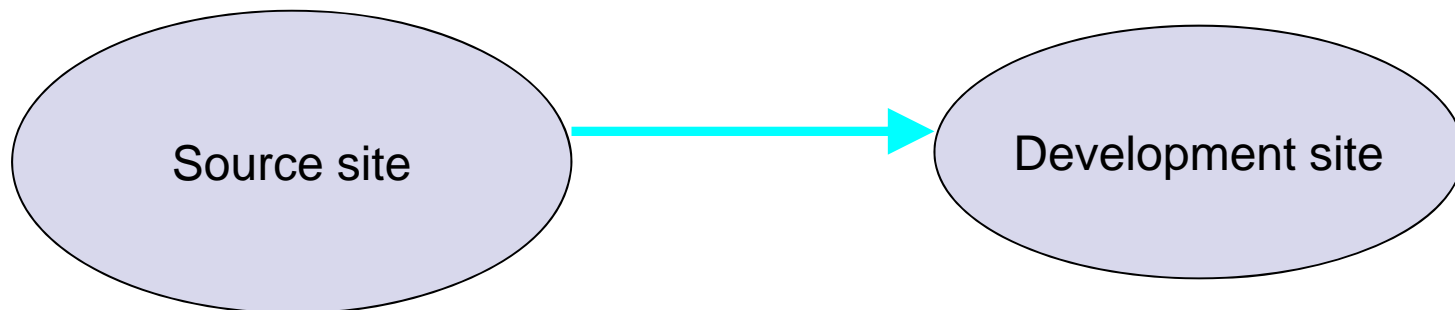
Version 1: Cluster 6 sites



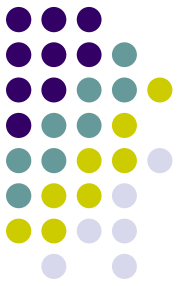


Version 2: Direct Transfer

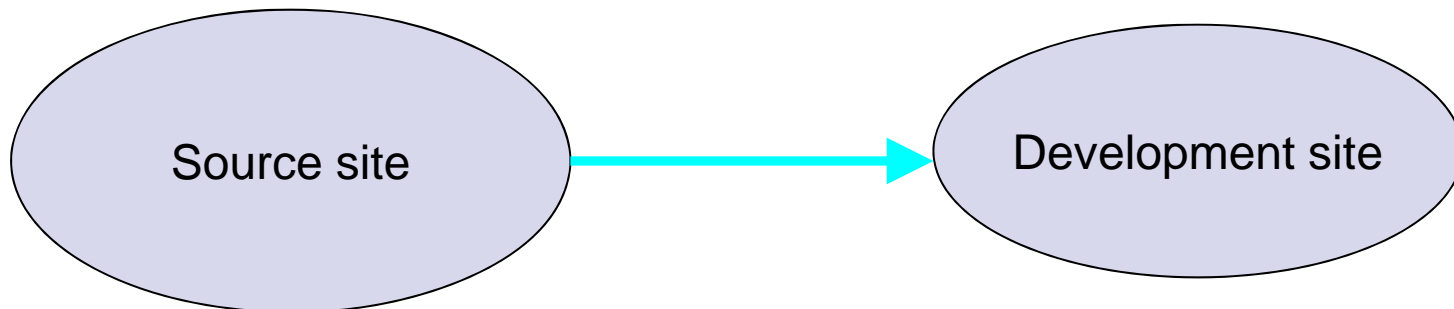
- Direct Transfer
- Excavated unpolluted natural materials
 - Includes naturally elevated substances
- No Environmental Permit
- Restriction – no new contaminant / hazardous waste threshold



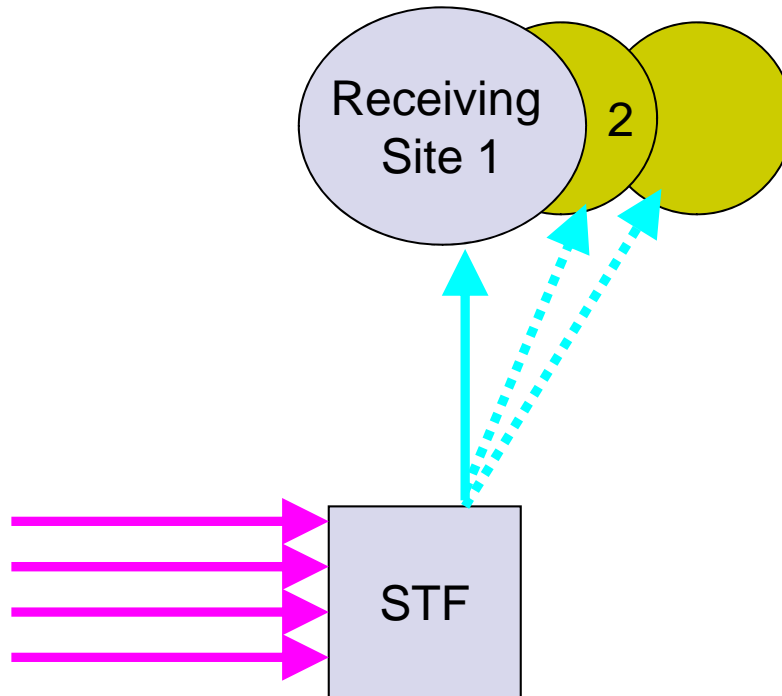
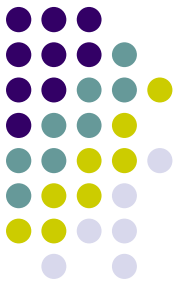
Version 2: Brownfield to Brownfield Transfer



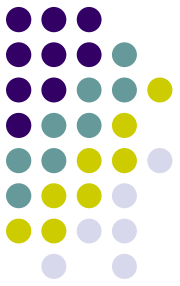
- Not naturally occurring unpolluted materials
- One of the sites has a treatment permit or exemption
- Suitable for use criteria



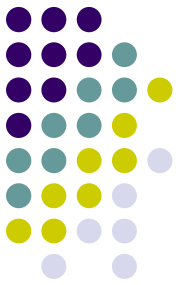
Version 2: Fixed Soil Treatment Facilities - Two site Clusters



Materials Management Plan 1



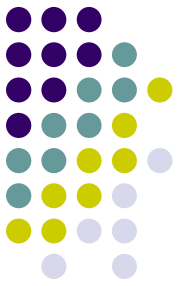
- Demonstration of:
 - Suitable for use – without further processing
 - Certainty of use
 - Quantity – that is absolutely necessary
 - Do not undermine the aims and objectives of the Waste Framework Directive
 - Prevent harm to human health
 - Prevent pollution of the environment



Materials Management Plan 2

- Underpinned by a Specification derived from:
 - Desk top study
 - CSM
 - SI
 - Appropriate risk assessment
 - Tiered approach
 - Appraisal of options
- Linked to a Remediation Strategy / Design statement
- Contracts – roles and responsibility
- Review by Qualified Person – Declaration to EA
- Subsequently – Verification Report finalised

Qualified person's signed declaration



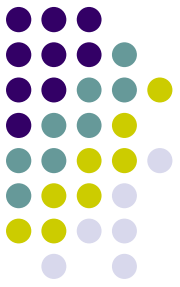
- Demonstrably a competent and experienced person
 - 5 years
 - Chartered status
 - Independent
 - Training course
- Signs a Declaration:
 - Code of Practice has been followed
 - Advised developer / contractor
 - If “factors” not fulfilled material is still considered waste
 - Verification Report has to be completed



Environment Agency

- Encourage the use of the CoP
- No routine inspections if using CoP
 - Except if - complaint / pollution incident / treatment permit (exemption)
- Periodic Audit of several sites
- Audit of first 12 months:
 - 15 sites (2 verification reports)
 - Working as expected
 - Missing information in MMP
 - Contracts relating to roles and responsibility
- Paved the way for Version 2

Version 2 - Consultation (ended in August)



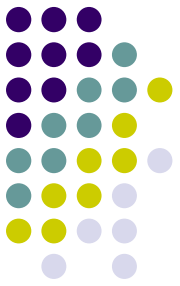
- Extended scope
- More clearly sets out the benefits
- Incorporated the FAQs that had been generated
- Formalises CL:AIRE as registration body of QP
- QP Checklist included
- Declaration submitted prior to reuse (not prior to excavation)
- Interaction with other plans / guidance
- Includes “old annex” of EA withdrawn guidance
- MMP - a prescriptive form (not list of what should be included)

Version 2: Consultation Responses



- E.G:
- Terminology tightened up (uncontaminated v's unpolluted)
- Questioned the precautionary approach relating to Direct Transfer
- Questioned the use of hazardous waste thresholds in DT
- Permitted Development Rights
- Applicability to small volumes
- Further clarify who does what and when
- Request to include demolition material

Conclusion



- Over 324 people trained
- Over 133 registered Qualified Persons
- Increasing number of sites following CoP
 - Anticipate that more will as people realise the waste exemptions are no longer a realistic option
 - Standard and bespoke Environmental Permits more expensive, complex and takes longer to obtain and have to be formally surrendered