

The environmental regulation of recovered aggregates from inert waste

Purpose of this position statement

A Quality Protocol¹ which provides end of waste criteria for the production of aggregates from inert waste is available on the [AggRegain](#) website. Aggregates produced in compliance with the Quality Protocol are considered to be 'recovered aggregates' and no longer waste, and can be used without the need for waste management controls.

As compliance with the Quality Protocol is voluntary, the purpose of this statement is to advise our staff and customers on the legal obligations that apply to those who decide not to comply with the Quality Protocol.

This position statement provides clarity on how we will regulate:

- the collection and processing of inert waste;
- aggregate produced from inert waste that meets the requirements of the Quality Protocol; and
- aggregate produced from inert waste that does not meet the requirements of the Quality Protocol.

It also explains what enforcement action may be taken and points to sources of further advice.

Background

The main purposes of the Quality Protocol are:

- clarifying the point at which inert waste has been fully recovered as an aggregate, and waste management controls are no longer required;
- providing users with confidence that recovered aggregate products conform to recognised standards.

In summary, the following criteria must be met:

- aggregate is produced only using the input materials described in Appendix C of the Quality Protocol;
- aggregate is inspected, sampled and tested in accordance with the Quality Protocol;
- producers retain copies of documentation prepared in accordance with the factory production control² system and records of all testing carried out;

¹ The quality protocol for the production of aggregates from inert waste was published by WRAP in September 2005.

² Factory production control is defined in the Quality Protocol.

regulatory position statement

- producers supply documentation (e.g. test results, test procedures and outline details of the factory production control manual) to customers on request;
- a market for the material as a replacement for virgin aggregate can be demonstrated;
- the aggregate is suitable for its intended use.

Full details of the requirements are set out in the Quality Protocol, which can be downloaded from the [AggRegain](#) website.

Checklists and guidance notes are also available from the [AggRegain](#) website to help those producing and procuring recovered aggregates ensure they are complying with the Quality Protocol.

How we regulate the collection and processing of inert waste

The Quality Protocol does not change the regulatory requirements that apply to:

- the delivery and storage of inert waste to the processors site; and
- the treatment/processing of inert waste to produce recovered aggregate.

Inert materials from construction and demolition are waste and must be **delivered** in accordance with the Duty of Care requirements in the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991.

The inert waste must be:

- transported by a person who is registered as a waste carrier;
- taken to a suitably permitted or exempt waste facility.

The Environmental Permitting (England and Wales) Regulations 2010 (EPR10) introduced a new set of exemptions. These are subject to transitional provisions so if you had an exemption registered on 5 April 2010, it will be valid for between 18 months and 3.5 years from that date depending on what you are actually doing. More information on these transitional periods can be found on our [website](#).

If you had an exemption registered on 5 April 2010 then this was registered under the Environmental Permitting (England and Wales) Regulations 2007 (EPR 2007). The processing and associated storage of inert waste can only take place with an environmental permit or an exemption from permitting under Paragraph 13 or 24 of Schedule 3 of the EPR 2007 (see Annex 1).

Activities started since 5 April 2010 and covered by EPR 2010

The following new exemptions may be applicable to waste operations covered in this statement:

- T5 (screening and blending of waste)

regulatory position statement

- T6 (Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising)
- T7 (Treatment of waste bricks, tiles and concrete by crushing, grinding, or reducing in size)³.

More information on the new exemptions can be found on our [website](#).

Previously we adopted [low risk waste positions](#) for the **storage** of the following wastes:

- waste road chippings (not road planings) pending their recovery at a place that is neither the place of production nor recovery (LRW 128);
- up to 5,000 tonnes, not at the site of production, of waste road planings containing coal tars pending recovery at an authorised facility (LRW 153).

Following the exemptions review, the storage activities above are now covered by the S2 exemption (storage of waste in a secure place). There are **no transitional provisions** for moving from a low risk position to the new exemptions regime so if you were relying on one of these you need to register an exemption straight away.

How we regulate aggregate that meets the requirements of the Quality Protocol

Producers and users are not obliged to comply with the Quality Protocol. If they do they will benefit from the certainty that we will regard the aggregates they produce as having ceased to be waste. This means they can be used without the need for waste management controls.

How we regulate aggregate produced from waste treatment that does not meet the requirements of the Quality Protocol

If producers do not comply with the Quality Protocol, the material will usually be regarded as waste until it is part of finished construction works.

For activities registered under the EPR 2007

If the aggregate remains waste, the following waste management controls continue to apply:

- the waste must be stored on the processor's site in accordance with an environmental permit or an exemption from permitting under Paragraph 17 or 24 of Schedule 3 of the EPR 2007 (see Annex 1);
- it must be transported by a registered waste carrier;
- it must be stored and used on user's site in accordance with an environmental permit or an exemption from permitting under Paragraph 7, 9, 17 or 19 of Schedule 3 of the EPR 2007 (see Annex 1).

³ T7 exemption is registered by a local authority.

regulatory position statement

For activities started since 5 April 2010

If the aggregate remains waste, the following controls continue to apply:

- the waste must be stored on the processor's site in accordance with an environmental permit or an exemption from permitting under Paragraph S2 or T7 of Schedule 3 of the EPR 2010 (see our [exemptions](#) guidance);
- it must be transported by a registered waste carrier;
- it must be stored and used on user's site in accordance with an environmental permit or an exemption from permitting under Paragraph U1 or S2 of Schedule 3 of the EPR 2010 (see our [exemptions](#) guidance).

Enforcement

If the activity is likely to cause pollution or harm to human health, or there is a breach of waste management controls, it will be enforced in line with our enforcement and prosecution policy. This can be found on the 'How we regulate you' page in the Business & Industry section of our website.

Further advice

Detailed guidance on regulatory controls can be obtained from our National Customer Contact Centre on 08708 506 506, from our [website](#) or the [netregs](#) site.

This regulatory position statement will be reviewed by 30 August 2011.

MWRP RPS 029
Version: 2
Issued: June 2010

regulatory position statement

Annex 1

This table summarises the conditions associated with exemptions **registered before 5 April 2010**.

Please refer to guidance available from our [website](#) to ensure you are aware of all the conditions associated with these exemptions.

Exemption reference	Maximum quantity stored at one time	Maximum quantity processed	Maximum duration of storage
Paragraph 7 – waste for the benefit of land	1,250 tonnes (at place of use)	–	12 months
Paragraph 9 – land reclamation and improvement	–	–	6 months (at place where material is to be spread)
Paragraph 13 – construction and soil materials	20,000 tonnes (but 50,000 tonnes in the case of roadstone manufactured from road planings)		
Paragraph 17 – storage of waste in a secure place	100 tonnes	–	12 months
Paragraph 19 – waste for construction	50,000 tonnes		6 months (if waste not produced at the site of storage)
Paragraph 24 – crushing, grinding or size reduction of bricks, tiles or concrete	20,000 tonnes	–	–