

Draft standard rules SR2009No13

Use of waste in construction (up to 100,000 tonnes of waste)

Introductory note

This introductory note does not form part of these standard rules

When referred to in an environmental permit, these rules will allow the operator to store and subsequently use waste for the purposes of construction work provided that the waste is suitable for use for the type of construction work required. This permit shall not be used for the purposes of land restoration or reclamation. These rules are for the recovery of waste only and do not apply to any activities involving disposal. You should ensure that your activity meets the definition of recovery in accordance with Environment Agency guidance before applying for this permit.

Permitted wastes do not include hazardous wastes. The total quantity of waste that can be stored and subsequently used at the site under these rules may not exceed 100,000 tonnes.

These rules do not permit the burning of any wastes, either in the open, inside buildings or in any form of incinerator.

The activities must not be carried out within 500 metres of a European Site¹, Ramsar Site or a Site of Special Scientific Interest (SSSI). The activities must also be outside groundwater Source Protection Zones 1 or 2.

Storage and use of waste shall also not be within:

- 50 metres from any spring or well, or from any borehole not used to supply water for domestic or food production purposes, and
- 250 metres from any borehole used to supply water for domestic or food production.

These rules do not allow any emissions into surface waters or groundwater. However, clean surface water from roofs, or from areas of the site not being used in connection with the waste storage or treatment activities may be discharged directly to surface waters, or to groundwater by seepage through the soil via soakaway.

End of introductory note

¹ A candidate or Special Area of Conservation (cSAC or SAC) and Proposed or Special Protection Area (pSPA or SPA) in England and Wales.

Rules

1– Management

1.1 General management

- 1.1.1 The activities shall be managed and operated:
- (a) in accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and closure and those drawn to the attention of the operator as a result of complaints; and
 - (b) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.
- 1.1.2 Records demonstrating compliance with rule 1.1.1 shall be maintained.
- 1.1.3 Any persons having duties that are or may be affected by the matters set out in these standard rules shall have convenient access to a copy of it kept at or near the place where those duties are carried out.
- 1.1.4 The operator shall comply with the requirements of an approved competence scheme.

1.2 Accident management plan

- 1.2.1 The operator shall:
- (a) maintain and implement an accident management plan;
 - (b) review and record at least every 4 years or as soon as practicable after an accident, (whichever is the earlier) whether changes to the plan should be made;
 - (c) make any appropriate changes to the plan identified by a review.

2 – Operations

2.1 Permitted Activities

- 2.1.1 Subject to meeting the requirements of rule 2.1.2 the operator is authorised to carry out the activities specified in table 2.1.1 below.

Table 2.1.1 Permitted Activities	
Description of activities	Limits of activities
<p>R13: Storage of wastes pending any of the operations numbered R3 and R5</p>	<p>Secure storage of wastes listed in table 2.3 at the place they are to be used in construction.</p> <p>Waste shall not be stored for longer than 12 months.</p> <p>Quantities of waste stored must not exceed that necessary to complete the construction work as notified to the Agency under rule 2.1.2.</p>
<p>R3: Recycling/reclamation of organic substances which are not used as solvents;</p>	<p>Use of wastes listed in table 2.3 for the purposes of the construction work as notified to the Agency under rule 2.1.2.</p>
<p>R5: Recycling or reclamation of other inorganic materials</p>	<p>Quantities of waste used must not exceed that necessary to complete the construction work as notified to the Agency under rule 2.1.2.</p> <p>No more than 100,000 tonnes of waste may be notified under these rules.</p> <p>Final levels shall not exceed those shown on any plan submitted in accordance with rule 2.1.2 .</p>

2.1.2 These activities shall not commence until the documentation specified in table 2.1.2 has been submitted to the Agency.

Table 2.1.2 Pre-Operational Measures	
Ref.	Pre-operational Measures
1.	Details on the type of construction work the waste will be used for shall be submitted to the Agency on a form provided by the Agency for that purpose. The details required shall include the waste types and the total quantity of waste to be used.
2.	A plan shall be submitted to the Agency showing the level of the current landform relative to Ordnance Datum, with cross-sections and the proposed final levels showing where the waste is to be used.

2.1.3 Following completion of the construction work a survey relative to Ordnance Datum shall be undertaken to verify the final levels. The survey results shall be forwarded to the Agency within one month of completion.

2.2 The site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit.

2.2.2 The activities shall not be carried out within:

- (a) 500 metres of a European Site, Ramsar Site or a Site of Special Scientific Interest (SSSI);
- (b) groundwater Source Protection Zones 1 or 2;
- (c) 50 metres from any spring or well, or from any borehole not used to supply water for domestic or food production purposes; and

- (d) 250 metres from any spring or well, or from any borehole used to supply water for domestic or food production.

2.3 Waste acceptance

2.3.1 Waste shall only be accepted if:

- (a) it is of a type listed in table 2.3 of these rules;
- (b) it conforms to the description in the documentation supplied by the producer and holder;
- (c) its chemical, geotechnical and biological characteristics make it suitable for its intended use on the site;
- (d) the waste is necessary for and will be used to complete the construction work notified to the Agency under rule 2.1.2;
- (e) any excavated soil from potentially contaminated sites has been shown by prior chemical analysis and assessment to be suitable for the intended use without significant risk of pollution; and
- (f) all loads of waste are visually inspected before and during deposit and a record is kept of any rejected loads.

2.3.2 Records demonstrating compliance with rule 2.3.1(including analysis and assessment of any excavated soil from potentially contaminated sites) shall be maintained.

Table 2.3 Waste types**Exclusions**

Wastes having any of the following characteristics shall not be accepted:

- Consisting solely or mainly of dusts, powders or loose fibres
- Hazardous wastes
- Wastes in liquid form

Waste Code	Description
01	WASTES RESULTING FROM EXPLORATION, MINING, QUARRYING AND PHYSICAL AND CHEMICAL TREATMENT OF MINERALS
01 04	wastes from physical and chemical processing of non-metalliferous minerals
01 04 08	waste gravel and crushed rocks other than those containing dangerous substances
01 04 09	waste sand and clays
02	WASTES FROM AGRICULTURE, HORTICULTURE, AQUACULTURE, FORESTRY, HUNTING AND FISHING, FOOD PREPARATION AND PROCESSING
02 02	waste from preparation and processing of meat, fish and other foods of animal origin
02 02 03	mollusc or crustacean shells from which the flesh has been completely removed
02 04	wastes from sugar processing
02 04 01	soil from cleaning and washing beet
10	WASTES FROM THERMAL PROCESSES
10 01	wastes from power stations and other combustion plants (except 19)
10 01 01	bottom ash and slag
10 01 15	bottom ash and slag
10 02	wastes from the iron and steel industry
10 02 01	waste from processing of slag
10 02 02	unprocessed slag
10 09	wastes from casting of ferrous pieces
10 09 03	furnace slag
10 10	wastes from casting of non-ferrous pieces
10 10 03	furnace slag
10 12	waste from manufacture of ceramic goods, bricks, tiles and construction products
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)
10 13	wastes from manufacture of cement, lime and plaster and articles and products made from them
10 13 14	waste concrete and concrete sludge
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)
17 01	concrete, bricks, tiles and ceramics
17 01 01	concrete
17 01 02	bricks
17 01 03	tiles and ceramics
17 01 07	mixtures of concrete, bricks, tiles and ceramics
17 03	bituminous mixtures, coal tar and tarred products
17 03 02	road base and road planings other than those containing coal tar
17 05	soil (including excavated soil from contaminated sites) stones and dredging spoil
17 05 04	soil and stones
17 05 06	dredging spoil (unless it contains dangerous substances)
17 05 08	track ballast, soil and stones other than those containing dangerous substances

19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF SITE WASTE WATER TREATMENT PLANTS AND PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION/INDUSTRIAL WASTE
19 01	wastes from incineration or pyrolysis of waste
19 01 12	bottom ash and slag
19 12	wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 05	glass
19 12 09	minerals (for example sand, stones)
19 13	wastes from soil and groundwater remediation
19 13 02	solid wastes from soil remediation other than those containing dangerous substances
20	MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS
20 02	garden and park wastes (including cemetery waste)
20 02 02	soil and stones

3 – Emissions and monitoring

3.1 Fugitive emissions of substances

- 3.1.1 Fugitive emissions of substances (excluding odour, noise and vibration) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved fugitive emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.
- 3.1.2 The operator shall:
- (a) if notified by the Agency that the activities are giving rise to pollution, submit to the Agency for approval within the period specified, a fugitive emissions management plan;
 - (b) implement the approved fugitive emissions management plan, from the date of approval, unless otherwise agreed in writing by the Agency.
- 3.1.3 All liquids, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise leakage and spillage from the primary container.

3.2 Odour

- 3.2.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour.
- 3.2.2 The operator shall:
- (a) if notified by the Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Agency for approval within the period specified, an odour management plan;
 - (b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by the Agency.

3.3 Noise and vibration

- 3.3.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable, to minimise, the noise and vibration.
- 3.3.2 The operator shall:
- (a) if notified by the Agency that the activities are giving rise to pollution outside the site due to noise and vibration, submit to the Agency for approval within the period specified, a noise and vibration management plan;
 - (b) implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by the Agency.

4 – Information

4.1 Records

- 4.1.1 All records required to be made by these standard rules shall:
- (a) be legible;
 - (b) be made as soon as reasonably practicable;
 - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible or are capable of retrieval; and
 - (d) be retained, unless otherwise agreed by the Agency, for at least 6 years from the date when the records were made.
- 4.1.2 All records, plans and the management system required to be maintained by these standard rules shall be held on the site, where practicable or other location agreed in writing and controlled by the operator.

4.2 Reporting

- 4.2.1 All reports and notifications required by these standard rules shall be sent to the Agency using the contact details supplied in writing by the Agency.
- 4.2.2 Within one month of the end of each quarter, the operator shall submit to the Agency using the form made available for the purpose, the information specified on the form relating to each site and the waste accepted and removed from it during the previous quarter.

4.3 Notifications

- 4.3.1 The Agency shall be notified without delay following the detection of:
- (a) any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
 - (b) the breach of a limit specified in these standard rules; or
 - (c) any significant adverse environmental effects.
- 4.3.2 Written confirmation of actual or potential pollution incidents and breaches of emission limits shall be submitted within 24 hours.

- 4.3.3 Where the Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Agency when the relevant monitoring is to take place. The operator shall provide this information to the Agency at least 14 days before the date the monitoring is to be undertaken.
- 4.3.4 The Agency shall be notified within 14 days of the occurrence of the following matters except where such disclosure is prohibited by Stock Exchange rules:
- a) Where the operator is a registered company:
 - any change in the operator's trading name, registered name or registered office address: and
 - any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.
 - b) Where the operator is a corporate body other than a registered company:
 - any change in the operator's name or address; and
 - any steps taken with a view to the dissolution of the operator.
 - c) In any other case:
 - the death of any of the named operators (where the operator consists of more than one named individual); and
 - any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case them being in a partnership, dissolving the partnership.

4.4 Interpretation

- 4.4.1 In these standard rules the expressions listed below shall have the meaning given.
- 4.4.2 In these standard rules references to reports and notifications mean written reports and notifications, except when reference is being made to notification being made "without delay", in which case it may be provided by telephone.

"accident" means an accident that may result in pollution.

"authorised officer" means any person authorised by the Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in Section 108(4) of that Act.

"construction work" means the carrying out of any building, civil engineering or engineering work and includes the building, alteration, conversion, repair, upkeep or other maintenance of a structure and the preparation of a site for an intended structure. It includes drainage works. This does not include land restoration or reclamation.

"emissions to land", include emissions to groundwater.

"European Site" means candidate or Special Area of Conservation and proposed or Special Protection Area in England and Wales, within the meaning of Council Directives 79/409/EEC on the conservation of wild birds and 92/43/EEC on the conservation of natural habitats and of wild flora and fauna under The Conservation (Natural Habitats &c) Regulations 1994. Internationally designated Ramsar sites are dealt with in the same way as European sites as a matter of government policy and for the purpose of these rules will be considered as a European Site.

"fugitive emission" means an emission to air, water or land from the activities from a localised or diffuse source which is not controlled by an emission limit.

"groundwater" means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

"groundwater Source Protection Zone" has the meaning given in the document titled "Groundwater Protection: Policy and Practice" published by the Agency in 2006.

"pollution" means emissions as a result of human activity which may—

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities and other legitimate uses of the environment.

"quarter" means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

"R" means a recovery operation provided for in Annex IIB of Directive 2006/12/EC of the European Parliament and the Council of 5 April 2006 on waste.

"secure storage" means storage where waste cannot escape and members of the public do not have access to it.

"site" means the location where waste storage and construction activities can take place.

"SSSI" means Site of Special Scientific Interest within the meaning of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

"waste code" means the six digit code referable to a type of waste in accordance with the List of Wastes (England) Regulations 2005, or List of Wastes (Wales) Regulations 2005, as appropriate, and in relation to hazardous waste, includes the asterisk.

"year" means calendar year commencing on 1st January.

End of standard rules