

# Definition of Waste: Development Industry Code of Practice

Ged Duckworth: Independent Consultant

[ged.duckworth@btinternet.com](mailto:ged.duckworth@btinternet.com)

Tel:07733 363136

Envirolink Northwest

Feb 09

Contaminated Land: **Applications In Real Environments**

CL:AIRE

# Contents

- Scope of the CoP
- Site of Origin and Cluster
- Relevant Factors / Principles
- Qualified Person
- Verification Report
- Conclusion

# Scope (1)

- Excavated materials
  - Contaminated and uncontaminated
  
- Voluntary
  
- England and Wales
  - Builds on EA guidance document
  - Regulatory Position Statement
  - Frequently Asked Questions (old annex A)

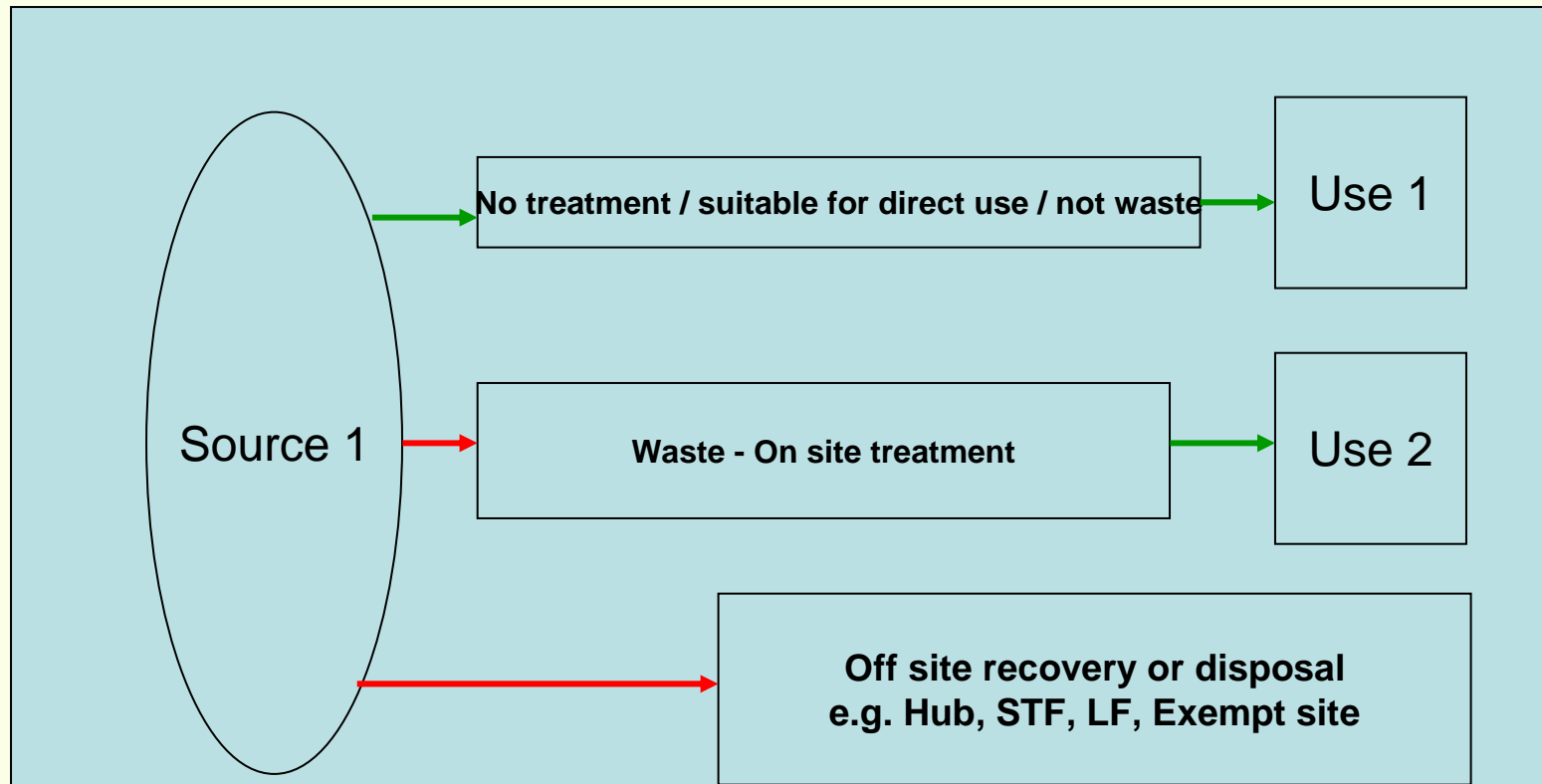
# Scope (2)

- Waste in the first place
- Definitive point that waste ceases to be waste / fully recovered
- Development =
  - Re-development
  - Remediation and
  - Regrading

# Scope (3)

- Use on site of origin
- Cluster Projects – Use at a Receiver site
- Does not cover (at this time):
  - Fixed Soil Treatment Facilities – Development site
  - Direct re-use at another Development site

## Scope (3) - Use on site of origin (example)





# What's not in the Scope?

- Excavated infrastructure
- Waste Classification and EWC Codes
- Pre-treatment prior to landfill
- Testing Strategies
- Remediation and construction methods
- Environmental Permits, exemptions
- Un-excavated waste subject to insitu treatment

# Factors that Must be demonstrated

- 1. Suitable for use – without further processing
- 2. Certainty of use
- 3. Quantity – that is absolutely necessary
- Does not undermine the aims and objectives of the Waste Framework Directive
  - Prevent harm to human health
  - Prevent pollution of the environment

# Suitable for use (no further processing)

- Both chemically and geo-technically
- Risk based and aligned with CLR11
- Route A : Model Procedures
- Specification is underpinned by:
  - Desk top study
  - CSM
  - SI
  - Appropriate risk assessment
    - Tiered approach
  - Appraisal of options
  - **Remediation Strategy**
  - Subsequently – Verification Report finalised

# Non CLR 11 sites

- Route B: Design Statement
  
- Specification is underpinned by:
  - Desk top study
  - CSM
  - SI
  - Appropriate risk assessment
    - Tiered approach
  - Appraisal of options
  - Design Statement - Specification / Engineering drawings
  - Subsequently – Verification Report finalised

# Remediation Strategy / Design Statement

- Set out objectives
- Materials Management Plan
  - Tracking System
    - Contaminants can be treated by the treatment technology
    - Wastes and materials go to the right place
  - Contingency arrangements
- Verification Plan

# Certainty and Quantity

- Quantity
  - Cut and fill / mass balance calculations:
    - Pre-construction / final contours
    - Specified in planning
    - Remediation strategy
  
- Certainty
  - Specified in planning
  - Legally binding contracts:
    - Roles and responsibilities
    - Contingency plans
    - Who pays for off-spec' materials / no longer wanted materials

# 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

# Ceased to be waste / fully recovered

- Having followed the Code of Practice
- All “factors” demonstrated
- Successfully treated soils
  - Appropriate sampling exercise – meets specification
  - Ready for dispatch:
    - Loaded on the vehicle
    - Delivery notes in the cab

# Verification Report

- Needs to include or clearly reference:
  - How the specification was derived
  - Who approved it (EA controlled water / LA Human Health)
  - Testing of treated materials
  - Plans of placed materials
  - Delivery tickets (for off site sourced materials)
  
- Objectives met or have been furthered
  
- Copy of Qualified Person's signed declaration



Contaminated Land: **Applications In Real Environments**

CL: AIRE

# Conclusion (1)

- Concept and terms aligned with CLR 11
- Waste is risk based
- What's new:
  - Materials Management Plan (?)
  - Tracking System (?)
  - Qualified person
  - No longer waste sooner in time and geographically

## Conclusion 2

- Utilises existing framework
  - Which stays the same – roles and responsibilities for overall process not changed
- Replaces the need for Environmental Permit / Exemption / EA Enforcement Position
  - Site of Origin and Receiver Site within a Cluster project
- Allows Environment Agency to change its regulatory position

## Conclusion (3)

- CLAIRE training courses
  - Registration of attendance
  - Move towards “one stop shop” for QP
  - Future move to accreditation of Land Quality Professional
- Evidence gathering of benefits / areas for streamlining
- Extend to fixed Soil Treatment Facilities
- Extend to direct use at another development site