

WASTE CLASSIFICATION FOR SOILS

Introduction

Waste producers have a duty of care classify the waste they are producing:

- before it is collected, disposed of or recovered.
- to identify the controls that apply to the movement of the waste.
- to complete waste documents and records.
- to identify suitably authorised waste management options.
- to prevent harm to people and the environment.

The most sustainable and economic method of dealing with waste soil is usually the retention and re-use on site.

Where this is not possible there are three main options for the disposal of soils:

1. Disposal to a permitted waste recycling facility.
2. Re-use on another site (subject to the suitability).
3. Disposal to a landfill site.

The disposal to a permitted facility will be subject to the **specific conditions of the permits for each of individual facility** and will vary dependent on location and environmental sensitivity of the receiving site. Re-use on another site will also be subject to the acceptability criteria of that site.

The guidance below relates to disposal to landfill sites only.

Background for Landfill Disposal

In July 2005 the United Kingdom implemented the European Directive 1999/31/EC (The Landfill Directive), this introduced the current regime for waste and waste disposal to landfill. The Landfill Directive places controls on waste disposal. These controls include requirements to follow the waste acceptance procedures and criteria that have been agreed by the Council of the European Union and are laid out in Council Decision 2003/33/EC.

Before a waste can be accepted at a landfill site, the landfill **operator** must be satisfied that the waste meets his permit conditions, the waste acceptance procedures (WAP) and waste acceptance criteria (WAC).

If disposal to landfill is the best management option for the waste soils, these procedures **must** be followed or the operator may refuse to accept the waste.

Key Points

- Not all waste can be landfilled
- Landfills are classified according to whether they can accept **hazardous, non-hazardous or inert** wastes.
- Wastes can only be accepted at a landfill if they meet the waste acceptance criteria (WAC) for that class of landfill.
- Most wastes must be treated before you can send them to landfill.
- There are formal processes for identifying and checking wastes that must be followed before wastes can be accepted at a landfill site.

Classification

Wastes are listed in the European Waste Catalogue (EWC 2002) and grouped according to generic industry, process or waste types. Wastes within the EWC are either hazardous or non-hazardous. Some of these wastes are hazardous without further assessment (absolute entries) or are 'mirror' entries that require further assessment of their hazardous properties in order to determine whether they are hazardous waste.

Waste soil has mirror entries on the EWC and as such the first phase of the waste classification process is that of determining if the waste is hazardous or not ie the hazard assessment. The most common EWC waste codes related to soil are:

17 05	soil (including excavated soil from contaminated sites), stones and dredging spoil
17 05 03*	soil and stones containing dangerous substances
17 05 04	soil and stones other than those mentioned in 17 05 03

Soils may contain certain contaminants (eg asbestos, diesel) which have prescribed concentration thresholds, that if breached will render the material hazardous waste. These are based on “risk phrases” which can include risks such as carcinogenicity, flammability or toxicity.

In the first instance the concentrations of plausible contaminants within the soil should be identified and wastes should be **classified based on their total concentrations**.

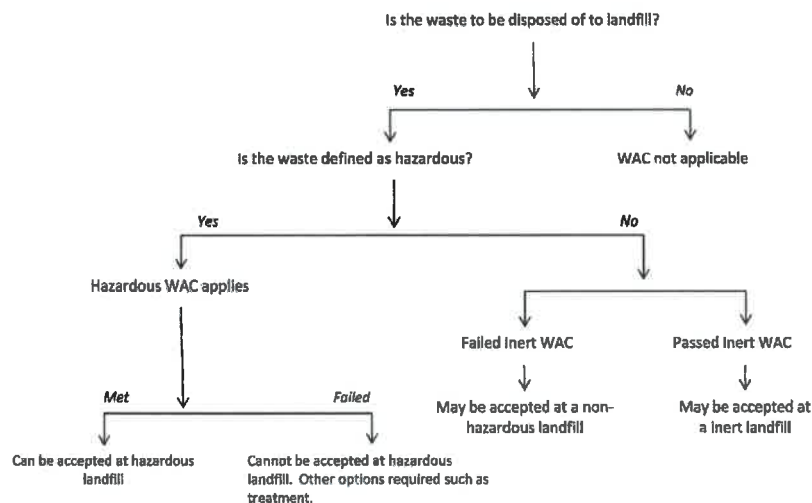
Waste Definitions

Inert	<ul style="list-style-type: none"> Will not undergo any significant physical, chemical or biological transformations. Will not dissolve. Will not burn. Will not physically or chemically react. Will not biodegrade. Will not adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm to human health. Has insignificant total leachability and pollutant content. Produces a leachate with an ecotoxicity that is insignificant (if it produces leachate).
Non-Hazardous	Is not inert (see above) Is not hazardous (see below)
Hazardous	Soil has hazardous properties as defined in WM3 (Guidance on the classification and assessment of waste (1st edition 2015)- Technical Guidance)
Stable Non-reactive hazardous waste*	Hazardous waste, the leaching behaviour of which will not change adversely in the long-term, under landfill design conditions or foreseeable accidents: in the waste alone (for example, by biodegradation); under the impact of long-term ambient conditions (for example, water, air, temperature or mechanical constraints); by the impact of other wastes (including waste products such as leachate and gas)

This option allows hazardous waste that has been stabilised and thus has a low leaching potential to be deposited in cells with a standard of containment consistent with non-hazardous wastes.

WAC Testing

The purpose of WAC analysis is to confirm that the waste complies with the relevant WAC for the receiving landfill. The WAC limits **cannot be used to make an assessment of whether a waste is hazardous**. WAC testing does however define if a non-hazardous waste is suitable for an inert landfill.



Hydrocarbons in Soils

WM3 uses the term Oil or Waste Oil to cover hydrocarbons products such as fuel oil, petrol or diesel. These are defined by WM3 as hazardous under an absolute entry in the List of Wastes. However hydrocarbons in soils are a mixture rather than a pure product and absolute entries are not relevant.

Known Oils

The simplest scenario is where the identity of the contaminating oil is known, or can be identified. If the oil is known the manufacturer's or supplier's REACH compliant safety data sheet for the specific oil can be obtained and the hazard statement codes on that Safety Data Sheet can be used for the hazardous waste assessment.

Where the identity of the oil can only be identified down to a petroleum group level (i.e. the contaminating oil is known to be diesel, but the specific type/brand is unknown), then the classification of that petroleum group should be used in the assessment. The marker compounds associated with that petroleum group may be used to confirm carcinogenicity.

Oils may contain a range of hydrocarbons, so the presence of for instance Diesel Range Organics (DRO) does not enable the assessor to conclude that diesel is present. These hydrocarbons may have arisen from other oils, the laboratory needs to provide an interpretation that the chromatograph is consistent with diesel or weathered diesel as a whole.

The concentration of known oils should be determined using a method that as a minimum spans the range in which the carbon numbers for that known oil fall.

Unknown Oils

Where hydrocarbons are contaminating soils it is likely that the oil will be unknown or cannot be determined. WM3 states that:

For contaminated land specific consideration must be given to the following before proceeding;

- The presence of other organic contaminants, for example solvents or coal tar that could be detected as hydrocarbons. Coal Tar is not an oil and is considered separately in example 2. Where the site history or investigation indicates the presence of hydrocarbons from oil and other sources (e.g. coal tar), and the origin of the hydrocarbons cannot reliably be assigned to either, then a worst case approach of considering the hydrocarbons both as, waste oil (in accordance with this example) and from other sources, for example coal tar should be taken.
- The presence of diesel, or weathered diesel, should be specifically considered by the laboratory and where this is confirmed by the hydrocarbon profile the oil should be assessed as a known or identified oil (diesel).

The use of marker compounds is optional; however it is recommended that where possible the marker compounds should be used.

WM3 states:

If the identity of the oil is unknown, and the petroleum group cannot be established, then the oil contaminating the waste can be classified as non-carcinogenic/mutagenic due to the presence of oil if all three of the following criteria are met:

- The waste contains benzo[a]pyrene (BaP) at a concentration of less than 0.01% (1/10,000th) of the TPH concentration (This is the carcinogenic limit specified in table 3.1 of the CLP for BaP)
- This has been determined by an appropriate and representative sampling approach in accordance with the principles set out in Appendix D, and
- The analysis clearly demonstrates, for example by carbon bands or chromatograph, and the laboratory has reasonably concluded that the hydrocarbons present have not arisen from petrol or diesel.

For example:

TPH Concentration (mg/kg)	Petrol or Diesel	BaP (mg/kg)	Classification
10,000	No	0.9	Non- Hazardous
1,000	No	Not available	Hazardous
1,000	Yes	Not relevant	Hazardous

References

1. Environmental Permitting (England and Wales) Regulations 2010 (as amended) (EP Regulations), the Landfill Directive (1999/31/EC) and the Council Decision (2003/33/EC).
2. Environment Agency Environmental Permitting Regulations: *"Inert Waste Guidance- Standards and Measures for the Deposit of Inert Waste on Land"* 2009.
3. Environment Agency *"Waste acceptance at landfills - Guidance on waste acceptance procedures and criteria"* Nov 2010.
4. Environment Agency *"Guidance on the classification and assessment of waste (Technical Guidance WM3)"* 1st edition May 2015.
5. Classification, Labelling and Packaging of Substances Regulation (EC 1272/2008) (CLP).

**APPENDIX G
CL:AIRE CoP Guidance**

RE-USE OF WASTE - GUIDANCE NOTE

Definition of Waste:

The Environment Agency considers waste to be “...any material that is discarded, or intended to be discarded...” This includes any soil from trenches, footing, site strip etc. It is no longer required in its original location, therefore it is considered to be waste.

Re-use of Waste

Previously large scale earthworks and remedial schemes relied on waste management exemptions to allow the re-use of waste. However in 2010 the Environment Agency in England and Wales removed many of the waste management licence exemptions and severely restricted the quantity of materials available for other exemptions.

For purposes of earthworks and remediation, the previous exemptions available have been replaced by CL:AIRE Code of Practice (CoP), also commonly referred to as a “Materials Management Plan”.

CL:AIRE: Code of Practice

Where materials are excavated for construction purposes, wherever possible these should be retained on site for engineering purposes if they are suitable for use. The developer/contractor is advised to complete all works under the CL:AIRE “Development Industry Code of Practice for the Definition of Waste” (CL:AIRE CoP).

Potential scenarios where soils may be able to be re-used:

- Material capable of being used in another place on the same site without treatment;
- Material capable of being used in another place on the same site following ex-situ treatment on site;
- Material capable of being used in another development site without treatment (Direct Transfer);
- Material capable of being used in another development site following ex-situ treatment on another site eg Hub site;

The Code of Practice requires 4 No. Factors to be addressed:

1. Protection of human health and protection of the environment.
2. Suitability of use, without further treatment.
3. Certainty of use.
4. Quantity of material.

In order to satisfy these requirements the following are required:

- i) Consultation/approval with Local Authority & Environment Agency to confirm they have no objections to the proposed re-use of waste soils, or the risk assessments for the site.
- ii) Risk Assessments to demonstrate that the site does not present an Environmental Hazard.
- iii) Remediation Strategy for contaminated sites (or Design Statement for non-contaminated sites).
- iv) Materials Management Plan (MMP) which details material generated stockpiles and the end use.
- v) Volume calculations.
- vi) Planning permission for the development.
- vii) Contractual details to be clear, regarding who steps in is a contractor goes into administration/liquidation.

The use of the CoP is effectively industry regulated, there is a requirement to appoint an independent Qualified Person (QP) who checks all the requirements have been met and registers the documentation with the Environment Agency. This person must not have had any involvement with the preparing of the risk assessments or remedial strategy on the site.

Soils which require treatment on site (eg bioremediation, stabilisation) will require an Environmental Permit for treatment, together with justification and validation to prove, once treated, this material is suitable for use.

Site management procedures need to be in place to ensure that material is tracked through from excavation stockpiling, treatment and remediation processes. Should the process of material tracking be considered non-robust, or not adhered to, this may fail the test whether excavated materials may be considered non-waste.

**APPENDIX H
Limitations**

Standard Limitations

This report has been prepared for the sole internal use and reliance of the Client, Chipping Homes Limited and cannot not be relied upon or transferred to any other parties without the express written authorisation of BSL. If an unauthorised third party comes into possession of this report they rely on it at their risk and the authors owe them no duty of care or skill.

The findings and opinions conveyed via the desk study within this report are based on information obtained from a variety of sources as detailed within this report, which BSL believes are reliable. In addition if information has been used from third parties and in particular other investigations and reports this information has been used in good faith. BSL cannot and does not guarantee the authenticity or reliability of third party information it has relied upon.

The investigation carried out on the site has been conducted to provide the best information and assessment on the ground conditions within site access and budgetary constraints. Exploratory holes only investigate a small area in relation to the overall site area and can therefore only provide a general indication of overall site conditions. Therefore the findings, opinions, geotechnical and environmental recommendations within this report are based on the ground conditions encountered at each location. It should be noted that different ground conditions may exist that have not been identified within this investigation.

The occurrence of and depths to groundwater may vary seasonally due to changes in weather, it should be noted that any observations and recommendations made on groundwater within this report are based on a select number of site visits over a limited period of time and may not be fully representative of groundwater conditions on the site.

Current UK guidance and legislation has been used in the geotechnical and environmental assessment of the site, BSL is not liable for any subsequent changes in the guidance and legislation.

The recommendations within this report are based upon the proposed site end use provided to BSL at the time of the investigation. If the end use or development layout changes from the proposal then the recommendations may change or become invalid.

Although every effort has been made to position exploratory holes in the least sensitive areas of the site, exploratory hole positions were located approximately as part of this investigation and no guarantee can be given as to their accuracy. Consideration should be given to the possibility that exploratory holes excavated as part of this investigation and indeed any previous ground investigation work by others may be encountered beneath or within the influence of individual foundations. BSL cannot be held responsible for structural failures caused by the location of foundations of any form of structure within the influence of exploratory holes.

No existing manhole covers were lifted or drainage runs inspected during the course of this ground investigation. The site plans enclosed in this report should not be scaled off.