

*Definition of Waste: Development Industry Code of Practice  
How it may apply in the future.*

This document is provided to illustrate how the Code of Practice may be evolved in the future. It can not be relied upon by third parties operating or intending to operate a fixed Soil Treatment Facility (STF). CL:AIRE or any members of the Steering Group do not accept any responsibility or liability in relation to how this document may be used by any third party.

- 1.0 A fixed STF is established on a permanent basis and accepts wastes from a variety of waste producers. Operators of STFs do not normally have a pre-determined plan in relation to where treated wastes will ultimately be used in relation to development sites.
- 1.1 Prior to the CoP being extended to cover fixed Soil Treatment Facilities (STF) the Steering Group that produced the original CoP (or other invited persons) will review how the other parts of the CoP have been implemented and make any necessary revisions.
- 1.2 Currently there is far more certainty of use and established control measures associated with the reuse of materials on the site of origin and within a defined Cluster project at this time. Evidence relating to on-site use scenarios and of Cluster projects working effectively will generate greater confidence such that the CoP can be extended to apply to the more complicated scenarios envisaged to be associated with the re-use of treated wastes from a STF. However, the following demonstrates how it is currently envisaged that the process might work in the future.
- 1.3 Wastes are delivered to the STF subject to Duty of Care or Consignment note procedures.
- 1.4 The site producing the waste needs to be fully characterised such that all contaminants of concern in the waste are known<sup>1</sup> and the STF operator can therefore determine that the STF is capable of treating the waste to a specified standard. That initial standard will be determined by the site operator. For example acceptable for use at:
  - An industrial development
  - Residential development with gardens
  - Above a major aquifer and / or
  - Adjacent to a water body

The receiver site operator can determine if that meets their specification or if further treatment is required.

- 1.5 It is envisaged that the definitive point for stating that successfully treated wastes have “ceased to be waste” would be the point following successful treatment, appropriate sampling and with material actually loaded on to the vehicle with delivery notes in the cab. i.e. ready for dispatch, (not the treated and sampled stockpile) and with signed legally binding contracts in place. The attached flow diagram illustrates the process.
- 1.6 In summary the development site has to provide the STF operator with evidence relating to agreed specification, why the material is needed and will be used and the quantity required for the specified development. However this is overlaid by the STF operator being satisfied that the treated material meets the specification prior to releasing the required amount of material.

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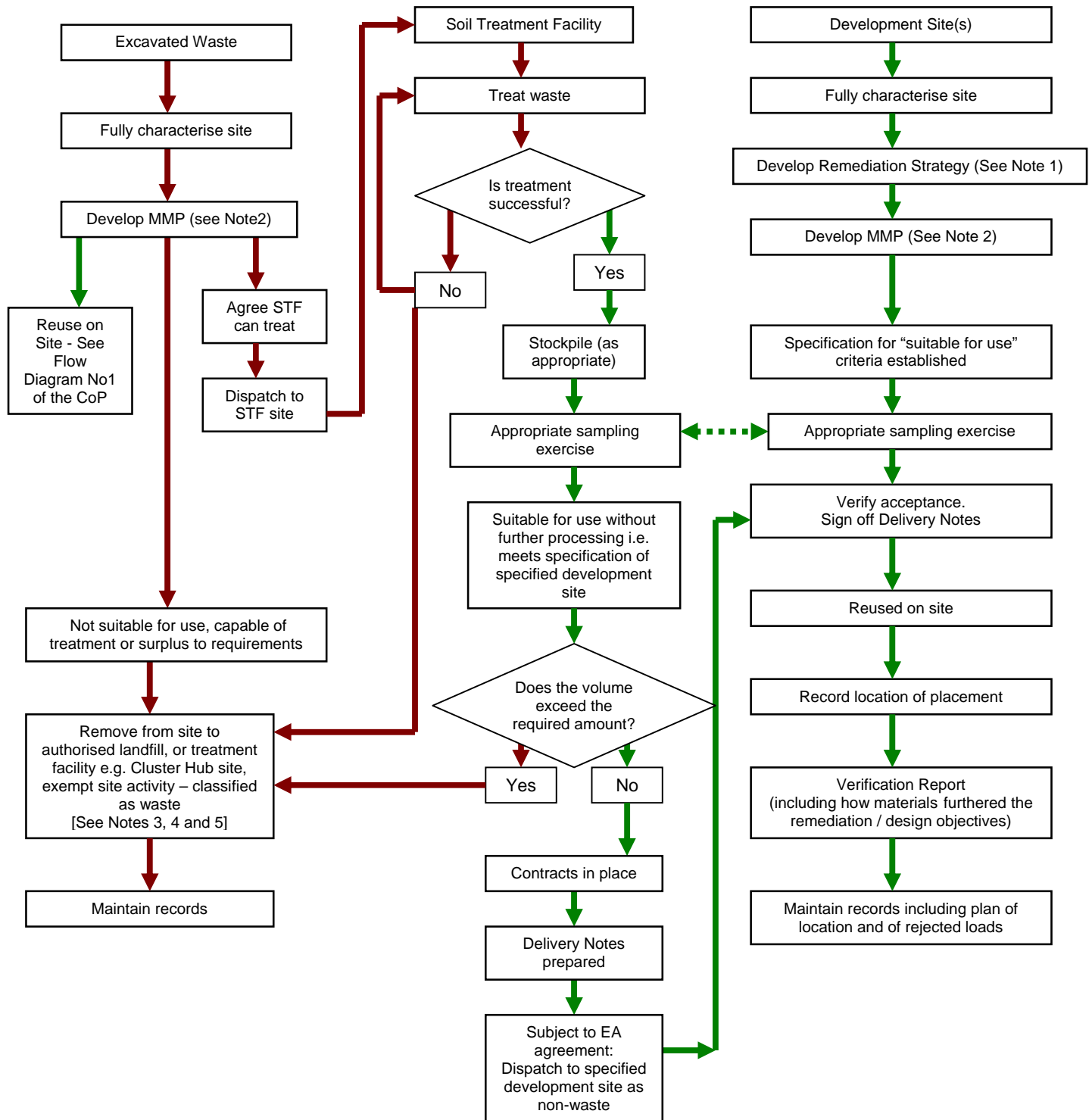
<sup>1</sup> See for example Department of the Environment Industry Profiles

- 1.7 A STF operator must produce and follow their Materials Management Plan (MMP).
- 1.8 Development site operators wishing to utilise the treated material will have to provide the STF operator with:
- A copy of the risk assessment used to determine the suitable for use criteria at the proposed development site
  - A copy of agreement (or confirmation) from the relevant regulator (Local Authority for human health criteria, EA for controlled waters) that they agree with the specification e.g. letter, approved Remediation Strategy or Design Statement or planning permission indicating the need for it in a development
  - A copy of their MMP<sup>2</sup> in relation to the use of the materials coming from the STF
- 1.9 The STF operator as the holder can not release the treated material to the development site unless they are satisfied that:
- There is a real need for the specified quantity
  - Appropriate sampling exercise(s) have been completed in relation to a specified stockpile of treated material or discrete readily identifiable portion of it and
  - The results of the sampling demonstrate that the material meets the development site specification (having regard to the characterisation of the site from where the waste originated i.e. content that the right set of contaminants were assessed and treated)
- 1.10 The contract and demonstration of the specification and quantity needed can be agreed in relation to a stockpile that does not currently meet the specification given the fact that the stockpiled material, or a proportion of it, can be subject to additional treatment.
- 1.11 Prior to dispatch the development site operator must enter into a legally binding contract with the STF operator that covers the following issues:
- The development site being obliged to receive the specified quantity
  - Contingency arrangement clauses in relation to excess amounts or out of specification materials that may arise and how they will be dealt with
  - Roles and responsibilities relating to the contingency arrangements clauses clearly defined e.g. the STF operator will accept the return of rejected loads
- 1.12 As with Cluster projects it is acceptable for a developer or contractor to enter into a contractual arrangement for the STF operator to treat the developer's wastes and return the successfully treated material to the site it came from or to another development site, subject to the requirements of the CoP being met i.e. the STF is acting as the Hub site within a defined Cluster project.
- 1.13 All information relating to the CoP would have to be retained at the STF for a period of two years after completion of the works and production of the Verification Report in relation to the site where the treated materials were used.

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<sup>2</sup> Which includes the tracking system and contingency arrangements

## Soil Treatment Facility (STF)



1. Remediation Strategy / Design Statement developed following desk top study, conceptual site model, appropriate risk assessment and appraisal of options
2. Include contingency procedures / revise as appropriate throughout process
3. Must be able to demonstrate certainty of use along green lines. If the use becomes uncertain material remains waste and will be required to be removed from site or used under an appropriate Environmental Permit or exemption on development site
4. For removal from site you will need to consider and comply with Waste Acceptance Criteria, pre-treatment requirements for landfill disposal and acceptance criteria of any other authorised waste facility
5. In removing waste that is classified as hazardous waste, the premises of production will need to be registered with the EA