

CONSTRUCTION / DEMOLITION WASTE AND RECYCLED AGGREGATE**Introduction**

This guidance outlines the Duty of Care regulatory requirements for the management of construction and demolition waste and aggregates produced from inert waste. For additional information on Duty of Care, please find the link to the Code of Practice in the useful links section below. Please note that each element of the waste hierarchy has to be applied to construction and demolition waste in the following order prevention, preparing for re-use, recycling, other recovery and disposal, to ensure protection of the environment.

What Is Construction And Demolition Waste

A material is likely to be construction and demolition waste if:

- it's left over, unwanted or a burden on you, e.g. building rubble from knocking down buildings.
- it can no longer be used for its original purpose, it's out of date or has become damaged or unsuitable for use, e.g. machines beyond repair, materials past their use by dates.
- once it is deemed to be waste, even if it has a commercial value to other people, it will remain a waste until it is turned into a new product and achieves End of Waste e.g. scrap metal waste remains waste until it is recycled into new product.

Responsibilities For Producers Of Construction/Demolition Waste And Recycled Aggregate From Inert Waste

You are a producer of construction/demolition waste if you produce any construction/demolition substance or object which you discard, or intend, or are required to discard. It includes anything you dispose of, or send for recycling or other recovery.

- You must present waste correctly for collection, in accordance with your waste collectors' instructions.
- You must obtain evidence (a copy of their waste carriers licence) from your collector that they are a current registered carrier with NIEA.
- You must have waste transfer notes for all inert and non-hazardous waste removed from your premises or site under your control and you must retain these for a minimum of two years. All waste must be appropriately described with the correct EWC Code. A link to the list of EWC Codes is included in the useful links section below.
- You must have consignment notes for all hazardous waste removed from your premises or site under your control and you must retain these for three years, or as prescribed. Please note the length of time that consignment notes need to be retained maybe more or less than three years, dependant on the destination of the waste. All waste must be appropriately described with the correct EWC Code.
- Your waste must only be transferred to a waste management facility that is authorised to accept it. You should obtain a copy of the sites' authorisation (PPC Permit, Waste Management Licence, Waste Management Exemption) and where required their working plan, to examine the EWC Codes specified. You should obtain this from the operator of the appropriately authorised facility.
- If you produce aggregate that complies with the Quality Protocol for Aggregates from inert waste, you must provide compliance information, as detailed in section 3 of the Quality Protocol, to those who are going to receive the material. This Quality Protocol is the

End of Waste criteria for the production of aggregates from inert waste. Waste Transfer Notes are not required for the movement of this material.

- If you do not produce recycled aggregate in accordance with the Quality Protocol, the material remains a waste and it must be transferred by a registered waste carrier to an appropriately authorised waste facility. You must complete waste transfer notes and retain these for two years.

Responsibilities For Carriers Of Construction And Demolition Waste

- You must be a current registered upper tier waste carrier with NIEA.
- You must work with the producers of construction and demolition waste and appropriately authorised waste treatment facilities, to ensure that you only collect acceptable material and that the method of collection you use is correct.
- You must fully understand the types of construction and demolition waste that waste treatment facilities can accept.
- You must provide instructions to your customers on how they should present construction and demolition waste for collection.
- You must engage with customers and provide them with information, to eliminate non-conforming material from the construction and demolition waste you will collect. Non-conforming material would be any material that a receiving site is not authorised to accept.
- On collection, you must check the construction and demolition waste. Where required, you must provide customers with feedback to maintain or improve the quality of the material you collect.
- You must develop and implement a policy whereby, you do not collect construction and demolition waste which is contaminated with non-conforming material.
- You must have waste transfer notes for all the inert and non-hazardous waste you carry. They must accompany the waste during transport and you must retain these for two years. On waste transfer notes all inert and non-hazardous waste must be appropriately described with the correct EWC Code.
- Hazardous Waste must be accompanied by consignment notes and these must be retained for three years, or as prescribed. Please note the length of time that consignment notes need to be retained maybe more or less than three years, dependant on the destination of the waste. On consignment notes all hazardous waste must be appropriately described with the correct EWC Code.
- You must carry waste appropriately. For example hazardous waste must be carried in accordance with the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010.
- You do not need to be a registered carrier and you do not require waste documentation, if you are only carrying Quality Protocol compliant recycled aggregate, as this material is a product rather than waste.

Responsibilities For Those Accepting, Storing And Treating Construction And Demolition Waste

- You must hold an appropriate waste authorisation for the acceptance, storage and treatment of waste (PPC Permit, Waste Management Licence, Waste Management Exemption).
- You must obtain evidence from all collectors (a copy of their waste carriers registration) delivering to your facility that, they are a current registered carrier with NIEA. You should obtain this from the registered carrier.
- You must work with collectors of waste, to ensure that the material you receive complies with your treatment facility's' waste authorisation.

- You must assess waste streams from individual collection service providers, to ensure your treatment facility can accept their material.
- You must develop critical limits for the acceptance of waste at your facility, to ensure you will comply with the storage limits and times detailed on your waste authorisation.
- You must inspect all incoming loads of waste and reject those that, contain materials which are not compliant with the waste authorisation in place for your facility.
- You must notify NIEA of all rejected loads of waste from your waste treatment facility.
- You must have waste transfer notes for all inert or non-hazardous waste transferred to and removed from your premises and these must be retained for two years. Hazardous Waste transferred to and removed from your premises must be accompanied by consignment notes and you must retain these for at least three years, or as prescribed. Please note the length of time that consignment notes need to be retained maybe more or less than three years, dependant on the destination of the waste. All inert, non-hazardous and hazardous waste must be appropriately described with the correct EWC Code.

Responsibilities For Those Accepting Quality Protocol Compliant Aggregate

- If you wish to use recycled aggregate which complies with a Quality Protocol, you must ensure the producer provides you with compliance information, as detailed in section 3 of the Quality Protocol. If confirmation is obtained, waste documentation is not required to accept this material.
- If you wish to use recycled aggregate which does not comply with the Aggregate Quality Protocol - waste aggregate, you can only accept it if you hold an appropriate waste management authorisation. Appropriate waste authorisations are PPC Permits, Waste Management Licences or Exemptions from waste management licensing. You must have waste transfer notes for all waste aggregate transferred to your premises and you must retain these for two years. All waste aggregate must be appropriately described with the correct EWC Code.

Regulatory Position Statement – Guidance on the Regulation of Greenfield Excavated Materials in Construction and Development

If producers and users of greenfield excavated material comply with the Greenfield Excavated Material guidance, NIEA will not regulate the material under waste legislation. Producers and users are not obliged to comply with this guidance but, if they do not, the greenfield excavated material will be classified as a waste and consequently will be subject to the requirements of waste legislation, as outlined above. Please note, the storage, treatment, transportation, deposit, or disposal of such waste material without the requisite licenses or permits may constitute an offence. Similarly, excavated materials that do not fit the description within the Greenfield Excavated Material guidance will not be covered by the position and would have to be managed as waste.

Short Enforcement Guide

- You will be committing an offence, if you give waste to an unregistered waste carrier.
- You will be committing an offence, if you do not have valid waste transfer notes and or consignment notes for the movement of waste.
- You will be committing an offence, if you transport waste and you are not registered with NIEA to do so.
- You will be committing an offence, if you transport waste and do not have a complete waste transfer note with you.
- You will be committing an offence, if you accept waste without holding the relevant waste authorisation.
- You will be committing an offence, if you keep, treat or dispose of waste without the relevant waste authorisation.

Useful Links

The Duty of Care - A Code of Practice

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/duty-of-care-code-of-practice-june2016.pdf>

Registration of Carriers Guidance

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-guidance-june2016.pdf>

Upper Tier Carrier Application Form

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-form-application-upper-tier-waste-carrier-august2016.pdf>

Aggregates Quality Protocol

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296499/LIT_8709_c60600.pdf

Waste Management Licence Application Guidance

<https://www.daera-ni.gov.uk/publications/general-guidance-applying-waste-management-licence>

Paragraph 14 Exemption –

<https://www.daera-ni.gov.uk/articles/manufacture-products-waste-treatment-waste-soil-or-rock-which-be-spread-land-under>

Paragraph 19 Exemption – The use and/or storage of waste for the purpose of construction, maintenance or improvement of relevant work

<https://www.daera-ni.gov.uk/articles/use-and-or-storage-waste-purpose-construction-maintenance-or-improvement-relevant-work>

Public Registers For Waste Authorisations

<https://www.daera-ni.gov.uk/topics/waste/public-registers>

Regulatory Position Statement - Low Risk Construction Activities

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-guidance-rps-separate-low-risk-construction-activities-2016.pdf>

Regulatory Position Statement – Guidance on the Regulation of Greenfield Excavated Material in Construction and Development

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/rps-greenfield-excavated-material-october-2016.pdf>

EWC Codes – The List of Wastes Regulations (Northern Ireland) 2005

http://www.legislation.gov.uk/nisr/2005/301/pdfs/nisr_20050301_en.pdf

Hazardous Waste Regulations (Northern Ireland) 2005 and the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010.

http://www.legislation.gov.uk/nisr/2010/160/pdfs/nisr_20100160_en.pdf

http://www.legislation.gov.uk/nisr/2011/365/pdfs/nisr_20110365_en.pdf

Further Information

Further information related to waste can be obtained from <https://www.daera-ni.gov.uk/topics/waste> or by contacting Tel No. 02890 569359.