

Regulatory position statement 075

The movement and use of treated asphalt waste containing coal tar

If you comply with the requirements below, we will allow the final use of treated asphalt waste containing coal (AWCCT) tar in certain construction operations without an environmental permit. We will also relax the hazardous waste reporting requirements for the place of end-use of treated AWCCT. This RPS does not cover the 'treatment' of AWCCT.

Background

This regulatory position statement (RPS) applies to the use of treated asphalt waste containing coal tar (AWCCT) in construction operations for hard paving structures such as roads, pavements, footways, car parks or airfields.

Asphalt waste is created when material is removed from paving structures, for example in the repair and refurbishment of roads and pathways. Where the binder used within the structure is bitumen only, asphalt waste is usually non-hazardous. However where the binding agents contain coal tar and exceed the relevant hazardous waste threshold, the asphalt waste will be classed as hazardous waste. In this document, the term AWCCT refers to asphalt waste that contains coal tar and is classed as hazardous.

AWCCT is commonly treated by crushing, grinding and screening, following which it is then used again in the construction of paving structures similar to those from which the waste arose for example roads or pathways. The use of AWCCT in these construction applications is a waste recovery operation that requires a permit under the Environmental Permitting (England and Wales) Regulations 2010. However it is considered disproportionate to require a permit. The environmental risk of the activity is low and capable of being adequately controlled by means of suitable general rules. This RPS allows the use of AWCCT in construction provided the criteria specified below are met. **It does not cover the treatment of AWCCT.**

This RPS also provides a consignee quarterly returns derogation to the place of end use that simplifies the requirement of sending a quarterly return to the Environment Agency. All other requirements of the Hazardous Waste Regulations still apply, including the requirement to complete consignment notes.

Our approach

We will not pursue an application for an environmental permit for the use of AWCCT in construction operations for hard paving structures where:

- The treated AWCCT meets the requirements of clause 948, ex-situ cold recycled bound material, within the [Specification for Highways Works Series 900](#), or clauses 810 to 880 for cement and other hydraulically bound mixtures within the [Specification for Highway Works Series 800](#).
- The material is used only in bound sub-surface layers e.g. sub-base, base and binder layers. **Use in surface applications is not allowed.**
- You meet the relevant objectives of the Waste Framework Directive;

'... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:

- (i) without risk to water, air, soil, plants or animals;
- (ii) without causing a nuisance through noise or odours; and
- (iii) without adversely affecting the countryside or places of special interest.'

We will also allow a simplified quarterly consignee return for consignments of AWCCT received at a place of end use, as follows:

- All consignments of AWCCT received at a single place of end use in a three month period can be summarised into a single, one-line consignee return, using the postcode nearest to the place of end use.

See [RPS 135](#) for an explanation on how to report the summary consignee return for AWCCT.

Enforcement

In not pursuing an application for a permit or the above aspects of the Hazardous Waste Regulations, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please see our [Enforcement and Sanctions](#) statement.

If compliance with the Hazardous Waste Regulations and the rules of this RPS are not being adhered to, we will consider retracting this position statement.

This statement is based on our understanding of the relevant legislation. It applies to England only. You can get advice on the approach being taken in Wales from Natural Resources Wales.

Further advice

Further advice on dealing with [hazardous waste](#) can be found on www.gov.uk.

This position will be reviewed in June 2016 by which time we will have reviewed the suitability of this RPS to be used as the basis for a new exemption.

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