

Regulatory Position Statement

The movement and use of treated asphalt waste containing coal tar

- NIEA will allow the final use of treated asphalt waste containing coal tar (AWCCT) in certain construction operations without a waste authorisation, if the requirements below are complied with.
- Please note 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 during the repair and refurbishment of roads and pathways etc. 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 roads and pathways etc, similar to those from which the waste arose. The use of AWCCT in these construction applications, is a waste recovery operation that would normally require a waste authorisation. However, for these uses, NIEA considers this to be disproportionate. The environmental risk of the activity is low and capable of being adequately controlled, by means of the requirements outlined below. Therefore, this RPS allows the use of AWCCT in construction, provided the criteria specified below are complied with. Please note any site where the AWCCT is treated prior to being reused, must hold a waste authorisation e.g. permit or licence.

NIEA's approach

NIEA will not pursue an application for a waste authorisation for the use of AWCCT in construction operations for roads, pathways or other 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.**
- The use of the treated AWCCT must 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:
without risk to water, air, soil, plants or animals;
without causing a nuisance through noise or odours; and

without adversely affecting the countryside or places of special interest. Please note all the requirements of the Hazardous Waste Regulations (Northern Ireland) 2005 still apply. This includes the requirement to complete consignment notes for the initial movement of the material generated from the refurbishment of roads or pathways, to the site where it will be treated. It also applies to the onward movement of the treated material to the site where it will be reused.

Enforcement

In not pursuing an application for a waste authorisation for the use of the material, NIEA will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. If compliance with the Hazardous Waste Regulations (Northern Ireland) 2005 and the rules of this RPS are not adhered to, NIEA will consider retracting this position statement. Please find the link below to the DAERA Environment, Marine and Fisheries Group Enforcement Policy.

<https://www.daera-ni.gov.uk/sites/default/files/publications/daera/emfg-enforcement-policy.pdf>