We have received lots of queries about reusing excavated material and the use of the SWUK material classification protocol.

This area is very complex and sits outside of the SWUK protocol scope, the protocol is to assess excavated material that is waste and to classify it as either Red (Hazardous) or Green (Non-Hazardous), it is not to determine if the material is a waste or not, or whether the material is fit for purpose to be reused. The determination of whether excavated material is waste must be done before doing the risk assessment, and must be in accordance with UK definition of waste legislation and relevant guidance.

After support and clarification from the Environment Agency we have been able to produce the following to help clear up any potential confusion. This is not an instruction on how to classify material for its suitability to be reused as that will be up to yourselves to do, based on the specs you are working to.

If the work does not qualify for SWUK protocol, follow WM3 and make use of CL:AIRE DoWCoP if you are able. If the work qualifies for use of the SWUK protocol, you have two scenarios where the protocol assessment will not be required:

1. When reusing uncontaminated soil and other naturally occurring materials (NOM) that will be reused in their natural state on the site from which they were excavated from.

2. Where the reuse of the excavated material means it has not been discarded.

For all other scenarios a SWUK site assessment will be required, such as reusing excavated Soils or other naturally occurring materials which require some form of additive.

The site assessment should be undertaken before adding any additives because any material classified by the protocol as Red (Hazardous) cannot be reused onsite without an appropriate authorisation (i.e. an environmental permit).

For all scenarios you must ensure the material you are reusing meets the necessary standards for the specification you are working to.

Discard test.

Where a material is not excluded from the Waste Framework Directive, the first thing to look at when determining if a material is a waste or not is the Discard test.

The first key consideration is the discard test; where a material has not been discarded and is not intended or required to be discarded, it is not waste.

Any material that is surplus, or does not meet the required spec for reinstatement without further treatment, "*or*" is removed from the excavation site will normally be a waste and will require assessment under WM3 or the SWUK protocol before it is removed.

In the case of soil, see below regarding where certain treatments do not mean the soil has been discarded.

Engineering treatments

Where the excavated material requires treatment to make it suitable for reuse, it is likely to be waste unless it is *uncontaminated soil and the treatment activity is only to change the geotechnical properties using non-waste additives*. Any treatment to remediate excavated soil will be a waste treatment activity and will usually require a permit.

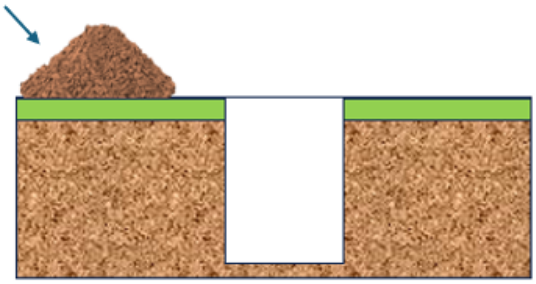
Where additives are used to treat soils, there must be a consideration of the impact of these additives on the soil, including the chemical and physical properties, and whether this will impact the viability of the soil, and/or the existing chemical characteristics of the soil. We are aware there are a range of additives currently being used and some of these have the potential to be considered waste (for example where they contain ash), the use of any such additives is likely to be considered a waste treatment activity.

The use of additives to treat non-soil subbase, 'made ground', hardstanding etc, is not within scope of the treatments mentioned above and may require a permit.

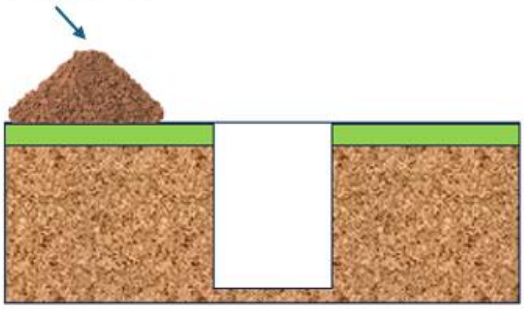
A few typical scenarios.

When only soils are being excavated.

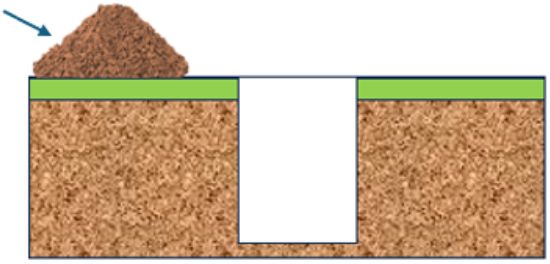
The soil is in its natural state, uncontaminated and will not leave site. The team have deemed material suitable for reuse for the specification they are working to, and no additives are to be used. The soil is not a waste and can be reused if suitable.
No SWUK assessment required.



The soil is in its natural state, uncontaminated and will not leave site. The team have deemed material suitable for reuse for the specification they are working to, but additives are required to reduce moisture content.
A SWUK Site Assessment is required before commencing with adding additives and only Green (Non-hazardous) material can be reused.

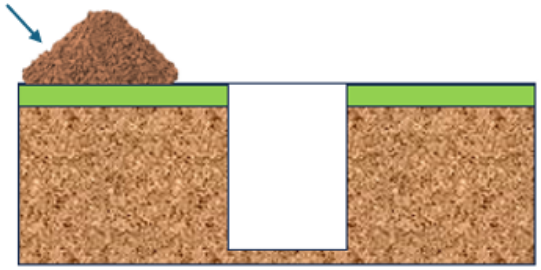


The soil is in its natural state, uncontaminated and will not leave site. The team have deemed material suitable for reuse for the specification they are working to, but additives are required to change the chemical and/or physical properties. This may be classed as waste treatment and a permit maybe required. Seek further advice. A SWUK Site Assessment is required before commencing with adding additives and only Green (Non-hazardous) material can be reused.



When soils and other naturally occurring materials (NOM's) are being excavated.

The soil or NOM is in its natural state, uncontaminated and will not leave site. The team have deemed material suitable for reuse for the specification they are working to, and no additives are to be used. The soil or NOM is not a waste and can be reused if suitable.
No SWUK assessment required.



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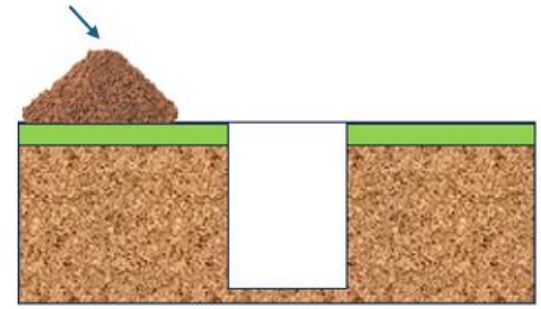

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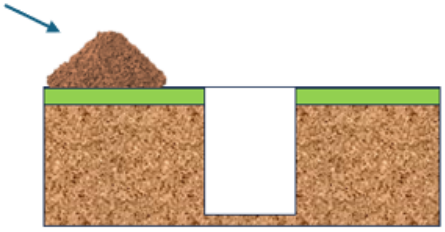

When soils, other naturally occurring materials (NOM's) and bituminous materials are being excavated.

Same as above for all soils/NOM's however the bituminous material will always require a SWUK assessment.

Soil / NOMs as per above*

Bituminous materials are a waste and needs to be SWUK assessed.