



**Construction
Demolition
Waste Forum**

What is Waste Guide

A guide to help determine if a material is waste



Produced with help from the  Environment Agency

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Introduction

This guide has been developed by a small project steering group from the CIWM Construction & Demolition Waste Forum which works to bring about continual improvement in the environmental performance of the construction sector. The steering group is made up of experts in waste and resources management from a number of the large contractors who are members of the CIWM C&D Waste Forum, as well as other invited industry experts.

Legally, waste is defined in Article 3, Para. 1 of the [European Waste Framework Directive \(EWFD\)](#) as “**any substance or object that the holder discards, intends to discard, or is required to discard.**” Even if the material is sent for recycling, or undergoes treatment in house, it can still be waste, and therefore all waste duty of care requirements will apply. In addition, when measuring and reporting waste, you will need to categorise it as either Construction, Demolition, or Excavation waste in accordance with the [ENCORD Construction Waste Measure Protocol](#).

This guide has been put together to answer some of the questions the construction industry has been asking when discussing waste and waste targets. We will update this on a regular basis, so if you have any questions you would like to be included, please contact the group chair.

Project Steering Group

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Is this Waste?

Q1: We are demolishing an existing brick building and sending the material off site for crushing into aggregate. Is this waste?

A1: **This is Demolition waste** as this is deemed to have been discarded, even if the crushed material is subsequently bought back as aggregate to the producing site.

Q2: We are demolishing an existing brick building, crushing the material on site into aggregate (after obtaining the necessary Part B authorisation with T5 exemption, SR2010 No. 11 permit, or T7 exemption), and then sending some of the resulting material off site for use on another project, and keeping some for reuse on our site. Is any of this waste?

A2: **This is not waste** as long as the aggregate has been produced in accordance with the [Quality Protocol: Aggregates from inert waste](#). The waste is deemed to have been 'recovered' into a material, so can be transported off site, and/or reused on site without the need for waste management controls. However, if the Quality Protocol has not been followed, the crushed material remains a waste and a U1 exemption will be required for its use, on or off site, and waste controls will apply.

Q3: I have a piling mat constructed from virgin / recycled Quality Protocol aggregate. When the piling is finished I intend to reuse this as fill on the same site? Is this waste?

A3: **This is not waste** provided there is certainty of reuse, and the aggregate has not become contaminated with hydraulic oil etc. and meets the required technical specification.

Q4: I have a piling mat constructed from virgin / recycled Quality Protocol aggregate. When the piling is finished I intend to reuse this as fill on another site? Is this waste?

A4: **This is not waste** provided there is certainty of reuse, the aggregate has not become contaminated with other waste materials, e.g. hydraulic oil, soil, packaging, etc. and meets the required technical specification.

Q5: My engineer has over ordered a significant quantity of recycled Quality Protocol aggregate. I wish to sell it – is this waste?

A5: **This is not waste** provided there is certainty of reuse, and the aggregate has not become contaminated with other waste materials, e.g. hydraulic oil soil, packaging etc. and meets the required technical specification. Any subsequent holder of the recycled aggregate will need to be able to demonstrate that it is still compliant with the Quality Protocol.

Q6: I am importing recycled aggregate to form a piling mat, that I do not believe meets requirements of the aggregate Quality Protocol. Is the recycled aggregate a waste?

A6: **This is Demolition waste** if you cannot confirm that the material has been processed in accordance with the [Quality Protocol: Aggregates from inert waste](#). If in England or Wales you will need to register for a U1 Exemption which permits the use of up to 5,000 tonnes of mixtures of concrete, bricks, tiles and ceramics, as long as they contain no dangerous substances, over a three year period. In Scotland you will need to apply for a Paragraph 19 exemption, and there are no limits. If you have been offered Quality Protocol aggregate that clearly does not meet the standards required by the Quality Protocol you should reject it and report the incident to the Environmental Regulator (Tel: 0800 8070 60).

Q7: We are demolishing an existing building, and cleaning and stacking the bricks/floor boards/timber joists for reuse both on our site, and another site elsewhere. Is this waste?

A7: **This is not waste** as long as there is certainty that the materials will be reused on or off site, or sold on for reuse in construction elsewhere, for the same purpose for which they were conceived (EWFD Article 3 Para. 13).

Q8: We are excavating the basement/foundations for a project and the excavated material is ideal for reuse on our / another contractor's construction project 3 miles down the road, so is this waste?

A8: **This is Excavation waste** as the material is deemed to have been discarded. However if the [CL:AIRE Definition of Waste: Development Industry Code of Practice](#) is applied to the process, this may not be classed as waste if there is certainty of reuse on the other project.

Q9: We are excavating the basement/foundations for a project and the excavated material is ideal for reuse on another part of the same project, so is this waste?

A9: **This is not waste** as long as it is uncontaminated and there is certainty that the material will be reused in its natural state on the site of production (EWFD Article 2 Para. 1c). However, any excess material removed off site will be classed as Excavation Waste.

Q10: We are carrying out piling operations on site. Are the piling arisings Excavation waste or Construction waste?

A10: Piling arisings are **Excavation waste**, if the material is deemed to have been discarded, and is not to be reused on the site of production. However if the [CL:AIRE Definition of Waste: Development Industry Code of Practice](#) is applied to the process, this may not be classed as waste if there is certainty of reuse on another project (see above).

Q11: During the excavation we have come across an old concrete/brick structure. If we send this off site for crushing into aggregate, is this waste?

A11: **This is Excavation waste**. This is deemed to have been discarded, and is therefore classed as waste, even if we subsequently bring back this material as aggregate on site. However if we can leave the material in place, or crush the material on site into a Quality Protocol compliant aggregate (after obtaining the necessary permits, see Q2), for reuse on or off site, then this would not be classed as waste.

Q12: We are constructing the formwork for the walls/slabs/foundations and have a lot of timber off-cuts and left over timber from striking the formwork. If we send this to a wood fuel manufacture, is this still waste?

A12: **This is Construction waste**. This is deemed to have been discarded, and is therefore classed as waste, even though it will be recycled into a fuel source. However if the formwork can be reused either on the current project, or another project, then this would not be waste (EWFD Article 3 Para. 13).

Q13: We have finished the joinery package and have some leftover lengths of timber. If we send this to the local Community Wood Recycling Scheme centre, is this waste?

A13: **This may be Construction waste**. Depending on what they intend to use the material for, this may or may not be waste. If the material is going to be sold as timber, or used to manufacture products, then **this would not be waste** (EWFD Article 3 Para. 13). However if the material is going to be turned into firewood, or sent for onward recycling, then the material is not being used for the purpose for which it was conceived, and **would be classed as waste**. If in doubt, record as waste.

Q14: We have a large number of pallets left over from the many deliveries to site. If we send these back to the supplier, either directly or via a logistics company, are these classed as waste.

A14: **This may be Construction waste**. If the pallets are branded with the suppliers name, or are a recognised industry standard pallet (e.g. Euro pallet) that can be reused for the same purpose for which they were conceived, even if some minor repair is required, then this **will not be classed as waste** if returned to the supplier directly, or via a logistics company (EWFD Article 3 Para. 13). However, pallets that cannot be reused for the same purpose for which they were conceived **will be classed as waste**.

Q15: We have arranged for the insulation/carpet tile/ceiling tile off-cuts to be returned to the manufacturer for recycling back into new insulation. Is this waste?

A15: **This is Construction waste.** This is deemed to have been discarded, and is therefore classed as waste, even though it will be recycled back into the same material. An alternative would be to return the product for restocking, or donate large off-cuts to local charities or community schemes for reuse for the same purpose for which they were conceived, it would then not be classed as waste (EWFD Article 3 Para. 13).

Q16: We have arranged for the supplier of a material to take back the packaging material for recycling. Is this waste?

A16: **This is Construction Waste.** This is deemed to have been discarded, and is therefore classed as waste, even though it will be recycled back into the same material. However, if the packaging can be redesigned so that it can be reused a number of times for the same purpose for which it was conceived, then this would not be classed as waste (EWFD Article 3 Para. 13).

Q17: We have finished the brickwork package and have some leftover bricks. If we send these to the local community reuse centre (e.g. Recipro), is this waste?

A17: **This is not waste** if the material is going to be sold by the community reuse centre as bricks to be used for the same purpose for which they were conceived. (EWFD Article 3 Para. 13)

Q18: We have finished building and have some excess insulation and timber, which we would like to use on a community refurbishment project. Is this waste?

A18: **This is not waste** if it is certain the material is going to be reused for the same purpose for which it was conceived (EWFD Article 3 Para. 13).

Q19: We are about to hand over the building and have therefore removed all of the temporary protection. If we donate this to another site, is this waste?

A19: **This is not waste** if it is certain the material is going to be reused for the same purpose for which it was conceived (EWFD Article 3 Para. 13).

Q20: We have a large amount of furniture that is still useable to remove from a building. Can a charity collect this for use in a community project, or is this waste?

A20: **This is not waste** if the furniture is going to be reused for the same purpose for which it was conceived (EWFD Article 3 Para. 13).

Q21: We have to cut down a number of mature trees, can we let people take the logs away to burn at home, or is this waste?

A21: **This is not waste** if the logs are taken away by individuals, or donated to a local community reuse centre, before they are put into skips, as long as there is certainty that the logs will be used for a purpose to which virgin timber is commonly used (e.g. wood chip in gardens or for animal bedding, raw material for the production of wood based products or paper, fuel for appliances, etc.). Whole trees and the woody parts of trees including branches and bark derived from forestry works, woodland management, tree surgery and other similar operations are classed virgin timber (see [EA Position Statement](#)). It does not include clippings or trimmings that consist primarily of foliage – **this would be classed as waste.**

Is this Hazardous Waste?

The following have been compiled from various questions asked by the construction industry, based on the [WM3 Classification of Waste Guidance - May 2015](#). WM3 uses the List of Waste (LoW) to determine the correct description code for the waste, which is more commonly known as the European Waste Catalogue (EWC) code. Where identified as hazardous waste, you will need to dispose of the waste in accordance with the Hazardous Waste Regulations (Special Waste Regulations in Scotland).

HQ1: We have an empty 5 litre container of synthetic engine oil which has been thoroughly drained. Is this hazardous waste?

HA1: This is hazardous Waste. The original contents of the container are an absolute entry in the European List of Waste. As there is likely to be a residue of hazardous material remaining, however small, the container will be classed as packaging containing residues of, or contaminated by, hazardous substances. Use the hazardous waste EWC code 15 01 10*.

HQ2: We have a 5 litre container of mineral oil, which still has a small amount of the contents remaining. Is this hazardous waste?

HA2: This is hazardous waste. The contents of the container are an absolute entry in the European List of Waste. As there is still hazardous material remaining within the container, which has not been drained, you will need to dispose of the material and its container using the appropriate hazardous waste code for the contents from chapter 13 of the European List of Waste.

HQ3: We have a number of empty tins of oil based paint which have been thoroughly drained and scraped out, and the material inside is now dry. Is this hazardous waste?

HA3: This may be hazardous waste. You will need to check with the paint manufacturer(s) to confirm whether the material remains or becomes hazardous once dry. If the material has no hazardous properties once dry, then the containers can be disposed of as non-hazardous packaging waste using one of the non-hazardous codes from chapter 15 of the European List of Waste. However, if the contents remain hazardous once dry, as there is likely to be a residue of hazardous material remaining, however small, the container will be classed as packaging containing residues of, or contaminated by, hazardous substances. Use the hazardous waste code 15 01 10*.

HQ4: We have a half full tin of paint, the contents of which contains organic solvents and/or other dangerous substances. Is this hazardous waste?

HA4: This is hazardous waste. The contents of the container are a mirror entry in the European List of Waste. As there is still hazardous material remaining within the container, which has not been drained and scraped out, you will need to dispose of the material and its container using the appropriate hazardous waste code for the contents from chapter 8 of the European List of Waste.

Note: If the paint is still useable in its original form, then it could be donated for reuse, e.g. to [Community Repaint](#), and would not fall under the waste regulations.

HQ5: We have a number of empty mastic tubes, and the residual material inside has now cured. Is this hazardous waste?

HA5: This may be hazardous waste. You will need to check with the mastic manufacturer(s) to confirm whether the material remains hazardous once dry. If the material has no hazardous properties once dry, then the tubes can be disposed of as non-hazardous packaging waste using one of the non-hazardous codes from chapter 15 of the European List of Waste. However, if the contents remain hazardous once cured, as there is likely to be a residue of hazardous material remaining, however small, the tubes will be classed as packaging containing residues of, or contaminated by, hazardous substances. Use the hazardous waste code 15 01 10*.

HQ6: We have a number of partially full mastic tubes, the contents of which contain organic solvents and/or other hazardous substances. Is this hazardous waste?

HA6: **This is hazardous waste.** The contents of the tubes are a mirror entry in the European List of Waste. As there is still hazardous material remaining within the container, which has not been removed, you will need to dispose of the material and its container using the appropriate hazardous waste code for the contents from chapter 8 of the European List of Waste.

Note: If the mastic within the tubes is still useable in its original form, then it could be donated for reuse, and would not fall under the waste regulations.

HQ7: We have a number of empty spray cans. Is this hazardous waste?

HA7: **This is likely to be hazardous waste.** You will need to check with the manufacturer(s), but many of the propellants used within spray cans are likely to contain hazardous substances, and are therefore a mirror entry in the European List of Waste. As propellant remains within the spray can you will need to dispose of the cans using the hazardous waste code 16 05 04*.

Note: You may also wish to consider treatment of the cans to remove the propellant in line with Environmental Permitting [exemption T15](#).

HQ8: We have a number of empty cement bags. Is this hazardous waste?

HA8: **This is hazardous waste.** Cement contains hazardous substances, and is therefore a mirror entry in the European Waste Catalogue/List of Waste. As there is still hazardous material remaining within the container, which has not been removed, you will need to dispose of the bags using the appropriate hazardous waste code for the contents from chapter 17 of the European Waste Catalogue/List of Waste.

Note: You may also wish to consider treatment of the bags with water. Damping down the bags will create a chemical reaction within the residual cement left in the bags, turning it into concrete which is absolute non-hazardous waste.

References:

[European Waste Framework Directive 2008/98/EC \(EWFD\)](#)

[Guidance on the interpretation of key provisions of Directive 2008/98/EC on waste](#)

[WM3 Classification of Waste Guidance - May 2015](#)

[Defra Guidance on the legal definition of waste and its application](#)

[Quality Protocol for the production of aggregates from inert waste](#)

[CL:AIRE Definition of Waste: Development Industry Code of Practice](#)

[EA Position Statement on wood](#)

[ENCORD Construction Waste Measurement Protocol](#)



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