



Guidance

# Storing and managing excavated waste from street works: RPS 299

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<b>Applies to England</b>
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This publication is available at <https://www.gov.uk/government/publications/storing-and-managing-excavated-waste-from-street-works-rps-299/storing-and-managing-excavated-waste-from-street-works-rps-299>

This regulatory position statement (RPS) does not change your legal requirement to:

- make sure waste is correctly described when you receive it
- comply with an environmental permit when you receive and store this waste unless you comply with a [non-waste framework directive exemption \(https://www.gov.uk/government/collections/waste-exemptions-storing-waste#exemptions-you-do-not-need-to-register\)](https://www.gov.uk/government/collections/waste-exemptions-storing-waste#exemptions-you-do-not-need-to-register)
- have an environmental permit when you treat this waste

However, the Environment Agency will not normally take enforcement action against you if you do not comply with these legal requirements provided that:

- your activity meets the description set out in this RPS
- you comply with the conditions set out in this RPS

In addition your activity must not cause (or be likely to cause) pollution of the environment or harm to human health, and must not:

- cause a risk to water, air, soil, plants or animals
- cause a nuisance through noise or odours
- adversely affect the countryside or [places of special interest \(https://www.gov.uk/check-your-business-protected-area\)](https://www.gov.uk/check-your-business-protected-area)

## 1. Activity this RPS applies to

This RPS applies to accepting and storing the mirror-hazardous versions of the wastes listed in this RPS where your permit only allows the corresponding mirror non-hazardous codes.

You can also treat the wastes listed in this RPS if they have been assessed as non-hazardous under '[Classify excavated waste from street and utility works: RPS 298](https://www.gov.uk/government/publications/classify-excavated-waste-from-street-and-utility-works-rps-298)' (<https://www.gov.uk/government/publications/classify-excavated-waste-from-street-and-utility-works-rps-298>).

## 2. Conditions you must comply with

You must operate a permitted waste site that can accept these waste codes (except where you are the producer storing the waste at a site you control):

- 17 01 01 concrete
- 17 01 02 bricks
- 17 01 03 tiles and ceramics
- 17 01 06\* and 17 01 07 mixtures of concrete, bricks, tiles and ceramics
- 17 03 01\* and 17 03 02 bituminous mixtures
- 17 05 03\* and 17 05 04 soil and stones
- 17 09 03\* and 17 09 0304 mixed construction and demolition wastes

Note: an asterisk (\*) next to the code means it is a hazardous waste. Hazardous waste codes must only be used for waste over 15m<sup>3</sup> which is classed as hazardous.

You must:

- update your management system to explain how you will manage wastes you accept under this RPS
- store wastes received under this RPS separated by waste code (for example storing 17 03 02 bituminous waste separate to 17 09 04 sub-base)
- store waste received under this RPS separate to other (non-street works) wastes you receive
- store waste that has been classified as hazardous under RPS 298 separated by different works (using the works permit reference, or work order number to identify different works) until it has been tested in line with [Technical Guidance WM3](https://www.gov.uk/government/publications/waste-classification-technical-guidance)  
(<https://www.gov.uk/government/publications/waste-classification-technical-guidance>)
- keep records (including transfer documents and sampling results) for 2 years (or 3 years for hazardous waste) to show that you have complied with this RPS and make these records available to the Environment Agency on request

You must not:

- change the classification of any waste you receive under this RPS unless it has been sampled and tested to show that it should be classified differently
- use waste received under this RPS in any quality protocol or end of waste process unless it has been:
- sampled and tested in line with WM3
- confirmed to be both non-hazardous and suitable as an input material
- treat waste that has been classified as hazardous under RPS 298, unless your permit allows you to treat that specified hazardous waste

### 3. Things to note

This RPS is linked to [RPS 298](#)

(<https://www.gov.uk/government/publications/classify-excavated-waste-from-street-and-utility-works-rps-298>), and you should read that RPS to make sure you understand how the waste that it covers is classified.

If you treat waste, you must test any materials produced from that treatment for hazardous properties in line with WM3.

The trade body [Street Works UK](http://streetworks.org.uk/) (<http://streetworks.org.uk/>) is developing a methodology for assessing utilities waste. Testing on these wastes has shown approximately 15% of utilities waste meets one or more criteria to be classified as hazardous waste.

### 4. When you must check back

This RPS will expire on 31 March 2025.

The Environment Agency can withdraw or amend this regulatory position before it expires if they consider it necessary. This includes where the activity that this RPS relates to has not changed.

You will need to check back from time to time, including at and before the expiry date, to see if this RPS still applies.

You can [subscribe to email updates about this RPS](#)

([https://www.gov.uk/email/subscriptions/single-page/new?topic\\_id=classify-excavated-waste-from-street-and-utility-works-rps-298](https://www.gov.uk/email/subscriptions/single-page/new?topic_id=classify-excavated-waste-from-street-and-utility-works-rps-298)). These will tell you if the RPS has changed and when it has been withdrawn.

### 5. If you cannot comply with this RPS

If you operate under this RPS but can no longer comply with it, you must stop the activity to which this RPS relates and must tell the Environment Agency immediately. Contact your local regulatory officer and tell them what action you are taking as a result.

## 6. Contact the Environment Agency

If you have any questions about this RPS email [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

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