



Guidance

Excavated waste from utilities installation and repair: RPS 211

Updated 28 April 2023

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This publication is available at <https://www.gov.uk/government/publications/excavated-waste-from-utilities-installation-and-repair-rps-211/excavated-waste-from-utilities-installation-and-repair-rps-211>

This regulatory position statement (RPS) does not change your legal requirement to assess and classify waste in accordance with [waste classification technical guidance](https://www.gov.uk/government/publications/waste-classification-technical-guidance) (<https://www.gov.uk/government/publications/waste-classification-technical-guidance>).

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

- your activity meets the description set out in this RPS
- you comply with the conditions set out in this RPS
- your activity does not cause (and is not likely to cause) pollution of the environment or harm to human health

When this RPS applies

This RPS applies to businesses who deal with excavated waste from unplanned utilities installation and repair.

It applies to businesses who:

- produce it
- transport it
- keep it
- process it
- control it – if you are a dealer or broker
- use it
- dispose of it

It allows you to classify certain excavated waste as non-hazardous. This means you can move it as non-hazardous waste under a waste transfer note.

This RPS applies when excavated wastes are produced by (or on behalf of) utility companies that are members of Street Works UK and:

- are from unplanned utilities installation and repair
- would be classified under European Waste Catalogue (EWC) codes:
 - 17 01 01 concrete
 - 17 01 02 bricks
 - 17 01 03 tiles and ceramics
 - 17 01 07 non-hazardous mixtures of concrete, bricks, tiles and ceramics
 - 17 03 02 non-hazardous bituminous mixtures
 - 17 05 04 soil and stones
 - 17 09 04 non-hazardous mixed construction and demolition wastes
- would not be classified as hazardous under the producer's company procedures
- are not known or reasonably suspected to be hazardous, for reasons including (but not limited to):

- visible and olfactory presence of hydrocarbons and other chemicals
- waste containing visible pieces of material that contain asbestos
- asphalt (tarmac) road surfaces likely to contain coal tar – for example, those laid in the 1980s or before
- waste from excavations on contaminated sites if previous site investigations identified hazardous waste

If you follow the conditions in this RPS, you do not need to do a hazardous waste assessment for excavated wastes that are covered by this RPS.

If you cannot follow the conditions in this RPS, you must follow the [waste classification technical guidance \(https://www.gov.uk/government/publications/waste-classification-technical-guidance\)](https://www.gov.uk/government/publications/waste-classification-technical-guidance) to assess and classify all excavated waste.

Conditions you must comply with

You must:

- send the waste to a permitted site
- describe the excavated waste on any transfer note as ‘not assessed and classified in reliance of RPS 211’
- keep records for 2 years that show you have complied with this RPS and make these records available to the Environment Agency on request

You must not:

- generate more than 10 cubic metres of waste at the excavation site
- treat or use the waste under an exemption

You 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

When you must check back

The Environment Agency will withdraw this RPS by 30 April 2023.

You will need to check back then to see if it still applies. If this RPS is withdrawn all unassessed waste from utilities excavations must be classified as hazardous. This includes any waste that has entered the waste management system or has been stockpiled (or both) under this RPS.

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

This RPS remains in force until it is removed from GOV.UK or is otherwise identified as having been withdrawn.

If you cannot comply with this RPS

If you operate under this RPS but think you may no longer be able to comply with its conditions, you must tell the Environment Agency immediately.

Contact the Environment Agency

General enquiries

National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY

Email enquiries@environment-agency.gov.uk

Telephone 03708 506 506

Telephone from outside the UK (Monday to Friday, 8am to 6pm GMT) +44 (0)
114 282 5312

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