

Use of PAS 108 tyre bales in civil engineering and landfill infrastructure works

For civil engineering projects and permitted landfill infrastructure works involving PAS 108 (2007) tyre bales, we will support a local enforcement decision to not pursue an application for an environmental permit in relation to the waste operation for the use and associated storage of tyre bales. This will apply where the proposed use and storage has been notified to us and we are satisfied that all the requirements set out below will be met.

Background

This statement sets out how we will regulate the use of tyre bales in civil engineering projects and landfill infrastructure works while we give further consideration to appropriate regulatory control in the light of data to be provided by the industry.

The Environmental Permitting (England and Wales) Regulations 2010 came into force on 6 April 2010. These introduced new exemptions - [U2 covering the use and storage of up to 50 tonnes](#) of end-of-life tyres in construction and [T8 the mechanical treatment](#) of end-of-life tyres. The storage, treatment or use of tyre bales that cannot comply with the exemptions requires an environmental permit.

The baling industry has indicated that they will be in a position to provide agreed leach test data using whole tyres to enable a risk assessment to be made in the foreseeable future. During the period of this position statement we will consider the data provided and the results of any risk assessment work that is carried out to inform our view on appropriate regulatory controls on the use and storage of tyre bales used in construction. We will also work with the baling industry to develop updated quality standards and prevent the illegal use of tyre bales.

The requirements

An environmental permit or variation to a permit, in relation to a waste operation for the use (a recovery operation) and associated storage of tyre bales for civil engineering and landfill infrastructure works, will not be required where ALL of the following requirements are met:

1. We have been notified in writing of the proposed use and storage and have confirmed in writing that the project plan falls within the scope of this statement and is acceptable before the commencement of operations. Notification must be to our local area office covering the location of the proposed construction project and must include details on:

- the proposed civil engineering works that the baled tyres will be used for
- who will be supplying the tyre bales
- the number of tyre bales required for the project
- assurance that the tyres conform to PAS 108 (2007)
- the estimated commencement and duration of the storage and construction activities
- the location of the proposed storage and construction areas
- a construction or quality assurance plan
- details of the proposed project supervisor

2. The project must comply with the details stated above which have been approved by the Agency. Any variations to the requirements above must have prior written approval of the Agency.
3. The project, including the use and storage of tyre bales is supervised by a recognised qualified civil engineer.
4. The tyre bales construction conforms to BSI PAS 108 (2007).
5. The project including the associated storage of the tyre bales is carried out in such a manner that ensures the recovery of the waste and without endangering human health or harming the environment and in particular:
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours; and
 - (iii) without adversely affecting the countryside or places of special interest.

6. The tyre bales must NOT be used in locations where they will be situated beneath the water table, within Source Protection Zones 1 or 2 or in very acidic (pH5 or below) ground conditions. For more information see [Groundwater Protection: Principles and Practice \(GP3\)](#).

7. The proposed use must comply with land use planning and other statutory controls.

Note: The term 'use of the tyre bales' means that it has to be a recovery operation (the project cannot be a means of disposing of tyres or tyre bales) and that it is intended that the tyre bales will be permanently incorporated into the civil engineering or landfill structure.

8. Ancillary storage is carried out as follows:

- The number of tyre bales stored at any time is no more than that required to complete the project and at no time exceeds 1000 bales in any location (multiple storage sites for major projects will only be considered on a case by case basis).
- No bales are stored for longer than 3 months before the commencement of incorporation into the civil engineering or landfill infrastructure works.
- A written system is in place to prevent, detect, contain and mitigate fires. This will include storage of bales in a secure location and by ensuring there is sufficient access for Fire and Rescue Service vehicles.
- The proposed storage of bales must comply with land use planning and other statutory controls.

Enforcement

In not pursuing an application for a permit for a waste operation, this means we will not normally take enforcement action providing the activities fall within the scope of this position statement and comply with all the requirements stated.

Tyre bales remain waste until incorporated into a civil engineering or landfill infrastructure. Where we do not require a permit for a waste operation, you must comply with all other appropriate waste management controls such as duty of care and carrier registration. In addition, any controls that do not depend on the status of the material as a waste will still apply. These include permitting requirements for other activities such water discharge activities or groundwater activities.

If the activity does not comply with all the requirements of this position statement, or there is a breach of waste management or other controls we regulate, we will take action in line with our [Enforcement and Sanctions](#) statement.

We review this regulatory position statement regularly. It is the responsibility of the user to ensure they are referring to the most up-to-date version.

We will continue to investigate and take enforcement action in line with our [Enforcement and Sanctions Statement](#) against anyone involved in the abandonment, illegal export or inappropriate use of used tyres, tyre bales or tyre-derived materials.

This statement is based on our understanding of the relevant legislation. It applies to England only. You can get advice on the approach being taken in Wales from Natural Resources Wales.

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
0345 988 1188
0845 988 1188

This regulatory position will be reviewed by April 2018.

However, we may review it before that date, and triggers for such a review may include: industry does not provide any leaching test data; the results of any risk assessment work which lead us to conclude additional controls are required; the position is misused; a pollution incident; a change to the industry quality standard PAS 108 (2007).

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