



For the future of our environment

## **SEPA Position Statement:**

# **Cold Recycling - Treatment, Storage and Use of Asphalt Waste Containing Coal Tar (AWCCT)**

**Reference: WAS-PS-06**

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### **Purpose**

This position statement outlines the conditions which must be met to enable the treatment (Cold Recycling), storage and use Asphalt Waste Containing Coal Tar (AWCCT) to be carried out without an appropriate waste management authorisation.

AWCCT can be produced from the repair and refurbishment of roads, pavements, footways, car parks or airfields etc. If the concentration of Coal Tar is above/equal to a specific threshold value, then the AWCCT will be a Hazardous Waste requiring treatment and/or disposal of at a suitably licensed or permitted facility.

Furthermore, the use of treated or untreated AWCCT in construction applications is a waste recovery operation requiring a suitable waste management authorisation. However, SEPA recognise that in some circumstances, where the environmental risk is considered low, specifically, ex-situ and in-situ cold recycling, the need for such an authorisation could be disproportionate and not reflective of SEPA's Waste to Resources Framework.

The following regulatory position has been developed in recognition of the benefit 'cold recycling' has on the sustainability of road construction by reducing the use of virgin aggregates, energy use, disposal of waste, transport movements and impacts on the environment.

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SEPA will allow the treatment, storage, and use of treated AWCCT where the conditions of this regulatory position statement (RPS) are met. Please note that this RPS is applicable only when treatment and storage is carried out at sites authorised under Part B (a) or (c) and/or Part B (e) as appropriate.

The potential re-use of Non-Hazardous Asphalt Waste is covered in the SEPA document [‘Guidance on the production of fully recovered asphalt road planings’](#).

## Background

AWCCT is commonly treated by crushing, grinding, and screening. Once treated it can be used again in the construction of new paving structures (roads, pathways, etc.) or re-incorporated into the original paving structures from which the waste arose. One such treatment method, Cold Recycling, processes road materials at an ambient temperature and stabilises them with the addition of binding agents before incorporating into either the original road structure or a new structure.

Cold recycling can be carried out ‘in-situ’ where the road materials are treated at the site of production or ‘ex-situ’ where the road materials are taken to a satellite location for treatment.

Treated AWCCT can then be reincorporated into the original road (or used in the construction of a different road) in accordance with a desired specification (for example Specification for Highways Works Series 900).

## Transport Scotland - An approach to cold recycling of bitumen and tar bound roads

Transport Scotland, the national transport agency for Scotland, deliver the Scottish Government's vision for transport, upgrading and monitoring the trunk road network across Scotland. In meeting their obligations Transport Scotland initiate maintenance projects, many of which produce AWCCT.

Transport Scotland’s guidance document [‘An approach to cold recycling of bitumen and tar bound roads’](#) contains procedures and rules providing a framework for Transport Scotland and

its operators to manage AWCCT in a controlled proportionate manner minimising the risk to human health and the environment.

This SEPA position statement supports Transport Scotland's approach and where appropriate incorporates some key elements of the protocol to ensure consistency however users of the Transport Scotland guidance should note that they must also comply with this position statement if they are to achieve regulatory compliance.

### **SEPA's Waste to resources framework**

SEPA's waste to resources framework recognises the importance of reducing waste and the sustainable use of secondary materials where they are fit for purpose and where their use will not harm the environment. The re-incorporation of treated AWCCT in a controlled manner (i.e. only in accordance with approved specifications) is seen as being compliant with this framework.

### **Cold Recycling - Storage and Treatment of AWCCT**

An environmental authorisation from SEPA will usually be needed to store and treat asphalt waste to prepare it for cold coating and recycling. If you comply with the conditions in this position statement SEPA will not take enforcement action if you carry out the activity without an authorisation

This RPS aims to promote the use of temporary hub sites for 'ex-situ' recycling and allow for the use of treated AWCCT. It is not SEPA's intention to negate the requirement for suitable authorisation therefore if you cannot meet the conditions in this Position statement, then you must apply for an appropriate authorisation.

This RPS applies only to the storage and treatment of AWCCT where it is to be cold mix coated i.e. cold recycled and where the treatment consists of crushing, grinding, screening, grading, or mixing. You may still need other permits or licences for other activities you carry out.

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## Conditions you must comply with:

You must not store or treat AWCCT continuously at the same site for more than 12 months.

The maximum amount of waste you can store on site before treatment is:

- 1,800 tonnes of wastes coded 17 03 01\* at any one time or 50,000 tonnes within 12 months
- 50,000 tonnes of wastes coded 17 03 02 within 12 months

You must make sure that:

- crushing, grinding, screening or grading is undertaken by plant authorised by SEPA under [Part B Section 3.5 \(a\) or \(c\)](#)
- subsequent cold mix coating at the same site is covered by a SEPA [Part B Section 3.5 \(e\) mobile plant authorisation](#)
- you store wastes coded 17 03 01\* on an impermeable surface with a sealed drainage system. A sealed drainage system is impermeable – it does not leak. It ensures that:
  - all liquids run off the surface through the sealed drainage system
  - all liquids are collected in a sealed sump, except where they may be lawfully discharged

Where a sealed drainage system is not in place, you must ensure that any storage areas, shed water and, on completion of the project, any remaining tar bound material is sent off site for disposal.

If the coated material remains as waste, for example, does not have an identified use or fails to meet the desired specification, its subsequent use is covered by the 'Cold Recycling - Use of Treated AWCCT' section below.

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You must make sure your actions do not endanger human health or the environment. 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

You must keep records for 2 years that show you have complied with this RPS. You must make these records available to the SEPA on request.

## Cold Recycling - Use of treated AWCCT

You would normally require an authorisation from SEPA to use treated AWCCT in a road maintenance or improvement scheme in Scotland, however If you comply with the conditions in this position statement SEPA will not take enforcement action if you carry out the activity without an authorisation.

### Conditions you must comply with:

You must submit the following information (as a minimum) to SEPA's National Waste Unit via the following e-mail address: [NationalWaste@sepa.org.uk](mailto:NationalWaste@sepa.org.uk) no less than 28 days prior to the start date of the scheme:

- A summary of the scheme proposal
  - A description of the scheme including location, size, and planned treatment, i.e. in situ or ex situ method.
  - Estimated tonnages of AWCCT expected to be produced.
  - Estimated tonnages of AWCCT to be treated
  - Estimated tonnages of AWCCT expected to be used on site.

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- Details of how any unused (surplus material) will be managed i.e. storage or disposal.
  - Where appropriate, details of any surplus treated AWCCT to be used i.e. where material was produced, where material was stored and expected quantities to be used.
  - Confirmation that the treated material will only be used in bound sub-surface layers (the sub-base, base, or binder course)
    - Reference to relevant specifications and design guides e.g.:
      - Clause 948, Ex Situ Cold Recycled Bound Material (MCHW1).
      - Clause 947, In Situ Cold Recycled Bitumen Bound Material (MCHW1); and
    - TRL Report TRL 611 (Guidance and specification for in situ method using hydraulically bound cold recycled material).
  - Risk assessment
    - A description of how the work will be carried out safely, focussing on the identification of any environmental risks and how they will be managed and minimised.
    - Examples of specific measures put in place, e.g. how material prepared using the ex-situ method will be crushed, screened, and stored in a way that will avoid cross contamination with other materials.
  - Protection of Human Health and the Environment
    - You should provide evidence to show that activities will 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.
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## SEPA Approval

You should not begin using treated AWCCT until such time as you have had SEPA's written approval.

## Transportation of Hazardous Waste

Note – Untreated AWCCT removed from roads and taken elsewhere for treatment, is a hazardous waste, and as such, any transportation of surplus materials must be consigned in accordance with appropriate legislation. Any site used for the storage and / or treatment of this material prior to its use in accordance with this position statement, must be licensed to accept and treat Special waste or be compliant with requirements of this RPS.

## Cold Recycling - Use of Surplus AWCCT

The design guides and specifications detailed above, namely clause 948, clause 947 and TRL 611, help control the 'cold recycling' process for treating AWCCT while also ensuring that the use of treated AWCCT does not compromise the integrity or performance of a road structure, consisting of solely of virgin aggregate, nor does it is use pose any additional environmental risk.

SEPA is aware that in meeting these strict requirements it may not always be possible to re-incorporate all the treated AWCCT into the original location and at the end of any scheme or project there may be surplus treated AWCCT requiring to be managed in an appropriate manner.

SEPA expects the quantities of surplus treated AWCCT to be minimal however in the interests of sustainability and circularity where it can be shown that there will be certain re-use within a 3 month period, from the first day of storage, surplus treated AWCCT produced in accordance with this position statement, can be removed and subsequently stored in accordance with the requirements detailed in Regulatory Position Cold Recycling of Asphalt Waste Containing Coal Tar (AWCCT).

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Please note that any subsequent use of surplus treated AWCCT under this regulatory position will be restricted to schemes, projects, etc. located in Scotland where the originating producer of the surplus AWCCT and main contractor using the surplus treated AWCCT are the same company.

Furthermore, for the purposes of this RPS only, where the surplus treated AWCCT is used within three months, and in accordance with the conditions of this position statement i.e. in bound sub-surface layers (the sub-base, base, or binder course), meeting the relevant specifications and design guides e.g. Clause 948, Ex Situ Cold Recycled Bound Material (MCHW1), Clause 947, In Situ Cold Recycled Bitumen Bound Material (MCHW1); and TRL Report TRL 611 (Guidance and specification for in situ method using hydraulically bound cold recycled material), SEPA considers the treated AWCCT to be no longer a waste and therefore a Special Waste Consignment Note (SWCN) is not required for any movements from the point of bulking up to the point of use.

However, please note that unless the treated AWCCT is being re-used it will be considered a waste and movements for any other purpose other than re-use will require a SWCN.

## **Environment and Social Impacts**

A lifecycle approach to project design and use of treated AWCCT should be used to determine the lowest greenhouse gas emission option. Consideration should be given to minimising the transport of materials, maximising use of secondary materials and optimising the design to minimise the virgin material required.

The movement of untreated and treated AWCCT will result in a range of transport impacts, including noise and vibration, danger for local communities, an increase in energy consumption and greenhouse gas emissions. Therefore, ex-situ treatment and re-use close to the source of materials has considerable social, environmental, and economic benefits.

Treated and untreated AWCCT must be handled and stored appropriately to prevent dust and fine particles entering watercourses and drains. Deposition of dust on vegetation and surrounding property should be avoided by controlling the release of dust at source.



## Your Legal Obligations When Handling Waste

If you are handling waste, then you must comply with your duty of care obligations as found in Section 34 of the Environmental Protection Act 1990 (as amended), which aim to ensure that waste is managed correctly, for example:

- Waste should be stored properly.
- You should only transfer waste to an appropriate person.
- For the purposes of this RPS an appropriate person is taken to mean someone operating a licenced or permitted site or operating under of the terms of a relevant RPS outlined elsewhere in this document
- You should ensure that when transferred it is sufficiently well described to enable its safe recovery or disposal without harming the environment.

When transferring your waste, you must classify your waste and use the appropriate paperwork, i.e. Waste Transfer Note (WTN) for non-hazardous waste and Special Waste Consignment Note (SWCN) for hazardous waste.

If you are transporting waste, then you must be registered as a professional collector and transporter of waste. If you use someone else to carry your waste, they must be a registered waste carrier.

### **Applicability of Position Statement**

This position applies only in Scotland. The terms of this position may be subject to periodical review and be changed or withdrawn considering technological or scientific developments, regulatory or legislative changes, future government guidance or experience of its use. SEPA reserves its discretion to depart from the position outlined here and to take appropriate action to avoid any risk of pollution or harm to human health or the environment.

If you would like this document in an accessible format, such as large print, audio recording or braille, please contact SEPA by emailing [equalities@sepa.org.uk](mailto:equalities@sepa.org.uk)

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## Supporting Guidance

Transport Scotland: [An approach to cold recycling of bitumen and tar bound roads](#).

Highways England, Transport Scotland, Welsh Assembly Government and the Department for Regional Development Northern Ireland. [CD 224, Traffic assessment](#).

Highways England, Transport Scotland, Welsh Assembly Government and the Department for Regional Development Northern Ireland. [CD 226, Design for new pavement construction](#).

Highways England, Transport Scotland, Welsh Assembly Government and the Department for Regional Development Northern Ireland. [CS229, Data for pavement assessment](#).

Highways England, Transport Scotland, Welsh Assembly Government and the Department for Regional Development Northern Ireland. [MCHW, 'Manual of Contract Documents for Highway Works'. Series 900, Clauses 920, 947 & 948](#).

Milton L and Earland M (1999). Design guide and specification for structural maintenance of highway pavements by cold in-situ recycling. TRL Report TRL386. Crowthorne: TRL Limited.

Merrill D, Nunn M E and Carswell I (2004). A guide to the use and specification of cold recycled materials for the maintenance of road pavements. TRL Report TRL 611. Crowthorne: TRL Limited.