

Draft decree of the Government of the Brussels-Capital Region on recycled aggregates, land and recycled aggregates used in or on soil amending the decree of the Government of the Brussels-Capital Region of 1st December 2016 on waste management
The Government of the Brussels-Capital Region,
Having regard to the Order of 5 June 1997 on environmental permits , Articles 6(1), 10 al.2, 70, 71, 74a and 75;
Having regard to the Order of 5 March 2009 on the management and remediation of polluted soils , Article 72;
Having regard to the Order of 14 June 2012 relating to waste , Articles 9(3), 1°-2°, 27, 39, 45 and 46;
In view of the Decree of the Government of the Brussels-Capital Region of 1st December 2016 on waste management ;
Having regard to the Decree of the Government of the Brussels-Capital Region of 16 March 1995 on the compulsory recycling of certain construction or demolition waste;
Having regard to the “equal opportunities” test of 11 January 2021 , as required by the Decree of the Government of the Brussels-Capital Region of 22 November 2018 implementing the Order of 4 October 2018 introducing the equal opportunities test;
Having regard to opinion no. xxx of the Environment Council of the Brussels-Capital Region, given on xxx ;
Having regard to opinion no. xxx of the Economic and Social Council of the Brussels-Capital Region, given on xxx ;
Having regard to the opinion no. xxx of the Council of State, given on xxx , pursuant to Article 84(1), subparagraph 1(1) of the laws on the Council of State, consolidated on 12 January 1973;
Having regard to the Decree of the Government of the Brussels-Capital Region of 29 March 2018 laying down intervention and remediation standards;
Having regard to the Decree of the Government of the Brussels Capital Region of 4 March 1999 establishing the list of Class IB, IC, ID, II and III installations, pursuant to Article 4 of the Order of 5 June 1997 on environmental permits;
Whereas the construction and demolition sector produce large quantities of excavated soil and aggregates that can be transported by waterway;
On the proposal of the Minister for the Environment,
Following deliberation,
Hereby decrees:
Article 1. Amendment of the Decree of the Government of the Brussels-Capital Region of 1st December 2016 on waste management
Article 1.1.

In Article 1.1(1) of the Decree of the Government of the Brussels-Capital Region of 1st December 2016 on waste management, the following points are added:

“(48) “road network”: a road network as defined in Article 2(18) of the Order of 3 July 2008 on road works;

(49) “construction”: a building, an engineering structure, a hydraulic engineering structure or a road;

(50) “lot”: a separate and identifiable quantity of waste, substances or materials of uniform environmental health quality;

(51) “end user”: the owner, operator or user of the receiving plot who ordered the use of the recycled aggregate or land, or, failing that, the contractor in charge of such work;

(52) “rubble”: the stony and sandy grading fraction and the bituminous fraction of waste from construction, renovation or demolition of buildings;

(53) “recycled aggregate”: the stony and sandy grading fraction and the bituminous fraction resulting from the treatment of rubble;

(54) “crusher”: an installation or equipment for the mechanical treatment of rubble in recycled aggregates.”.

Article 1.2.

Article 1.4 of the same Decree is supplemented by paragraphs 6 and 7, worded as follows:

“§ 6. By way of derogation from the information in paragraphs 1 and 2, the traceability document for recycled aggregates not intended for use in or on soil shall contain the data referred to in Article 4.8.16.

§ 7. In addition to the information referred to in paragraphs 1 and 2, the traceability document for land and recycled aggregates intended for use in or on soil shall contain, where applicable, the following data:

1. the reference and date of approval of the technical report and the authorisation to move the land;
2. the reference and date of the declaration of compliance of the remediation or risk management project;
3. the reference and date of the treatment notification of limited duration.”.

Article 1.3.

Article 1.5 of the same Decree is supplemented by paragraph 6, worded as follows:

“§ 6. The traceability document for recycled aggregates shall be completed and signed, prior to transport, by the producer of recycled aggregates.

He shall be responsible for the notification of the document on the digital platform of the approved management organisation with which he is affiliated.

The document shall be transmitted to the carrier and to the end user of the fraction of the lot of recycled aggregates.”.

Article 1.4.

Article 1.6 of the same Decree is supplemented by paragraph 5, worded as follows:

“§ 5. The delivery of recycled aggregates to the end user shall be confirmed by means of the receipt notification as defined in Article 4.8.17.”.

Article 1.5.

Article 1.7 of the Decree is amended as follows:

a) paragraph 1 is supplemented with the following points:

“5. the producer of recycled aggregates;
6. the end user of recycled aggregates and land.”.

b) point 3 of paragraph 2 is supplemented by “, and”.

c) paragraph 2 is supplemented by the following points:

“4. documents demonstrating the production, management and use of recycled aggregates intended not to be used in or on soil, and,
5. documents demonstrating the production, management and use of land and recycled aggregates for use in or on soil.”.

Article 1.6.

In Article 1.10.3, the words “in Articles 3.3.2, 3.4.2, 3.5.2 and 4.7.5(3)” are replaced by “Articles 3.3.2, 3.4.2, 3.5.2, 4.7.5(3), 4.8.20, 4.9.17 and 4.9.21”.

Article 1.7.

A new Article 1.10.6 which reads as follows is added in Section 1, entitled “Use of data”: “ **Article 1.10.6.** The data in Articles 4.8.3(5) and 4.8.6 are used in the context of the application for authorisation to ensure that the applicant for authorisation is indeed affiliated with a management organisation authorised in accordance with this Decree and, therefore, that he has put in place his system of quality management and self-monitoring with regard to the traceability of waste.

This data shall also be used after the authorisation has been issued with a view to monitoring compliance with this Decree by the surveillance officers.”.

Article 1.8.

A new Article 1.10.7 which reads as follows is added in the same section: “ **Article 1.10.7.** The data referred to in Article 4.8.4 shall be used by the management organisation referred to in Article 4.8.18 to verify where and when the recycled aggregates are produced in such a way as to ensure that their traceability is controlled.

This data shall also be used for the purpose of monitoring compliance with this Decree by the surveillance officers.”.

Article 1.9.

A new Article 1.10.8 which reads as follows is inserted in the same section: “ **Article 1.10.8.** The data referred to in Article 4.8.30 shall be used in the context of the request for authorisation to verify whether the applicant for the request for authorisation has staff trained in matters related to aggregate recycling.

This data shall also be used for the purpose of monitoring compliance with this Decree by the surveillance officers.”.

Article 1.10.

A new Article 1.10.9 which reads as follows is added in the same section: “ Article 1.10.9. The data referred to in Article 4.8.27 shall be published so that persons who need to call on an authorised crusher know who to contact.”.
Article 1.11.
In Article 1.11.2 the words “in Article 2.3.1(2), (2) and (3)” shall be replaced by “in Articles 2.3.1(2), (2) and (3), 4.8.3(5), 4.8.6 and 4.8.20”.
Article 1.12.
In Section 2 entitled “Data controllers and retention period”, a new Article 1.11.6 is added, worded as follows: “ Article 1.11.6. The data controller referred to in Articles 4.8.4 and 4.8.27 shall be the management organisation referred to in Article 4.8.18. The data referred to in Article 4.8.4 shall be retained for three years. The data referred to in Article 4.8.27 shall be published during the authorisation period.”.
Article 1.13.
In Article 1.12.1, the reference “1.10.5” is replaced by “1.10.9”.
Article 1.14.
In Article 3.1.5(2) of the same Decree, two additional indents worded as follows are added: “- A list of crushers authorised for the production of recycled aggregates in accordance with Chapter 8 of Title IV; - a list of management organisations authorised in accordance with Chapters 8 and 9 of Title IV.”.
Article 1.15.
Article 3.6.1. of the same Decree is supplemented by paragraph 4 which reads as follows: “§ 4. Without prejudice to paragraph 1, the following has obtained the end of the waste status: 1. a recycled aggregate that has fulfilled the obligations of Chapter 8 of Title IV, with the exception of a recycled aggregate in a temporary application as referred to in Article 4.8.1. § 4; 2. a land or recycled aggregate that has fulfilled the obligations of Chapter 9 of Title IV.”.
Article 1.16.
Article 3.6.2(4) of same Decree is supplemented by a subparagraph worded as follows: “ Without prejudice to the preceding subparagraph, the authorisation required under paragraph 1 is not required for the following streams: 1. recycled aggregate or land which fulfils the obligations of Chapter 8 of Title IV; 2. land or recycled aggregate that fulfils the obligations of Chapter 9 of Title IV.”.
Article 1.17.
Article 3.7.2. of the same Decree is replaced by: “ The different waste streams referred to in Article 3.7.1. § 1 and received in the Brussels-Capital Region may be grouped in the same container or in the same means of transport, provided that these streams are separated from each other in separate containers so as to avoid physico-chemical cross-contamination.”
Article 2. Recycled aggregates
In Title IV of the same Decree, a Chapter 8 entitled “Recycled aggregates”, worded as follows is added:

“ CHAPTER 8. – Recycled aggregates

Section 1. – General points

Article 4.8.1. § 1. This Chapter applies to the production and use of recycled aggregates that are used sustainably and which:

1. are integrated with other materials and the nature of the binder prevents mixing and leaching into the soil or groundwater; or
2. do not mix with soil, do not leach into soil and groundwater, and are not in direct contact with groundwater or storm water. Recycled aggregates must be integrated separately from the soil when used so that they can be extracted easily and separately in the event of a loss of function. In addition, they play the role of stabiliser or support for superimposed or encapsulated elements that are part of a construction.

§ 2. Brussels Environment shall make available to the public an exhaustive list of applications concerning recycled aggregates as referred to in paragraph 1.

§ 3. A request for a specific application not included in the list may be made by means of a sufficiently reasoned letter. Brussels Environment has 30 days to approve the request or otherwise.

§ 4. Temporary application of recycled aggregates on a work site is permitted provided that:

1. recycled aggregates meet the requirements of Sections 4 and 5 of this Chapter;
2. the use is functionally necessary for the progress of the work site and clearly described in the application for a planning permission, environmental permit or site authorisation;
3. the use is limited to the duration of the work site and for a maximum duration of three years. This period is not renewable;
4. the recycled aggregates are completely evacuated at the end of the work site, and no later than three years after they have been put in place.

§ 5. Recycled aggregates applied in accordance with the provisions of Chapter 9 of Title IV shall comply with this Chapter, with the exception of Subsection 1 of Section 4 and Subsection 3 of Section 5.

§ 6. Unless otherwise or specifically provided, Titles I and III shall apply.

Section 2. – Authorisations for the production of recycled aggregates using a crusher

Article 4.8.2. § 1. The operation of a fixed crusher in the Brussels-Capital Region is subject to an environmental permit for heading 48 in accordance with the Decree of the Government of the Brussels-Capital Region of 4 March 1999 laying down the list of installations of class IB, IC, ID, II and III pursuant to Article 4 of the Order of 5 June 1997 on environmental permits.

§ 2. Be approved in accordance with the provisions of the Environmental Permit Order and the conditions of Article 4.8.3., the natural or legal person who:

1. operates a mobile crusher on a construction and demolition site in the Brussels-Capital Region;
2. operates a mobile or fixed crusher outside the Brussels-Capital Region and who places recycled aggregates on the market for use in the Brussels-Capital Region.

Article 4.8.3. Application for authorisation

§ 1. The applicant for an environmental permit or its extension referred to in Article 4.8.2(1) attaches to his application the additional form made available by Brussels Environment.

§ 2. The applicant for authorisation referred to in Article 4.8.2(2) shall attach to his application the additional form made available by Brussels Environment.

§ 3. The minimum content of the form provided for in paragraphs 1 and 2 is specified in Annex 20 to this

Decree.

§ 4. The applicant for an environmental permit or authorisation of a recycled aggregate crusher shall comply with the provisions referred to in Article 3.1.3. Paragraphs 1 and 2 of Article 3.1.4. shall not apply.

§ 5. The operator of a crusher is affiliated, prior to the application for an environmental permit or authorisation, to an authorised management organisation. The quality management system as defined in Article 4.8.5. shall be approved in advance by the authorised management organisation.

Section 3. – Production of recycled aggregates

Article 4.8.4. § 1. The crusher has an online information system linked to a GPS tracking system that transmits the information autonomously and wirelessly to a central server monitored by the authorised management organisation. This information shall indicate at least:

1. the exact position of the installation;
2. the activity status of the installation;
3. the production period.

§ 2. Brussels Environment can consult the data of this central server at any time.

§ 3. A mobile crusher on a work or demolition site only treats the rubble of the work site concerned.

§ 4. Only rubble that is not harmful to the environment and health and which after treatment constitutes responsible final products, both in terms of environmental health quality and construction techniques, is accepted.

§ 5. The rubble does not contain the following substances and materials:

1. tar-based asphalt;
2. roofing;
3. visually or organoleptically contaminated rubble with asbestos fibres or materials likely to contain asbestos, tar or other hazardous waste and/or pollutants such as soot, lead paint, mineral oils, etc.;
4. rubble from sites where a fire has occurred;
5. polluted rubble resulting from soil remediation work in accordance with the Soil Order;
6. railway ballast;
7. fly ash, slag and clinkers;
8. other hazardous waste;
9. rubble physically polluted by plaster, earth, sand, glass, wood, cellular concrete and plastic.

§ 6. Other substances compromising the quality of recycled aggregates, as determined in Article 4.8.7., are prohibited.

Article 4.8.5. Quality management system

§ 1. The crusher operator shall have a quality management system as defined in Article 3.5.4, and which also contains the following:

1. acceptance criteria and procedure;
2. sampling strategy and analysis;
3. procedure in case of delivery of waste that does not meet the acceptance criteria.

§ 2. The acceptance criteria are displayed in order to be consulted at any time by the waste holder and are attached to all offers.

Article 4.8.6. General conditions

§ 1. The crusher complies with Article 3.5.2.

§ 2. The crusher operator is always affiliated with an authorised management organisation.

§ 3. The crusher operator shall at all times have sufficient and qualified staff to:

1. recognise asbestos and other hazardous substances;
2. be able to effectively supervise and control recycled aggregates.

§ 4. The crusher shall have the certificate referred to in Article 4.8.27. to produce recycled aggregates for use in the Brussels-Capital Region.

Section 4. – Conditions of use of recycled aggregates

Subsection 1. – Quality and use

Article 4.8.7. Quality

§ 1. Each lot of recycled aggregate complies with the following cumulative conditions:

1. the concentrations of heavy metals shall comply with the leaching standards set out in the table in Annex 22. However, when the total concentration complies with the standard set out in this Annex, the leaching test is not necessary;
2. the concentrations of other contaminants are below the standards set out in Annex 22;
3. the total concentrations of polycyclic aromatic hydrocarbons (PAH) for the streams of asphalt aggregates, recycled bituminous aggregates and riddled asphalt sand derogate from point 2 above. PAH-specific standards apply. Moreover, these three streams must not comply with the standard for the total concentration of mineral oils set out in Annex 22;
4. contaminants, the presence of which the operator suspects or is aware of, on the basis of previous studies, and which are not listed in the table in Annex 22, must comply with the intervention standards for the residential area of the Soil Order;
5. contains the following maximum levels of physical pollution:
 - a. floating pollutants: 5.0 cm³/kg of dry matter;
 - b. non-floating pollutants: 1.0 % (mass/mass);
 - c. glass: 2.0 % (mass/mass);
6. may neither be mixed with waste nor mixed with better quality materials to meet the conditions referred to in points 1 and 2.

§ 2. The lot of recycled aggregates does not in itself constitute hazardous waste.

§ 3. The Minister may at any time adapt the table in Annex 22 to technical and scientific progress or to European and regional regulations by means of a ministerial decree.

Article 4.8.8. Use

§ 1. The use of recycled aggregates in a “Special area” within the meaning of Article 12 of the Soil Order is prohibited.

§ 2. The thickness of the applied recycled aggregate layer is limited to that strictly necessary for the intended construction project.

Subsection 2. – Control of recycled aggregates

Article 4.8.9. Sampling

§ 1. The sampling and analysis of recycled aggregates shall be carried out in accordance with the Code of Practice on waste made publicly available by Brussels Environment on its website.

§ 2. If sampling strategies do not provide sufficient representativeness of the quality of recycled aggregates, additional samples shall be taken and analysed.

§ 3. The management organisation may request additional sampling and analysis if sampling strategies are not considered sufficiently representative.

Article 4.8.10. Analysis

§ 1. A sample shall be analysed according to the parameters set out in Annex 22.

§ 2. The management organisation may request analyses of additional parameters.

§ 3. Samples shall also be analysed for parameters suspected or known to the operator on the basis of previous studies.

§ 4. When there are indications of the presence of volatile substances, the operator shall provide one or more analyses of these substances on single samples.

§ 5. The analyses are carried out by a laboratory approved or considered to be recognised by the Brussels-Capital Region. The application of the PAH detection spray and the determination of physical pollution can be carried out by the operator.

Article 4.8.11. Analysis report

§ 1. The analysis reports shall be kept electronically for exchange between the management organisation and the operator concerned. The technical specificities to which the analysis reports respond and the technical specificities related to the exchange of data shall be included in the quality management system referred to in Article 4.8.5.

§ 2 The analysis report contains:

1. the sampling report;
2. certificates of analysis;
3. the comparison of the results of analyses with the standards to be met with the indication of exceedances.

Subsection 3. – Supply and transport of recycled aggregates

Article 4.8.12. Supply of recycled aggregates

The supply of lots of recycled aggregates shall be made only to crushers authorised in accordance with this Decree.

Article 4.8.13. Transport of recycled aggregates

§ 1. Only lots of recycled aggregates of the same environmental health quality may be grouped in the same container or in the same means of transport, provided that these streams are separated from each other in separate containers in such a way as to avoid physico-chemical cross-contamination.

§ 2. Recycled aggregates are transported to the receiving site for intended use, without intermediate storage.

Section 5. – Traceability procedure

Subsection 1. – General points

Article 4.8.14. The documents referred to in this Section shall be exchanged via the digital platform made available by the management organisation to which the operator referred to in Article 4.8.2 is affiliated.

Subsection 2. – Declaration of conformity

Article 4.8.15. § 1. For each lot of recycled aggregates, the operator of an installation referred to in Article 4.8.2 shall draw up a declaration of conformity. The minimum content of the declaration of conformity is specified in Annex 19 to this Decree.

§ 2. A declaration of conformity has a unique identification code.

§ 3. The declaration of conformity, together with the relevant analysis report annexed thereto, shall be submitted to the management organisation.

§ 4. The declaration of conformity, together with the relevant analysis report annexed thereto, shall be sent on request to the end user.

§ 5. The declaration of conformity of recycled aggregates used in or on soil shall be accompanied by the approved technical report, as described in Articles 4.9.10. and 4.9.11.

§ 6. Recycled aggregates may only be used in the application for which the declaration of conformity has been drawn up and transmitted to the approved management organisation.

Subsection 3. – Traceability document of recycled aggregates

Article 4.8.16. For each transport of recycled aggregates, a traceability document shall be drawn up, containing at least the following information:

1. unique identification code based on the identification code of the declaration of conformity of the lot and the part in question of that lot which is transported;
2. name, address and number of the environmental permit or crusher authorisation;
3. date of transport;
4. the quantity in tonnes;
5. the address of the place of intended use;
6. name, address and enterprise number of the ordering customer;
7. name, address and registration number of the carrier, if applicable.

Article 4.8.17. Notification of receipt and management report for aggregates

§ 1. Within five working days the end user shall confirm receipt of the recycled aggregates to the management organisation to which the operator referred to in Article 4.8.2 is affiliated, on the basis of the traceability document identification code.

The notification of receipt shall confirm the quantities used by scope in accordance with the declaration of conformity.

§ 2. On the basis of traceability documents and notifications of use, the approved management organisation shall issue an aggregate management report to the operator referred to in Article 4.8.2 and to the end user.

The aggregate management report shall confirm that recycled aggregates are not used in or on soil and that the intended use complies with the conditions of this Chapter.

Section 6. – Management organisation of recycled aggregates

Subsection 1. – Request for authorisation

Article 4.8.18. § 1. In order to be eligible for authorisation as an approved management organisation of recycled aggregates for the Brussels-Capital Region, the applicant must submit a request for authorisation.

§ 2. The request for authorisation is made using the form made available by Brussels Environment. The minimum content of the form is set out in Annex 21 to this Decree.

Article 4.8.19. Identification of the applicant

§ 1. The applicant for authorisation as a management organisation for recycled aggregates shall fulfil the following conditions:

1. be incorporated as a non-profit association in accordance with the provisions of the Code of Companies and Associations;
2. be sufficiently representative of the different sectors involved in the use of recycled aggregates;
3. the operation and structure comply with the NBN EN ISO/IEC 17065 standard and are accredited for

this purpose by BELAC or another member of the European Accreditation (EA). Accreditation covers the activities to be carried out;

4. have the status of performing the tasks assigned to him by this Chapter, carrying out studies on recycled aggregates and issuing opinions and information on this subject.

§ 2. The management organisation is independent, impartial and expert.

Article 4.8.20. Vocational training

The applicant shall have one or more natural persons within his staff who, together, fulfil the following conditions:

1. have a thorough knowledge of the disciplines of pedology, geology and chemistry;
2. have thorough knowledge of the codes of practice and environmental legislation of the Brussels-Capital Region, in particular legislation on environmental permits, soil and waste management;
3. have at least three years' professional experience, during the six years preceding the date of the request for authorisation, in the field of aggregate recycling.

The knowledge referred to in points 1 and 2 shall be demonstrated by academic qualifications, long-term or equivalent higher education qualifications including foreign diplomas recognised as equivalents.

The professional experience referred to in point 3 shall be evidenced by a curriculum vitae, a certificate, a reference list or a description of the relevant experience acquired, for example in the context of a similar authorisation granted by the competent authorities of another region or country.

Article 4.8.21. Technical and IT resources

§ 1. The applicant shall have the necessary technical and IT resources to fulfil his obligations.

§ 2. The applicant shall have at least the resources to set up:

1. a central server for receiving and processing information from operators' GPS location systems referred to in Article 4.8.2. ;
2. a traceability system for recycled aggregates not used in or on soil;
3. a procedure enabling to establish the volumetric balance of recycled aggregates;
4. a log of complaints;
5. a log of analysis reports, declarations of compliance and traceability documents.

Article 4.8.22. Financial capacity

§ 1. The applicant shall have sufficient financial capacity to fulfil his obligations.

§ 2. The applicant shall have an insurance policy covering his professional liability as a management organisation within 30 days of the decision to grant the authorisation and for the duration thereof.

Article 4.8.23. Authorisation procedure

The authorisation procedure shall be carried out in accordance with the provisions of Title IV of the Environmental Permit Order.

Subsection 2. – General conditions for the exercise of the activity

Article 4.8.24. Quality management system

The approved management organisation shall have a quality management system as referred to in Article 3.3.3.

Article 4.8.25. Digital platform

§ 1. The approved management organisation shall set up a digital platform for the exchange of administrative documents.

§ 2. The digital platform is accessible for Brussels Environment.

Article 4.8.26. Periodic inspection

§ 1. The approved management organisation shall carry out periodic checks on the operators referred to in Article 4.8.2. which are affiliated to it.

§ 2. The purpose of the periodic checks shall be to verify the self-checking, as described in the quality management system, of the operators referred to in Article 4.8.2.

§ 3. A periodic checking shall be carried out for each quantity of recycled aggregate produced of 10,000 tonnes, with a maximum of eight periodic checks per year. For an annual production of less than 10,000 tonnes, a minimum of two periodic checks shall be carried out.

The approved management organisation shall propose a periodicity methodology in its quality management system as referred to in Article 4.8.24.

§ 4. An irregularity in this Chapter found by the approved management organisation shall be notified to Brussels Environment within 5 working days.

Article 4.8.27. Certificate

§ 1. The approved management organisation shall issue a certificate confirming that the crusher is authorised to produce recycled aggregates in accordance with this Order until the next periodic check.

§ 2. The approved management organisation shall determine the procedures for issuing certificates and include them in the quality management system referred to in Article 4.8.23.

§ 3. The approved management organisation shall make the certificates available to the public.

Article 4.8.28. Further checking

The approved management organisation shall annually check the operator's quality management system referred to in Article 4.8.2. affiliated to it.

Article 4.8.29. Reporting to Brussels Environment

The approved management organisation shall provide Brussels Environment annually by 15 March following the financial year with a report containing at least the following information:

1. the quantity of recycled aggregate produced for use other than in or on soil of the Brussels Capital Region, per crusher, on the basis of the declarations of conformity and the place of production;
2. the quantity of recycled aggregates used other than in or on soil of the Brussels Capital Region on the basis of the receipt notifications and the applications referred to in Article 4.8.1. ;
3. the annual operating report of the approved management organisation, including the number of periodic checks carried out per crusher.

The form and terms of this reporting are determined by Brussels Environment.”.

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Article 3. Land and recycled aggregates used in or on soil

In Title IV of the same Decree, a Chapter 9 entitled “Land and recycled aggregates used in or on soil”, worded as follows:

“ Chapter 9 – Land and recycled aggregates used in or on soil

Section 1. – General points

Article 4.9.1. § 1. For the purposes of this Chapter, the following definitions shall apply:

(1) "land": the constituent solid material of the soil, which is released as a result of excavation or soil treatment and whose foreign stone content does not exceed 25 % by mass and whose content of other material outside the soil does not exceed 1 % by mass and by volume.

This same type of material from a land treatment centre, temporary warehouse or extraction is included in this definition;

(2) "use in or on soil": an application in contact with the soil, for the purpose of filling excavations, levelling, stabilising or heightening land and where the application is not part of a construction;

(3) "materials foreign to the soil": substances or wastes which are not present in natural, undisturbed soil, including:

- stones foreign to the soil, such as masonry rubble, concrete rubble, crushed stones;
- stony materials foreign to the soil such as asphalt rubble, crushed asphalt, slag, ash, embers, glass, tiles, ceramics, artificial slates, cellular concrete, expanded clay;
- non-stony materials foreign to the soil such as plastic, plaster, lime, roofing, bitumen, rubber, insulating materials (such as polystyrene), metals (such as bolts, nuts, scrap), wood (treated or untreated), materials suspected of asbestos, paper, cork, textile;

(4) "pre-existing back filling": a layer of soil that was put in place by man before 20 January 2005, with the aim of modifying the topography according to his needs. This layer is characterised by a heterogeneous composition (silt, sand, clay, bricks, concrete, masonry rubble) and can potentially be polluted by heavy metals and/or PAH;

(5) "work area": the area established under the same project and consisting of a set of plots of similar characteristics. These are characteristics that present a significant impact on the environment or a significant risk to public health.

§ 2. Without prejudice to Article 3(8) of the Waste Order, in this Chapter, "waste holder" shall be understood in the order indicated:

1. the ordering customer for earthworks at the excavation site, such as a client, project developer, proprietor of rights in rem, or
2. the works contractor responsible for earthworks at the excavation site, or
3. the waste collector, dealer or broker, or
4. the waste collection or treatment facility authorised for this purpose.

§ 3. This Chapter applies to the use of:

1. land;
2. recycled aggregates that are used in or on soil, unlike recycled aggregates treated in Chapter 8.

§ 4. Unless otherwise or specifically provided, Titles I and III shall apply.

Section 2. – Conditions of use

Subsection 1. - General points

Article 4.9.2. § 1. It shall be prohibited to mix different lots of land or recycled aggregates of different environmental health qualities, or with other materials, having as their purpose or effect the introduction of a use that is not authorised for unmixed lots.

§ 2. In order to comply with the conditions of this Chapter, land or recycled aggregates may undergo physical, chemical or biological processing.

Article 4.9.3. § 1. An irregularity with respect to this Chapter, established by a soil pollution expert, shall be

reported to a land management organisation within 5 working days.

An irregularity with respect to this Chapter, established by a land management organisation, shall be declared to Brussels Environment within 5 working days.

§ 2. When land or recycled aggregates are used in or on soil, contrary to the provisions of this Chapter, the plot concerned shall be registered in category 0 of the soil condition inventory, unless it is already registered in category 4.

The disposal of such land or recycled aggregates shall be carried out in accordance with the provisions of the Soil Order.

Subsection 2. – General use

Article 4.9.4. Land or recycled aggregates, with pollutant concentrations below or equal to the Soil Order remediation standards, may be used in or on soil, or in any other material as referred to in Article 4.8.1(1), 1.

Article 4.9.5. § 1. Without prejudice to Article 4.9.4, land may only be used in or on soil, under the following cumulative conditions:

1. the content of stones or stony materials foreign to the soil does not exceed 5 % by mass;
2. the size of stones or stony materials foreign to the soil shall not exceed 50 mm;
3. the content of materials foreign to the soil, other than stony materials, does not exceed 1 % by mass and volume;
4. they do not contain hazardous waste;
5. they do not contain invasive species within the meaning of the Order of 1 March 2012 on nature conservation and Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species.

§ 2. Without prejudice to Article 4.9.4., recycled aggregates may only be used in or on soil, under the following cumulative conditions:

1. waste content other than recycled aggregates, does not exceed 1 % by mass and volume;
2. the thickness of the recycled aggregate layer is limited to that strictly necessary for the intended construction project;
3. they are not used below a construction on a plot classified in the “residential area” sensitivity class within the meaning of the Soil Order, their particle size being less than 4 mm;
4. they are not used on a plot which is classified in the “special area” sensitivity class within the meaning of the Soil Order.

§ 3. Without prejudice to Article 4.9.4. and paragraphs 1 and 2, land or recycled aggregates that are not used below a construction shall fulfil at least the following cumulative conditions in order to maximise ecosystem functions:

1. the organic matter content in a root zone is at least 2 %;
2. the preservation of the potential for soil infiltrability is guaranteed;
3. erosion is avoided;
4. the preservation of the original biodiversity of the soil and the land before the start of the work is guaranteed.

§ 3. Brussels Environment can detail how these conditions are implemented via a code of practice.

Subsection 3. – Land use on the same plot or work area

Article 4.9.6. § 1. By way of derogation from the conditions of Article 4.9.4., land that is used in or on soil on the same plot from which it was excavated may be used if the pollutant concentrations are less than 80 % of the intervention standards as defined in the Soil Order, under the following cumulative conditions:

1. the land may not induce an increase in pollution within the meaning of Article 3(25) of the Soil Order. This applies exclusively to (groups of) pollutants (i) which exceed the soil remediation standards in place at the

immediate periphery of the excavation on the area of use and (ii) which are not part of the (groups of) pollutants to be cleaned up;

2. pollutants do not constitute substances to be treated by remediation under the Soil Order.

§ 2. By way of derogation from the conditions of Articles 4.9.4. and 4.9.5. § 1, a pre-existing backfill which is excavated and which has exclusively orphan pollution of polycyclic aromatic hydrocarbons or heavy metals, may be reused in or on soil, on the same plot from which it was excavated, under the following cumulative conditions:

1. the content of materials foreign to the soil, other than stony materials, does not exceed 1 % by mass and volume;
2. it does not contain hazardous waste and is not itself hazardous waste;
3. it does not generate a risk or restriction of use as defined by the Soil Order;
4. it is reused in an area of the plot where a pre-existing backfill of the same kind is present and whose maximum and average PAH and heavy metals concentrations are equal or higher;
5. it does not exceed the horizontal limits and the depth of the pre-existing backfill.

§ 3. By way of derogation from the conditions of Article 4.9.4., a pre-existing backfill which is excavated and which has exclusively orphan pollution of polycyclic aromatic hydrocarbons or heavy metals, may be used in a work area, if the concentrations of those pollutants are less than 80 % of the intervention standards as defined in the Soil Order, under the following cumulative conditions:

1. it does not involve the registration of a plot or the modification of the category of a plot in the inventory of the soil condition;
2. it does not generate a risk or restriction of use as defined by the Soil Order;
3. it does not lead to an increase in pollution within the meaning of Article 3(25) of the Soil Order;
4. it is reused in an area where a pre-existing backfill of the same kind is present;
5. it does not exceed the horizontal limits and the depth of the pre-existing backfill.

Subsection 4. – Other land use

Article 4.9.7. By way of derogation from the conditions of Article 4.9.4., land used in another material may be used under the conditions of Article 4.8.7.

Section 3. - Traceability procedure

Subsection 1. - General points

Article 4.9.8. The documents provided for in this administrative procedure shall be exchanged electronically.

Article 4.9.9. The holder of the waste and the end user shall include, in the tender documents, the request for prices or the contractual documents, the clauses guaranteeing the application of the provisions of this Chapter.

Subsection 2. - Administrative procedure

Article 4.9.10. Technical report

§ 1. The technical report shall determine the environmental health quality of the land and recycled aggregates with intended use in or on soil.

§ 2. The technical report is drawn up by an expert in soil pollution, in accordance with a code of practice made available by Brussels Environment.

§ 3. A report on land use, drawn up under the provisions of another Belgian Region, may be treated as a technical report, in accordance with the provisions of this Decree, to the following cumulative conditions:

1. it is drawn up by a soil pollution expert approved in accordance with the Soil Order;
2. it includes an assessment of the conditions of use as provided for in Articles 4.9.4, 4.9.5 and 4.9.6.

Article 4.9.11. Execution, notification and approval of the technical report

§ 1. Before the use of land or recycled aggregates in or on soil, a technical report shall be drawn up, except in the following cases:

1. the land originates from a plot which is not included in the inventory of the soil condition or which is taken up in category 1 strictly, and whose volume of land that is excavated on this plot is less than 250 m³, or
2. the land originates from an excavation as part of a soil treatment and is used under the conditions of the declaration of compliance of the remediation or risk management project, or under the conditions of a treatment of limited duration, in accordance with the provisions of the Soil Order, or
3. the land is reused on site on the road network and the work does not take place on a plot in Category 0 of the Soil Inventory, or
4. the land comes from a ground outside the Brussels-Capital Region, the total volume is less than 250 m³ and there is no indication that it is polluted according to the criteria in force in that region.

§ 2. The waste holder shall be responsible for drawing up the technical report.

§ 3. The technical report shall be notified to the approved land management organisation before the use of the land or recycled aggregates.

§ 4. After receipt of the technical report, the approved land management organisation shall have 30 days to:

- either approve it or not in accordance with the provisions of this Chapter;
- or impose additions, within a reasonable period of time to be fixed. After receipt of the additions, the land management organisation shall have 30 days to approve the technical report or not in accordance with the provisions of this Chapter.

§ 5. In the technical report approval document, the land management organisation shall confirm, where appropriate, on the basis of the conclusions of the technical report, under which conditions the land or recycled aggregates may be used.

§ 6. The approval of the technical report shall be notified to the following persons:

- the holder of the waste having the obligation to draw up the technical report;
- the owner of the actual rights of the plot on which the land will be excavated.

Article 4.9.12. Transport and transport authorisation

§ 1. For the execution of the work on the soil and for the transport of land or recycled aggregates with intended use in or on soil, the ordering customer for transport as defined in Article 3.2.7. § 1 and the carrier are registered with an approved land management organisation.

§ 2. Before the transport of land or recycled aggregates with intended use in or on soil, the ordering customer for transport shall forward a pre-shipment declaration to the land management organisation.

§ 3. Prior to the use of land on the same plot from which it was excavated, the waste holder shall send a declaration of prior use to the land management organisation.

§ 4. After receipt of the prior declaration as provided for in paragraphs 2 and 3, the approved land management organisation shall, within 5 working days, forward to the declarant:

- either a decision stating that the declaration is incomplete and in which it is requested to be completed. On the date of receipt of the additions, the procedure shall resume in accordance with this paragraph;
- or a decision which precludes the transport and use of land or recycled aggregates as a result of failure to comply with the conditions of this Chapter;
- or a transport authorisation.

§ 5. The transport authorisation shall confirm the intended use and allow the land or recycled aggregates to be moved to a place of storage, treatment or intended use.

§ 6. The ordering customer for transport shall, within 5 working days after each transport, send the traceability documents to the land management organisation.

§ 7. Only lots of land or recycled pellets of the same environmental health quality may be grouped in the same container or in the same means of transport, provided that these streams are separated from each other in separate containers so as to avoid physico-chemical cross-contamination.

Article 4.9.13. Declaration of receipt

After receiving land or recycled aggregates with intended use in or on soil, the end user, or the contractor or subcontractor whom he has mandated, shall, within 15 working days, send a declaration of receipt to the land management organisation.

By this declaration of use, the end user, or the contractor or subcontractor authorised by him, confirms the quantity of land delivered and the intended use in accordance with the provisions of this Chapter.

Article 4.9.14. Land management report

§ 1. On the basis of the declaration of use, the approved land management organisation shall issue a land management report to the waste producer and end user, or to the contractor or subcontractor mandated by it. The land management report confirms the intended use of the land and recycled aggregates in or on soil, and confirms that such use meets the conditions for approval of the technical report and of the transport authorisation.

§ 2. By way of derogation from paragraph 1, a declaration of use shall not be issued if the land has been used for treatment authorised by Brussels Environment.

Where applicable, the final declaration shall confirm that such use complies with the conditions of this Chapter.

Section 4. – Land management organisation

Article 4.9.15. § 1. In order to be eligible for authorisation as an approved land management organisation for the Brussels-Capital Region, the applicant must submit a request for authorisation.

§ 2. The request for authorisation is made using the form made available by Brussels Environment. The minimum content of the form is set out in Annex 21 to this Decree.

Article 4.9.16. Identification of the applicant

§1. The applicant for an authorisation as a land management organisation shall meet the following conditions:

1. the conditions referred to in Article 3.1.3. ;
2. it is constituted as a non-profit association in accordance with the Law of 23 March 2019 introducing the Code of Companies and Associations and laying down various provisions;
3. be sufficiently representative of the different sectors involved in the use of land and recycled aggregates with intended use in or on soil. A land management organisation is representative if in the Board of Directors are mandated at least two professional organisations that are sufficiently representative of the sectors involved in the use of land or recycled aggregates with intended use in or on soil;
4. have the status of performing the tasks assigned to it by this Chapter, and carrying out studies and issuing opinions on land and recycled aggregates with intended use in or on soil.

§ 2. The land management organisation is independent, impartial and expert.

Article 4.9.17. Vocational training

§ 1. The applicant shall employ one or more natural persons who together fulfil the following conditions:

1. have a thorough knowledge of the disciplines of pedology, geology, chemistry, biology and microbiology;
2. have a thorough knowledge of the Brussels-Capital Region's Codes of Practice and environmental legislation, in particular legislation on environmental permits and soil and waste management;
3. have at least three years' professional experience, during the six years preceding the date of the request

for authorisation, concerning studies or treatment in the field of soil pollution.

The knowledge referred to in points (1) and (2) shall be demonstrated by academic qualifications or long-term or equivalent higher education qualifications including foreign diplomas recognised as equivalent.

Professional experience referred to in point (3) shall be evidenced by a curriculum vitae, a certificate, a list of references or a description of the relevant experience acquired, for example in the context of a similar authorisation granted by the competent authorities of another region or country.

Article 4.9.18. Technical and IT resources

§ 1. The applicant must have the necessary technical and IT resources to fulfil his obligations.

The applicant shall have at least the resources to set up:

1. a traceability system for land and recycled aggregates intended to be used in or on soil;
2. a procedure for establishing a closed volume balance for land and recycled aggregates used in or on soil;
3. a log of complaints;
4. a log of technical reports, including the approvals provided for in Article 4.9.11(4);
5. a log of transport authorisations provided for in Article 4.9.12(4);
6. a log of land management reports provided for in Article 4.9.14.

§ 2. The data collected by these means is digital and is transmitted to Brussels Environment, in the form and manner determined by Brussels Environment.

Article 4.9.19. Financial capacity

§ 1. The applicant shall have sufficient financial capacity to fulfil his obligations.

§ 2. The applicant shall have an insurance policy covering his professional liability as a management organisation within 30 days of the decision to grant the authorisation and for the duration thereof.

Article 4.9.20. Quality management system

The approved land management organisation shall have a quality management system as referred to in Article 3.3.3.

Article 4.9.21. Authorisation procedure

§ 1. The authorisation procedure shall be carried out in accordance with Title IV of the Environmental Permit Order.

§ 2. In addition to the elements provided for in Article 71(1)(2) of the Environmental Permit Order, the following documents are attached to the application:

1. a copy of the diplomas and curriculum vitae referred to in Article 4.9.19;
2. an unconditional commitment in which the applicant declares that he will manage the data available to him in an accessible manner;
3. an unconditional undertaking in which the applicant declares that he will take out, within 30 days after the authorisation, an insurance for professional liability as referred to in Article 4.9.19(2), and that he will inform Brussels Environment of the insurance policy concluded;
4. a recent attestation confirming that the applicant has fulfilled all his social and tax obligations.

§ 3. The application is subject to review by Brussels Environment.

As part of this examination, Brussels Environment may request the production of additional data and/or documents proving that the applicant fulfils the conditions laid down in Articles 4.9.16 to 4.9.20 in order to be eligible for authorisation. The applicant is required to provide all of these data and/or additional documents.

Article 4.9.22. Brussels Environment may, in the event of suspension or withdrawal of the authorisation of a land management organisation, take over the following tasks:

1. approve the technical reports, as provided for in Article 4.9.11(4);
2. take decisions relating to transport, as provided for in Article 4.9.12(4). ;
3. issue land management reports as provided for in section 4.9.14.”

Article 4. Annexes

Annexes 19, 20, 21, and 22 which are appended to Annexes I, II, III and IV to this Decree are inserted in the same Decree.

Article 5. Transitional provisions

§ 1. The authorisations required under the new Articles 4.8.18 and 4.9.15 of the Decree of the Government of the Brussels-Capital Region of 1st December 2016 on waste management inserted via Articles 2 and 3 respectively of this Decree shall be obtained at the latest within six months of the entry into force of said Articles 4.8.18 and 4.9.15.

§ 2. The authorisation required under the new Article 4.8.2. § 2 of the Decree of the Government of the Brussels-Capital Region of 1st December 2016 on waste management inserted via Article 2 of this Decree shall be obtained at the latest within 15 months of the entry into force of said Article 4.8.2. § 2. During this period, the activity may be continued without authorisation.

§ 3. Within 12 months after the coming into force of Article 4.8.2. § 1, the holder of an environmental permit authorising the installation referred to in Article 4.8.2. § 1 of the Decree of the Government of the Brussels-Capital Region of 1st December 2016 on waste management inserted via Article 2 of this Decree sends Brussels Environment the duly completed form referred to in the new Annex 20 to the same Decree inserted via Annex II to this Decree.

§ 4. Conditions for exploitation of recycled aggregates included in environmental permits and declarations existing before the entry into force of the same Article 4.8.2. § 1 are repealed.

Article 6. Repeal provision

Is repealed:

- the Decree of the Government of the Brussels-Capital Region of 16 March 1995 on the compulsory recycling of certain construction or demolition waste.

Article 7. Entry into force

This Decree shall enter into force on the first day of the third month following that of its publication in the Belgian Official Gazette, with the exception of:

1. new Articles 4.8.4. to 4.8.17 of the Decree of the Government of the Brussels-Capital Region of 1st December 2016 on the management of waste inserted via Article 2 of this Decree, which enter into force two years after the publication of this Decree in the Belgian Official Gazette;
2. new Articles 4.9.9 to 4.9.14 of the same Decree inserted via Article 3 of this Decree, which enter into force two years after the publication of this Decree in the Belgian Official Gazette;
3. Articles 1.15. and 1.16. of this Decree, which enter into force two years after the publication of this Decree in the Belgian Official Gazette.

ANNEX II TO THE DECREE OF THE **XXX** OF THE GOVERNMENT OF THE BRUSSELS-CAPITAL REGION ON RECYCLED AGGREGATES, LAND AND RECYCLED AGGREGATES USED IN OR ON SOIL AMENDING THE DECREE OF THE GOVERNMENT OF THE BRUSSELS-CAPITAL REGION OF 1 DECEMBER 2016 ON WASTE MANAGEMENT AND RELATED PROVISIONS

Annex 20 to the Decree of the Government of the Brussels-Capital Region of 1st December 2016 on waste management

ANNEX 20: MINIMUM CONTENT FOR THE REQUEST FOR AUTHORISATION AS AN APPROVED CRUSHER FOR THE PRODUCTION OF RECYCLED AGGREGATES AND FOR THE APPLICATION FOR AN ENVIRONMENTAL PERMIT AS AN AUTHORISED CRUSHER FOR THE PRODUCTION OF RECYCLED AGGREGATES

1. Identification

- a. Type of crusher: mobile crusher or fixed crusher;
- b. Contact details of the owner and contact person;
- c. Address to be published on the list of authorised crushers;
- d. A sworn statement that the company complies with Article 3.1.3.

2. Vocational training

- a. Knowledge required - legislation
 - i. Contact details of the person(s) who have sufficient knowledge of waste legislation and waste management.
 - ii. Evidence of specific training already completed (diplomas, certificates or attestations) or to be followed (dates and name of the institution) or a reasoned derogation.
- b. Knowledge required – asbestos and hazardous substances
 - i. Contact details of the person(s) who possess(es) sufficient knowledge of asbestos and other hazardous substances.
 - ii. Evidence of specific training already completed (diplomas, certificates or attestations) or to be followed (dates and name of the institution).

3. Evidence of membership of an approved management organisation

4. Quality management system approved by the authorised management organisation

5. Information on the crushing activity

- a. Evidence of the presence of an online information system linked to a GPS tracking system.
- b. For fixed crushers in the Brussels-Capital Region:
 - i. Evidence of the presence of a weigh-bridge;
 - ii. Evidence of waste water management (if applied);
 - iii. Evidence of the setting up of information panels.

ANNEX III TO THE DECREE OF THE **xxx** OF THE GOVERNMENT OF THE BRUSSELS-CAPITAL REGION ON RECYCLED AGGREGATES, LAND AND RECYCLED AGGREGATES USED IN OR ON SOIL AMENDING THE DECREE OF THE GOVERNMENT OF THE BRUSSELS-CAPITAL REGION OF 1 DECEMBER 2016 ON WASTE MANAGEMENT AND RELATED PROVISIONS

Annex 21 to the Decree of the Government of the Brussels-Capital Region of 1st December 2016 on waste management

ANNEX 21: MINIMUM CONTENT FOR THE REQUEST FOR AUTHORISATION AS AN AUTHORISED MANAGEMENT ORGANISATION FOR RECYCLED AGGREGATES (1) OR LAND (2)

1. Identification

- a. Contact details and status of the management organisation;
- b. Contact details of the manager and contact person;
- c. Address to be published on the list of authorised management organisations;
- d. A sworn statement that the organisation complies with Article 3.1.3.

2. Supporting documents

- a. Evidence of the involvement of authorised representatives in the various sectors related to the use of recycled aggregates or land.
- b. A sworn statement that the organisation is independent, impartial and expert.
- c. (1) Evidence of accreditation by BELAC or another member of the European Accreditation (EA).

3. Vocational training

- a. Evidence (diplomas, certificates or attestations) of thorough knowledge of the disciplines of pedology, geology and chemistry, and where applicable (2) biology and microbiology.
- b. Contact details of the person(s) who have sufficient knowledge of the associated codes of practice and the environmental legislation in force.
- c. Evidence (diplomas, certificates, attestations or curriculum vitae) of professional experience of at least three years, during the six years preceding the date of the request for authorisation, (1) in the field of the use of waste which has obtained the “end of waste status” or (2) in the studies and treatment of soil pollution or the use of waste which has received the end of waste status.

4. Technical, IT and financial resources

- a. Note on the technical and IT resources to be put in place to carry out the tasks in accordance with the provisions of the legislation in force.
- b. Evidence of subscription to an insurance policy covering his professional liability.

5. Quality management system

ANNEX IV TO THE DECREE OF **XXX** OF THE GOVERNMENT OF THE BRUSSELS-CAPITAL REGION ON RECYCLED AGGREGATES, LAND AND RECYCLED AGGREGATES USED IN OR ON SOIL AMENDING THE DECREE OF THE GOVERNMENT OF THE BRUSSELS-CAPITAL REGION OF 1 DECEMBER 2016 ON WASTE MANAGEMENT AND RELATED PROVISIONS

Annex 22 to the Decree of the Government of the Brussels-Capital Region of 1st December 2016 on waste management

ANNEX 22: STANDARDS FOR THE USE OF RECYCLED AGGREGATES IN ACCORDANCE WITH ARTICLE 4.8.1. § 1 AND § 2

Sampling and analyses shall be carried out in accordance with the Code of Practice which is published on the Brussels Environment website.

Parameters	Values in mg/kg dry matter	
Heavy metals	Total concentration	Leaching value of heavy metals
Arsenic	35	0.8
Cadmium	1.2	0.03
Chromium (III)	91	0.5
Copper	72	0.5
Mercury	1.7	0.02
Lead	120	1.3
Nickel	48	0.75
Zinc	200	2.8
Monocyclic aromatic hydrocarbons	Total concentration	
Benzene	0.5	
Toluene	15	
Ethylbenzene	5	
Xylene	15	
Styrene	10	
Polycyclic aromatic hydrocarbons (PAH)	Total concentration	Specific standards
Naftalene	6	20
Benzo(a)pyrene	7.2	8.5
Fenantrene	30	30
Fluorantene	30	40
Benzo(a)anthracene	30	35
Chrysene	20	400
Benzo(b)fluorantene	4.4	55
Benzo(k)fluorantene	10	55
Benz(ghi)perylene	10	35
Indeno(1,2,3cd) pyrene	15	35

Other organic substances	Total concentration	
Hexane	1.2	
Heptane	20	
Octane	60	
Mineral oils (C10-C40)	1000	
Polychlorinated biphenyls (PCB) (1)	0.5	
Cyanides (2)	Total concentration	
Free cyanide	5	
Cyanide non-oxidable to chlorine	12	
Asbestos (3)	Total concentration	
Asbestos	100	

- (1) The seven PCB (congeneric) indicators are as follows: PCB28, PCB52, PCB101, PCB118, PCB138, PCB153 and PCB180.
- (2) Free cyanide shall be understood as follows: inorganically bound cyanides consisting of the sum of free cyanide ions and cyanides bound to simple metal cyanides. Cyanide non-oxidable to chlorine shall be understood as: the sum of alkaline ferrocyanides ($K_4Fe(CN)_6$) and metal ferrocyanides ($Fe_4(Fe(CN)_6)_3$).
- (3) The asbestos content is tested by a weighted standard, the concentration of asbestos being calculated as the sum of the concentration of bound asbestos plus ten times the concentration of unbound asbestos.