



# The Minister for the Environment and Energy Security

in coordination with

# the Minister for Infrastructure and Transport

**HAVING REGARD TO** Article 17(3) of Law no. 400 of 23 August 1988;

**HAVING REGARD TO** Decree-Law no. 13 of 24 February 2023, converted, with amendments, by Law no. 41 of 21 April 2023, on 'Urgent provisions for the implementation of the National Recovery and Resilience Plan (NRRP) and the National Plan for Complementary Investments to the NRRP (PNC), as well as for the implementation of cohesion policies and the Common Agricultural Policy' and, in particular, Article 48 thereof;

**HAVING REGARD TO** Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC;

**HAVING REGARD TO** Regulation (EC) no. 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision no. 3052/95/EC;

**HAVING REGARD TO** Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility;

**HAVING REGARD TO** Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives;

**HAVING REGARD TO** Law no. 349 of 8 July 1986, entitled 'Establishment of the Ministry of the Environment and Rules on Environmental Damage;

**HAVING REGARD TO** Legislative Decree no. 285 of 30 April 1992 on the 'New Highway Code';

**HAVING REGARD TO** Legislative Decree No 300 of 30 July 1999 on the reform of the organisation of the Government, pursuant to Article 11 of Law No 59 of 15 March 1997;

**HAVING REGARD TO** Presidential Decree no. 445 of 28 December 2000 on the 'Consolidated Text of Legislative and Regulatory Provisions on Administrative Documentation;

**HAVING REGARD TO** Legislative Decree no. 165 of 30 March 2001 on 'General rules on the organisation of employment in public administrations;

**HAVING REGARD TO** Legislative Decree no. 286 of 21 November 2005 on 'Provisions for the regulatory reorganisation of the regulated liberalisation of road haulage activities;

**HAVING REGARD TO** Legislative Decree no. 152 of 3 April 2006 on 'Environmental Regulations;

**HAVING REGARD TO** Decree-Law no. 2 of 25 January 2012, converted, with amendments, into Law no. 28 of 24 March 2012, on 'Extraordinary and Urgent Measures on Environmental Matters;

**HAVING REGARD TO** Decree-Law No 133 of 12 September 2014, converted, with amendments, into Law No 164 of 11 November 2014 laying down 'Urgent measures for the opening of construction sites, the construction of public works, the digitalisation of the country, bureaucratic simplification, the emergence of hydrogeological instability and the resumption of production activities', and in particular Article 8 thereof;

**HAVING REGARD TO** Presidential Decree no. 120 of 13 June 2017 on 'Regulations on simplified rules for the management of excavated earth and rocks, pursuant to Article 8 of Decree-Law no. 133 of 12 September 2014, converted, with amendments, by Law no. 164 of 11 November 2014';

**HAVING REGARD TO** Decree-Law No 22 of 1 March 2021, converted, with amendments, into Law No 55 of 22 April 2021 laying down 'Urgent provisions on the reorganisation of the powers of ministries' and, in particular, Article 2 which renamed the 'Ministry of the Environment and the Protection of Natural Resources and the Sea' to 'Ministry of the Ecological Transition';

**HAVING REGARD TO** Decree-Law No 77 of 31 May 2021, converted, with amendments, by Law No 108 of 29 July 2021, on '*Governance* of the National Recovery and Resilience Plan and initial measures to strengthen administrative structures and speed up and streamline procedures';

**HAVING REGARD TO** Decree-Law no. 80 of 9 June 2021, converted, with amendments, by Law no. 113 of 6 August 2021, on 'Urgent measures to strengthen the administrative capacity of public administrations functional to the implementation of the National Recovery and Resilience Plan (NRRP) and for the efficiency of justice';

**HAVING REGARD TO** Decree-Law no. 152 of 6 November 2021, converted, with amendments, by Law no. 233 of 29 December 2021, containing 'Urgent provisions for the implementation of the National Recovery and Resilience Plan (NRRP) and for the prevention of mafia infiltration;

**HAVING REGARD TO** Decree-Law no. 173 of 11 November 2022, converted, with amendments, by Law no. 204 of 16 December 2022, setting forth 'Urgent provisions on the reorganisation of the attributions of Ministries' and, in particular, Article 4, paragraph 1, renaming the 'Ministry of Ecological Transition' to 'Ministry of the Environment and Energy Security', and Article 5, paragraph 1, renaming the 'Ministry of Sustainable Infrastructure and Mobility' to 'Ministry of Infrastructure and Transport';

**HAVING REGARD TO** the Decree of the Minister of Infrastructure and Transport no. 205 of 12 October 2022, containing the 'Regulation containing criteria for the drafting of the management project of the reservoirs referred to in Article 114, paragraphs 2, 3 and 4 of Legislative Decree no. 152 of 3 April 2006';

**HAVING REGARD TO** the Decree of the Minister of the Environment of 5 February 1998, entitled 'Identification of non-hazardous waste subject to simplified recovery procedures', published in the Official Gazette no. 88 of 16 April 1998 - Ordinary Supplement no. 72;

**HAVING REGARD TO** the Decree of the Minister of the Environment and Energy Security of 18 January 2023, entitled 'Adoption of the Policy Act concerning the identification of the policy priorities of the Ministry of the Environment and Energy Security for the year 2023 and for the three-year period 2023-2025';

**HAVING REGARD TO** the Decree of the Minister of the Environment and Energy Security of 2 February 2023, entitled 'Approval of the general directive containing general guidelines on the administrative activity and management of the Ministry of the Environment and Energy Security for the year 2023';

**HAVING OBTAINED** the agreement of the Minister for Infrastructure and Transport, expressed in a note dated 23 December 2024;

**HAVING CONSULTED** the Minister for Health by note of 22 November 2024;

**HAVING HEARD** the opinion of the Council of State, expressed by the Consultative Section for Legislative Acts at its meeting of ....

**HAVING REGARD TO** the notification provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information to the European Commission in the field of technical regulations and of rules on Information Society services, made by letter of ...;

**HAVING REGARD TO** the communication to the President of the Council of Ministers made by note of ..., pursuant to Article 17(3) of Law no. 400 of 1988;

hereby adopts  
the following Regulation

## **TITLE I**

### **GENERAL PROVISIONS**

## **Art. 1**

### *(Subject matter and purpose)*

1. Pursuant to Article 48 of Decree-Law no. 13 of 24 February 2023, converted, with amendments, by Law no. 41 of 21 April 2023, these regulations contain measures to simplify the rules on the management of excavated earth and rocks.
2. This regulation, implementing the principles and provisions of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008, regulates the management of excavated earth and rocks, ensuring adequate levels of environmental and health protection and guaranteeing effective controls, with the aim of rationalising and simplifying the ways in which they can be used, also for the purposes of the full implementation of the National Recovery and Resilience Plan (NRRP).

## **Art. 2**

### *(General definitions and requirements)*

1. For the purposes of this Regulation, the definitions referred to in Articles 183(1) and 240 of Legislative Decree No 152 of 3 April 2006 and the following shall apply:
  - a) 'Works' means activities aimed at the construction of a work, including construction, excavation, demolition, remediation, removal, levelling, dredging, renovation, restoration and maintenance activities, as well as the activities of excavation and de-rigging of reservoirs, works for the restoration of the beds of natural and artificial watercourses for reasons of hydraulic safety, the restoration of networks and services, and excavations for archaeological, geological and geotechnical investigations;
  - b) 'Soil' means the uppermost layer of the earth's crust located between the rocky substratum and the surface, consisting of mineral components, organic matter, water, air and living organisms, including landfill material matrices within the meaning of Article 3, Paragraph 1 of Decree-Law no. 2 of 25 January 2012, converted, with amendments, by Law no. 28 of 24 March 2012;
  - c) 'Excavated soil and rock' means excavated soil, rock material and sediments resulting from works, including stone processing residues not containing dangerous substances;
  - d) 'Competent authority': the authority authorising the execution of the work within the scope of which the excavated earth and rocks are generated or, in the case of works subject to environmental impact assessment procedures or integrated environmental authorisation, the competent authority referred to in Article 5, paragraph 1, letter p) of Legislative Decree no. 152 of 2006;
  - e) 'Environmental characterisation of excavated earth and rocks': activity carried out to ascertain the existence of environmental quality requirements for excavated earth and rocks in accordance with the provisions of these regulations;
  - f) 'Utilisation plan': the project document in which the proponent reports, pursuant to Article 47 of Presidential Decree no. 445 of 28 December 2000, the conditions and requirements provided for by Article 184a of Legislative Decree no. 152 of 2006, and by Article 4 of these Regulations, for the purposes of the utilisation of excavated earth and rocks as by-products;
  - g) 'Declaration of delivery for use': the declaration by which the proposer, the performer or the producer, pursuant to Article 47 of Presidential Decree no. 445 of 2000, certifies the delivery of the excavated earth and rocks to the user identified in the utilisation plan or in the declaration referred to in Articles 22 and 24;
  - h) 'Territorial sphere with a natural background': a geographically identifiable portion of territory in which it can be demonstrated that a concentration value of one or more substances in the soil, higher than the threshold concentrations of contamination set out in columns A and B of Table 1 of Annex 5 to Title V of Part Four of Legislative Decree no. 152 of 2006, is attributable to natural phenomena linked to the geological, geomorphological and soil conditions specific to the territory itself;

- i) 'Site': a site area, geographically defined and delimited, understood in its environmental matrices (soil and groundwater) and characterised by territorial contiguity, in which the operational management of materials does not affect the public highway open to traffic;
- l) 'Production site': the site where excavated soil and rocks are generated;
- m) 'Destination site' means the site, as indicated by the utilisation plan or in the declaration referred to in Articles 22 and 24, where the excavated soil and rocks qualified as a by-product will be used;
- n) 'Intermediate deposit site': the site, even if different from the production and destination site, at which excavated soil and rocks classified as a by-product are temporarily deposited pending their final use and which meets the requirements of Article 5;
- o) 'Normal industrial practice' means the operations, even if not carried out individually, to which excavated earth and rocks may be subjected in order to improve their product characteristics and make their use more productive and technically effective, in accordance with the criteria established by the project, and without prejudice to compliance with the requirements for by-products and the environmental quality requirements that the material must have before treatment;
- p) 'Proposer' means the entity submitting the use plan;
- q) 'Performer' means the individual implementing the use plan pursuant to Article 18;
- r) 'Producer': the party whose material activity produces excavated soil and rocks and who prepares and transmits the declaration referred to in Articles 22 and 24;
- s) 'Target production cycle' means the production process in which excavated soils and rocks are used as by-products in place of quarry material;
- t) 'Small-scale construction site' means a construction site where excavated earth and rocks are produced in quantities not exceeding six thousand cubic metres, calculated from the project sections, in the course of activities and interventions authorised in accordance with the rules in force, including those produced in the course of works or activities subject to environmental impact assessment (EIA) or integrated environmental authorisation (IAA) as referred to in Part Two of Legislative Decree No 152/2006;
- u) 'Large-scale construction site' means a construction site where excavated earth and rocks are produced in quantities exceeding six thousand cubic metres, calculated from the project sections, in the course of works or activities subject to EIA or AIA procedures referred to in Part Two of Legislative Decree No 152/2006;
- v) 'Large-scale construction site not subject to EIA or AIA' means a construction site where excavated earth and rocks are produced in quantities exceeding six thousand cubic metres, calculated from the project sections, in the course of works or activities not subject to EIA or AIA procedures referred to in Part Two of Legislative Decree No 152/2006;
- z) 'Site subject to remediation' means a site where the procedures referred to in Title V of Part Four of Legislative Decree No 152/2006 have been activated;
- aa) 'Work': the result of a set of construction, civil engineering and port interventions, including the construction and maintenance of network and other infrastructure, as well as naturalistic engineering and environmental defence and monitoring activities, including the management of reservoirs limited to desegregation and draining activities in water for hydraulic security, which in itself performs an economic or technical function, with the exception of remediation, permanent and operational security, as referred to in Title V of Part Four of Legislative Decree No 152 of 2006;
- bb) 'Sediments' means the granulometric fractions excavated in the riverbeds of both surface water bodies and the hydrographic network, as defined in Article 54(1)(q) of Legislative Decree No 152/2006, in floodplains of watercourses, beaches, lake beds and artificial reservoirs, as well as sea and port beds, resulting from activities aimed at the construction of a work;
- cc) 'Micro-sized worksite' means a worksite where excavated soil and rocks are produced in quantities not exceeding six hundred cubic metres, calculated from the project sections, in the course of activities and interventions authorised based in the regulations in force, including those

produced in the course of works or activities subject to EIA or AIA under Part Two of Legislative Decree no. 152 of 2006;

dd) 'Point site' means a site where excavated earth and rocks are produced in quantities less than or equal to 20 cubic metres, calculated from the project sections, and to be reused directly at the production site;

ee) 'User': the entity that uses excavated soil and rocks as a by-product, in place of quarry material or in a production cycle;

ff) 'Declaration of use' means the declaration by which the user certifies, in accordance with Article 47 of Presidential Decree No 445 of 2000, that the excavated land and rocks classified as by-products have been used;

gg) 'Excavated soil and rock management plan' means the design document that the proposer may submit in advance pursuant to Article 10(2) containing the elements set out in Annex 11.

2. This Regulation shall also apply to excavated earths and rocks containing concrete, bentonite, fibreglass, cement mixtures, additives and plastics used for mechanised or traditional excavation, provided that they do not contain concentrations of pollutants exceeding the limits set out in columns A and B of Table 1 of Annex 5 to Title V of Part Four of Legislative Decree No 152 of 2006 for the specific intended purpose.

3. This Regulation shall also apply in cases of land use of excavated marine sediments provided that the concentration of chlorides in the eluate obtained from such materials prior to their placement in the final destination site is not higher than the concentration of chlorides in the eluate derived from the soils of the final destination site. The concentration of chlorides in the eluate is measured by means of the release *test* carried out in accordance with current legislation. The territorially competent Environmental Protection Agency shall assess the fulfilment of the condition set out in this subparagraph within the framework of the opinion referred to in Article 4(6).

### **Art. 3**

#### *(Exclusions from the scope of application)*

1. This Regulation does not apply to the delivery of excavated soil and rock to the sea or to areas adjacent to the sea, such as beaches, lagoons and salt ponds and coastal embankments, regulated by Article 109 of Legislative Decree no. 152 of 2006, as well as the movement of sediments within artificial reservoirs or from artificial reservoirs into downstream bodies of water, including purging and flowing operations through the discharge, diversion or *by-pass* organs of dams, regulated pursuant to Article 114 of Legislative Decree no. 152 of 2006.

2. Waste deriving directly from the demolition of buildings or other pre-existing structures, the management of which is regulated pursuant to Part Four of Legislative Decree No 152 of 2006, is excluded from the scope of application of this regulation.

## **TITLE II**

### **EXCAVATED EARTH AND ROCKS MEETING THE DEFINITION OF BY-PRODUCT**

#### **Chapter I - General provisions**

### **Art. 4**

#### *(Criteria for qualifying excavated earth and rocks as by-products)*

1. In implementation of Article 184a(1) of Legislative Decree no. 152 of 2006, this Chapter lays down the general requirements to be met in order for excavated earth and rocks generated in large construction sites, small construction sites, micro construction sites and large construction sites not subject to EIA and AIA to be qualified as by-products and not as waste, as well as the common provisions applicable to them. This Chapter also defines the procedures to ensure that the management and use of excavated soil and rocks as by-products takes place without danger to health and without prejudice to the environment.

2. The excavated earths and rocks referred to in paragraph 1 shall be qualified as by-products when they meet the following requirements:

a) are generated during the execution of a work, of which they form an integral part and whose primary purpose is not the production of such material;

b) their use complies with the use plan or declaration referred to in Articles 22 and 24, and is carried out:

1) during the execution of the same work in which it was generated or of a different work, for the implementation of burying, filling, reshaping, embankments, land or road improvements, environmental recoveries or other forms of environmental restoration and improvement;

2) in production processes, as a substitute for quarry materials;

c) they are fit for direct use, i.e. without any further treatment other than normal industrial practice;

d) meet the environmental quality requirements expressly laid down in Chapter II or Chapter III or Chapter IV or Chapter V of this Regulation, for the specific use arrangements referred to in point (b).

3. In cases where excavated earths and rocks contain filler materials, the component of man-made materials mixed with materials of natural origin shall not exceed a maximum quantity of 20 per cent by weight, to be quantified in accordance with the methodology set out in Annex 10. In addition to complying with the environmental quality requirements outlined in paragraph 2, letter d), the backfill material matrices are subject to the release *test*, carried out according to the methods and in compliance with the limits outlined in the Decree of the Minister of the Environment of 5 February 1998, concerning the 'Identification of non-hazardous waste subject to simplified recovery procedures', excluding the asbestos parameter.

4. Without prejudice to Article 27(3), for the purposes of use, Table 1 of Annex 5 to Title V of Part Four of Legislative Decree No 152/2006 shall apply for the asbestos parameter, as provided for in Annex 4 to this Regulation. Asbestos is excluded from the application of the release *test*.

5. The fulfilment of the conditions referred to in paragraphs 2, 3, 4 and 6 shall be attested by the preparation and transmission of the plan of use or declaration referred to in Articles 22 and 24, as well as the declaration of delivery for use or, where the proposer or performer or producer is also the user of the excavated earth and rocks, the declaration of use, in accordance with the provisions of this Regulation.

6. In the case of land use of the excavated marine sediments, considering the different origin of the materials, the proponent shall attach to the utilisation plan or to the declaration referred to in Article 22 the opinion of the territorially competent Environmental Protection Agency, which, with the possible support of the Istituto Superiore per la Protezione e la Ricerca Ambientale (ISPRA), shall assess, in addition to the existence of the condition referred to in Article 2, paragraph 3, the need to supplement the analytical reference *set* with further specific parameters, in relation to which the reference limits must also be indicated.

## **Art. 5**

### **(Intermediate storage)**

1. Intermediate storage of excavated earth and rocks may be carried out at the site of production, at the site of destination or at another site, in accordance with the following points:

a) if the concentration of pollutants in the excavated soils and rocks produced is within the contamination threshold concentration limits set out in column A of Table 1 of Annex 5 to Title V of Part Four of Legislative Decree No 152/2006, intermediate storage may be carried out at any site regardless of its use as an urban destination;

b) if the concentration of pollutants in the produced soils falls within the contamination threshold concentration limits set out in columns A and B of table 1 of annex 5 of title V of part four of legislative decree no. 152 of 2006, the intermediate storage may be carried out on sites with commercial and industrial urban use. In this case, intermediate storage may also be carried out in sites intended for green, residential and agricultural urban use, provided that suitable safeguards are

ensured to avoid environmental problems with the soil, subsoil and groundwater matrices, ensuring physical separation between the deposited materials and the underlying matrices, and provided that all necessary measures are taken to reserve access to the storage areas to professionals only;

c) the location and duration of the storage, including at a site other than the site of production and destination, shall be indicated in the plan of use or in the declaration referred to in Articles 22 and 24;

d) the duration of the deposit shall not exceed the period of validity of the deployment plan, the amendments pursuant to Article 16 and the extensions pursuant to Article 17 or the declaration referred to in Articles 22 and 24;

e) The deposition of excavated soil and rocks shall be physically separated and managed autonomously also with respect to other deposits of excavated soil and rocks subject to different plans of use or declarations referred to in Articles 22 and 24 and to any waste present on the site in temporary storage;

f) the deposition of excavated soils and rocks is in accordance with the provisions of the Use Plan or Declaration referred to in Articles 22 and 24 and is identified by visibly placed signage, containing information on the production site, the quantities of material deposited, and administrative data of the Use Plan or Declaration referred to in Articles 22 and 24.

2. The proposer or producer may identify in the deployment plan or declaration referred to in Articles 22 and 24 one or more suitable intermediate storage sites. In the event of a change in the intermediate storage site indicated in the deployment plan or declaration referred to in Articles 22 and 24, the proposer or producer shall update the plan or declaration in accordance with the procedures laid down in this Regulation.

3. After expiry of the interim storage period indicated in the use plan or its subsequent updates or extensions, or in the declaration referred to in Articles 22 and 24, the status of unused land and rocks as a by-product in accordance with the use plan or the declaration referred to in Articles 22 and 24 shall cease with immediate effect and, therefore, such land and rocks shall be managed as waste, in accordance with Part Four of Legislative Decree No 152/2006. This is, however, without prejudice to the status of a by-product for land already placed at the conferral site and used in accordance with the approved and valid use plan.

## **Art. 6** *(Transport)*

1. For excavated lands and rocks classified as by-products, transport outside the production site shall be accompanied by the documentation set out in Annex 7, which shall replace any other accompanying documentation provided for by the legislation in force on road transport, without prejudice to any authorisations governed by Article 10 of Legislative Decree No 285 of 30 April 1992. For the purposes of the liability referred to in Article 8 of Legislative Decree No 286 of 21 November 2005, this documentation shall be equivalent to a copy of the written contract referred to in Article 6 of that Legislative Decree.

2. The documentation referred to in paragraph 1 shall be drawn up in triplicate, one for the proposer or producer, one for the transporter and one for the recipient, even if of the intermediate storage site, and shall be kept by the aforementioned parties for 3 years and made available, at any time, also in digital format, to the supervisory authority. Where the proposer and the performer are different parties, a fourth copy of the documentation must be kept by the performer.

3. In the case of the transport of soil and rock from the same production site carried out several times by the same means and to the same destination site, the documentation referred to in paragraph 1, in the possession of the proposer, the transporter and the consignee, may be updated by providing the information set out in Section D 'transport conditions' of Annex 7, concerning each journey.



4. When carrying out dredging of sea beds and harbours pursuant to these regulations, excavation and transport of sediments shall be carried out in such a way as to minimise their resuspension and dispersion.

#### **Art. 7**

##### *(Declaration of delivery for use and declaration of use)*

1. Compliance with the requirements provided for by Article 184a of Legislative Decree no. 152 of 2006, and by Article 4 of this Regulation, for the use as by-products of excavated earth and rocks that has taken place in accordance with the utilisation plan or the declaration referred to in Articles 22 and 24 shall be demonstrated to the entities referred to in Article 10, paragraph 1, or Article 22, paragraph 1, or Article 24, paragraph 1, by the proposer, the performer, the producer and the user in the manner provided for by this Article.

2. Without prejudice to the provisions of paragraph 3, in the event that the user coincides with the proposer, the performer or the producer, the declaration of utilisation, drawn up pursuant to Article 47 of Presidential Decree no. 445 of 2000, shall be made by the user by transmitting, by certified electronic mail, the form outlined in Annex 12, to the competent authority and to the Environmental Protection Agencies competent for the site of production and for the site of destination, to the municipality of the site of production and to the municipality of the site of destination. The declaration of use is kept for three years by the user and is made available to the control authority, also in digital form. The declaration of utilisation shall be made to the administrations referred to in the first sentence within 30 days following the end of the period of validity of the utilisation plan or the declaration referred to in Articles 22 and 24, without prejudice to the provisions of Article 8.

3. In the event that the user is different from the proposer, the performer **and** the producer, the declaration of use, pursuant to Article 47 of Presidential Decree no. 445 of 2000, shall be made, by means of certified electronic mail, by the user to the proposer, the performer or the producer, the competent authority and the territorially competent Environmental Protection Agency. A copy of the declaration of use is kept for three years by the proposer, performer or producer, as well as the user, and is made available to the control authority, also in digital format. The declaration of completed use shall be made by the user within fifteen days following the end of validity of the use plan or the declaration referred to in Articles 22 and 24, without prejudice to the provisions of Article 8.

4. Where the user is different from the proposer, the performer and the producer, the proposer, the performer or the producer shall draw up a declaration of delivery for use with the formalities set out in Article 47 of Presidential Decree no. 445 of 2000. The declaration of delivery for use shall be made at the time of delivery to the user referred to in subsection 3, communicating the validity of the utilisation plan and the date of production of the excavated earth and rocks. The declaration of delivery shall be transmitted to the entities referred to in paragraph 1, by certified electronic mail, using the form set out in Annex 8, within thirty days following the expiry of the period of validity of the plan of use or the declaration referred to in Articles 22 and 24, without prejudice to Article 8. A copy of the declaration shall be kept for three years by the proposer, performer or producer and shall be made available to the control authority, also in digital format. The declaration of delivery for use also indicates the users and destination sites.

5. The intermediate storage of excavated earth and rocks qualified as by-products does not constitute a use within the meaning of Article 4(2)(b)(1) and (2).

6. For the purpose of verifying compliance with the obligations undertaken in the declarations referred to in this Article, Article 31(1) shall apply.

#### **Art. 8**

##### *(Measures in the event of non-fulfilment or delayed fulfilment)*

1. In the event that the proposer, producer or performer fails to make the declaration of use pursuant to Article 7(2) or the declaration of delivery for use pursuant to Article 7(4) within the time limit, the competent authority shall notify the proposer, performer or producer of a warning measure, granting a time limit for compliance of not less than thirty days from the date of receipt of the measure.
2. Failure to declare within the time limit set by the warning measure shall result in the cessation of the qualification as by-product of the excavated earth and rocks to which the utilisation plan or the declaration referred to in Articles 22 and 24 refers.

## **Chapter II**

### **Excavated earth and rocks produced on large construction sites**

#### **Art. 9**

*(Scope of the regulation on the management of excavated earth and rocks produced on large construction sites)*

1. This Chapter applies to the management of excavated soils and rocks generated at large construction sites referred to in Article 2(1)(u), which, based on the environmental characterisation carried out in accordance with Annexes 1 and 2, meet the environmental quality requirements set out in Annex 4 for the specific modes of use. For works subject to verification of subjectability to an EIA pursuant to Article 19 of Legislative Decree no. 152 of 2006, this Chapter shall apply only where the said verification confirms the need to subject the project to an EIA procedure.

#### **Art. 10**

*(Plan of use)*

1. The plan for the use of excavated earth and rocks, drawn up in compliance with the provisions of Annex 5, shall be transmitted by the proponent to the competent authority and to the territorial environmental protection agencies competent for the place of production and the place of use, by certified e-mail, at least ninety days before the beginning of works or forty-five days before in the case of projects falling within the NRRP, and in any case before the conclusion of the procedure.
2. Notwithstanding the provisions of paragraph 1, depending on the design level and when submitting the environmental impact study (SIA), the proposer may submit to the parties referred to in paragraph 1, in advance, a management plan for excavated soil and rock containing at least the elements indicated in Annex 11. The utilisation plan drawn up at the executive design stage or, in any case, prior to the commencement of works, is drafted in compliance with the provisions of the management plan for excavated earth and rocks transmitted for assessment, by certified e-mail, by the proposer to the competent authority and to the territorially competent Environmental Protection Agencies and subjected to compliance verification.
3. The plan of use shall include the declaration in lieu of the notarised document, drawn up in accordance with Article 47 of Presidential Decree No 445 of 2000, by which the legal representative of the company or the natural person proposing the work certifies the fulfilment of the requirements referred to in Article 4, including in accordance with the provisions of Annex 3 with reference to normal industrial practice.
4. The competent authority checks ex officio the completeness of the documentation submitted. Within 30 days from the date of submission of the utilisation plan, the competent authority may request, in one go, additions to the documentation received. In the case of works covered by the NRRP, the thirty-day period referred to in the second sentence is reduced to fifteen. After the expiry of the periods referred to in the second and third sentences without the competent authority having made any request, the documentation shall in any case be deemed complete.
5. 90 Days after the date of submission of the use plan or any incorporation of the use plan pursuant to paragraph 4, the applicant shall, provided that the requirements of Article 4 are met, initiate

management of the excavated soil and rock in accordance with the use plan, without prejudice to any further requirements set out in the legislation in force for the execution of the work. In the case of works covered by the NRRP, the ninety-day period referred to in the first sentence is reduced to forty-five.

6. Fulfilment of the requirements of Article 4 is verified by the competent authority based in the utilisation plan. For works subject to an EIA, the competent authority may, when issuing the EIA measure, establish prescriptions to supplement the utilisation plan and, if requested by the proponent at the start of the EIA procedure, indicate additional final storage sites for the management of excavated earth and rocks taken from the public consultation referred to in Article 24 of Legislative Decree no. 152 of 2006.

7. Where the competent authority finds that the requirements laid down in Article 4 are not met, it shall issue a reasoned order prohibiting the commencement or continuation of the management of excavated land and rocks as by-products.

8. In order to ascertain compliance with the obligations undertaken in the utilisation plan submitted pursuant to paragraph 1 and Articles 16 and 17, in accordance with Annex 9, Article 31 shall apply.

9. During the set-up of the use plan, the proponent may ask the locally competent environmental protection agency or the entities identified pursuant to Article 14(2) to carry out technical and administrative inquiry checks with a view to prior validation of the use plan. In the event of preliminary validation of the use plan, the term referred to in the second sentence of paragraph 4 shall be reduced by half and the term referred to in the third sentence of the same paragraph shall be reduced to ten days.

10. Following the transmission of the plan of use to the competent authority, the promoter may request the locally competent environmental protection agency or the entities identified pursuant to Article 14(2) to carry out the checks provided for in paragraph 8 in advance.

11. The economic burdens resulting from the activities carried out by the territorially competent Environmental Protection Agency pursuant to paragraphs 8, 9 and 10, as well as those resulting from the activities carried out by the entities identified pursuant to Article 14(2) pursuant to paragraphs 9 and 10, shall be borne by the promoter.

12. In the case of land-based use of excavated marine sediments, the use plan shall also comply with any requirements contained, in relation to the specificities of the matrix, in the opinion of the territorially competent Environmental Protection Agency issued, pursuant to Article 4(6), within 60 days of the request made by the proposer, to be carried out before the submission of the plan. The opinion referred to in the first sentence is attached to the utilisation plan.

## **Art. 11**

### *(Soils and rocks conforming to contamination threshold concentrations - CSC)*

1. Where in excavated soil and rocks the concentrations of the parameters listed in Annex 4 do not exceed the threshold contamination concentrations set out in columns A and B of Table 1 in Annex 5 to Title V of Part Four of Legislative Decree No 152 of 2006, with reference to the intended urban purpose of the production site and destination site indicated in the use plan, the plan shall be prepared and submitted in accordance with Article 10.

2. In the cases referred to in paragraph 1, the competent authority may, within thirty days of the submission of the utilisation plan or its possible integration, ask the territorially competent environmental protection agency to carry out the necessary verifications, at the expense of the proposer, in order to ensure compliance with the requirements set out in Article 4. The competent authority shall justify the request referred to in the first sentence with regard to the nature of the area on which the work is to be carried out or the presence of anthropic interventions that have not been sufficiently investigated. Within sixty days of the request referred to in the first sentence, the territorially competent environmental protection agency shall communicate the results of the checks referred to in the first sentence to the competent authority; in the case of works covered by the

NRRP, the sixty-day period shall be reduced to forty days. The time limit referred to in the second sentence may be suspended once for a maximum of sixty days, or forty days in the case of works covered by the NRRP, if the territorially competent environmental protection agency contradicts the need for an in-depth investigation. If the territorially competent environmental protection agency fails to comply with the time limit referred to in the second sentence, the verification activities shall be carried out directly by the competent authority, which shall verify compliance with the requirements of Article 4 within the following sixty days, taking into account the information already obtained by the agency.

## **Art. 12**

*(Excavated earth and rocks conforming to natural background values)*

1. If the construction of the work affects a site where the excavated soil and rock, due to phenomena of natural origin, have concentrations of the parameters listed in Annex 4 that are higher than the threshold concentrations of contamination set out in columns A and B of Table 1 of Annex 5 to Title V of Part Four of Legislative Decree no. 152 of 2006, the concentrations of these parameters may be considered to be equal to the existing natural background value. For the purposes of the first sentence, when preparing the utilisation plan, the proposer shall report the exceeding of threshold concentrations pursuant to Article 242 or Article 245 of Legislative Decree no. 152 of 2006 and at the same time shall submit to the territorially competent Environmental Protection Agency an investigation plan to define the natural background values to be assumed. The investigation plan, shared with the competent Agency, is carried out by the proposer, at his own expense, under the supervision of the Agency within sixty days from the date of its submission. The survey plan may also refer to data published and validated by the territorially competent Environmental Protection Agency relating to the area under investigation. Based in the findings of the survey plan, as well as other available data for the area under investigation, the territorially competent Environmental Protection Agency defines the natural background values. The proposer prepares the utilisation plan based in the background values defined by the Agency.

2. The excavated soil and rock referred to in paragraph 1 may be used within the production site or at another site provided that the latter site has natural background values with similar characteristics in terms of concentration for each of the parameters exceeded in the characterisation of the production site. The preparation and presentation of the utilisation plan is carried out in accordance with Article 10.

3. The results of the analyses carried out or validated by the environmental protection authorities in relation to the natural background values are made available and regularly updated by ISPRA on the website of the National System for Environmental Protection (SNPA). For the purposes of the first sentence, the Environmental Protection Agencies shall communicate to ISPRA by 30 April each year the updates of the background values established.

## **Art. 13**

*(Excavated earth and rocks produced on a site subject to a remediation procedure)*

1. In the event that the production site falls within a site subject to remediation proceedings, based in the results of the characterisation referred to in Article 242 of Legislative Decree no. 152 of 2006, on request and at the expense of the proponent, the environmental quality requirements referred to in Article 4 of these regulations, referring to both the production site and the destination site, are transmitted by the proponent to the competent territorial environmental protection agency for the validation of the data. Within 60 days of the date of transmission of the data, the competent environmental protection agency shall inform the proposer whether, for the excavated soils and rocks, the values found, in relation to the parameters relevant to the remediation procedure, do not

exceed the contamination threshold concentrations set out in columns A and B of Table 1 of Annex 5 to Title V of Part Four of Decree No 152 of 2006, with reference to the specific urban use of the production and destination site, to be indicated in the use plan. Where the levels found do not exceed the threshold concentrations, the preparation and submission of the utilisation plan shall be carried out in accordance with the procedures and modalities laid down in Article 10.

**Art. 14**  
*(Equivalent control)*

1. In the event that the territorially competent Environmental Protection Agency does not carry out the activities provided for in Articles 12, 13 and 21(3) within the time limits indicated therein, the aforementioned activities may, at the request and at the expense of the proposer, also be carried out by other public administrations or entities with equivalent qualification and technical capacity.
2. For the purposes of paragraph 1, within sixty days of the date of entry into force of this Regulation, the list of public administrations referred to in Article 1(2) of Legislative Decree No 165 of 30 March 2001, or of public entities carrying out technical and scientific activities in environmental or health matters, with qualifications and technical capacity equivalent to the territorially competent Environmental Protection Agency, shall be drawn up by decree of the Minister for the Environment and Energy Security, in agreement with the Minister for Economic Affairs and Finance, and the tables containing the tariffs that the applicants pay in consideration for the services requested shall be approved.

**Art. 15**  
*(Effectiveness of the utilisation plan)*

1. The duration of the plan is indicated in the utilisation plan. Unless exceptions are expressly justified by the competent authority on account of the works to be carried out, work shall commence within two years of the presentation of the utilisation plan.
2. Upon expiry of the deadlines referred to in the first and second sentences of paragraph 1, the by-product status of the excavated lands and rocks included in the use plan shall cease to exist, with the consequent obligation to manage them as waste within the meaning of Title III of this Regulation and Part Four of Legislative Decree No 152 of 2006.
3. In the event of a breach of the obligations assumed in the use plan, the qualification of excavated earth or rock as a by-product is eliminated, with the consequent obligation to manage it as a waste in accordance with Part Four of Legislative Decree No 152 of 2006.
4. Without prejudice to the provisions of Article 16, the non-fulfilment of one of the conditions referred to in Article 4 shall result in the loss of the by-product status of the excavated soil and rocks included in the plan of use and consequently the obligation to manage them as waste pursuant to Part Four of Legislative Decree No 152 of 2006.
5. The utilisation plan shall be kept, also in digital format, at the site where the excavated earth and rocks are produced and at the registered office of the proposer and, if different, also of the performer, for five years from the date of its drafting, as well as made available at any time to the control authority. A copy of this documentation shall also be kept by the competent authority.

**Art. 16**  
*(Updating the utilisation plan)*

1. In the event of a substantial change in the requirements outlined in Article 4, as indicated in the utilisation plan, the proposer or the performer shall update the utilisation plan and submit it by certified e-mail to the entities referred to in Article 10(1), accompanied by appropriate documentation, also of a technical nature, containing the reasons supporting the changes made. The

competent authority shall verify ex officio the completeness of the documentation submitted and may, within 30 days from the date of submission of the updated use plan, request in a single step the completion of the documentation. After this deadline, the documentation shall in any case be deemed complete.

2. It constitutes a substantive amendment within the meaning of paragraph 1:

- a) increasing the volume of the bench by more than twenty per cent of the excavated earth and rock covered by the use plan;
- b) the destination of the excavated earth and rocks to a destination site or use other than those indicated in the utilisation plan;
- c) Modification of excavation technologies.

Substantial amendments to the utilisation plan do not in themselves constitute substantial amendments within the meaning of Article 5(1)(la) of Legislative Decree no. 152 of 2006.

3. The destination of the excavated land and rocks to an intermediate storage site other than that indicated in the use plan shall not constitute a substantial change and shall be communicated by certified e-mail by the proposer to the entities referred to in Article 10(1) within 15 days of the start of the transfer to the intermediate storage.

4. In the cases referred to in paragraph 2(a), the use plan shall be updated within 15 days of the change. Once the period referred to in the first sentence has expired without result, the part of the excavated soil and rock exceeding the provisions of the utilisation plan shall cease to be classified as a by-product with immediate effect. Sixty days after the submission of the updated use plan, if the competent authority does not request additional documentation, excavated earth and rock exceeding the volume of the original plan shall be managed in accordance with the updated use plan.

5. In the cases referred to in paragraph 2(b), 30 days after submission of the updated plan, the excavated earth and rocks may be used and managed in accordance with the updated plan without the competent authority requesting additional documentation.

6. In the cases referred to in subsection 2(c), thirty days after the submission of the updated utilisation plan without a request for supplementary documentation by the competent authority, the excavation technologies provided for in the updated utilisation plan may be applied.

7. The procedure for updating the use plan relating to the changes referred to in point (b) of paragraph 2 may be carried out up to twice, without prejudice to any derogations granted by the competent authority on account of unforeseen or unforeseeable circumstances proven by the proponent.

## **Art. 17**

### *(Extension of utilisation plan and assessments of updated or extended utilisation plan)*

1. The time limits referred to in the first and second sentences of Article 15(1) may be extended once only, for a maximum of two years, in the event of unforeseen, unforeseeable or unforeseeable circumstances, without prejudice to exceptions authorised by the competent authority at the reasoned request of the applicant, on account of the size or complexity of the works to be carried out. For the purposes of the first sentence, the applicant shall, no later than the expiry of the time limits referred to in the first and second sentences of Article 15(1), send a notification by certified electronic mail to the competent authority and to the territorially competent environmental protection agency, indicating the new time limit and the reasons justifying the extension.

2. In the event of an update or extension of the utilisation plan, the competent authority shall, if it finds that the requirements of Article 4 or the grounds referred to in paragraph 1 or Article 16(7) are not met, issue a reasoned order prohibiting the management of excavated earth and rocks as by-products. In order to verify the fulfilment of the requirements set out in Article 4, the competent authority may request the territorially competent Environmental Protection Agency to carry out, within 30 days, the necessary checks pursuant to Article 11(2).

#### **Art. 18**

##### *(Implementation of the utilisation plan)*

1. Prior to the commencement of the excavation works, the proposer shall communicate, by means of certified electronic mail, to the persons referred to in Article 10(1), the identification data of the performer of the utilisation plan and of the user.
2. From the date of the communication referred to in paragraph 1, the executor of the use plan shall comply with the plan and shall be responsible for its implementation.
3. The performer of the utilisation plan shall draw up the forms in Annexes 6 and 7 necessary to ensure the traceability of excavated earth and rocks qualified as by-products.

#### **Art. 19**

##### *(Data management)*

1. In order to guarantee the publicity and transparency of the data on the environmental quality of the soil at national level, the proposing subjects shall communicate to ISPRA the data of the use plans, in order to allow the creation and updating of the cartography, which can be consulted on the *website* of the same institute, representative of the sampling points and the relative values of the concentrations of the parameters studied. The communication is also sent to the region or autonomous province and to the territorially competent environmental protection agency.
2. ISPRA, within sixty days from the date of entry into force of this regulation, shall publish on its *website* a technical specification to define the *standards* of the information and the methods of its transmission.

#### **Art. 20**

##### *(Regulation of costs incurred by the territorially competent Environmental Protection Agency)*

1. Within six months of the date of entry into force of this Regulation, the Minister for the Environment and Energy Security, on a proposal from ISPRA, to be formulated within three months of that date, shall adopt, by decree, the national tariff to be applied to the promoter to cover the costs of the Environmental Protection Agency with territorial competence pursuant to this Regulation.

### **Chapter III**

#### **Excavated earth and rocks from small construction sites**

#### **Art. 21**

##### *(Scope of the regulation on the management of excavated earth and rocks produced on small construction sites)*

1. The provisions of this Chapter apply to excavated earth and rocks produced in small construction sites referred to in article 2, paragraph 1, letter t), if, with reference to the environmental requirements referred to in article 4, the producer demonstrates, where they are intended for recovery, restoration, remodelling, environmental filling or other land uses, that the values of the threshold concentrations of contamination referred to in columns A and B of table 1 of annex 5 of title V of part four of legislative decree no. 152 of 2006, with reference to the characteristics of the environmental matrices and the urban use of the destination site and that the excavated earth and rocks containing backfill material do not constitute a direct or indirect source of contamination for groundwater, without prejudice to the natural background values. The environmental characterisation of excavated soil and rock is carried out in accordance with Annexes 2 and 4.

2. The provisions of this Chapter shall also apply to excavated earth and rock produced in small construction sites, as referred to in Article 2(1)(t), used in the course of industrial production processes, in place of quarry materials, under the conditions set out in Annex 4.

3. Where, as a result of phenomena of natural origin, the pollution thresholds set out in columns A and B of Table 1 of Annex 5 to Title V of Part Four of Legislative Decree No 152 of 2006 are exceeded, the natural background values replace the aforementioned pollution thresholds. For this purpose, the background values to be assumed are defined in the manner described in Article 12(1), and in this case the use of excavated soils and rocks as by-products is possible under the conditions described in Article 12(2).

4. If the production site of the excavated earth and rocks falls on a site subject to remediation, upon request and at the expense of the producer, the environmental quality requirements of Article 4 shall be transmitted by the proposer to the territorially competent Environmental Protection Agency for the validation of the data, according to the modalities defined in Article 13. The territorially competent Environmental Protection Agency shall, within sixty days of the transmission of the data by certified e-mail, inform the producer whether, for the excavated soil and rocks, the parameters and compounds relevant to the remediation procedure do not exceed the threshold concentrations of contamination referred to in columns A and B of Table 1 of Annex 5 to Title V of Part Four of Legislative Decree No 152 of 2006, with reference to the specific urban use of the production and destination site, so that they are indicated in the declaration referred to in Articles 22 and 24.

## **Art. 22**

### *(Declaration of use for small construction sites)*

1. The producer certifies that the conditions provided for in Article 4 have been met by means of a declaration in lieu of an affidavit drawn up in accordance with Article 47 of Presidential Decree No 445 of 2000, whereby the module provided for in Annex 6 is sent, by certified email, at least 15 days before the date of commencement of the excavation work, to the municipality of the place of production, the municipality of the place of use, if other than the place of production, and the competent environmental protection agencies. In the declaration referred to in the first sentence, the producer shall indicate the quantities of excavated earth and rocks intended for use as by-products, the intermediate storage site, if any, the place of destination, the details of the authorisations for carrying out the operations and the expected period of use, which shall in no case exceed one year from the date of production of the excavated earth and rocks, unless the operations in which the excavated earth and rocks classified as by-products are intended to be used provide for a longer period.

2. The declaration in lieu of affidavit referred to in paragraph 1 replaces the utilisation plan.

3. In the event of a substantial change in the requirements referred to in Article 4, the producer shall update the declaration referred to in paragraph 1 and transmit it by certified electronic mail to the bodies referred to in the same paragraph 1. Fifteen days after the date of transmission of the updated declaration, excavated earth and rocks may be managed in accordance with that declaration. Substantive amendments shall be those referred to in Article 16(2). If the change concerns the destination site or the different use of the excavated earth and rocks, the updating of the declaration may be carried out a maximum of two times, subject to any unforeseen or unforeseeable circumstances.

4. The destination of the excavated lands and rocks to an intermediate deposit site other than that indicated in the declaration referred to in paragraph 1 does not constitute a substantial change and must be communicated by the proposer to the bodies referred to in paragraph 1 within ten days from the date of commencement of the transfer to the intermediate deposit.

5. The time limits set for the use of excavated earth and rocks as by-products may be extended once only for a maximum duration of twelve months, in the presence of unforeseen or unforeseeable circumstances, except for derogations authorised by the competent authority upon motivated request



of the proponent. To this end, the producer shall, before the expiry of the period of use specified in the declaration referred to in paragraph 1, notify the bodies referred to in that paragraph of the new period of use, giving the reasons for the extension.

6. The excavation and use activities are carried out in accordance with the current urban planning regulations and the protection of the health and safety of workers.

7. In the case of the land use of excavated marine sediments, the declaration referred to in paragraph 1 shall also comply with any requirements relating to the specific characteristics of the matrix which, in the opinion of the territorially competent environmental protection agency, shall be given in accordance with Article 4(6) within sixty days of the request by the developer, to be carried out prior to the submission of the declaration. The opinion referred to in the first sentence shall be attached to the declaration referred to in paragraph 1.

8. In order to ascertain compliance with the obligations undertaken in the declaration referred to in paragraph 1, Article 31 shall apply.

9. If the entities receiving the transmission referred to in paragraph 1 ascertain the absence of the requirements referred to in Article 4 or of the supervening, unforeseen or unforeseeable circumstances referred to in paragraphs 3 and 5, they shall prohibit the start or continuation of the activities of management of excavated soil and rocks as by-products.

10. Delivery for use of excavated land and rocks in accordance with the declaration referred to in this Article shall be certified to the parties referred to in paragraph 1 by means of the declaration of delivery for use or, where the proposer or executor or producer is also the user of the excavated land and rocks, of the declaration of use.

## **Chapter IV**

### **Excavated earth and rocks from micro-sized construction sites**

#### **Art. 23**

*(Scope of the regulation on the management of excavated soil and rocks produced on micro-sized construction sites)*

1. Excavated earth and rocks generated in micro-sized construction sites as referred to in Article 2(1)(cc), are qualified as by-products provided they meet the requirements of Article 4, as well as the environmental requirements set out in Article 21. The environmental characterisation of excavated soil and rock is carried out in accordance with Annexes 2 and 4.

#### **Art. 24**

*(Declaration of Use for Micro-Sites)*

1. The producer certifies compliance with the requirements referred to in Article 23 by means of a declaration made to the municipality of the place of production, to the municipality of the place of use, if different from the place of production, and to the locally competent environmental protection agencies, in accordance with and for the purposes of Presidential Decree No 445 of 2000, with the transmission, by certified e-mail, at least seven days prior to the date of commencement of the activity, of the form referred to in Annex 6 specifying the quantities of excavated soil and rocks intended for use as by-products, any intermediate storage site, the destination site, the details of the authorisations for the realisation of the works and the time frame for use that may not in any case exceed twelve months from the date of production of the quantities intended for use, except where the work in which the material is intended to be used provides for a longer execution period than

2. The excavation and use activities are carried out in accordance with the current urban planning regulations and the protection of the health and safety of workers.

3. In order to ascertain compliance with the obligations undertaken in the declaration referred to in paragraph 1, Article 31 shall apply.

4. The delivery for use of the excavated earth and rocks in accordance with the declaration referred to in this Article shall be attested by the declaration of delivery for use or, in the event that the proponent or performer or producer is also the user of the excavated earth and rocks, by the declaration of delivery for use, to be transmitted to the entities referred to in paragraph 1.

## **Chapter V**

### **Excavated earth and rocks from large construction sites not subject to EIA and AIA**

#### **Art. 25**

*(Large construction sites not subject to EIA and AIA)*

1. Excavated soil and stones generated on large construction sites not subject to an EIA or AIA referred to in Article 2(1)(v) shall be classified as by-products provided that they comply with the requirements referred to in Article 4, as well as the environmental requirements referred to in Article 21. The producer shall attest compliance with the required requirements by preparing and submitting the declaration referred to in Article 22 in accordance with the procedures and procedures set out in Articles 21 and 22.

## **TITLE III**

### **PROVISIONS ON EXCAVATED EARTH AND ROCKS QUALIFIED AS WASTE**

#### **Art. 26**

*(Rules on the temporary storage of excavated earth and rocks classified as waste)*

1. For excavated earth and rocks classified under the codes of the European List of Waste 17.05.04 or 17.05.03\*, the temporary storage referred to in Article 183(1)(bb) of Legislative Decree No 152 of 2006 shall be carried out, through grouping and pre-harvest storage carried out at the production site, including, for network infrastructure, the place of production within the meaning of Article 230 of Legislative Decree No 152 of 2006, subject to the following conditions:

- a) excavated soils and stones qualified as waste containing persistent organic pollutants under Regulation (EC) 850/2004 are deposited in compliance with the technical rules governing the storage of waste containing hazardous substances and are managed in accordance with that Regulation;
- b) excavated earth and rock shall be collected and sent for recovery or disposal in one of the following alternative ways:
  - 1) at least quarterly, regardless of the quantities in storage;
  - 2) when the total amount stored reaches 4,000 cubic metres, of which no more than 800 cubic metres of waste classified as hazardous. In any case, the temporary storage may not last more than one year;
- c) the deposit is carried out in compliance with the relevant technical standards;
- d) in the case of hazardous waste, the storage shall be carried out in compliance with the rules governing the storage of the hazardous substances contained therein and in such a way as to avoid contamination of the environmental matrices, ensuring in particular appropriate insulation from the soil, as well as protection from the action of wind and storm water, including by the conveyance of the water.

## **TITLE IV**

### **EXCAVATED EARTH AND ROCKS EXCLUDED FROM THE SCOPE OF THE WASTE REGULATIONS**

## **Art. 27**

*(Use on the production site of soil and rocks excluded from waste regulations)*

1. In order to be excluded from the scope of application of waste legislation, excavated earth and rocks must comply with the requirements of Article 185(1)(c) of Legislative Decree no. 152 of 2006. Without prejudice to the provisions of Article 3(2) of Decree-Law no. 2 of 2012, non-contamination is verified in accordance with Annexes 2 and 4 of this Regulation.
2. Excavated earth and rocks produced at point construction sites referred to in Article 2 (dd) may be directly re-used at the site of production without prior characterisation. The fulfilment of the requirements of Article 2 (dd) must be verifiable from the documentation of the execution of works sent to the competent authority. Sites subject to remediation proceedings pursuant to Title V of Part Four of Legislative Decree no. 152 of 2006 and excavations carried out for the purpose of removing potential sources of contamination are excluded.
3. Without prejudice to the provisions of Article 12, paragraph 1, excavated earth and rocks from natural geological outcrops containing asbestos in excess of the value determined in accordance with Article 4, paragraph 4, may only be re-used at the production site under the direct control of the competent authorities. For the purposes referred to in the first sentence, the producer shall immediately notify the Environmental Protection Agency and the competent territorial health authority by submitting an appropriate re-use project. The inspection bodies identified above shall carry out the necessary checks and ensure compliance with the conditions set out in the first sentence.
4. Where the production of excavated earth and rocks takes place as part of the construction of works subject to an EIA, the fulfilment of the conditions and requirements referred to in Article 185(1)(c) of Legislative Decree No 152/2006 shall be carried out on a preliminary basis, depending on the level of design and at the stage of drawing up the EIS, by submitting a 'Preliminary plan for the on-site use of excavated earth and rocks excluded from the rules on waste' containing:
  - a) detailed description of the works to be carried out, including excavation methods;
  - b) environmental classification of the site (geographical, geomorphological, geological, hydrogeological, intended use of the areas crossed, reconnaissance of sites at potential risk of pollution);
  - c) proposal for a plan for the characterisation of excavated soils and rocks to be carried out during the executive planning phase or in any case before the start of the works, containing at least:
    - 1) the number and characteristics of the investigation points;
    - 2) the number and method of sampling to be carried out;
    - 3) parameters to be determined;
  - d) expected volumes of excavated soil and rocks;
  - e) planned methods and volumes of excavated earth and rocks to be reused on site.
5. At the executive design stage or in any case prior to the commencement of works, in accordance with the provisions of the 'Preliminary plan for the on-site use of excavated earth and rocks excluded from waste regulations' referred to in paragraph 4, the proposer or the performer:
  - a) carries out sampling of the soils, in the area affected by the works, for their characterisation in order to ascertain their non-contamination for use in the natural state, in accordance with what was planned during the authorisation phase;
  - b) draws up, having ascertained the suitability of the excavated soil and rocks for use in accordance with Article 185(1)(c) of Legislative Decree No 152 of 2006, a special project in which the following are defined:
    - 1) the final volumes of excavation of the earth and rocks;
    - 2) the quantity of soil and rocks to be reused;
    - 3) the location and duration of deposits of excavated earth and rocks;
    - 4) The definitive placement of excavated soil and rocks.
6. The results of the activities carried out pursuant to paragraph 4 shall be sent to the competent

authority and to the territorially competent Environmental Protection Agency, before the start of the works.

7. If the suitability of the excavated earth and rocks for use within the meaning of Article 185(1)(c) of Legislative Decree No 152 of 2006 is not established during the executive planning phase or in any case before the start of the works, they shall be managed as waste within the meaning of Part Four of that decree.

## **TITLE V**

### **EXCAVATED EARTH AND ROCKS AT SITES SUBJECT TO REMEDIATION PROCEEDINGS**

#### **Art. 28**

##### *(Excavation activities)*

1. Without prejudice to the provisions of Article 242b of Legislative Decree no. 152 of 2006, the following provisions apply to excavation activities to be carried out on remediation sites already characterised pursuant to Article 242 of Legislative Decree no. 152 of 2006:

- a) A significant number of unsaturated soil samples will be taken during excavation from monitoring sites representative of the extent of the work and the cognitive environment. The detailed plan, including the list of analytes to be studied, will be agreed with the local environmental protection agency, which will give its opinion within thirty days of the applicant's request, at the latest, and may lay down specific requirements depending on the nature of the site and the intervention. The proposer may use the characterisation data available in agreement with the territorially competent environmental protection agency. Thirty days before the commencement of the works, the proposer shall transmit by certified electronic mail to the entities concerned the operational plan of the planned works and a detailed schedule indicating the date on which the works are to commence;
- b) excavation activities are carried out without jeopardising the preventive, safety, remediation and restoration works required under Title V of Part Four and Part Six of Legislative Decree no. 152 of 2006, as well as in compliance with the regulations in force on workers' health and safety. Every precaution shall also be taken to avoid increasing the pollution levels of the affected environmental matrices, including groundwater, even in the presence of surface water. Any active sources of contamination, such as waste or free product, found during excavation are removed and managed in accordance with waste management regulations.

#### **Art. 29**

##### *(Use on site)*

1. The use of soils and rocks produced by excavation activities referred to in Article 28 within a site undergoing remediation is always permitted provided that compliance with the threshold concentrations of contamination for the specific use or natural background values is ensured. Where the use of excavated soil and rock is part of an approved remediation project, the provisions of Article 242, paragraph 7, of Legislative Decree no. 152 of 2006 apply.

2. Excavated soil and rocks which do not comply with the contamination threshold concentrations or background values, but are below the risk threshold concentrations, may be used on the same site under the following conditions:

- a) The risk threshold concentrations, as a result of the risk analysis, are approved in advance by the competent authority, in accordance with the procedure set out in Articles 242 or 252 of Legislative Decree no. 152 of 2006, by means of a special services conference. Excavated earth and rocks are

reused in the same area, subject to risk analysis, and in compliance with the conceptual model that was taken as reference for the elaboration of the risk analysis, provided they comply with the risk threshold concentrations. The use of excavated soil and stones complying with the risk threshold concentrations in sub-areas where compliance with the contamination threshold concentrations has been ascertained shall not be permitted;

b) if the groundwater leaching path has not been taken into account for the purpose of calculating the risk threshold concentrations, the use of excavated soil and rocks is only permitted in compliance with the conditions and limitations of use indicated at the time of approval of the risk analysis by the competent authority.

## **TITLE VI**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Art. 30**

##### *(Transitional provisions and final provisions)*

1. Utilisation plans that have already been approved at the time of entry into force of this regulation will continue to be governed by the previous legislation. It is understood that materials falling within the scope of the definition in Article 2(1)(c) that are used and managed in accordance with the utilisation plans approved under the previous legislation are considered for all purposes to be by-products.
2. In relation to the use plans for which, on the date of entry into force of this Regulation, the approval procedure under the previous legislation is in progress, the proponents have the option of submitting, within one hundred and eighty days from the date of entry into force of this Regulation, the use plan, the update referred to in Article 16 or the declaration referred to in Articles 22 and 24 in accordance with the provisions of this Regulation. In order to ensure the most effective and timely implementation of the NRRP and PNC interventions, in relation to the utilisation plans already approved at the date of entry into force of this Regulation, concerning projects financed in whole or in part with the resources provided for by the NRRP or the PNC, applicants may opt for the application of the rules laid down in this Regulation, subject to the submission to the competent authority, within ninety days of the date of entry into force of this Regulation, of a specific statement, made pursuant to Article 47 of Presidential Decree no. 445 of 2000. To the certificate referred to in the second sentence, the amended use plan shall be attached, with precise evidence, in order to ensure control activities by the competent bodies, of the modifications that have become necessary to ensure the conformity of the plan with the provisions of this Regulation.
3. Article 27 shall also apply, at the request of the proposer, to EIA procedures already initiated and not yet concluded on the date of entry into force of this Regulation.
4. Authorisations for the on-site use of excavated soil and rock issued in approval of remediation projects pursuant to Article 242 of Legislative Decree no. 152 of 2006 remain valid.
5. The sums paid by the proposers or producers to cover the costs arising from the services rendered by the territorially competent Environmental Protection Agency as well as by the public administration bodies or public entities referred to in Article 14, having an equivalent technical qualification and capacity, in relation to the activities referred to in Articles 10, 11, 12, 13, 17(2), 21 and 31, shall be paid at the State budget in order to be reallocated in full to the appropriate chapter of the budget of the Ministry of Environment and Energy Security. The Minister for the Environment and Energy Security shall, by his own decrees, transfer to the competent entities the sums paid to cover the charges arising from the activities referred to in Articles 10, 11, 12, 13, 17(2), 21 and 31.
6. Amendments to the annexes are adopted by decree of the Minister of the Environment and

Energy Security, in agreement with the Minister of Infrastructure and Transport, after consulting ISPRA and ISS.

### **Art. 31**

#### *(Controls and inspections)*

1. Without prejudice to the supervisory and control tasks established by the laws in force, the territorially competent Environmental Protection Agency shall carry out, by means of inspections, controls and sampling, the necessary checks to ascertain compliance with the provisions of this Regulation and, with reference to the provisions of Title II, with the obligations undertaken in the utilisation plan or in the declaration referred to in Articles 22 and 24 or in the declaration of delivery for use or, in the event that the proposer or the performer or the producer is also the user of the excavated earth and rocks, in the declaration of utilisation.
2. In order to ascertain compliance with the obligations assumed in the plan of use or with the declaration referred to in Articles 22 and 24, the controls shall be carried out by the territorially competent Environmental Protection Agency in accordance with an annual schedule and shall also be arranged by sampling or in accordance with sectoral programmes, by categories of activities or in situations of potential danger reported or detected.
3. The financial burden arising from the performance of control activities shall be borne, in the cases referred to in Article 10, by the proposer and, in the cases referred to in Articles 22 and 24, by the producer.

### **Art. 32**

#### *(Mutual Recognition Clause)*

1. This Regulation does not imply any restriction on the marketing of materials lawfully marketed in another Member State of the European Union or in Turkey, nor on those lawfully manufactured in a European Free Trade Association (EFTA) State that is a contracting party to the EEA Agreement, provided that they guarantee levels of safety, performance and information equivalent to those prescribed by this Decree.
2. In accordance with Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008, the competent authority for the purposes of applying, where necessary, the assessment procedures provided for is the Ministry of the Environment and Energy Security.

### **Art. 33**

#### *(Financial invariance clause)*

1. The implementation of this Regulation shall not result in new or increased burdens on public finances.
2. The administrations concerned shall implement the provisions of this Regulation with the human, instrumental and financial resources available under current legislation, as well as with the resources deriving from the application of the tariffs provided for in this Regulation.

### **Art. 34**

#### *(Repeals)*

1. Pursuant to Article 48(3) of Decree-Law no. 13 of 2023, they are repealed from the date of entry into force of this Regulation:
  - a) Article 8 of Decree-Law No 133 of 12 September 2014, converted, with amendments, by Law No 164 of 11 November 2014;
  - b) Presidential Decree No 120 of 13 June 2017.

**THE MINISTER**

## **ANNEX 1 - ENVIRONMENTAL CHARACTERISATION OF EXCAVATED SOILS AND ROCKS (ARTICLE 9)**

Environmental characterisation is carried out to ascertain the existence of environmental quality requirements for excavated soils and rocks, and is incorporated in the project design.

Environmental characterisation is carried out by the promoter, at its own expense, during the planning phase and, in any case, before the start of the excavation, in compliance with Annexes 2 and 4.

The environmental characterisation has a degree of detail at least equal to that of the project level subject to the completion of the approval procedure of the work, and the environmental characterisation contains the necessary information, also extrapolated from documentary evidence, to be able to evaluate the characterisation itself by producing the documents under Attachment 5.

Where excavation methodologies are to be used that do not pose a risk of contamination to the environment, the use plan may provide that, unless otherwise determined by the competent authority, there is no need to repeat the environmental characterisation during the execution of the work.

Where, during the planning phase, it is necessary to carry out an environmental characterisation in progress, the plan of use shall indicate the methods of execution in accordance with the indications set out in Annex 9.

The environmental characterisation in progress shall be carried out by the executor, in accordance with Annex 9, Part A.



## ANNEX 2 - SAMPLING PROCEDURES AT THE DESIGNING STAGE (ARTICLES 9, 21, 23, 27)

Sampling procedures are outlined in the use plan.

For marine, lagoon and inland water sediments, including artificial reservoirs, to be excavated in application of this Regulation, sampling shall be carried out in accordance with the regulations in force for the movement of sediments in the specific areas related to the execution of the work, where existing. For sediments handled in areas for which there is no reference regulation, the sampling procedures are indicated by the proponent after obtaining the opinion of the Environmental Protection Agency, which may be supported by ISPRA. The opinion referred to in the third sentence is attached to the utilisation plan.

The environmental characterisation is carried out preferably by exploratory excavations (wells or trenches) and, in the alternative, by drilling.

The density of survey points and their location are based on a preliminary conceptual model of the areas (reasoned sampling) or on statistical surveys (systematic grid or random sampling).

If a grid layout is used, the side of each mesh can range from 10 to 100 m depending on the type and size of the excavated site.

The survey points can be located at grid nodes (systematic location) or within each mesh in an appropriate position (causal systematic location).

The number of survey points for large construction sites and for large construction sites not subject to EIA and AIA cannot be less than three and, depending on the size of the intervention area, is increased according to the minimum criteria set out in the table below.

Size of the area	Sampling points
Less than 2,500 square metres	3
Between 2,500 and 10,000 square metres	3 + 1 per 2,500 square metres
Over 10,000 square metres	7 + 1 per 5,000 square metres

Table 2.1

The minimum number of samples for small sites and micro-sized sites may not be less than one and, depending on the size of the intervention area or the volume of excavation, is increased according to the minimum criteria in the table below.

	Excavation area	Excavation volume	Minimum number of samples
A	≤ 1000 sqm	< 3000 m <sup>3</sup>	1
B	≤ 1000 sqm	3000 m <sup>3</sup> ÷ 6000 m <sup>3</sup>	2
C	1000 sqm ÷ 2500 sqm	< 3000 m <sup>3</sup>	2
D	1000 sqm ÷ 2500 sqm	3000 m <sup>3</sup> ÷ 6000 m <sup>3</sup>	4
E	>2500 sqm	< 6000 m <sup>3</sup>	see table 2.1

Table 2.2

In the case of linear infrastructure works, sampling shall be carried out at least every 500 linear metres of track or every 2,000 linear metres in the case of a feasibility study or a technical and economic feasibility project, unless the use plan provides otherwise, determined by particular local situations, such as the type of anthropogenic activities carried out on the site; in any case, sampling shall be carried out with each significant variation in lithology.

In the case of tunnel excavations, characterisation shall be carried out by conducting at least one survey and, in any case, one survey every 1 000 linear metres, or every 5 000 linear metres in the case of a feasibility study or a technical and economic feasibility project, with three increments taken per survey at the excavation height, to form the representative sample; in any case, one sample shall be taken at every significant change in lithology.

The investigation depth is determined based in the planned depths of the excavations. The samples to be subjected to chemical-physical analysis shall be at least:

- sample 1: from 0 to 1 m from ground level;
- sample 2: in the bottom excavation area;
- Sample 3: in the intermediate zone between the two.

For shallow excavations, less than two metres deep, there are at least two samples to be subjected to chemical-physical analysis: one in the first metre of excavation and one in the remaining part. In the case of excavations within a metre, only one sample will be taken.

Where, depending on the depth to be reached, a considerable diversification of the excavated soils and rocks to be sampled is envisaged and it is necessary to keep the various layers separate in order to re-use them, the stratified random sampling methodology may be adopted, capable of ensuring a representativeness of the variation in soil quality both horizontally and vertically.

In general, samples taken to identify the environmental requirements of excavated soil and rocks shall be taken as composite samples for each exploratory excavation or survey in relation to the type and to the layers identified.

In the case of exploratory excavation, in order to consider average representativeness, the following cases are considered:

- composite sample of excavation bottom;
- single-wall composite sample or multi-wall composite samples in relation to identifiable horizons and/or lateral variations.

In the case of core sampling, the sample is composed of several core pieces representative of the identified horizon in order to consider average representativeness.

Samples aimed at identifying any environmental contamination (as in the case of organoleptic evidence) are taken with the punctual criterion.

If the presence of filler material is found, since the origin of the inert materials constituting it is not known, the environmental characterisation provides for:

- the location of sampling so as to be able to characterise each soil portion covered by the carry-over materials, given their possible vertical and horizontal heterogeneity;
- the assessment of the percentage by weight of the elements of anthropogenic origin.

### **ANNEX 3 - NORMAL INDUSTRIAL PRACTICE (ARTICLE 2, CO. 1, LET. O)**

Normal industrial practice only includes treatments carried out to improve the commercial characteristics of the residue and make its use more productive and effective from a technical point of view. Normal industrial practice may include all the steps that a process would involve for the raw material that the by-product would replace. A treatment that requires the installation of specific operational infrastructure capable of generating overall negative environmental and health impacts does not constitute normal industrial practice.

Among the most commonly performed operations that are part of normal industrial practice are the following:

- the granulometric selection of excavated soil and rock, with the possible elimination of anthropogenic elements/materials; this selection can also take place with the aid of mechanical screening plants;
- volumetric reduction by grinding;
- stabilisation with lime or cement for the sole purpose of improving its construction characteristics and without altering the environmental and health requirements of the material if it is proven to meet the environmental quality requirements of Article 4 a priori.
- spreading on the ground to allow the excavated soil and rocks to dry and mature in order to give them better handling characteristics, or to reach the optimum moisture and salinity level, as well as to promote the possible natural biodegradation of the additives used to enable excavation operations.

#### **ANNEX 4 - CHEMICAL-PHYSICAL CHARACTERISATION PROCEDURES AND ENVIRONMENTAL QUALITY ASSESSMENT (ARTICLE 4, 27)**

The procedures for the environmental characterisation of excavated earth and rocks referred to in Article 2(1)(c) are set out below.

Samples to be brought to the laboratory or to be analysed in the field are devoid of the fraction larger than 2 cm (to be discarded in the field) and the analytical determinations in the laboratory are carried out on the aliquot with a particle size of less than 2 mm. The sample concentration is determined with reference to the total dry material, including the sampled skeleton (fraction between 2 cm and 2 mm). For the purpose of verifying compliance with the environmental requirements of Article 4 of these regulations, the environmental characterisation of soil and rock from major excavations will be conducted only after porphyrisation of the entire sample, in cases where it is not possible - even during the project - to take samples for analysis according to the specifications outlined in the previous paragraph.

The set of analytical parameters to be investigated is defined based in possible substances that can be traced back to anthropic activities carried out on the site or in its vicinity, parameters characteristic of any previous contamination, potential anomalies of the natural background, diffuse pollution, and possible anthropic inputs related to the execution of the work. The minimum analytical set to be considered is the one reported in Table 4.1, it being understood that the list of substances to be researched must be modified and extended in consideration of past anthropic activities and, in the case of sediments, also to the characterisation parameters envisaged by the regulations in force for sediment movement in the specific areas related to the execution of the work, where existing: coastal marine areas, lagoons, inland waters including artificial reservoirs. For sediments handled in areas for which there is no reference standard, the characterisation parameters will be selected by the proponent after obtaining the opinion of the Environmental Protection Agency, which may be supported by ISPRA.

Without prejudice to the search for characteristic parameters of possible past contamination, potential anomalies of the natural background, diffuse pollution, as well as possible anthropic contributions related to the execution of the work, in the event that the design envisages the production of excavated material in excess of 6,000 cubic metres, it is not required that, at all the sites under examination, the chemical analyses of the samples of excavated soil and rock be conducted on the complete list of substances in Table 4.1. In the use plan referred to in Annex 5, the proponent may select the 'indicator substances' from among the substances in Table 4.1, while, for sediments, the proponent may select the indicator parameters, subject to the opinion of the Environmental Protection Agency, which may be supported by ISPRA, from among those provided for by the regulations in force for sediment handling. This procedure enables the comprehensive definition of the characteristics of soil and rocks from excavation. This is to ensure that such material is not defined as waste under the regulation and does not pose a risk to public health and/or the environment.

Table 4.1 - Minimal analytical set

Arsenic
Cadmium
Cobalt
Nickel
Lead
Copper
Zinc

Mercury
Hydrocarbons C>12
Total chromium
Chromium VI
Asbestos
BTEX (*)
IPA (*)
(*) To be carried out if the excavation area is up to 20 m away from major road infrastructures and settlements that may have influenced the characteristics of the site through atmospheric emissions. The analytes to be researched are those listed in columns A and B of Table 1 of Annex V to Title V of Part Four of <i>Legislative Decree no. 152 of 3 April 2006</i> .

The results of the analyses on the samples are compared with the Contamination Threshold Concentrations in columns A and B table 1 annex 5 of title V of part four of legislative decree no. 152 of 2006, with reference to the specific urban use.

Chemical-physical analyses are conducted using officially recognised methodologies throughout the country, which ensure that values 10 times lower than the limit concentration values are obtained. If it is impossible to achieve these limits of quantification, the best officially recognised analytical methodologies are used throughout the country that have a limit of quantification as close as possible to the above values.

Compliance with the environmental quality requirements referred to in Article 184a, paragraph 1, letter d), of Legislative Decree no. 152 of 2006, for the use of excavated soils and rocks as by-products, is guaranteed when the content of pollutants in the excavated soils and rocks is lower than the Contamination Threshold Concentrations (CSC), referred to in columns A and B of table 1 of attachment 5 to title V of part four of legislative decree no. 152 of 2006, with reference to the specific urban use, or the natural background values.

Where additives containing pollutants not included in Table 1 of Annex 5 to Title V of Part Four of Legislative Decree No 152 of 2006 are intended to be used for excavation operations, the proposing entity shall provide the ISS and ISPRA with the technical documentation necessary to assess compliance with the environmental quality requirements referred to in Article 4, in accordance with the following requirements.

- A. The documentation contains a hazard characterisation of the product used, taking into account the component substances, their environmental hazard classification as given in the ECHA database and the maximum concentration in the mixture/product. For this purpose, for each substance contained in the product, the most restrictive hazard classification among those given in the product's SDS or in the ECHA database is taken into account. For substances classified as hazardous to the aquatic environment, it is verified whether the concentrations are below the 'threshold value' in Article 11 of Regulation (EC) no. 1272/2008 for public, private and residential use and the 'concentration limit' in Article 10 of the same Regulation for commercial and industrial use. Where substances not classified according to EC Regulation 1272/2008 (CLP) are present in the product, ecotoxicological tests shall be carried out on the pure product in accordance with the criteria laid down in that Regulation

unless it can be reasonably demonstrated that the presence of such substance(s) does not exceed the threshold value laid down in Article 11 of the aforementioned Regulation. For the purposes of this letter, the required information may be derived from experimental studies already performed and available in the literature.

- B. The documentation includes a toxicity check of representative samples of excavated soil and rock treated with the (conditioned) additives identified for the excavation phases. For precautionary purposes, the conditioning parameters for excavated soil and rock take into account the most critical conditions to be expected during excavation. Ecotoxicological tests are performed on both aquatic and terrestrial species. The assays and methods for preparing soil samples refer to nationally and internationally recognised standards (UNI, EN, ISO). For the preparation of eluates for subsequent ecotoxicological testing, reference should be made to the technical standard ISO 18772 *Soil quality - Guidance on leaching procedures for subsequent chemical and ecotoxicological testing of soils and soil materials* and related technical standards, in particular those of the ISO/TS 21268 series. The following ecotoxicological tests are performed on the eluates: (i) UNI EN ISO 8692. Water quality - Test of freshwater algae growth inhibition by green algae. Alternatively, the test according to technical standard EN ISO 20227 can be performed. *Water quality - Determination of the growth inhibition effects of waste waters, natural waters and chemicals on the duckweed Spirodela polyrrhiza - Method using a stock culture independent microbiotest*; (ii) UNI EN ISO 6341. Water quality - Determination of mobility inhibition of *Daphnia magna* Straus (Cladocera, Crustacea) - Acute toxicity test; (iii) UNI EN ISO 11348-3. Water quality - Determination of the inhibitory effect of aqueous samples on the light emission of *Vibrio fischeri* (test on luminescent bacteria) - Part 3: Method with lyophilised bacteria. The following test shall be performed on the solid sample: 1. UNI EN ISO 11269 - 2 Soil quality. Determination of effects of pollutants on soil flora. Part 2: effects of contaminated soil on the emergence and early growth of higher plants. .. Alternatively, the test according to the technical standard ISO 18763 *Soil quality - Determination of the toxic effects of pollutants on germination and early growth of higher plants* can be performed.
- C. The documentation also contains: i) an ecotoxicological characterisation carried out on the 'pure' product, conducted with ecotoxicological tests carried out with reference to the provisions of Table 4.1.0 of Regulation EC 1272/2008; ii) a description of the methods used to identify the samples of excavated soil and rocks representative of the excavation sites and their chemical and physical characteristics; iii) an indication of the final destination of the excavated soil and rocks managed as by-products; iv) a description of the methods used to manage the excavated soil and rocks on site for the purposes of verifying environmental compatibility.

The ISS and ISPRA express their opinion on compliance with the environmental quality referred to in Article 4, within 60 days, or 30 days in the case of works covered by the NRRP, of receipt of the documentation. Opinions are attached to the utilisation plan.

Where the use of a different additive than the one evaluated when the opinions of ISS and ISPRA were issued is envisaged during the course of the work, the proposer shall notify, prior to the use of the new additive, such change to the parties indicated in Article 9, paragraph 1, and to ISS and ISPRA. The notification must contain the necessary information to enable the environmental compatibility of the new additive to be assessed. ISS and ISPRA express their opinion within 60 days of receiving the new documentation.

Excavated earth and rocks as defined herein may be used for backfilling, backfilling, remodelling, land or road improvements or for other forms of environmental restoration and improvements, for embankments, for sub-bases and, in the course of industrial production processes, as a substitute for

quarry materials:

- if the concentration of pollutants falls within the limits set out in column A, on any site, regardless of its destination;
- if the concentration of pollutants is between the limits in columns A and B, at sites with a productive (commercial and industrial) use.

In particular geological and hydrogeological contexts (e.g. outcropping aquifer, cracked rock substrates, natural sinkholes), technical measures are applied to ensure that there is no potential risk of jeopardising the achievement of the quality objectives set by current EU legislation for groundwater and surface water.

Reuse in industrial plants as a production cycle of destination of the earth and rock from excavation where the concentration of pollutants falls within the limits referred to in columns A and B of Table 1 of Annex 5 to Title V of Part Four of Legislative Decree No 152 of 2006, is possible only if the industrial process of destination involves the production of products or products that are clearly distinct from the earth and rock from excavation and that entail a substantial modification of their initial chemical and physical characteristics.

## **ANNEX 5 - USE PLAN (ARTICLE 10)**

The use plan shall indicate that the excavated earth and rocks resulting from the construction of works referred to in Article 2(1)(aa) of this Regulation shall be fully used, during the same or a subsequent production or use process, by the producer or also by third parties, provided that this is explicitly indicated.

In detail, the utilisation plan contains:

1. the location of the excavated soil and rock production sites with an indication of the relevant volumes in banks and the corresponding volumes in heaps divided into the different lithologies;
2. the location of the sites of destination and the identification of the productive cycles of destination of the lands and rocks from excavation qualified by-products, with the indication of the relative volumes of use divided into the different types and on the basis of the origin from the various production sites; the sites and the productive cycles of destination can be alternative to each other;
3. a description of normal industrial practice operations aimed at improving the product, technical and performance characteristics of excavated soil and rock for their use, in accordance with Annex 3;
4. a description of the methods of execution and an indication of the results of the environmental characterisation of the excavated soil and rock carried out at the design stage in accordance with the provisions of Annexes 1, 2 and 4, specifying in particular
  - the results of the cognitive investigation of the area of intervention (e.g. bibliographic sources, previous studies, cartographic sources) necessarily including those concerning anthropic activities carried out on the site or natural geological-hydrogeological characteristics of the sites that may involve the presence of materials with specific substances;
  - the manner of sampling, preparation of samples and analysis with indication of the set of analytical parameters considered taking into account the natural composition of the excavated soil and rocks, previous anthropogenic activities carried out at the production site and the excavation techniques planned to be adopted, explaining what is indicated in Annexes 2 and 4;
  - the necessity or otherwise of further in-depth study and the general criteria to be followed, as indicated in Annex 9, Part A;
5. the location of any intermediate storage sites awaiting use, even if alternative to each other, with an indication of the urban use class and the timing of storage for each site;
6. a description of the planned routes for the transport of excavated soil and rock between the different areas used in the management process (production sites, characterisation areas, intermediate storage sites, destination sites and industrial processes of use), as well as the planned transport modes (e.g. by road, rail, slurry pipeline, conveyor belt).

In order to clarify what is required, the use plan also indicates, also with reference to the characterisation of excavated earth and rocks, the following elements for all sites involved from production to destination, including intermediate storage sites and roadways:

1. territorial framework and topographic mapping:
  - 1.1. name of the sites, taken from the place names of the place;
  - 1.2. location of sites (municipality, street, house number if any, cadastral details);
  - 1.3. cartographic references from the Regional Technical Card (CTR);
  - 1.4. chorography (preferably scale 1:5000);



- 1.5. floor plans with plants, subservices both present and dismantled and to be built (preferably 1:5000 1:2000 scale), with topographic cornerstones (referring to the cadastral trigonometric network or to the IGM network, in relation to the extension of the site, or other stable references included in the ISPRA national database);
- 1.6. listed floor plan (on an appropriate scale in relation to the geometric type of the area concerned by the excavation or the site);
- 1.7. excavation and/or backfill profiles (*pre* and *post* works);
- 1.8. diagram/table showing excavation and carry-over volumes.
2. Town planning classification:
  - 2.1. identification of the intended current and future town planning use, with attached cartography taken from current town planning instruments;
3. geological and hydrogeological classification:
  - 3.1. description of the geological context of the area, also using information from previous geological and geotechnical reports;
  - 3.2. stratigraphic reconstruction of the soil, using the results of any geognostic and geophysical surveys already carried out. Backfill materials, if present, are highlighted in the stratigraphic reconstruction of the soil;
  - 3.3. description of the hydrogeological context of the area (presence or absence of aquifers and their type) also through previous surveys;
  - 3.4. Piezometric levels of main aquifers, flow direction, with possible location of wells and piezometers if present (preferably cartography at a scale of 1:5000);
4. description of the activities carried out on the site:
  - 4.1. previous use of the site and the history of human activities carried out on the site;
  - 4.2. definition of the areas with the greatest potential for pollution and possible migration routes;
  - 4.3. identification of possible substances present;
  - 4.4. results of any previous environmental investigations and related chemical-physical analysis.
5. sampling and analysis plan:
  - 5.1. description of the investigations carried out and how they were carried out;
  - 5.2. location of survey points by means of plans;
  - 5.3. list of substances to be researched as detailed in Annex 4;
  - 5.4. description of the analytical methods and the relative quantification limits.

## ANNEX 6 - DECLARATION OF USE (ARTICLES 22, 24, 25)

### DECLARATION IN LIEU OF THE NOTARISED DOCUMENT (Articles 38, 46 and 47 of Presidential Decree 28 December 2000, No 445)

exempt from stamp duty pursuant to Article 37 Presidential Decree. 445/2000

#### ***Section A: manufacturer's data***

the undersigned producer

Surname	Name

C.F.																	
------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

born in:		on:	
----------	--	-----	--

as:	
Title held: owner, proprietor, legal representative, administrator, etc.	

of:	
Company name company, firm, corporation, entity,...	

Resident in:			
	Municipality	ZIP CODE	Province

Street	.Number

Telephone	e-mail.

Aware of the penal sanctions, in the case of untrue declarations and the formation or use of false documents, referred to in Article 76 of Presidential Decree 445 of 28 December 2000

### DECLARES

that the excavated materials coming from the production site identified in '*Section B*' of this declaration produced in the course of activities and interventions authorised under the regulations in force as indicated in '*Section B*' of this declaration, are subject to the regime outlined in Article 184a of Legislative Decree no. 152 of 2006 as they comply with the provisions of Article 4 of the regulation adopted pursuant to Article 48 of Decree-Law no. 13 of 24 February 2023

#### ***Section B: production site data***

(fill in as many sections B as there are production sites)

Site of origin:			
	Municipality	ZIP CODE	Province

Street	.Number

Type of intervention

Land register references (sheet, parcels, sub parcels...)

Urban land use designation (from PRGC) of the production site

Authorised by:	
Competent authority that authorised the work from which the excavated materials originate	

By:	
Authorisation references concerning the work from which the excavated materials originate (extreme, type, date, protocol...)	

Size of the area:	
Indicate the size of the area in square metres	

Excavation technologies:	
--------------------------	--

Quantity of excavated material intended for use (bank cubic metre)	
Quantity of excavated material intended for use (m3 in cumulation)	
Indicate the quantity produced in cubic metres for off-site use as a by-product	

**Section C: data of intermediate storage site, if any**  
*(fill in as many sections C as there are intermediate storage sites)*

Excavated materials are deposited:

Intermediate storage site:			
	Municipality	ZIP CODE	Province

Street	.Number

Owned by:	
Indicate the ownership of the intermediate storage site	

Managed by:	
Indicate the person responsible for the management of the intermediate storage site	

Land register references (sheet, parcels, sub parcels...)

Urban Destination (from PRGC):	
--------------------------------	--

Storage period:	
-----------------	--

Justify if more than 1 year

Maximum quantity to be deposited (m3 in heap):	
--	--

Indicate the quantity in cubic metres

### Section D: Destination Site Data

(fill in as many D sections as there are destiny sites)

The excavated materials will be:

- 1) ☐ Intended for recovery, restoration, remodelling, environmental filling or other land use

Site of destination:			
----------------------	--	--	--

Municipality

ZIP CODE

Province

--	--

Street

.Number

--

Type of intervention (recovery, restoration...)

--

Land register references (sheet, parcels, sub parcels...)

--

Urban destination (from PRGC) of the destination site

Authorised by:	
----------------	--

Competent authority that authorised the work involving the use of excavated materials (if relevant)

By:	
-----	--

Authorisation references concerning the intended use of the excavated materials (extreme, type, date, protocol, etc.)

Quantity (bank cubic metre):	
------------------------------	--

Indicate the quantity that will be used

- 2) ☐ Sent to a production cycle

Destination facility:			
-----------------------	--	--	--

Municipality

ZIP CODE

Province

--	--

Street

.Number

--

Type of facility

--

Material produced

Quantity (bank cubic metre):	
------------------------------	--

Indicate the quantity that will be used

### ***Section E: expected time of use***

The time allowed for use, which may not in any case exceed one year from the date of production, unless the work in which the material is to be used provides for a longer period of time, is as follows:

Date of commencement of excavation activities:	
--	--

Completion date of excavation activities:	
---	--

Start date of use:	
--------------------	--

Date of completion of the use activity:	
---	--

Finally, it declares that:

- to be aware of the criminal sanctions provided for in the event of untruthful declarations and falsity in deeds under Article 76 of Presidential Decree 445/2000, and of the consequent forfeiture of benefits under Article 75 of Presidential Decree 445/2000:
- be informed that the personal data collected will be processed, including by electronic means, exclusively for the procedure for which the declaration is made (Article 13 of Legislative Decree No 196/2003)

Place and date,

Signature of declarant \*

\_\_\_\_\_  
(in full and legible)

*\* The declaration is signed by the interested party in the presence of the employee in charge, or signed and sent together with a photocopy of the identity document pursuant to Article 38 of Presidential Decree no. 445 of 2000*

## ANNEX 7 - TRANSPORT DOCUMENT (ARTICLE 6)

The following form shall be filled in for each lorry transporting excavated earth and rock qualified as a by-product from a production site to a destination site or intermediate storage site provided for in the use plan or declaration referred to in Articles 22 and 24.

In the case of transport of soil and rock from the same production site carried out several times by the same means and to the same place of destination, the transport document, in the possession of the proposer, the transporter and the consignee, may be updated by entering the information in the DN subsections provided for this purpose, equal to the number of planned journeys.

### *Section A: master data of the production site or intermediate storage site*

<input type="radio"/> Production site <input type="radio"/> Intermediate storage site			
	Municipality	ZIP CODE	Province

Street	.Number

Land register references (sheet, parcels, sub parcels...)

Details of the plan of use or declaration of use referred to in Articles 22 or 24	
	Date and protocol number

Duration of the plan/expected time of use	
---	--

### *Section B: registry of destination or interim storage site*

Website of:			
Destination or intermediate storage	Municipality	ZIP CODE	Province

Street	. Number

Land register references (sheet, parcels, sub parcels...)

**Section C: personal details of the company carrying out the transport**

Company name company, firm, corporation, institution...															
C.F.															
Municipality											ZIP CODE			Province	
Street											.Number				
Telephone					e-mail										

**Section D: transport conditions**

Vehicle registration plate	
Type of material	
Number of trips (N)	

**Subsection D1\*: transport 1 of N trips**

Quantity transported (in heaps)	
Date and time of loading	
Date and time of arrival	

Date,  
\_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of the performer or producer

\_\_\_\_\_  
(in full and legible)

Signature of the person responsible for the  
Destination site

\_\_\_\_\_  
(in full and legible)

....

**Subsection DN\*: transport N of N trips**

Quantity transported	
Date and time of loading	
Date and time of arrival	

Date,  
\_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of the performer or producer  
\_\_\_\_\_  
*(in full and legible)*

Signature of the person responsible for the  
Destination site  
\_\_\_\_\_  
*(in full and legible)*

\*Repeat subsection D by N times, equal to the number N of trips



## ANNEX 8 - DECLARATION OF DELIVERY FOR USE (ARTICLE 7)

### DECLARATION IN LIEU OF AFFIDAVIT

(Articles 38, 46 and 47 of Presidential Decree 28 December 2000, No 445)

exempt from stamp duty pursuant to Article 37 Presidential Decree. 445/2000

#### **Section A: data on the proposer or performer or producer**

I, the undersigned proposer ☐ performer ☐ .manufacturer ☐

Surname	Name

C.F.																
------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

born in:		on:	
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as:	
Title held: owner, proprietor, legal representative, administrator, etc.	

of:	
Company name company, firm, corporation, institution...	

Resident in:			
	Municipality	ZIP CODE	Province

Street	.Number

Telephone	e-mail

#### **Section B: production site data**

Site of origin:			
	Municipality	ZIP CODE	Province

Street	.Number

Land register references (sheet, parcels, sub parcels...)

### DECLARES

- that it has managed the excavated earth and rocks as by-products in accordance with the use plan transmitted on \_\_\_\_ \_\_ protocol number \_\_\_\_\_. The utilisation plan is valid until the date of \_\_\_\_\_

- or to the declaration of use transmitted on the protocol \_\_\_\_\_ number\_\_\_\_\_

- also declares that it has delivered for use in the following destination sites (please report the data for each destination site concerned):

1)\_\_\_\_\_ m<sup>3</sup> of excavated earth and rocks (in heaps) produced on\_\_\_\_\_ and used in the work of \_\_\_\_\_ carried out in the Municipality of\_\_\_\_\_ Province of \_\_\_\_\_ street \_\_\_\_\_no. \_\_\_\_\_authorised by order no. \_\_\_\_\_ of\_\_\_\_\_

or

2)\_\_\_\_\_ m<sup>3</sup> of excavated soil and rock (in heaps) produced on\_\_\_\_\_ and used in the production process of the company\_\_\_\_\_ in the plant located in the Municipality \_\_\_\_\_ of\_\_\_\_\_, street\_\_\_\_\_

It also declares that:

- is aware of the criminal sanctions provided for in the event of false declarations and falsity in documents and of the consequent forfeiture of the benefits provided for in Articles 75 and 76 of Presidential Decree no. 445/2000;
- is informed that the personal data collected will be processed, also by computer, exclusively for the procedure for which the declaration is made (Article 13 of Legislative Decree no. 196/2003).

Place and date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Declarant's signature \*

\_\_\_\_\_  
(in full and legible)

*\* The declaration is signed by the interested party in the presence of the employee in charge, or signed and sent together with a photocopy of the identity document pursuant to Article 38 of Presidential Decree no. 445 of 2000*

## **ANNEX 9 - SAMPLING PROCEDURES IN PROGRESS AND FOR CONTROLS AND INSPECTIONS**

The environmental characterisation may be carried out during the work only if it is proven that it is impossible to carry out an environmental survey prior to the construction of the work from which the production of excavated earth and rocks derives; the general implementation criteria are indicated in the use plan.

If excavation methods are used that could potentially contaminate soil and rock, these are characterised again during the course of the work.

### **Part A**

Characterisation of excavated soil and rocks during construction – verification by the developer

The characterisation activities during the execution of the work can be carried out by the executor, according to the specific operational and logistical needs of the construction site, according to one of the following methods:

A.1 - on piles within suitable areas of characterisation;

A.2 - directly on the excavation area and/or on the advance front;

A.3 - over the entire intervention area.

For the handling of samples for analytical characterisation, with reference to the identification of the analytical set, the definition of analytical methodologies and reference limits for re-use, the provisions of Annexes 2 and 4 apply.

A.1 - Characterisation on heaps

Characterisation plots are sealed to prevent excavated soil and rock not yet characterised from coming into contact with the soil matrix. These areas shall have sufficient surface area and volume to provide the necessary retention time for sampling and analysis of the excavated soil and rocks deposited thereon, in accordance with the use plan.

Compatible with the specific operational and logistical requirements of the construction site, the characterisation plots shall preferably be located in the vicinity of the excavation areas and shall be suitably marked and signposted.

The excavated earths and rocks are arranged in heaps in the characterisation plots in quantities between 3000 and 5000 cubic meters depending on the heterogeneity of the material and the results of the characterisation in the design phase.

Place equal to (n) the total number of cumulations achievable from the whole mass to be verified, the number (m) of cumulations to be sampled is given by the following formula:

$$m = k n^{1/3}$$

where  $k=5$  while the individual m heaps to be sampled are chosen randomly. The validity range of the formula is  $n \geq m$ ; outside this range (for  $n < m$ ) the characterisation of all material is carried out.

Where provided for, sampling on heaps shall be carried out on the 'as is' material, in order to obtain a representative sample in accordance with the UNI 10802 standard.

Without prejudice to organoleptic evidence for which specific sampling may be ordered, each individual pile shall be characterised so as to take at least 8 primary samples, 4 of which at depth and 4 at the surface, in order to obtain a composite sample which, by quartering, represents the final sample to be subjected to chemical analysis.

In addition to the cumulations identified by the above method, the first cumulation produced and subsequent cumulations are subjected to characterisation in the event of variations in the production process, in the lithology of the materials and, in any case, in cases where there is evidence of potential contamination.

Other criteria may be adopted in view of the specific operational and logistical needs of the construction site, provided that the level of characterisation of the excavated soils and rocks is at least equal to that which would be obtained by applying the criterion set out above.

The management methods of the heaps guarantee their stability, the absence of erosion by water and the dispersion of dust in the atmosphere, also for the purpose of safeguarding human hygiene and health, as well as safety in the workplace pursuant to Legislative Decree No 81 of 2008.

#### A.2 - Characterisation on the excavation area or on the advance front

The characterisation on the excavation area or on the advance front is carried out at the beginning of the excavation, whenever there are variations in the production process or in the lithology of the excavation lands and rocks and, in any case, in cases where there is evidence of potential contamination.

Below are some characterisation criteria on the excavation area and on the progress front, it being understood that different criteria can be adopted in consideration of the specific operational and logistical needs of the construction site, provided that the level of characterisation of the excavated earth and rocks is at least equal to that which would be obtained with the application of the criteria indicated below.

Characterisation at the excavation front is conducted indicatively every 500 m of advancement at the front of the tunnel and at the start of the tunnel excavation, whenever there are changes to the production process or to the lithology of the excavated earth and rocks, as well as, in cases where evidence of potential contamination is found.

The average sample is obtained from advancing boreholes, i.e. from material freshly excavated from the advancing front. In the latter case, at least eight incremental samples are taken, evenly distributed over the surface of the excavation, in order to obtain a composite sample which, by quartering, constitutes the final sample to be subjected to chemical analysis.

#### A.3 - Characterisation over the entire intervention area

The characterisation of the entire intervention area shall be carried out in accordance with the detailed rules set out in Annexes 2 and 4.

### Part B

#### Checks for controls and inspections

Sampling activities for controls and inspections on the correct implementation of the plan for the use of excavated earth and rocks are carried out by the environmental protection agencies with territorial competence and in adversarial proceedings directly at the site of production and destination of the excavated earth and rocks.

Verifications may be carried out both on completion and during installation of the material.

The same criteria are used as for in-progress control. In particular, systematic or random sampling methods may be used to determine the density and location of survey points, the choice of which shall take account of any campaigns already carried out.

The number of samples shall be assessed according to the extent and depth of the area of production of the excavated soil and rocks as well as the previous history of the site of origin.

The number of investigation points for large-scale construction sites and for large-scale construction sites not subject to an EIA and AIA may not be less than three and, depending on the size of the intervention area, shall be increased according to the minimum criteria set out in the table below:

Size of the area	Sampling points
Less than 2,500 square metres	3
Between 2,500 and 10,000 square metres	3 + 1 per 2,500 square metres
Over 10,000 square metres	7 + 1 per 5,000 square metres

Table 8.1

The minimum number of samples for small and micro sites is determined according to the minimum criteria in the table below:

	Excavation area	Excavation volume	Minimum number of samples
A	≤ 1000 sqm	< 3000 m <sup>3</sup>	1
B	≤ 1000 sqm	3000 m <sup>3</sup> ÷ 6000 m <sup>3</sup>	2
C	1000 sqm ÷ 2500 sqm	< 3000 m <sup>3</sup>	2
D	1000 sqm ÷ 2500 sqm	3000 m <sup>3</sup> ÷ 6000 m <sup>3</sup>	4
E	> 2500 sqm	< 6000 m <sup>3</sup>	Table 8.1

Table 8.2

The survey depth shall be determined based on the depths of the destination site. The samples to be subjected to chemical analysis are:

- sample 1: from 0 to 1 m from ground level;
- sample 2: in the intermediate zone;
- sample 3: in the installation area close to the excavation earth and rock tax plan (formerly the countryside plan).

In general, the samples aimed at identifying the environmental requirements of the materials placed in place are taken as composite samples for each exploratory excavation or survey in relation to the type and horizons identified. In the case of exploratory excavation, in order to consider average representativeness, the following cases are considered:

- composite sample of excavation bottom;
- single-wall composite sample or multi-wall composite samples in relation to identifiable horizons and/or lateral variations.

In the case of core drilling, the specifications set out in the Annexes to Title V to Part Four of Legislative Decree No 152 of 2006 shall apply.

## **ANNEX 10 - METHODOLOGY FOR THE QUANTIFICATION OF MAN-MADE MATERIALS (ARTICLE 4)**

The assessment is based on an analysis aimed at identifying the anthropogenic materials present in the report in a number of samples that can be considered representative of the volume of the excavation. The purpose of the evaluation is not to specify individual product classes, but to separate soil with natural stratigraphic and geological characteristics from man-made materials so that the presence of the latter can be weighed. Sampling is conducted on 'as is' material, according to the procedure in Annex 9. Mixing with other natural soil stratigraphically not traceable to the backfill matrix to be characterised is not permitted. The maximum quantity of 20 per cent by weight referred to in Article 4(3) refers to the stratigraphic horizon consisting of material of natural origin and material of anthropogenic origin.

When preparing the sample for the identification of anthropogenic materials within the fill, the fraction larger than 2 cm is not discarded.

For the calculation of the percentage, the following formula applies:

$$\%Ma = \frac{P_{Ma}}{P_{tot}} * 100$$

where:

%Ma: percentage of material of anthropogenic origin

P\_Ma: total weight of man-made material detected in the 2 cm overburden

P\_tot: total weight of the sample submitted for analysis (2 cm over-sieve + under-sieve)

Materials of natural origin, not to be counted in the methodology, are considered to be materials of > 2 cm in size consisting of stones, pebbles and stones, even if they are allochthonous to the site.

Should the backfill material matrix consist exclusively of anthropogenic materials resulting from prospecting, mining or quarrying, and be geologically distinguishable from the original soil present on the site (e.g. a draining layer consisting of river pebbles, or a foundation substrate consisting of porphyry scraps), these must not be counted when calculating the 20% percentage.

## **ANNEX 11 - EXCAVATED EARTH AND ROCK MANAGEMENT PLAN**

### **(ARTICLE 10(2))**

This annex governs the minimum contents of the Plan for the management of excavated soil and rocks to be submitted by the promoter in order to allow for the assessment of environmental impacts.

The management plan for excavated earth and rocks does not replace the utilisation plan referred to in Article 10.

The Management plan for excavated soil and rocks indicates the methods chosen by the proponent for the management of excavated soil and rocks resulting from the execution of works referred to in Article 2, paragraph 1, letter *aa*) of these regulations and contains at least the following elements:]

- a) detailed description of the works to be carried out, including excavation methods;
- b) environmental context of the site (geographical, geomorphological, geological, hydrogeological, use of the areas crossed, recognition of sites at potential risk of pollution);
- c) results of the preliminary characterisation carried out in accordance with Annex 2 and Annex 4 to this Regulation;
- d) proposal for the plan for the additional environmental characterisation of excavated earth and rocks referred to in Annex 2 and Annex 4 to be carried out during the executive design phase or in any case before the start of the works, containing at least:
  - 1. the number and characteristics of the investigation points;
  - 2. the number and method of sampling to be carried out;
  - 3. parameters to be determined;
- e) expected volumes of excavated soil and rocks;
- f) an indication of the methods of management and the planned quantities of excavated land and rocks that can be classified as by-products, as waste or to be managed outside the waste framework;
- g) a census of the landfills and inert recovery facilities located around the area affected by the execution of the work, where management as waste of the excavated earth and rocks produced is envisaged;
- h) a census of potential sites for external re-use of excavated soil and rocks classified as by-products;
- i) a census of industrial installations that can be used as a production cycle of destination of the earth and rock from excavation produced in the context of the execution of the work;
- l) the location of any intermediate storage sites awaiting use, including alternative storage sites, with an indication of the class of intended urban use and the time of storage for each site;
- m) indications regarding normal industrial practice operations aimed at improving the product, technical and performance characteristics of excavated soils and rocks for their use, with reference to the information set out in Annex 3.

## ANNEX 12 - DECLARATION OF USE (ARTICLE 7)

### DECLARATION IN LIEU OF AFFIDAVIT

(Articles 38, 46 and 47 of Presidential Decree 28 December 2000, No 445)

exempt from stamp duty pursuant to Article 37 of Presidential Decree No 445/2000

#### Section A: user data

The undersigned user ☐

Indicate whether it is the same as the proposer ☐ .performer ☐ .manufacturer ☐

Surname	Name

C.F.																	
------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

born in:		on:	
----------	--	-----	--

as:	
Title held: owner, proprietor, legal representative, administrator, etc.	

of:	
Company name company, firm, corporation, institution...	

Resident in:			
	Municipality	ZIP CODE	Province

Street	.Number

Telephone	e-mail

#### Section B: production site data (to be completed only if the user is the same as the proposer or the performer or the producer)

Site of origin:			
	Municipality	ZIP CODE	Province

Street	.Number

Land register references (sheet, parcels, sub parcels...)

utilisation plan submitted on \_\_\_\_ \_ protocol number\_\_\_\_\_.

or



declaration of use transmitted on \_\_\_\_\_ protocol number\_\_\_\_\_.

### DECLARES

- that it has managed the excavated earth and rocks as by-products in accordance with the use plan transmitted on \_\_\_\_\_ protocol number\_\_\_\_\_ or the declaration of use transmitted on \_\_\_\_\_ protocol number\_\_\_\_\_ (*declaration to be made only if the proposer or performer or producer is the same as the user*)

- that they have used:

1)\_\_\_\_\_ m<sup>3</sup> of excavated earth and rocks (in a heap) in the work of \_\_\_\_\_ carried out in the Municipality of \_\_\_\_\_ Province of \_\_\_\_\_ street \_\_\_\_\_ no. \_\_\_\_\_ authorised by order no. \_\_\_\_\_ of \_\_\_\_\_

or

2)\_\_\_\_\_ m<sup>3</sup> of excavated soil and rocks (in heaps) in the company's production process \_\_\_\_\_ in the plant located in the municipality of \_\_\_\_\_, street \_\_\_\_\_

It also declares that:

- is aware of the criminal sanctions provided for in the event of false declarations and falsity in documents and of the consequent forfeiture of the benefits provided for in Articles 75 and 76 of Presidential Decree no. 445/2000;
- is informed that the personal data collected will be processed, also by computer, exclusively for the procedure for which the declaration is made (Article 13 of Legislative Decree no. 196/2003).

Place and date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Declarant's signature \*

\_\_\_\_\_  
(in full and legible)

*\* The declaration is signed by the interested party in the presence of the employee in charge, or signed and sent together with a photocopy of the identity document pursuant to Article 38 of Presidential Decree no. 445 of 2000*