

## Premises notification for the Hazardous Waste Regulations

### Background

The current rules concerning hazardous waste<sup>1</sup> were revised on 6 April 2009 for England and on 18 November 2009 for Wales. It is important that producers of hazardous waste understand and act on these changes.

The major changes are:

- Only premises in England and Wales that produce more than 500 kg of hazardous waste in any 12 month period need to register with us as hazardous waste producers (this is an increase on the current threshold of 200 kg).
- The definition of 'premises' has changed. All places where hazardous waste is produced are now considered to be 'premises'.
- We had previously issued guidance on the subject of premises. In light of these amendments that guidance has been revised to reflect these changes.

This regulatory position statement sets out our view on those types of premises to which we do not expect to apply the full controls of the regulations.

### Environment Agency's position in England and Wales

We will not pursue the need for:

- a premises registration for the locations identified in Table 1; and
- a consignment note for the removal of hazardous waste from these locations.

All other aspects of the Regulations will apply, including for example the prohibition on mixing, the duty to separate and classify hazardous waste correctly and the need for the hazardous waste to be moved according to the requirements of the Duty of Care.

### Enforcement

In not pursuing these aspects of the Regulations, this means we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health.

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<sup>1</sup> The Hazardous Waste (England and Wales) Regulations 2005 and The Hazardous Waste (Wales) Regulations 2005

For a more detailed explanation of this enforcement position, please refer to the public interest factors described in *Guidance for the enforcement and prosecution policy*. This document can be found on the 'How we regulate you' page in the Business & Industry section of our website.

This regulatory position applies only to the Regulations and to the specific circumstances listed in Table 1. It may not be applied to other situations.

**Further advice**

Further advice on dealing with hazardous waste can be found on our website at: <http://www.environment-agency.gov.uk/hazwaste> or by calling our Customer Service on the number given below.

This regulatory position will be reviewed by December 2010.

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Issued: April 2009  
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customer service line

08708 506 506

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

incident hotline

0800 80 70 60

floodline

0845 988 1188

**Table 1: Application of this regulatory position statement**

<b>Location</b>	<b>Position statement applies to:</b>	<b>Position statement does not apply to:</b>
<b>Highways maintenance</b>	Places where highways authorities carry out routine maintenance of the highway (e.g. gully cleaning following a spillage)	<p>Planned construction/demolition activities.</p> <p>Highways authorities or contractors carrying out construction works other than works that can properly be described as maintenance (which would be completed very quickly).</p> <p>Individual premises on a highway may be several miles long and could include small interruptions in continuity.</p>
<b>Highway spillages</b>	Parts of the highway where clean-up of spillages occur.	Clean-up of spillages at factories, business premises, retail premises or other non-highway premises.
<b>Railway track</b>	Places where maintenance works on a railway track and its associated land are carried out.	<p>Capital works of construction and demolition not properly described as maintenance will be treated as in the example above for highways.</p> <p>Stations, depots and other buildings.</p> <p>Organisations and contractors carrying out works on the railway track should notify the depot to which the hazardous waste is moved from the railway track. If hazardous waste from track maintenance is not moved to a depot but to another consignee through a point of access from the rail track to, for example, a highway (the access point), this consignee should be notified.</p>
<b>Waterways</b>	Places where maintenance or pollution control activities are carried out along rivers, canals and other waterways.	<p>Capital works of construction and demolition not properly described as maintenance will be treated as in the example above for highways.</p> <p>Organisations and contractors carrying out works on a river, canal or other water way should notify the depot to which the hazardous waste is moved from the waterway. If the hazardous waste from maintenance of the waterway is not moved to a depot but to another consignee through a point of access from the waterway to, for example, a highway (the access point), this consignee should be notified.</p>

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Location	Position statement applies to:	Position statement does not apply to:
<b>Utility infrastructure</b>	Utility services infrastructure such as lamp posts, telegraph poles, phone boxes, pylons, pipelines and cables.	Electricity sub-stations, pumping stations, or the equivalent.
<b>Roadside vehicle maintenance</b>	Vehicles being maintained or repaired by a roadside breakdown service on the highway or at any other place not designed or adapted for that purpose.	Vehicles being serviced, maintained or repaired: - at a place designed or adapted for that purpose; or - by someone other than a roadside breakdown service or the domestic owner of the vehicle.
<b>Ambulances and other mobile healthcare providers</b>	Mobile healthcare providers (e.g. ambulances, midwives, community nurses, general practitioners and vets) who produce hazardous waste during their treatment of people/animals at any location, including the patient's place of residence, in the vehicle, while in transit, and during delivery of the patient to the practice/hospital. Mobile healthcare providers may return this waste to either the place (e.g. ambulance station) from which their vehicle operates or, in the case of ambulances, the hazardous waste may be left with the patient at the destination hospital or practice. The ambulance station, hospital or practice premises should be notified.	Ambulance stations, hospitals or any other medical practice premises.

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