

Low risk positions that cannot benefit from an exemption and require a regulatory position (ER004)

Following the exemptions review some operations covered by an existing low risk position cannot benefit from an exemption. To encourage good waste management practices, we will not require an environmental permit for the operations below.

Background

The exemption review concluded that a number of waste operations currently covered by low risk positions could never benefit from an exemption because the Waste Framework Directive¹ does not allow an exemption to be granted. In some instances this is because they involve the disposal of hazardous waste.

We recognise that as a result of this some operators who benefit from low risk positions will require a permit. We have identified operations where we believe it is not in the public interest to require a permit because this would act as a disincentive to good waste management practices and these are listed below.

The Environment Agency's position

We will not pursue a permit application for the following operations:

- The treatment by laboratory autoclave of containment level 1-3 microbiological laboratory waste on the premises it is produced (LRW002)
- Secure storage of up to 500kg of mixed dental amalgam (LRW108)
- Leaving redundant pipes and ducts within the excavation following pipe and duct replacement (LRW173).

Enforcement

Where we would not normally pursue an application for a permit, we will not normally take enforcement action where the operation continues unless it has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, reference should be made to the Public Interest Factors as described in the **Guidance to the Enforcement and Prosecution Policy**. This can be found on the ['How we regulate you'](#) page in the Business & Industry section of our web site.

¹ Waste Framework Directive (Directive 2006/12/EC)

Further advice

Guidance on all the waste exemptions can be found on our website at:
www.environment-agency.gov.uk/exemptions.

Further information on the review of waste management exemptions can be found on Defra's [exemption review webpage](#).

This regulatory position will be reviewed before the next exemption review takes place.

MWRP RPS 056
Version:1
Issued: March 2010