

## New operations that currently require a permit and become exempt under the new exemption system (ER002)

**A number of waste operations that currently require a permit will become exempt from 6 April 2010. Operators who have recently started to operate or who have already made an application for a permit will not be required to apply for or proceed with their application and this position explains what they need to do.**

### Background

The exemption review has provided a number of new exemptions. In some cases previously permissible operations will be exempt from 6 April 2010.

These operations fall into two types:

- **Operations covered by an existing permit:** the regulations allow for relevant parts of a permit to be revoked when a new exemption is registered. Operators should contact their local contact for further advice.
- **Operations due to start before 6 April 2010 which do not yet have a permit:** the regulations do not cater for this situation and so it is covered by this statement.

### The Environment Agency's position

It is not in the public interest to require an operator, wishing to carry out an operation that will become exempt on 6 April 2010, to apply for a permit or to continue with their application.

In all other cases we will not pursue or continue with a permit application for such operations if you register the exemption(s) and then comply with its terms. If you cannot or do not comply with the terms of the exemption then you are likely to need a permit.

If you have already made a permit application then you should speak to your contact in the National Permitting Service.

### 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.

**Further advice**

Guidance on all the waste exemptions can be found on our website at:  
[www.environment-agency.gov.uk/exemptions](http://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 by end of April 2010.

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