

The storage and land spreading of processed animal protein as a fertiliser

We will not require an environmental permit for the storage or land spreading as a fertiliser of processed animal protein if the storage, production and use is authorised in accordance with the Animal By-Products Regulations (ABPR) and the Transmissible Spongiform Encephalopathies Regulations (TSE Regulations).

Background

S2 is the new waste exemption¹ that allows the storage of 60,000 tonnes of mammalian protein² for up to 12 months prior to it being recovered elsewhere. The time limit for storage only applies to each 'batch' of mammalian protein and so the storage site itself can be used for longer than 12 months. Storage of any 'batch' for longer than 12 months would require an environmental permit

Spreading processed animal protein (PAP) on land as a fertiliser requires an environmental permit as there is no exemption available to permit this activity.

The revised Waste Framework Directive (WFD) contains an exclusion specifically dealing with animal by-products. When it is implemented, waste animal by-products falling under ABPR will only be subject to waste control if they are destined for incineration, landfilling or use in a biogas or composting plant. The revised WFD is due to be implemented by 12 December 2010. A new ABPR will take effect on 4 March 2011.

We believe the controls that will be provided by the ABPR are sufficient to address the environmental risks that would be covered by an environmental permit. We consider that providing the requirements of the new ABPR are met, requiring an environmental permit to be obtained pending the coming into force of the new ABPR would be disproportionate.

Environment Agency approach

We will not require an environmental permit for the storage of mammalian protein in excess of the thresholds in the waste exemption (S2) or for the land spreading of PAP, provided that:

¹ Schedule 3 of the Environmental Permitting (England and Wales) Regulations 2010

² In this context mammalian protein is a type of processed animal protein

- the site of the storage is authorised in accordance with Article 10 and Annex III of the ABPR³ and the storage complies with the terms of such an authorisation;
- PAP for spreading is produced from Category 3 Animal By-products or from non-ruminant Category 2 Animal By-products;
- PAP for spreading is produced in a Defra approved processing plant;
- PAP for spreading is used as a fertiliser in accordance with the main European Regulation (181/2006) on organic fertilisers and soil improvers and any subsidiary UK regulations and guidance that may be developed and published;
- The spreading of the PAP to land is in compliance with ABPR, TSE Regulations and the codes of good agricultural practice;
- The spreading is not be carried out within:
 - 10 metres of any watercourse;
 - 50 metres of any spring or well, or any borehole used to supply water for domestic or food production purposes; and
 - a Groundwater Source Protection Zone 1.
- the operation meets the relevant objectives of the Waste Framework Directive; '... ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without –
 - (i) risk to water, air, soil, plants or animals; or
 - (ii) causing nuisance through noise or odours; or
 - (iii) adversely affecting the countryside or places of special interest.'

Enforcement

In not pursuing an application for a permit, this means we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please refer to the public interest factors in *Guidance for 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.

This regulatory position will be reviewed once the revised Waste Framework Directive has been transposed.

Further advice

Further advice on dealing with waste can be found on the Environment Agency website at: <http://www.environment-agency.gov.uk/waste/>

MWRP RPS 066 Version 1
Issued: June 2010

³ Regulation (EC) No 1774/2002

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