

Regulatory position statement

The regulation of waste derived fuels

If you comply with the requirements below, we will only require an environmental permit for burning a waste derived fuel (which we are satisfied has ceased to be waste) in combustion plant over 50MW thermal input.

Background

Burning any fuel manufactured from, or comprising, any other waste in an appliance with a rated thermal input of 3 MW or more, but less than 50 MW, requires a permit¹ from us.

Combustion activities which use fuel manufactured from waste which has passed our [end of waste test](#) or meets the requirements set out in one of our [Quality Protocols](#), require a permit even though we consider that burning the waste derived fuel is no worse environmentally than burning a virgin fuel comparator.

Defra and the Welsh Assembly Government intend to amend the regulations to disapply Section 1.1 Part 2 of Schedule 1 to the EPR to fuels manufactured from wastes which have ceased to be waste. The amendments to the EPR scheduled to come into force in 2011 have been postponed. We now expect them to come into force in 2012.

Our approach

We will only require an environmental permit for burning of a waste derived fuel (which we are satisfied has ceased to be waste) in combustion plant over 50MW thermal input, unless the plant is also used to burn fuel which remains waste.

Combustion plant burning non-waste fuel between 20MW and 50MW thermal input is regulated by the Local Authority. For such plant burning a waste derived fuel which we are satisfied has ceased to be waste, we will discuss with the operator and the appropriate Local Authority and progress on a case by case basis.

Enforcement

In not pursuing an application for a permit, 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

1. Under Schedule 1, Section 1.1 Part A1(b)(iii) of the Environmental Permitting (England and Wales) Regulations 2010 (EPR).

this enforcement position, please see our [Enforcement and Sanctions](#) statement. 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 by October 2012.

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