

Delay in proposed amendments to the waste exemptions system

This statement explains our position for certain activities following a delay to the proposed amendments to the waste exemptions system. It sets out activities for which we will not require operators to get an environmental permit until the proposed regulations come into force or a decision is made not to proceed with them.

Background

In July 2010 the Governments for England and Wales consulted upon some revisions to the waste exemptions in the Environmental Permitting (England and Wales) Regulations 2010. It was intended for these amendments to take effect from April 2011. However, the proposed Regulations have now been delayed until at least October 2011 at the earliest. Some of these amendments, if enacted, would exempt from environmental permitting certain waste operations that currently require a permit.

This statement sets out how we will respond to this issue whilst a final decision on the proposed Regulations is awaited. Nothing in this position statement represents a statement of Government policy or be taken as an indication that the proposed amendments/positions below will become law.

Our position

We recognise that some of these amendments would save business the cost of obtaining and maintaining an environmental permit. We do not think it is in the public interest to require these businesses to get permits when there is a possibility that their activities may become exempt in the near future.

We will not pursue an application for an environmental permit for the following activities and associated storage:

1 The use of the wastes described in the table below in construction activities, subject to the quantity limit and the additional specific conditions listed in the table.

| Codes | Waste types | Quantity limit |
|--|--|----------------|
| 030301, 030105 | Untreated waste bark, cork and wood only | 1,000 tonnes |
| 170201 | Untreated wood not containing dangerous substances arising from constructions sites only | 1,000 tonnes |
| Additional specific condition: The waste must be used only for the construction of tracks paths, bridleways or car parks and must be processed into chipped form prior to use. | | |

2 The use of the wastes described in the table below for the purpose identified in the table subject to the quantity limit listed in the table.

| Codes | Waste types | Use | Quantity limit |
|--------------|--|---|-----------------------|
| 030310 | Paper fibre, de-inked paper pulp and de-inked paper sludge from paper manufacturing only | Use as animal bedding | 100 tonnes |
| 170201 | Lock gates and associated balance beams only | Use in construction of buildings, fencing, barriers, containment or similar above ground construction | 100 tonnes |
| 170204* | Lock gates and associated balance beams containing dangerous substances e.g. creosote | Use in construction of buildings, fencing, barriers, containment or similar above ground construction | 100 tonnes |

3 The use of the wastes described in the table below for the purpose of spreading on agricultural land to confer benefit. The spreading and storage of this waste is subject to the volumes specified and the additional specific conditions listed in the table.

| Codes | Waste types | Quantity limit | Storage limit (at any one time) | Period |
|--|--|------------------------|--|---------------|
| 020101 | Sludges from washing and cleaning fruit and vegetables on farm only | 50 tonnes per hectare | 200 tonnes | 12 months |
| 020199 , 020399 | Untreated wash waters from cleaning fruit and vegetables on farm only | 100 tonnes per hectare | 200 tonnes | 12 months |
| 020305 | Effluent from the on-site treatment of wash waters from cleaning fruit and vegetables on farm only | 100 tonnes per hectare | 200 tonnes | 12 months |
| <p>Additional specific conditions: The location of any waste which is stored or land which is spread is at least 10 metres from a watercourse and 50 metres from a spring, well or borehole; The waste is spread at the place where it is produced; The spreading and storage of this waste on agricultural land is subject to the following conditions:</p> <ul style="list-style-type: none"> (a) the total quantity of waste spread does not exceed the limit specified in the third column of the above table over the period specified in the fifth column; (b) the total quantity of waste stored at any one time does not exceed the limit specified in the fourth column of the table; (c) the waste is stored in a secure location prior to spreading; (d) at the time the spreading begins— <ul style="list-style-type: none"> (i) the land has not been frozen for 12 hours or more in the preceding 24 hours, (ii) the land is not waterlogged, frozen or snow-covered; and (e) the spreading must provide, maintain or improve the soil's ability to provide a growing medium by adding nutrients, lime or biomass. | | | | |

4 The sorting, dismantling, cleaning or refilling of up to 150 tonnes of waste ink cartridges as described in the table below and subject to the additional condition listed in that table.

| Code | Waste type |
|---|--|
| 080313 | Waste ink other than that mentioned in 080312* |
| Additional specific condition: The treatment is carried out at a location with sealed drainage that is indoors. | |

5 The chemical treatment at any one time of no more than 250 litres of the wastes described below to produce biodiesel (no more than 250 litres to be stored at any one time) subject to the additional condition listed in that table.

| Code | Waste type |
|--|--------------------|
| 200125 | Edible oil and fat |
| Additional specific condition: The waste is treated and stored in a secure container with secondary containment and no waste is stored for longer than 3 months. | |

6 The aerobic composting, and associated prior treatment of the waste described in, and subject to the additional specific condition listed in the table.

| Code | Waste type |
|--|------------------------------------|
| 020199 | Fully biodegradable animal bedding |
| Additional specific conditions: This activity is subject to the following conditions: | |
| <p>(a) the total quantity of waste treated or stored at any one time does not exceed 80 tonnes where—</p> <ul style="list-style-type: none"> (i) the operation is carried on at the place of production, and (ii) the treated waste is being or is to be used at that place; <p>(b) the total quantity of waste treated or stored at any one time does not exceed 60 tonnes where—</p> <ul style="list-style-type: none"> (i) the waste is produced at a place other than where the operation is carried on, or (ii) the treated waste is not to be used at the place where the operation is carried on; <p>(c) where this animal bedding is being composted in combination with other waste listed under a T23 exemption, the resultant mix should not consist at any one time of more than the following quantities—</p> <ul style="list-style-type: none"> (i) 10 tonnes of paper or cardboard, (ii) 20 tonnes of manure, (iii) 10 tonnes of any relevant waste listed in Table 2 of the T23 exemption; <p>(d) no waste is stored for longer than 1 month prior to treatment;</p> <p>(e) no waste is stored for a period of longer than 12 months after treatment; and</p> <p>(f) the treatment results in a stable sanitised material that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land.</p> <p>For this activity “associated prior treatment” means screening, chipping, shredding, cutting, pulverising or sorting waste for the purposes of aerobic composting.</p> | |

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188

7 The anaerobic digestion, associated prior treatment and the burning of the resultant biogas of the waste described in the table below subject to the additional specific conditions listed in the table.

| Code | Waste type |
|--|------------------------------------|
| 020199 | Fully biodegradable animal bedding |
| <p>Additional specific conditions:</p> <p>Where the anaerobic digestion takes place at premises used for agriculture</p> <p>The activity is subject to the following conditions:</p> <ul style="list-style-type: none"> (a) the total quantity of waste treated or stored at any one time does not exceed 1,250 cubic metres where the digestion takes place at premises used for agriculture or 50 cubic metres on other premises; (b) the minimum retention time for the waste in the digester is 28 days; and (c) any gas resulting from the operation is collected and then burnt in an appliance— <ul style="list-style-type: none"> (i) where the requirements of sub-paragraph (5) are met, and (ii) the appliance is for the purposes of producing energy. (d) the appliance <ul style="list-style-type: none"> (i) has a net rated thermal input of less than 0.4 megawatts; and (ii) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts. <p>For this activity, “associated prior treatment” means screening, chipping, shredding, cutting, pulverising or sorting waste for the purposes of anaerobic digestion</p> | |

8 The treatment of the waste listed in the table below in a secure container located within a drain pen subject to the additional listed specified conditions in that table.

| Code | Waste type |
|---|--------------------------------|
| 020199 | Organophosphate sheep dip only |
| <p>Additional specific conditions:</p> <p>The quantity of waste treated or stored in any 24-hour period does not exceed 8,000 litres:</p> <p>The waste is treated using organophosphate-degrading enzyme in accordance with the enzyme manufacturer’s instructions; and</p> <p>The treatment and storage are carried out at the place of production.</p> | |

9 The recovery of silver from the wastes described in the table below subject to the additional specified conditions listed in that table.

| Code | Waste type |
|--|--|
| 090106* | Wastes containing silver from on-site treatment of photographic wastes |
| Additional specific conditions: The total quantity of waste stored or treated at any one time does not exceed 1,000 litres, and; The treatment and storage are carried on in a location with sealed drainage. | |

10 The chipping, shredding, cutting or pulverising of the waste described in the table below subject to the additional conditions specified.

| Code | Waste type |
|---|-----------------------|
| 150103 | Wooden Packaging only |
| Additional specific conditions: The total quantity of waste stored or treated over any 7 day period does not exceed 500 tonnes, and no waste is stored for longer than 3 months after being chipped, shredded, cut or pulverised. | |

Definitions for the purpose of the position statement can be found in Appendix 1.

The consultation also suggested an amendment to exemption T11 (Repair or refurbishment of WEEE). This is the subject of another Regulatory Position Statement [RPS_049 Dismantling of WEEE](#).

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, 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.

Further advice

Guidance on all the [waste exemptions](#) can be found on our website.

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.

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Appendix 1 – Definitions

For the purpose of the position statement:

- **Sealed drainage** means a drainage system with an impermeable surface which ensures that:
 - (a) no liquid will run off the surface otherwise than via the system, and
 - (b) except where they may be lawfully discharges, all liquids entering the system are contained within a sealed sump.
- **Aerobic composting** means the autothermic and thermophilic biological decomposition and stabilisation of biodegradable animal bedding under controlled conditions that are aerobic.
- **Secondary containment** means a bund or any other system for preventing waste which has leaked from the primary container from escaping from the place where it is stored or treated. Where a bund is used as secondary containment:
 - It must have an impermeable lining and
 - Have a capacity of not less than 110% of the original container's storage capacity, or
 - If there is more than one container within the bund , have the capacity of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater
 - Reasonable precautions must be taken to ensure that the capacities listed above are maintained at all times.
- **A container is secure** if:
 - All reasonable precautions are taken to ensure that the waste cannot escape from it; and
 - Members of the public are unable to gain access to the waste.
- **Associated prior treatment** (in positions 6 and 7 above) means the screening shredding, cutting, pulverising or sorting of the waste for the purposes of anaerobic composting or the anaerobic digestion.
- **A drain pen** is an impermeable area draining back to the sheep dip bath where newly-dipped sheep are held while they continue to drip.