

# Exemptions Review

Environment Agency

# Waste Framework Directive

- All waste controls within UK stem from EC legislation namely
  - Waste framework Directive

# Waste Framework Directive

- EC Directives generally have to be implemented through U.K. Legislation
  - Acts and Regulations
- These UK Acts and Regulations give effect to the requirements of the Directives.

# Waste Framework Directive

- The Waste Framework Directive requires
    - Waste to be disposed of/recovered without endangering human health or harming the environment, in particular:
      - without risk to water, air, soil and plants and animals
      - without causing a nuisance through noise or odours
- Or
- without adversely affecting the countryside or places of special interest

# Waste Framework Directive

- The Waste Framework Directive generally requires
  - that the disposal or recovery of waste is carried out under a permit

# Waste Framework Directive

- These permits aim to control the environmental impact of the disposal/recovery of the waste.

# Waste Framework Directive

- The Environmental Protection Act 1990 is the UK's main permitting system.
- It creates a permitting system called:

Waste Management Licensing.

# Waste Framework Directive

- Generally you need a Waste Management Licence to:
  - dispose of waste
  - recover waste

# Waste Framework Directive

- General rule:
  - If you dispose/recover waste without a Waste Management Licence you commit a criminal offence.
  - Fine or imprisonment

# Waste Framework Directive

- Exceptions to general rule:
  - some disposal/recovery is so minimal you would not want to license it.
  - For example “bottle banks” or the waste paper bin in this meeting room

# Waste Framework Directive

- These exceptions are called “Exemptions” in the UK and there are currently over 52 different exemptions.
- All these exemptions are subject to rules contained within the exemptions themselves.

# Waste Framework Directive

- You do not have to apply for an exemption, but need to register it.
- The exemption either applies or it does not.
- We have no discretion
  - you are either exempt or you are not

# Waste Framework Directive

- Waste management Licensing is due to be replaced by

Environmental Permitting on 6<sup>th</sup> April this year

More about that later on

## So how does this affect waste from portable toilets?

- We are aware that some operators transport their toilet waste to central depots where the waste is bulked up before onward transport to Sewage treatment works.
- No exemption relates to this. Therefore, legally you need a waste management licence to carry out this activity

# Exemptions

- Growing acceptance that industry has moved but exemptions have not.
- Growing number of positive low risk activities not benefiting from an exemption.
- What can we, the Environment Agency do about it?

# Exemptions

- We can do two things:
  - Work with Government to make sure that the exemptions regime is fit for purpose
  - Immediate help to those who want to carry out low risk activities

# Immediate help

- To help we have set up the

Low Risk panel

# Low Risk Panel and Positions

- This panel considers low risk activities and decides whether or not:

*It is in the public interest to pursue a waste management licence for that activity*

# Low Risk Panel and Positions

- Once we've decided that it is
- *not in the public interest to pursue a waste management licence for that activity*
- Then we will not pursue enforcement action for carrying out the activity without a licence
- Not pursue action under Duty of Care to allow waste to go to sites

# Low Risk Panel and Positions

- Low Risk Positions that are of particular relevance to you are:

Secure storage of sewage effluent from portable conveniences by their supplier.

- LRW 012 & LRW 013

01/06/05 Reviewed 17/07/07

# Low Risk Panel and Positions

- LRW012
- The Company has been operating for a number of years supplying portable conveniences to a wide range of customers for use on building sites to corporate events. The Company empties the chemical toilets into one of the Company's vacuum tankers and it is then transported back to the Company's site at XXXXXX. The tanker then discharges the waste into tank where it is stored until it is removed for either disposal or recovery to XXXXXX Waste Water Treatment Works.

# Low Risk Panel and Positions

- LRW012
- The site keeps no more than 5,000 litres on site and has a throughput of less than 2,000 tonnes per annum.
- The effluent is to be stored in a below ground 5,000 litre polyethylene tank, which is on a concrete base supported by concrete walls that are supported by treated timber piles. The tank has a lockable access cover.

# Low Risk Panel and Positions

- LRW012
- The site has the potential to generate odour however the period for release of odours is not prolonged i.e. when the tank is being emptied and filled. This done at most a couple of times a day during the busy summer months. The Environmental Health Authority have been consulted and they have made raised no objections about the site..
- XXX have indicated that the loading and unloading area is to be concreted and bunded to hold 110%of the capacity of the tank, although to date this has not been carried out.

# Low Risk Panel and Positions

- LRW013
- Collection of portaloos which is temp stored in underground tank at their premises prior to disposal at sewage works.
- Secure underground tank
- storage only needed when collecting portaloos after sewage works are closed to receiving waste.

# Low Risk Panel and Positions

- Generally Low risk positions are limited to 1000 tonnes or less
- However, they can be used for more than 1000 tonnes where we agree it

# Low Risk Panel and Positions

- You can only have benefit from a Low Risk Position if the waste is stored securely
- a container, building or place is secure in relation to waste kept in it 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.
- Waste activities must not be carried out in a manner that causes or is likely to cause pollution or harm to human health. If we consider that an activity is or is likely to pollute or cause harm we will consider prosecution, irrespective of whether the activity is listed

# Low Risk Panel and Positions

- **If we consider that an activity is or is likely to pollute or cause harm we will consider prosecution, irrespective of whether the activity is listed**

# Working with Government

- The Exemption Review is a project looking to revamp the exemption system and ensures that it delivers effective proportionate regulation
- It is a joint project run by Defra Welsh Assembly Government and the Environment Agency
- It only relates to exemptions in England and Wales

# Exemption Review

- It intends to deliver a new suite of exemptions by late 2009
- By then these will be exemptions from the need to have an Environmental permit

# Exemption Review

- The Environment Agency like to think of Low Risk Positions as being the precursor to getting a exemption written in the legislation
- We have put all our Low Risk Positions forward to Defra for consideration, in an attempt to make them exempt

# Exemption Review

- Just because we have adopted a Low Risk Position, it does not mean that the activity will gain an exemption
- For example, we have a Low Risk Position that allows Utility Companies to leave asbestos piping in the ground

# Exemption Review - asbestos piping

- But unfortunately:
  - Asbestos is hazardous
  - Leaving in the ground is a disposal activity
- The Waste Framework Directive does not allow an exemption for the disposal of hazardous waste.

# Waste Framework Directive rules

- Two additional rules:
  - Storage of waste prior to disposal is a disposal activity
  - Storage of waste prior to recovery is a recovery activity

# Waste Framework Directive rules

- Waste Framework Directive allows exemptions for the
  - Recovery of waste at any site
  - But only the disposal of waste at the site of production.

# The key question

- Is the storage of this waste:
  - Storage prior to **disposal** at Sewage Treatment Works
  - Storage prior to **recovery** at Sewage Treatment Works

# The key question

- Is the storage of this waste:
  - Storage prior to **disposal** at Sewage Treatment Works
    - Defra can't provide an exemption
  - Storage prior to **recovery** at Sewage Treatment Works
    - Defra can provide an exemption

# Exemption Review

- Current timeline is to consult on proposals in
  - July '08

Keep your eye open for this consultation and help answer the disposal/recovery question.

# Exemption Review

- If an exemption is provided it will describe the wastes that you can store by way of EWC code.
- The codes that we consider that are applicable to your type of waste are:
  - 161002 (toilet waste and holding tank waste)
  - 200304 (septic tank waste)

# Exemptions Review

- As the Environment Agency will be the main regulator for exemptions, we need to think about
  - How will we implement the new exemption system?
  - What do we want to achieve by the exemption system

# Exemptions

- Exemptions' destination statement sets out how we, the Environment Agency, would like to administer exemptions.

- Our aim is:

*“To regulate low risk waste management activities proportionately through an exemption system that is simple, risk based and drives environmental improvement.”*

# Environment Agency's Destination statement

The exemption regime will tie in with environmental permitting, delivering control at the lower risk end of the permitting regime. Exemptions will deal with truly low risk activities and will be fit for purpose.

# Environment Agency's Destination statement

The regime will provide proportionate regulation for genuine recovery operations, allowing them to benefit from exemptions where they pose little or no risk to the environment.

# Environment Agency's Destination statement

Exemptions that currently cover high-risk activities will be replaced by Standard Permits.

# Environment Agency's Destination statement

The exemption regime will be easy to understand by the regulators, those who need exemptions and the general public.

# Environment Agency's Destination statement

It will be easy:

to identify when you need an exemption and who  
you need to register it with

# Environment Agency's Destination statement

It will be easy:

for business to understand what is expected of them. They will know what the exemption covers, how to comply with it and the consequences of not complying

# Environment Agency's Destination statement

It will be easy:

to register an exemption

# Environment Agency's Destination statement

It will be easy:

to understand our guidance. It will be clear,  
concise and helpful

# Environment Agency's Destination statement

It will be easy:

to administer. It will allow our staff to make decisions easily and quickly

# Environment Agency's Destination statement

The exemption regime will reduce administrative burden to a minimum. Where an operator is carrying out the same exempt activity at different premises he will benefit from a single registration. An operator will be able to register all his exemptions in one go.

# Environment Agency's Destination statement

Our regulation of exemptions will be proportionate to the risk they pose.

# Environment Agency's Destination statement

There will be a regular review for exemptions that will be systematic and based upon a set of principles to ensure consistency of approach. In the meantime we will continue to provide low-risk positions where there is no exemption in place and it would not be in the public interest to pursue a permit.

# Environment Agency's Destination statement

It will be harder for operators to carry out illegal activities under the guise of exemptions. We will match our action to the harm caused by the illegal activity.

# Environment Agency's Destination statement

We will have a secure income to cover our costs in our administration and regulation of exemptions, whilst at the same time continually improving our systems to reduce those costs and provide value for money.

## So in summary....

- Already set out our stall on what we want from exemptions.
- Simple, straightforward understandable
- Looking forward to exemptions review making it easier, simpler to get an exemption