Consultation on revised waste exemptions from environmental permitting

A consultation document issued jointly by the Department for Environment, Food and Rural Affairs, Welsh Assembly Government and the Environment Agency

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1 Executive Summary

1.1 What this consultation package covers

1.2 Defra, the Welsh Assembly Government and the Environment Agency are undertaking a review of the exemptions from environmental permitting. The aim of the review is to provide a more risk based and proportionate approach to the regulation of waste recovery and disposal operations, complementing the new environmental permitting regime.

1.3 What this consultation package contains

1.4 There are three main parts to this consultation package:

- The consultation document
- The partial impact assessment
- The draft regulations

Background

1.5 Exemptions have been provided from the need for an environmental permit (formerly a waste management licence) for many years. Exempt waste operations are not unregulated but are subject to lighter touch regulation requiring the operators to comply with certain rules and not to cause harm to health or the environment. In addition the operation generally has to be registered with the regulator (mainly the Environment Agency but in some cases the local authority and in one case Animal Health agency).

1.6 The majority of exemptions have been in place since 1994 with little amendment. The most significant change made during that time has resulted in a two-tier system of ‘simple’ exemptions and more complex ‘notifiable’ exemptions that are subject to registration charges, annual renewal requirements and additional requirements prior to registration.

1.7 Since 1994 the world of waste management has developed significantly. In particular many more waste operations have been identified for which no exemption is available. This has led to the Environment Agency to adopt ‘low risk positions’ whereby many of these operations have been allowed to continue notwithstanding that they ought to have an environmental permit. These low risk positions are intended to be a temporary measure, pending this review of exemptions.

1.8 There are currently around 143,000 sites that have registered one or more exempt waste operations in England and Wales. Farms make up about 81,100 of the 143,000 sites. There are a large number of sites relying on a ‘low risk position’.
Proposals


- The main proposal in this consultation is to increase the use of exemptions for as wide a range as possible of low risk activities (including most of those operating under an Environment Agency low risk position) whilst removing or restricting the availability of the exemptions for higher risk waste operations by seeking to regulate higher risk operations through one or more standard permits.
- We propose no longer providing ‘notifiable’ exemptions.
- We propose a number of new exemptions or changes to the scope of existing ones.

In formulating our proposals we have used a number of principles and other criteria (which were agreed from the informal consultation) to determine the risk posed by an activity and thus the threshold below which it should be regulated under a simple exemption and above which it should be regulated via an environmental permit.

1.10 The other key proposals outlined in this consultation are;

- The introduction of three yearly registration periods
- The introduction of charges for the registration of each exempt site, including farms (£50 per site for each registration period, with a lower charge for electronic registration)
- A phased three year transitional period to allow operators time to comply, prioritised according to environmental risk
- Only having registration requirements for operations that are subject to the requirements of the Waste Framework Directive,
- Generally removing exemptions for Part B processes (i.e. those waste activities regulated by local authorities in respect of emissions to air)
- Not to introduce a system of appeals against refusal to register
- To enhance the public register of exempt operations
- Limiting record-keeping requirements to a small number of simple exemptions
- Structure the regulations to make them easier to use and understand by grouping exemptions under the headings of; use, treatment, disposal at the place of production, storage and an additional list of non-registerable, non Waste Framework Directive exemptions
- Using European Waste Catalogue codes to describe exempt waste types
- Introducing quantity limits for all exemptions
- Providing revised guidance on exemptions under the environmental permitting system
- Regularly reviewing the exemptions

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1 A standard permit is a permit with one condition linked to a fixed package of standard rules for a particular type of activity.
Who will be affected by this consultation?

1.11 Anyone currently operating under an exemption or an Environment Agency low risk position will be affected by these proposals in that they will need to either register an exemption for the first time or re-register an existing exemption and pay a small fee. Both existing and new operators will have to meet the revised specification and quantity limits to benefit from the exemption. Where an operation will no longer benefit from an exemption the operator will need to apply for an environmental permit in accordance with the transitional arrangements. In some cases holders of environmental permits may benefit from an exemption and can opt to surrender their permit.

1.12 Overall it is estimated:

- 83% of those that are currently registered for an exempt waste operation will continue to benefit from a simple exemption, and registration will be subject to a charge and renewal every three years.

- 12% of those currently registered under an exemption relating to waste stored by its producer or at a collection point will no longer need to register an exemption and will therefore not be subject to any re-registration or charges.

- 5% of those currently registered exempt will need to apply for an environmental permit. Where activities become subject to a requirement for a permit the Environment Agency will seek to develop, in conjunction with industry, new standard permits where appropriate which may be different from those currently available. New permits will be subject to consultation with interested parties. Operators will have to satisfy the operator competence requirements of permitting although transitional provisions are proposed to allow sufficient time for this. Operators will also need to be able to demonstrate they have planning permission before a permit can be granted and become subject to the new and generally lighter touch surrender provisions should they wish to cease operating permanently.

In addition a large number of operators relying on an Environment Agency low risk positions will need to register an exemption (or in a few cases obtain an environmental permit). The Environment Agency will withdraw its current low risk positions.

1.13 These proposals relate to operations involving the recovery or disposal of waste within the meaning of the European Waste Framework Directive (WFD)

ability of Member States to provide exemptions from permitting.

1.14 It is anticipated that there will be estimated benefits of £110 million net present value for the proposals presented in this consultation document. The Partial Impact Assessment at Annex 3 contains more information.
2 Introduction

2.1 This is the formal consultation on the Review of Exemptions from Environmental Permitting. It sets out policy proposals and draft regulations. It explains how guidance will fit with these proposals and the newly implemented environmental permitting and compliance system. It seeks your views on proposals for a revised system of exemptions from environmental permitting.

About the Exemptions Review

2.2 Exemptions from environmental permitting are used by the UK as a way of proportionately regulating low risk waste recovery and disposal activities within the meaning of the Waste Framework Directive (WFD). However, the majority of exemptions have been in place since 1994 with little amendment and the world of waste management has moved on in that time. The system has also become quite complicated with different sorts of exemptions in place. The review is looking to address these issues.

2.3 The main drivers behind the review include the need to provide simplified regulation that is proportionate to risk, and the need to encourage genuine low risk recycling and recovery operations whilst making abuse more difficult. Specific objectives set out at the start of the review process stated the aim to produce a new scheme of exemptions that will:

- be simple enough to be easily understood and implemented;
- be enforceable and encourage compliance;
- deliver risk-based regulation where the level of regulatory control is, as far as is practicable, proportionate to the risks posed by the operation;
- be designed so that it is capable of subsequent extension to further exempt waste operations and waste streams to the extent consistent with delivery of the principal objectives;
- provide a quick and easy process for regular review and amendment in order to take account of innovation, changes in risk and abuse of the system;
- meet our obligations (under EU legislation etc), in a way which is capable of accommodating future change without substantive regulatory change;
- reduce administrative costs and increase regulatory clarity, while continuing to ensure the environment and human health are protected;
- apply a consistent approach across England and Wales

2.4 The proposals developed throughout the review and contained in this document are being put forward following engagement with a broad range of representatives from industry, regulators and other stakeholders. It is planned to further engage with a wide range of those who will be affected by the

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proposals via stakeholder workshops. More details on the stakeholder workshops can be found at

2.5 A discussion paper was published early in 2007 and set out a number of principles and early proposals for the review. Seven stakeholder workshops were also held to discuss the issues.

2.6 A summary of the comments received on the discussion paper and at the workshops was published by the Department for Environment, Food and Rural Affairs (Defra), the Welsh Assembly Government (WAG) and the Environment Agency in September 2007. Each response has been considered and the proposals in the discussion paper developed in the light of comments received. Analysis of the responses indicated that a risk-based proportionate approach to the reviewing of exemptions is broadly supported but more detail on exactly which activities will be exempt and which permitted in future is needed.

Executive Summary of Responses to March 2007 Discussion Paper

2.7 Within the discussion paper on the principles behind the review, there were 21 questions posed relating to various aspects of the review.

2.8 In response to the discussion paper, the Exemptions review team received 77 written responses. There were 20 responses to the invitation for proposals for new exemptions, resulting in 71 proposals for new exemptions. Information on these is provided in section 6.

2.9 Within the discussion paper, options were set out for the overall direction of travel the review should take to deliver a more proportionate, risk-based approach. Following analysis of the consultation responses, Government decided to pursue proposals to increase the use of exemptions for as wide a range of low risk operations as possible, whilst removing the current two-tier system of notifiable and simple exemptions by restricting the extent of exemptions for higher risk operations. This would result in regulation of higher risk activities through one or more standard permits that can better take account of variation in the risk posed for a given size and scale of activity and thus would be in line with the objective of proportionate risk-based regulation.

2.10 Notifiable exemptions have been used since 2005 to regulate higher risk operations which had prior to that point been regulated through simple exemptions. The level of regulation of these operations was felt not to be adequately protecting the environment and human health. As a result, the level of regulation was increased through the requirement for additional information at registration and a registration fee to cover the cost of compliance inspection. A similar level of higher regulation and a charge has

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5 The discussion paper and summary of comments received can be found at
been in place for scrap metal recycling through the paragraph 45 exemption since 1995.

2.11 The informal consultation considered continuing with this two tier system of notifiable and simple exemptions. However, there are some problems with the use of notifiable exemptions to regulate higher risk operations. The need for greater regulatory control has necessitated the general rules set out in legislation becoming overly complicated which gives rise to anomalies. Some of the exempt waste operations are subject to levels of assessment comparable to permitted operations and have similar compliance assessment requirements. Some of these exemptions can also be more complicated than a permit, and this anomaly could increase as standard permits under the Environmental Permitting regime become more established. Where anomalies in waste types or general rules/permit conditions are detected, exemptions are slower to change than a permit would be as permit conditions can be changed more quickly than legislation.

2.12 There is also some evidence that notifiable exemptions are not providing an appropriate level of regulation in some cases and if the aims of the exemptions review are to be achieved, the notifiable exemptions could not remain as they currently are. It is likely that greater charges would need to be applied to all operators under notifiable exemptions to cover the costs of the additional compliance assessment needed for some operators.

2.13 Some respondents to the informal consultation did consider that these issues with notifiable exemptions were balanced out by the need to demonstrate technical competence and planning permission under permitting.

2.14 Other areas laid out in the discussion paper included the format and presentation of a new scheme of exemptions, the funding options for the scheme, the movement of higher risk exemptions into standard permits, appeals systems, the interface with other pollution regulatory regimes, inspection requirements, record keeping requirements and re-registration schemes.

2.15 The Discussion paper set out the options for the Government’s adoption of exemptions in the future. In response there was overwhelming support for a risk-based approach to the provision of exemptions but views were split on how this approach should be delivered. The Government concluded that the overall thrust for simplicity and a light regulatory burden for low risk activities means that widening the exemptions base for small scale simple exemptions is likely to be popular providing it does not lead to abuse or market distortion compared with others regulated more tightly and ensures the environment is protected. It would also capture the many operations that are currently subject to the Environment Agency’s low risk positions.

2.16 The Government also concluded that the retention of the two tier system of simple and notifiable exemptions might severely limit the simple approach across all exemptions. It would increasingly lead to difficulties in defining boundaries between simple and notifiable exemptions and notifiable
exemptions and permits for many activities and give risk to further inflexibility and anomalies. Defra, WAG and the Environment Agency believe that many of the current notifiable exempt activities merit higher levels of assessment both prior to and during operations and that this should be achieved through one or more standard permits.

2.17 Overall the Government concluded in its response to the informal consultation that proposals would seek to increase the use of exemptions for as wide a range as possible of low risk operations whilst removing the current two-tier system of ‘notifiable’ and ‘simple’ exemptions by restricting the extent of exemptions for higher risk operations.

Main proposals contained in this consultation

2.18 The proposals laid out in this consultation paper and the draft regulations are designed to reflect the Government’s preferred option described in 2.15 above. The accompanying Impact Assessment compares the possible impact of four different options. Option 3 represents the Government’s preferred option.

Proposals in this consultation

2.19 The preferred option for the adoption of exemptions for this consultation set out above has inevitably shaped the proposals in respect of the other areas raised in the discussion paper and which are set out in section 3 of this consultation. A summary of the proposals in this consultation are listed in paragraph 1.10 above.

2.20 For those activities that are likely to become subject to the need for an environmental permit as a result of these proposals, the Environment Agency will separately consult on draft ‘standard permits’ later this year (Section 4 contains more information on the development of standard permits).

2.21 It has not been possible to bring forward proposals to introduce alternative, flexible penalties, e.g. fixed penalty notices, that would be consistent with modern enforcement approaches. The need for amendment of primary legislation precludes this as part of the current proposals.

About this consultation and how to respond

2.22 The consultation will last 12 weeks. The consultation paper contains:

- A description of the new scheme of exemptions
- Information on the development of standard permits
- A copy of the draft regulations
- A map of the change from the current scheme of exemptions to the new exemptions
• Draft guidance
• A partial Impact Assessment, setting out costs and benefits of the proposed changes

2.23 Please return comments, preferably by email, to:

By email: exemptions@defra.gsi.gov.uk

By post: Exemptions Review Team
Waste Permitting Unit
Defra
Area 6D, Ergon House
c/o 17 Smith Square
London
SW1P 3JR

Or in Wales:

By email: owen.venables@wales.gsi.gov.uk

By post: Waste Policy Branch
Welsh Assembly Government
Second Floor, CP2
Cardiff
CF10 3NQ

If you have any queries relating to this consultation please email via the addresses above or call:

In England: 020 7238 4352
In Wales: 029 2082 3213

2.24 For your convenience a list of the full proposals and other specific questions asked throughout the document is provided in section 7. The Government welcomes your response to this consultation in any form. However, your response can be processed more efficiently if, when answering specific consultation questions, your response is clearly marked with the proposal / question numbers. To help put your response in context, you are also encouraged to indicate who you are and how many operators or others you represent, and who they are.

Comments must be returned to Defra by 23 October 2008

Responses from Wales should be sent to the address in paragraph 2.14, copied to Defra by 23 October 2008

Consultees should note that it may not be possible to consider responses that arrive after the deadline.
Ensuring your confidentiality

2.25 In line with Defra’s policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses.

2.26 If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

2.27 The Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone or email requests (tel: 020 7238 6575, email: defra.library@defra.gsi.gov.uk). Wherever possible, personal callers should give the library at least 24 hours notice of their requirements. An administrative charge will be made to cover photocopying and postage costs.

2.28 Responses provided to WAG will be published. Normally the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise. If you do not wish to be identified as the author of your response, please state this expressly in writing to us, and your response will be published anonymously.

Geographical coverage

2.29 This consultation covers England and Wales only.

2.30 WAG is a partner with Defra and the Environment Agency in this process:

- WAG has devolved responsibility for all of the matters covered by this consultation;

- It is desirable for the business community, others who will be affected by the exemptions system, and the Environment Agency as a cross-boundary regulatory authority, that there is a common regulatory system in Wales and England; and

- WAG is responsible for providing much of the funding for the Environment Agency for its activities within Wales. Thus, WAG largely influences the direction of the Environment Agency’s work within Wales.
Who will be affected?

2.31 This consultation is directed, in particular, at:

- Those who are currently registered for an exemption from the need for an environmental permit;
- Those who are currently operating under Environment Agency low risk positions;
- Those who produce or take waste to sites operating under an exemption; and
- The wider waste management industry

2.32 The Government also recognises that a wide range of other people and groups have an interest in ensuring that waste management operations continue to be managed in ways which protect the environment and human health. In particular, local communities in which these activities take place, and their elected representatives, need to be confident that this remains the case.

2.33 This paper is being sent to those organisations and individuals listed on our website at http://www.defra.gov.uk/corporate/consult/waste-exemption-review/index.htm. If you are aware of any others who might be interested in seeing this paper and commenting, but who are not listed, please let Defra or WAG know and a copy can be sent to them.

Next Steps

2.34 The responses to this consultation will be published by Defra (www.defra.gov.uk) and by WAG (www.countryside.wales.gov.uk). Each response will be considered.

2.35 Policy decisions will subsequently be taken on how the proposals within this consultation package should be reassessed in light of responses received.

2.36 The new scheme of exemptions from environmental permits is due to be implemented in October 2009. It is proposed that a transitional period will occur after the implementation date to, amongst other things, allow reasonable time periods for operators to take informed judgements about the options that are open to their business; and to take, if applicable, the necessary steps to comply with the new regulatory requirements. Further detail on the proposed transitional arrangements can be found in section 3.10.

Consultation code

2.37 The consultation is being conducted in line with the Code of Practice on Consultation in Annex 4. The full version can be accessed at:
If you feel that the consultation does not satisfy these criteria please contact:

Ms Marjorie Addo,
Defra Consultation Coordinator
Area 7C Nobel House
17 Smith Square
London SW1P 3JR

Tel: 0207 238 5947

Email: consultation.coordinator@defra.gsi.gov.uk
3 Description of proposed new scheme of exemptions

This section sets out the main proposals contained in the draft regulations.

3.1 The risk based approach to the Government’s provision of exemptions.

3.1.1 The Discussion paper set out a possible five step approach to be used by Government to determine whether to provide an exemption.

3.1.2 In response there was strong support for setting principles / criteria to support a risk-based approach to the Government’s adoption of exemptions, the main benefit being a clear and consistent approach. Responses to the discussion paper also highlighted the difficulties in making the approach work, particularly in relation to quantifying the
hazards / risks and how to arrive at threshold limits above which the activities should be permitted.

3.1.3 It was concluded that the threshold (i.e. the boundary in terms of the types and quantities of waste handled) set between an exemption and the need for a permit should be based not only on an assessment of the risk but also consideration of 'other factors'.

3.1.4 Since then we have with our consultants developed an approach which provides an overall risk assessment (high, medium or low) of an activity involving specific waste types based on the likelihood of pollution or harm arising due to noise/ vibration, odour, particulate/dust, litter, vermin, emissions to air, land or water, etc.

3.1.5 In addition the ‘other factors’ identified have been taken into consideration by asking the following questions;
- Can the risk be easily mitigated e.g. by containment or is active abatement technology required?
- Can the operation be undertaken anywhere or with easily defined restrictions or locations?
- Will the operator be required to undertake risk assessments?
- Are the waste types well characterised and consistent?
- Is it in the public interest to undertake a low regulatory approach?
- Would the exemption be subject to abuse?
- Is a high degree of operator competence or accreditation needed?
- Is there a need for record-keeping?
- Will regular inspection or other compliance assessment be needed?
- Is the cessation of operations likely to need assessment?
- Would the general binding rules be so complicated that it would be difficult for the regulator and operator to easily identify what compliance looks like?
- Are there other, political, policy or economic considerations?

3.1.6 This approach was used to assess all existing exemptions, Environment Agency low risk positions (including those previously rejected) and proposals submitted in response to the Discussion Paper. For most activities (low and medium risk) it was considered that subject to the ‘other factors’ set out above that most activities could benefit from an exemption if the types and quantities of waste allowed were limited. Thresholds were derived from consideration of existing thresholds (where there is an existing exemption), and from contributions from regulators and industry representatives.

3.1.7 Having carried out these assessments the key factor used to decide whether or not to propose an exemption has been the perceived need for the regulator to formally assess information prior to the operation commencing and to carry out regular inspection.
Proposal 1 - to embody the principles and criteria used in the formulation of these proposals in Government guidance for future reviews

3.1.8 The outcome of these assessments has been used in drawing up the draft exemptions in this consultation. A summary of the risk-based approach will also be included in the draft Government guidance for exemptions. By doing so it is anticipated that a consistent approach to amendments and the development of new exemptions will be adopted in the future as part of a regular review process (see section 3.13).

3.1.9 Revised guidance on the approach to exemptions under the environmental permitting system and to give effect to other changes resulting from this consultation will be subject a separate consultation in early 2009.

3.2 The format and grouping of new exemptions and the use of European Waste Catalogue Codes

3.2.1 The draft regulations aim to make it easier to find relevant exemptions by grouping exemptions by type of operation. The schedule has been split into four groups (which are termed ‘chapters’ in the draft regulations), which are:

i. Use of waste
ii. Treatment of waste
iii. Disposal of waste
iv. Storage of waste pending its recovery

These are explained further in Chapter 5 of the consultation along with significant changes in the draft regulations. In addition, non-Waste Framework Directive exemptions, which do not need to be registered, are contained in a separate Schedule 3A to the draft regulations (see section 3.3 below).

3.2.2 The draft regulations provide a group of exemptions solely for the storage of waste prior to recovery elsewhere. Storage associated with an exemption involving the use or treatment or disposal of waste is included as part of the appropriate use or treatment exemption. In most cases there is a limit on the storage of waste before and/or after the activity.

3.2.3 Within each group (chapter), general conditions which apply to all of the exempt waste operations contained within that group (chapter) are set out at the beginning of the chapter rather than repeated within each of the exemptions. These general conditions should therefore be read in conjunction with specific conditions that apply to particular exemptions.

3.2.4 Each exemption is set out in a standard format with a heading which generally describes the nature of the operation. This is:
• A description of the operation covered by the exemption;

• The EWC code accompanied by a written description of the waste types allowed under the exemption. The waste codes and types are generally set out in a table. Where there are different quantities of different wastes allowed, these are also contained in the table;

• The specific conditions relating to that specific exemption including quantity limits and storage conditions. In some cases the different rules applying to different waste types are referenced by letters in the table of allowed wastes.

3.2.5 The current draft of the regulations include an U, T, D or S as a precursor to the paragraph number in each chapter which represent use, treatment, disposal or storage respectively. It is likely that different pre-cursors will be used in the final draft of the regulations as it could be considered that the ordering of the letters as they are now is not logical.

**European Waste Catalogue Codes**

3.2.6 The discussion paper set out that recent work on revising some of the exemptions covering hazardous waste has shown the need for waste types to be specified by the relevant six digit code in the List of Wastes (England) Regulations 2005 or the List of Wastes (Wales) Regulations 2005. These are often referred to as European Waste Catalogue (EWC) codes.

3.2.7 Comments received on the discussion paper suggest the best way forward is to make use of both the relevant six digit EWC code along with a description of the waste. This approach has been adopted in the draft regulations and consultees are asked to advise in their response if they think appropriate codes have been excluded.

3.2.8 In many cases, the written description alongside the EWC code is the one that appears in the List of Wastes Regulations6. However, where this code is narrower in the exemption than in the List of Wastes, only the wastes in the narrower description can benefit from the exemption.

3.2.9 EWC codes have not been used in non-Waste Framework Directive exemptions in Schedule 3A to the draft regulations. The exemptions in this schedule apply to all wastes unless otherwise specified.

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Waste stored at the place of production

3.3.1 The Waste Framework Directive (WFD) states in Articles 9 and 10 that any establishment or undertaking will require a permit from the competent authority to carry out an operation involving the recovery or disposal of waste.

3.3.2 Article 11 of the WFD allows for exemptions from the need for a permit for operations comprising recovery or the disposal of waste at the place of production. There is a general requirement to register an exemption for the recovery or disposal of waste with the competent authority (exemption registration authority), which for the most part in England and Wales is the Environment Agency.

3.3.3 The WFD states that recovery and disposal also includes storage pending a recovery or disposal operation but excludes temporary storage pending collection on the site where it is produced. Therefore storage at the place of production is not a recovery or disposal operation within the meaning of the WFD and consequently is not subject to the WFD requirement for a permit. Therefore there is no need for the UK to provide an exemption for storage at the site of production or require registration in order to meet European requirements.

3.3.4 However, the UK domestic legislation provides for an offence for the ‘deposit’ of waste other than in accordance with an environmental permit. This provision could give rise to the deposit of waste for temporary storage of waste at the place of production constituting an offence. In order to avoid that situation the UK legislation provides an exemption for the storage of waste at the place of production. But this exemption does not require the operator to register the exemption because they are not exemptions provided for in Article 11 of the WFD. These exemptions are termed non-Waste Framework Directive exemptions (and may also have been referred to as domestic exemptions).

3.3.5 Furthermore whilst the place of production is easily understood in most cases there are circumstances where waste is produced at a remote place but is bought back to the producers premises for temporary storage prior to collection. For example medical practitioners or vets will produce waste during visits possibly in remote locations. In these cases they would return any waste they generate from a range of locations to their surgery or practice. Another example might be a builder who generates small amount of waste and returns it to a depot or storage yard to place in a skip kept there. In these circumstances it is considered reasonable to conclude that the producer’s premises are the place of production in order to avoid having to register every remote place where waste might originate from.

7 section 33(1)(a) of the Environmental Protection Act 1990
3.3.6 Negotiation is currently taking place on the revision of the WFD. The draft revised Directive sets out that a distinction between preliminary storage of waste pending collection and the storage of waste pending treatment should be made. In making the distinction, Member States are advised to consider the objectives of the WFD, according to the type of waste, the size and time period of storage and the objective of the collection.

3.3.7 It is for the regulator to decide in a case by case basis whether waste is considered to be stored at the place of production. It should also be noted that where waste stored at any place is stored in a manner likely to give rise to harm or pollution, the person so doing may be liable to an offence under section 33(1)(c) of the 1990 Act.

3.3.8 As part of the revision to the WFD, there has been clarification on what is meant by collection. The latest draft of the revised WFD available at the time of this consultation defines “collection” as meaning “the gathering of waste, including the preliminary sorting and preliminary storage of waste, for the purposes of transport to a waste treatment facility”.

Collection points

3.3.9 The draft revised WFD also goes on to say that waste collection schemes which are not conducted on a professional basis should not be subject to registration as they present a lower risk and contribute to the separate collection of waste. Examples of such schemes are waste medicines collected by pharmacies, take-back schemes in shops for consumer goods and community schemes in schools. A non-WFD exemption to cover collection points is proposed in paragraph 3 of Schedule 3A.

Preliminary storage

3.3.10 Preliminary storage within the definition of collection under the proposed amendments to the WFD is understood to allow storage pending its collection at a facility different from the place where the waste was produced. In considering providing an exemption for preliminary storage away from the place of production the Government has taken account of the objective of the WFD, according to the type of waste, the size and time period of storage and the objective of the collection and intend to limit the exemption to those sites owned or occupied by the producer of the waste. A non-WFD exemption to cover preliminary storage is proposed in paragraph 2 of Schedule 3A. Examples of such storage are given in paragraph 3.3.5 above.

Treatment ancillary to the storage of waste at the place of production

3.3.11 There are a number of activities which organisations may carry out prior to the collection of their waste e.g. compaction of paper and cardboard in order to increase the amount of waste that can be collected within a container; the shredding of confidential papers for security purposes; size reduction of large items to allow easier loading or the separation of recyclables from mixed wastes into separate storage containers within the curtilage of the premises to facilitate recycling. It is considered that these activities are ancillary to the storage of waste before it enters the waste
management chain and that these operations do not constitute waste recovery or disposal operation. As a result, an exemption does not need to be registered for the particular waste operation and the waste can be stored under a non-WFD exemption for the storage of waste at the place of production. The paragraph below explains the reasoning behind this.

3.3.12 Where an organisation produces waste and stores it at the place of production under a non-WFD exemption pending collection, it may wish to carry out a variety of operations involving the waste such as the ones described in the previous paragraph, prior to its collection for recovery or disposal elsewhere. Where this activity does not result in a change in the makeup/composition of the overall waste arising and is carried out at the place of production purely to facilitate transport or separate collection of components, it is considered that the activity is not a waste management operation for the purposes of the WFD. The key principle is that the physical and chemical nature of the wastes has not been changed.

3.3.13 There are some examples where it is considered that waste operations carried out at the place of production are indeed waste management operations under the WFD and exemptions have been provided for these. In this situation, the treatment results in a change to the waste that means the treated waste will have a different effect on the environment or human health than the original waste. One example of this is the crushing of waste discharge lamps. In this situation, the bulbs are crushed and result in a number of separate components such as glass, mercury and metal that have different properties and effects on the environment and human health than the original waste item. Another example is the chipping of plant tissue waste. The chipping operation is usually done to assist in its subsequent use or treatment e.g. mulch or composting rather than to facilitate onward transport.

3.3.14 For those treatments that are ancillary to collection that do not constitute waste recovery or disposal there is no need for an exemption to be prescribed and thus there are no proposed exemptions in the draft regulations accompanying this consultation. Instead guidance accompanying the revised regulations will explain this interpretation. It is likely that some operators have an existing exemption registered for an ancillary treatment. These operators will not need to re-register as a result of the proposals in this consultation and their registration will ultimately be removed from the public register.

3.3.15 In light of the current interpretation of the Waste Framework Directive and the emerging position in respect of collection points, it is proposed to provide non registerable (non-WFD) exempt waste operations as follows;

i. Storage of waste at the place of production pending collection (as now)
ii. Temporary storage of waste on a site controlled by the producer
iii. Temporary storage at a collection point.
3.3.16 These non-WFD exemptions cannot be used on sites where the treatment of waste is taking place, other than treatment that is ancillary to the collection of the waste.

3.4 Part B Processes

3.4.1 A Part B process is one which is designated for local authority control (through an environmental permit) in respect of the emissions to air only. The discussion paper looked at the continuation of exemptions linked to Part B permits in respect of storage and other aspects of the process not directly linked to emissions to air. With Pollution Prevention and Control and waste management licensing being brought together under environmental permitting, the question was raised over whether Government should continue to require the operator to register an exemption with the local authority for the waste storage and other associated activities when an environmental permit is required in any case in respect of the Part B emission to the air.

3.4.2 The relationship between the two regulatory aspects can be quite confusing and this was confirmed by the degree of misunderstanding shown in the responses to the questions asked in the discussion document. Of those that did respond, the majority were in favour of regulating these activities entirely through the Part B permit.

3.4.3 It is considered that including the waste storage requirements within the Part B environmental permit would be simpler and in accordance with the ‘single regulator’ principle of environmental permitting. It does mean that local authority environmental permits for Part B processes will need to address waste storage and other associated activities. It is considered that including specific storage requirements in permit conditions should not significantly increase the burden on local authorities and as a result industry. It is therefore proposed that exemptions linked to Part B environmental permits will no longer be provided and the storage requirements will instead be included in the Part B permit. Comments on this approach are welcomed.

3.4.4 There is the possibility that the inclusion of the exemption requirements into the permit may result in additional costs to local authorities, which would in turn be passed on to the operator. However, the removal of the need for the exemption may reduce the work by removing the confusion on where the exemption starts and the permit finishes. Assessment of any potential increase in burden has been made in conjunction with local authority representatives. Any additional cost is unlikely to be more and likely to be less that the £95 charge in the Part B Charging Scheme for a combined Part B and waste installation. Part B Charging Scheme is subject to annual consultation.

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8 The Part B Charging Scheme can be found at www.defra.gov.uk/environment/ppc/localauth/fees-risk/fees.htm
Proposal 2 – to not provide the exemption for the storage of waste associated with Part B activities.

3.4.5 It is therefore proposed that existing exemptions for the storage of waste associated with Part B activities that require an environmental permit from the local authority will be discontinued and the following exemptions (including their existing paragraph number) have not been carried forward in the draft regulations. These are:

- Scrap metal furnaces (paragraph 2),
- Burning waste as a fuel (paragraph 3),
- Mushroom composting where production is for sale (paragraph 12), and
- Crushing, grinding or size reduction of bricks tiles or concrete (paragraph 24) (except if emissions are so trivial that they are not covered by a part B environmental permit),
- Glass manufacture and production (paragraph 43).

Mushroom composting

3.4.6 There has historically been a split in the regulator for operators producing compost to grow mushrooms in. On farm mushroom composters have been regulated by the Environment Agency through a simple exemption, and off farm commercial mushroom composters have been regulated by local authorities through a Part B permit.

3.4.7 The proposed changes to the exemptions remove the separate exemption for on-farm mushroom composting, meaning that these operators will need to hold an environmental permit to carry out the composting operation.

Proposal 3 – To change the regulation of on-farm producers of mushroom compost from the Environment Agency to Local Authority regulation through a Part B environmental permit.

3.4.8 The Government considers it better that the production of compost for mushroom growers is subject to a single permitting regime, rather than split between Part B and waste permitting according to whether some or all of the compost is produced for off-site sale. On the one hand, the Environment Agency already regulates all other composting operations. On the other hand, mushroom composting is a specialised operation, generally involving the use of chicken manure which raises particular regulatory issues, and local authorities already have experience of dealing with these issues in accordance with statutory Part B guidance issued by the Secretary of State and WAG. On balance, it is felt more sensible to retain local authorities’ regulatory background in this area, and that all mushroom composting operations should be included in Part B permitting.

3.4.9 An amendment to the exclusion for on-farm activities in Section 6.8 of Part 2 of Schedule 1 to the Environmental Permitting Regulations needs to be made to allow this change of regulator. The draft regulations include a
change to the definition of an excluded activity so that all mushroom composters are included within this section of the regulations and are therefore required to hold a Part B Environmental Permit.

Proposal 4 – To provide an exemption for Local Authorities to register crushing, grinding or size reduction operations where they consider the activity too trivial for a Part B permit Environmental Permit.

Crushing, grinding or size reduction of bricks tiles or concrete

3.4.10 There are some cases where activities covered by Part B permitting are determined to be ‘trivial’ within the meaning of paragraph 6(3) of Part 1 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2007 and the regulator will not require a Part B environmental permit to be in place. In these cases the recovery activity would not fall to be regulated under WFD requirements. To overcome that eventuality an exemption has been provided for certain waste operations where a Part B permit is not required. These exemptions will be registered with the local authority. Guidance on triviality for crushing and screening mobile plant should be issued around the same time as this consultation.

3.5 Registration Requirements

3.5.1 Under the current exemption system a distinction is made between simple and notifiable exemptions. The way an establishment or undertaking registers an exemption depends on whether it is simple or notifiable.

3.5.2 Notifiable exemptions require the notification of prescribed information plus the payment of a fee every year the operation is undertaken. The fee payable and indeed the amount of information provided vary according to the exempt operations and is also dependant on whether it is a new operation or a continuation (a re-registration) of an existing operation. The notification must be in a form required by the registration authority.

3.5.3 The current system for registering simple exemptions is straightforward. The establishment or undertaking must notify the registration authority (in most cases the Environment Agency) of:

(a) The name and address of the establishment or undertaking carrying on an exempt waste operation;
(b) the waste operation which constitutes the exempt waste operation; and
(c) The place(s) where the exempt waste operation is carried on.

3.5.4 The Environment Agency has produced forms to allow establishments or undertakings to notify these particulars, but there is no obligation on the establishment or undertaking to use those forms in respect of simple

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9 For the purposes of this consultation a notifiable exemption is taken to include the metal recycling exemption provided under paragraph 45 of Schedule 3 of The Environmental Permitting (England and Wales) Regulations 2007) unless otherwise stated.
exemptions. The only requirement is to put the notification in writing. Once notified the activity remains registered exempt unless de-registered in certain specified circumstances.

3.5.5 The proposed new exemption system would remove notifiable exemptions and their more complex form of registration.

3.5.6 Registration of simple exemptions would remain relatively straightforward. An establishment or undertaking would have to pay a registration fee (see Funding and charging) and advise the registration authority of:

(a) its name and address;
(b) the name and contact details of an individual designated by the establishment or undertaking to be the primary contact for the purposes of registration;  
(c) a description of the waste operation; and,
(d) the place(s) where the waste operation is carried out.

3.5.7 In addition, the information required for registration under the Regulations must be provided in a way specified by the registration authority. In the case of the Environment Agency, there is likely to be choice of registering online or using traditional paper forms.

3.5.8 Establishments or undertaking will be required to tell the regulator about any changes in their details

Proposal 5 - to introduce three-yearly registration periods

3.5.9 The informal consultation drew majority support for some form of re-registration geared to maintaining an up-to-date public register. The Government concluded the issue of re-registration is fundamentally linked to that of charging, since any decision on re-registration would have to be linked to payment of the charge. In light of the Government’s decision to propose charging for registration, it is also proposed to no longer have open-ended registration of simple exemptions. It is proposed registration in the future will remain valid for three years, at which point the establishment or undertaking has the option of re-registering the exemption. The system for re-registration (including payment of fees) will be the same as the system for initial registration through online and other systems.

3.5.10 As with the current system, where an establishment or undertaking is required to be registered it is not exempt unless it has registered the exemption. Therefore failure to re-register means the operation ceases to be exempt and the operator will be liable to the offence of carrying out

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10 Please note, this information will not be placed on the public register
11 There are some situations where an establishment or undertaking can benefit from an exemption without needing to register it. These are non-WFD exemptions where the activity does not require any form of registration under the Waste Framework Directive
waste recovery or disposal without a valid environmental permit.

3.5.11 In certain situations the exemption registration authority has the duty to refuse to register an operation as exempt. Please see section 3.11 on public registers for more detail of when a registration authority should decline to register an operation.

3.5.12 It is believed this proposal will bring about improvements to the public register of exempt waste operations and provide enhanced ability of producers and carriers to comply with the Duty of Care.

3.6 Funding and charging

3.6.1 Under the current legislation initial and annual registration charges are required from establishments or undertakings of ‘notifiable exemptions’ and the paragraph 45 exemption for metal recycling facilities. Other (simple) exemptions are not subject to charges. Thus there is a two tier system of chargeable and non-chargeable exemptions.

3.6.2 The regulator currently seeks to recover its costs through a mixture of charges for the registration of notifiable exemptions and funding from Government Grant-in-aid. The Environment Agency charges are generally specified through the scheme of charges made each year under section 41 of the Environment Act 1995. Treasury guidance stipulates that charges should normally be set to recover the full cost of the service associated with exercising the regulators’ regulatory functions.

3.6.3 The Environment Agency’s recovery of costs is also underpinned by the Polluter Pays Principle, as set out in Article 15 of the WFD, and the Defra Charging Handbook\(^{12}\). These aim to use charges to recover the regulators’ full costs.

3.6.4 Local authorities currently cover the cost of regulating exempt waste operations through their general revenue budget. Although there is not currently a power in the EP Regulations for local authorities to charge for the registration of exempt waste operations, we propose to introduce a power which would enable charging schemes to be made where local authorities are the registration authority. Part B waste operations that require an environmental permit are subject to charges under regulation 65 of the EPR. The removal of exemptions for waste storage may lead to some increase in local authorities’ costs to assess waste storage arrangements etc and if appropriate include new conditions to the permits. Therefore these costs will need to be reflected in the charges for Part B environmental permits when the proposals in relation to Part B processes take effect. This will happen under the proposed transitional arrangements from 1\(^{st}\) October 2012.

\(^{12}\) Defra’s charging handbook was designed to facilitate consistent, coherent and predictable charging across Defra’s regulatory services. It can be found at www.defra.gov.uk/farm/policy/regulation/charge/pdf/charging-handbook.pdf
3.6.5 Costs associated with regulation of exempt waste operations include:

- checking notifications to determine whether they meet the rules laid down for the exemption;
- the administration costs associated with the registration of exempt waste operations;
- compliance assessment; and,
- communication on the availability of exemptions and how to register them.

3.6.6 Thus the need for and extent of charges is directly related to the effort needed to assess the exemption, the requirements for registration, the amount of compliance assessment work and effort needed to communicate the availability of exemptions and how to register them. Although the proposals contained within this consultation paper suggest removing notifiable exemptions, the registration authority will still incur costs over its regulation of simple exemptions.

3.6.7 In addition there are overall costs incurred by the regulator in providing the necessary infrastructure to fulfil its duty in respect of the registration of exemptions including:

- developing and maintaining IT and other systems for operators to register; and,
- providing a public register (see section on public registers).

3.6.8 This consultation paper proposes that exemptions should only be provided for very low risk operations that do not necessitate the regulator carrying out any assessment prior to registration. As such the costs are likely to be lower, particularly if the registration can be automated and completed online. Similarly if the exempt waste operations are for low risk operations there should be little need to carry out any form of compliance assessment notwithstanding the overriding requirement for appropriate periodic inspections.13

Proposal 6 - To introduce a charge for the registration of all registerable exemptions

3.6.9 However, as indicated above there are costs associated with registration, public registers, compliance and IT that the regulator will still incur. Responses to our informal consultation showed that there was support for a charging system14 but no support to apply the cost of regulating exemptions to permit holders in order to subsidise exemptions.

3.6.10 In order to meet the principles outlined above, it is proposed to charge establishments and undertaking to register exempt operations (excluding

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13 Article 13 of the Waste Framework Directive requires establishments and undertakings to be subject to appropriate periodic inspections by the competent authorities.
14 58% of respondents supported charging for simple exemptions whilst 37% did not.
non-WFD exemptions which are not subject to a registration requirement). The charge will be linked to a proposed three-yearly registration period. The charges will apply to each site registered by an operator.

3.6.11 This charging system would be:

- site based, that is to say the registration fee would be associated with the premises that benefit from exemptions. Many establishments benefit from multiple exemptions at their sites (for example on average farmers tend to register between 5 and 7 exemptions per farm). In these cases it is proposed that the establishment or undertaking would have to pay one fee for all the exemptions registered at one time. If that organisation wished to register different exemptions for the same site at a different time they would have to pay an additional registration fee. The Environment Agency is currently considering the charging implications of companies registering a number of sites at once;

- based upon re-registration every three years. The benefits of re-registration are discussed in section 3.11 on public registers but additionally the payment of a fee once every three years is aimed to cover the regulators’ costs of carrying out compliance assessment;

- applied to all establishments or undertakings carrying out exempt waste operations (excluding non-WFD operations, which are not subject to a registration requirement).

3.6.12 The proposed fee for registration covering the first three year registration period is:

- £50 per registered site where notification is received in writing (except for WEEE treatment); or
- A lower fee per registered site where notification is received electronically. The lower fee is yet to be determined and will be based on the recovery of the Environment’s Agency’s costs of its IT development in respect of exemptions registration and public registers.
- In respect of the exemption for the treatment of WEEE only it is proposed a charge of £840 shall be payable for each (three yearly) registration period. (this is in fulfilment of the WEEE Directive requirement for annual inspection)

3.6.13 These proposed fees are based on assumptions about the level of compliance assessment that would be needed for the low risk operations regulated under simple exemptions in the future. If it is determined that greater compliance assessment would be needed then the fees would need to be set higher to reflect full cost recovery.

3.6.14 Initially it is proposed that these charges be set in the regulations. However the draft regulations propose the necessary legislative
amendments to allow the charges to be set in the scheme of charges proposed by the Environment Agency under section 41 of the Environment Act 1995. Registration charges will be set in the scheme of charges in subsequent years. This amendment will include the changes necessary to allow charges to be made for the management of agricultural waste. An amendment to the EP Regulations will also be made to allow fees for exemptions in respect of which the local authority is the exemption registration authority through charging schemes made under regulation 65(1) of the EPR and future registration charges will be set out in the Part B Charging Scheme\textsuperscript{15}.

3.6.15 Those that may require the benefit of an environmental permit as a result of the changes proposed in this consultation will be interested in the costs of environmental permits. This issue is discussed in Section 4 on the development of standard permits.

3.7 Compliance and Inspection

3.7.1 Article 13 of the WFD requires that establishments and undertakings carrying out the disposal or recovery of waste receive “appropriate periodic inspections”. Therefore the current and proposed exemption regimes require the exemption registration authority to carry out inspections of exempt waste operations aimed at ensuring compliance with the WFD and that the operation does not pose an unacceptable risk to the environment or harm to human health under Article 4 WFD objectives.

3.7.2 The proposed charges for exemptions have been calculated on the basis of covering the costs of compliance assessment by the Environment Agency that would allow it to visit 2\% of exempt facilities each year.

3.7.3 A 2\% visiting frequency would equate to a visit once every 50 years for each registered site. In practice the Environment Agency would adopt an intelligence based approach to target its resources as follows:

- where it receives complaints or problems are brought to its attention by local residents or businesses, local authorities, environmental groups or others,
- use of sample inspection for each type of activity to monitor compliance.
- inspection targeted at surveying the effectiveness of the exemptions and assessing whether an exemption is truly low risk, the general rules are appropriate and any signs of abuse so as to assist subsequent regular reviews.

\textsuperscript{15} The Part B Charging Scheme can be found at www.defra.gov.uk/environment/ppc/localauth/fees-risk/fees.htm
Compliance assessment at exempt sites and environmental accreditation

3.7.4 Views were sought in the discussion document on whether compliance assessment should be linked to some form of environmental accreditation and whether operations benefiting from environmental accreditation should receive less inspection. 78% of respondents either agreed with the proposal or were supportive of it but many of the respondents referenced higher risk exemptions when supporting this suggestion. However, the proposals contained within this consultation paper would move complex and most medium and higher risk exemptions into environmental permitting, leaving relatively low risk activities benefiting from simple exemptions. As such the scrutiny that the simple exempt operations attract should reflect their low risk.

3.7.5 Given this level of compliance assessment we feel that linking inspection to environmental accreditation would not confer realistic benefits (that is, given the proposed level of inspection, environmental accreditation would not reduce this inspection frequency sufficiently to justify its costs). Indeed, taking account of environmental accreditation during registration could increase Environment Agency costs and consequently the registration fee.

3.8 Record-keeping Requirements

3.8.1 The discussion paper of March 2007 raised the question of whether there was a need for record keeping by operators recovering or disposing of waste under an exemption. Around half of those that gave their view felt that there was a need, whilst a quarter were of the clear opinion that it shouldn’t be necessary and would be disproportionate.

3.8.2 Under the proposals contained within this consultation, a large proportion of the notifiable exemptions currently within Schedule 3 to the 2007 Regulations and in general covering the disposal or recovery of larger quantities of waste will be regulated through standard permits, where waste data returns will be required under the permit conditions. It is therefore questionable whether the regulatory and administrative burden associated with keeping records would be proportionate to the quantities of waste that will be covered by exempt activities within the draft regulations.

Proposal 7 - Not to introduce a general record-keeping requirement for exempt operations.

3.8.3 In light of this, it is proposed to require record-keeping only in circumstances where records are required under other legislation. The records required to be kept under the Duty of Care or the Hazardous Waste Regulations 2005 can be used by the regulator to confirm the quantities of wastes being handled by exempt waste operations.
3.8.4 Certain individual waste operations, namely those covering the spreading of waste to land, will still have particular record keeping requirements.

3.8.5 It is felt that the waste data needs can be met as a result of the proposed changes to limit the size and scale of many exemptions and the resultant reporting of waste data by those operating under a permit.

3.9 Appeals and Challenges

3.9.1 There is currently no legislative appeal mechanism in relation to exemptions, either in terms of whether an exemption is applicable in a particular situation or on whether an entry is made in the public register or on how long it takes to register an exemption.

3.9.2 Views were sought in our informal consultation over whether there should be an appeal system for exemptions. 60% of respondents were in favour of an appeal mechanism while 24% were against. Those in favour were mainly larger organisations whose main interest is in notifiable exemptions and who cited a lack of consistency of interpretation as the main reason for introducing an appeals mechanism.

Proposal 8 - Not to introduce a statutory appeals mechanism for the regulators’ failure to register an exempt waste operation.

3.9.3 Notwithstanding the views expressed in response to the discussion paper, it is proposed not to introduce an appeals mechanism against the refusal of a registration authority to register an exemption. It is considered that the main calls for doing so were in respect of issues and principles surrounding operations that will largely operate under an environmental permit and that there is an insufficient case to introduce appeals for simple low risk activities. It is also considered that the costs of establishing and maintaining such an appeals system would be disproportionate to the use that would be made of it.

3.9.4 It is considered that the current systems in operation provide sufficient safeguards for industry to address concerns about the regulators’ handling of the registration of exempt operations for the size, scale and nature of the activities that will be exempt under these proposals. The ability to challenge includes the Environment Agency Complaints and Commendations procedure which allows customers to complain about its decisions. Where a complainant is dissatisfied he has the right to raise the issue with the Parliamentary Ombudsman (in England) or the Public Services Ombudsman (in Wales). Likewise, with local authority decisions, where a complainant is dissatisfied he has the right to raise the issue with the Local Government Ombudsman (in England) and the Public Services Ombudsman (in Wales); Both these Ombudsmen, and Local Government Ombudsman, are independent referees and offer a free complaint service. In extreme cases judicial review proceedings may be instigated.
3.10 Transitional provisions

3.10.1 The proposals in this consultation to introduce three yearly registration periods and charging for registration coupled with the revised format and grouping of exemptions means that all operators of exempt activities will be affected by the changes.

3.10.2 The changes that are being proposed to the exemptions will result in a number of activities that currently operate under a registered exemption (and to a lesser extent to some of those operating under an environmental permit) needing to be subject to a different level and type of regulation.

3.10.3 Under the existing system exempt activities are either ‘simple’ exemptions with open ended registration that are not subject to any charges, or ‘notifiable’ exemptions that are subject to annual registration that is accompanied by a charge.

3.10.4 If current proposals are implemented it will be necessary for those activities operating under a simple exemption, that will remain exempt, to become subject to a three-yearly registration period under the ‘new’ exemption. Those activities currently operating under a ‘notifiable’ exemption will either need to apply for a permit or benefit from a ‘new’ exemption with the three-yearly registration period and a (substantially lower) charge.

General aims and principles for transitional arrangements

3.10.5 In determining the transitional arrangements and the relative timing to require migration to the new arrangements the main principle will be to prioritise the transition based on environmental risk and any need to enhance the regulators’ ability to exercise appropriate controls where this is thought not to be the case now.

3.10.6 A second principle will be to allow reasonable time periods for operators to take informed judgements about the options that are open to their business and to take the necessary steps to comply with the new regulatory requirements.

3.10.7 Thirdly, the arrangements should aim to reduce the administrative effort and cost associated with making changes to a minimum for all those who will remain subject to a simple exemption. These activities pose the lowest risk and therefore should be given the easiest route to regularising their position under the changed system.

3.10.8 The regulations will provide that only those registered prior to the ‘due date’ will be affected by the transitional arrangements. After the due date operators of exempt operators will register in accordance with the new regulatory requirements.
Proposal 9 – To introduce a three year transitional period from October 2009 to 1st October 2012.

3.10.9 Given the above assumption, the changes to be implemented in October 2009 are likely to have the following effect:

**As soon as the regulations come into force**
- Most activities covered by EA low risk positions, (and some enforcement and regulatory positions) will need to register an exemption for the first time;
- Some existing registered exemptions that are non Waste Framework Directive exemptions will no longer be subject to registration. These will need to be removed from the public register of exempt activities.
- A small number of activities that have been subject to Environment Agency low risk positions (and some enforcement or regulatory positions) will need to obtain environmental permits by 1st October 2010 (although some of the activities identified may not be granted permits on environmental grounds).
- Some activities that operate under a notifiable exemption may wish to register under a new simple exemption
- Operators starting exempt waste operations at a new site or for the first time after will have to register in accordance with the new requirements.

**On or before 1st October 2010: (Year 1)**
- Operators of some higher risk simple exemptions (current paragraph 12 on composting including mushroom composting; paragraph 13 on construction and soil materials; and paragraph 28 on spreading ash) will need to apply for an environmental permit or stop carrying out the activity
- Some permitted activities will fall to be regulated under a new exemption and the permits may be surrendered. The permit or part of the permit covered by the exemption is revoked when the exemption is registered;
- Higher risk activities registered under a notifiable exemption (paragraph 9 on land reclamation or improvement and paragraph 19 on waste for construction) will cease to be exempt and operators will need to apply for a permit. Operators of sites under these exemptions which will move to a simple exemption will be required to register under that simple exemption;

**On or before 1st October 2011: (Year 2)**
- Higher risk activities registered under a notifiable exemptions (other than those prescribed for year 1 or 3) will cease to be exempt and operators will need to apply for a permit by 1st October 2011. Operators of sites under these exemptions which will move to a simple exemption will be required to register under that simple exemption if they have not already done so;
• Simple registered exemptions (other than those in respect of agricultural waste at agricultural premises) that will remain exempt will need to re-register and pay the first three yearly registration fee by 1st October 2011.

On or before 1st October 2012: (Year 3)

• Simple registered exemptions carried out on agricultural premises in respect of agricultural waste that will remain exempt will need to re-register and pay the first three yearly registration fee by 1st October 2012.

• Operators of Part B processes that require registration under current exemptions (paragraph 2 on scrap metal furnaces, paragraph 3 on burning waste as a fuel, paragraph 24 on crushing, grinding or size reduction of, bricks, tiles and concrete and paragraph 43 on glass manufacture and production) will need to have their permits varied to regulate waste storage ancillary to the process by 1st October 2012. (see section 3.4 on Part B processes)

• Higher risk activities registered under a paragraph 45 exemption will cease to be exempt and operators will need to apply for a permit by 1st October 2012. Operators of paragraph 45 sites which will move to a simple exemption will be required to register under that simple exemption if they have not already done so;

3.10.10 Where an exemption is moving to being included in Part B permit conditions, guidance or a direction to enable the local authorities to make those changes will need to be put in place. Government is currently considering what guidance or direction will be necessary and will also set a date by which time the changes need to be made, which may be at an earlier point than the three years allowed for in the regulations.

3.10.11 Any currently registered operators will have to continue to comply with the requirements of the current exemption, during the relevant transitional period. This includes in the case of notifiable exemptions or exemptions under paragraph 45 (scrap metal and vehicle dismantlers), with the payment of any renewal charge that falls due.

3.10.12 If charges are introduced over the three year transitional period proposed above this should ensure as far as possible that the income to the regulator from registration is evenly spread over each of the three years of the registration period.

3.10.13 The arrangements should ensure that new operators can benefit from revised exemptions or standard rules permits as soon a possible following implementation without being held in abeyance whilst procedures, permits etc are developed.

3.10.14 Any transitional provision will be subject to continued compliance with the relevant environmental and health objectives, ensuring the regulator has the ability to act if pollution or harm occurs. There will be no immunity for operators from enforcement action if there is a risk of
pollution or harm. Those carrying out operations under notifiable exemptions will be required to re-register and pay the re-registration fee during the transitional period in order to benefit from the transitional provision.

3.11 Public Registers

3.11.1 Exemption registration authorities are required and will continue to be required to maintain a public register of establishments or undertakings carrying out exempt waste operations.

3.11.2 The current legislation results in an out of date public register (simple exemptions requiring no form of re-registration). It is anticipated the proposals for re-registration of all exemptions every three years outlined in this consultation will provide a way of maintaining an up-to-date public register. Responses to our informal consultation show that a majority of stakeholders (65%) were in favour of a re-registration requirement. Furthermore, (61%) supported the adoption of an electronic public register.

3.11.3 An up to date public register can help establishments and undertakings discharge their duty of care. The Environment Agency is also working to make its register of exempt waste operations as accessible as possible and is developing an electronic register for exempt waste operations in the same way that it has developed electronic registers for other regulatory areas.

Proposition 10 - To provide an enhanced public register of exempt waste operations

3.11.4 The proposals in the draft regulations propose minor variation to the procedure for registering an exempt waste operation. Draft regulation 4 sets out the relevant particulars to be notified to the exemption registration authority while draft regulation 6 sets out the requirement for entry onto the public register. The net effect of the proposal is that the public register must contain the following information:

(a) the name and address of the establishment or undertaking carrying out the waste operation;
(b) a description of the waste operation(s); and
(c) the place(s) where the waste operation is carried out.

Under both the current and the proposed system, an establishment or undertaking cannot be exempt if it hasn’t registered its exemption where it is required to do so (see section 3.3 on non-registerable exemptions).

3.11.5 Under the proposals in draft regulation 6 the registration authority will be required to place the required information listed in 3.11.4 above on its public register within 5 days of receiving it where:
the operation is exempt;
the operation relates to the disposal or recovery of waste; and,
the prescribed fee has been paid.

3.11.6 However, where the notification involves the treatment of waste electrical and electronic equipment\(^\text{16}\) (WEEE) the Environment Agency should only place an entry on the register if, in addition to requirements list in 3.11.4 above, it has carried out an inspection of that waste operation (that complies with the second paragraph of Article 6(2) of the WEEE Directive) and it is satisfied that….(as to the particulars to be verified pursuant to the third paragraph of that Article.).

3.11.7 Where the notification relates to the crushing, grinding or reducing in size of waste bricks, tiles and concrete, the registration authority (in this case the Local Authority) should only place an entry into its register if, in addition to the requirements listed in 3.11.4 above, it is satisfied that:

- the operation cannot result in the release into the air of a substance listed in paragraph 6(1)(c) of Part 1 of Schedule 1 to the Environmental Permitting Regulations; or
- there is no likelihood that it will result in the release into the air of any such substance except in a quantity which is so trivial that it is incapable of causing pollution or its capacity to cause pollution is insignificant.

3.11.8 Other than the current notifiable exemptions, other exemptions are removed from the register when the Environment Agency becomes aware (usually through inspection) that the operations have ceased. Draft regulation 7 sets out the duty on the exemption registration authority to remove entries from the register. It includes a requirement on the exemption registration authority to notify an operator without delay if it removes an entry from the public register.

3.11.9 In addition to the removal of a registration where a waste operation other than in accordance with the objectives of Article 4 of the WFD, under the proposals the registration authority would additionally be required to remove entries from its public register if:

- it becomes aware that the activity has ceased;
- the waste operation is no longer and exempt waste operation (for example, an activity that fails to re-register its exemption will no longer be exempt);
- where the operation involves the treatment of WEEE, it has carried an inspection and is not satisfied that the relevant requirements of the WEEE Directive will be achieved; and,

where the operation involves crushing, grinding or reducing in size of waste bricks, tiles and concrete, the exemption registration authority is no longer satisfied that the operation does not threaten pollution because of the emission of any of the substances listed in paragraph 6(1)(c) of Part 1 of Schedule 1 to the Environmental Permitting Regulations.

Thus the Environment Agency is the exemption registration authority for the majority of exempt waste operations. Local authorities will be required to maintain the public register in respect of trivial concrete crushing activities (see paragraph 3.4.10) and the exemption for the treatment of waste metals and metal alloys by heating for the purposes of removing grease etc. In the case of the exemption for the recovery of waste consisting of animal by-products at a collection centre the exemption registration authority is Animal Health, an executive Agency of Defra.

3.12 Guidance

3.12.1 The discussion paper on the review of exemptions asked for views on the key issues for the provision of guidance either by Government or the regulator.

3.12.2 The key messages from the informal consultation are that guidance;

- should be clear, concise, simple and easy to understand etc;
- should be focused at both the industry and the regulator;
- facilitates the law being applied consistently;
- should be developed with significant involvement of industry and others affected by it or using it; and
- must be made available by Government and the regulator well before implementation of the revised exemptions.

3.12.3 There was also recognition in the responses that many exempt activities are operated by smaller businesses and that guidance needs to be widely disseminated to ensure it reaches appropriate sectors.

Proposal 11 - To provide revised environmental permitting guidance on exempt waste operations

3.12.4 Subject to further views expressed in response to this consultation it is proposed that guidance on exemptions will be developed as part of the wider EP regime and linked closely to relevant other parts of the EP guidance such as on the Waste Framework Directive. The Government guidance will be developed using the EPP model / infrastructure and be directed at both the regulator and the regulated. Consultation on Government guidance will take place early in 2009 with a view to it being in place as early as possible prior to implementation of the revised exemptions in October 2009.
3.12.5 It is recognised that a combination of Government guidance and regulators’ guidance will be needed to provide clarity on the overall approach and specific requirements of the new exemptions system. Using the EP model Government guidance would be ‘high level’ guidance to support the aim of compliance. Regulators’ guidance will set out the procedural arrangements and any technical requirements and standards.

3.12.6 Guidance will be provided to supplement the Environmental Permitting Guidance. The decision whether the guidance would be by amendment to the existing EP guidance or through the introduction of a new Annex will be made following further consideration of the content.

3.12.7 Government guidance may need to be supplemented by briefer summaries or leaflets to reach wider audiences, particularly during the early period of implementation. This will be considered separately as part of the communications strategy for implementation. It may also be necessary to produce supplementary guidance to deal with issues arising once the new exemptions become operational.

3.12.8 It is proposed that early development of the guidance would be subject to discussion with key stakeholder groups. As the guidance is developed it will be road-tested through discussion with stakeholder groups to ensure it is fit for use.

Content of Government guidance

3.12.9 The aim will be to limit Government guidance to the extent necessary to (a) demonstrate transposition of regulatory requirements and (b) give effect to Government policy. More detailed procedural aspects will be the subject of regulators’ guidance.

3.12.10 Within the above boundaries, the potential subject areas to be addressed in Government guidance are;

- Government’s risk based approach to the provision of exemptions including a summary of the environmental principles and criteria but excluding any risk assessment procedures;
- An outline of the new structure and format of exemptions;
- Explanation of WFD exemptions and non-WFD exemptions including treatment ancillary to collection;
- Part B processes;
- A statement about the system for regular review and amendment;
- Registration requirements and public registers;
- Compliance and inspection principles;
- Charging; and
- Transitional provisions (for the period following October 2009)
- Transitional guidance on technical competence.
3.12.11 Given the above proposals for Government guidance it is likely that detailed guidance on individual exemptions (that will supersede Circular 11/94 Annex 5) and the requirements for registration (to replace Annex 6) should be incorporated into guidance from the appropriate regulator.

3.13 Regular Review Process

3.13.1 The proposal for a regular review of the exemptions was very positively received in the discussion paper. The Davidson Review on the Implementation of EU legislation\textsuperscript{17} commended the proposal to update the exemptions more quickly and efficiently in the future. A system to regularly review and amend the exemptions will provide the opportunity for the existing exemptions to be assessed on how well they are working and for relevant changes to be made and also for new exemptions to be provided where suitable. By basing the review on the environmental principles and criteria that have been developed as part of this review, consistent levels of risk assessment should continue.

3.13.2 A suggested system has therefore developed and comments are sought on the practicalities of this.

Proposal 12 – To include the principles for a regular review of exemptions in the environmental permitting guidance

What the review should consider

3.13.3 There are three aspects that should be reviewed:

- New proposals for exempt activities and/or new waste streams to be covered by existing exemptions through the five step process. These would principally derived from Environment Agency Low Risk Waste positions and proposals received by Government;

- Whether existing exemptions are fit for purpose, that is are they genuinely low risk, are their control conditions adequate to protect human health and the environment, are they compliant with the Waste Framework Directive and the exemption is not being abused or used to hide sham recovery;

- The impact of new exemptions introduced in previous reviews.

How the review should be carried out

3.13.4 It is proposed that the review should be carried out according to a strict timetable. That is, there should be definitive dates that submissions for new exemptions must be made.

\textsuperscript{17} http://www.hm-treasury.gov.uk/independent_reviews/davidson_review/davidson_index.cfm
3.13.5 The submissions for new exemptions would then be considered by a joint Defra/WAG/Environment Agency panel (an “Exemption Review Panel”) set up to conduct the reviews. This panel would make its recommendations (written report) to Government on exemption amendments etc. The panel would involve industry representation where it is considered appropriate.

**Timeline of review and the reviews outcomes are implemented**

3.13.6 When setting a frequency for the review the time taken to carry out a number of necessary tasks should be considered. These include reviewing proposals, preparing and implementing amendment to legislation and preparing for implementation.

3.13.7 The framework for the regular review process will be set out in Government guidance, which will be consulted on in February 2009. The guidance will set out metrics to assess how regularly the review should take place and how in depth it should be. The metrics will include factors such as whether there have been major changes to directives, the number of proposals for new exemptions that have been received and whether there are concerns over whether the exemptions are providing an appropriate level of regulatory control.
4 The Development of, and the move into, standard permits

4.1. Standard Permits

4.1.1 The proposals set out in this consultation would result in a number of exempt waste operations requiring an environmental permit. Those most affected will be operators of larger composting sites, soil manufacturers, construction and land remediation activities, landspreading and larger metal recycling sites. The Government believes the waste operations affected would be better regulated under standard permits and being subject to risk based inspection. Operators can benefit from increased flexibility over development of the businesses within that permitting framework (by seeking to vary the nature of the activity) compared with the inflexibility of a notifiable exemption. However affected operators will need to satisfy a number of additional provisions in order to obtain an environmental permit, which are discussed in this section. This section is only relevant for Environment Agency regulated Environmental Permits and not those regulated by Local Authorities.

4.1.2 A standard permit is a permit that allows a particular operation to be carried on subject to a set of fixed conditions (or rules). There is no requirement to apply for a standard permit if a bespoke approach is preferred by an operator. However, once a standard permit has been granted and because the conditions (rules) are fixed, operators cannot apply to vary them or appeal against them. There are of course rights of appeal against the refusal to grant a permit.

4.1.3 The conditions (rules) are developed nationally having regard to the hazards and risks associated with the permitted operation and with input from industry. Additionally industry is consulted before these conditions (rules) are set for the standard permit. Once set these conditions cannot be varied unless the Environment Agency re-consults industry on its proposed changes.

4.1.4 A standard permit approach can offer some advantages over a bespoke permitting approach (that is, where the applicant receives an individually tailored permit). These advantages include:

- being cheaper and quicker to obtain, as the Environment Agency has less work to do to determine and issue a permit. The conditions are set nationally, so no time is spent in developing conditions. Additionally there is no need to consult on these conditions before issue, as this consultation has already taken place when the standard permit is developed;
- providing regulatory clarity. As the conditions are fixed operators know exactly what requirements they have to comply with. Additionally, the permit is consistent throughout England and Wales;
- easier and less time consuming permit applications. This is because the risks associated with the proposed operation have
already been identified and assessed, so applications have to provide less information; and,
- being able to authorise more than one standard facility operated by the same operator on the same site or multiple standard operations on different sites operated by the same operator.

4.1.5 The Environment Agency is planning to provide standard permits for the main types of operation that would move to be increasingly regulated under environmental permitting as a result of the consultation proposals.

Table 1 – Main operations for which further development of standard permits will take place (and the current exemption paragraph number under Environmental permitting Regulations 2007).

<table>
<thead>
<tr>
<th>Exemption number</th>
<th>Description &amp; notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Spreading of sewage sludge on non-agricultural land</td>
</tr>
<tr>
<td>7</td>
<td>Spreading of industrial waste</td>
</tr>
<tr>
<td>9</td>
<td>Reclamation or improvement of land</td>
</tr>
<tr>
<td>12</td>
<td>Composting</td>
</tr>
<tr>
<td>13</td>
<td>Manufacture of construction products and soil from waste</td>
</tr>
<tr>
<td>19</td>
<td>Storage and use of building waste</td>
</tr>
<tr>
<td>25</td>
<td>Deposit of dredgings</td>
</tr>
<tr>
<td>28</td>
<td>Spreading of ash from pig or poultry incineration</td>
</tr>
<tr>
<td>45</td>
<td>Recovery of scrap metal and the dismantling of depolluted waste motor vehicles</td>
</tr>
</tbody>
</table>

The Environment Agency proposes to engage with affected sectors and consult on proposed standard permits before April 2009 so that SPs are in place in sufficient time for the implementation of the Regulations in October 2009.

The costs of environmental permits

4.1.6 The cost of obtaining an environmental permit will consist of the costs of meeting the appropriate standards and infrastructure requirements plus the charges for the permit application and for satisfying operator competence (see below).

4.1.7 The costs of meeting appropriate standards are likely to be greatest for those sectors operating under a simple exempt or a low risk position moving to a permit where they have historically not been subject to regulatory control.

4.1.8 Many of the operators that will require an environmental permit currently operate under a ‘notifiable’ exemption. In these cases most of the obligations required of the industry sector will already be complied with under the notifiable exemption. In these cases therefore the costs of meeting the requirements may be minimal.
4.1.9 The regulator will have to undertake some additional assessment of the applications compared with notifiable exemption in respect of the planning status and operator competence. However, it is considered the charges for environmental permits should not be significantly increased compared with the registration charge for a notifiable exemption where the amount of assessment is broadly comparable. Therefore it is likely that application charges will depend how closely the standard permits reflect the current exemption requirements.

4.1.10 The Environment Agency will consult separately on charges for the new environmental permits it develops as a result of the changes proposed in this consultation. As an indication, an application charge of £600 has been used in calculation in the impact assessment accompanying this consultation and this figure will be refined in the final impact assessment.

4.2 Planning permission

4.2.1 The Environment Agency may not issue an environmental permit (including a standard permit) for a specified waste management operation unless it is satisfied that planning permission is either not required or is in force.

4.2.2 As all the activities specified in above table are specified waste management operations, any application for a standard permit will need to be accompanied by evidence that the operation has planning permission or does not require it. The Environment Agency will accept only a copy of a valid appropriate planning permission or a certificate of lawful use and development from the relevant planning authority as evidence that there is planning permission or that such permission is not required.

4.2.3 At the time of writing consultants have been engaged by Defra and the Department for Communities and Local Government (CLG) to prepare a protocol and guidance for the Environment Agency and planning authorities on improving the interface between the planning and environmental permitting systems.

4.3 Operator competence

4.3.1 The Environment Agency must satisfy itself that the applicant (or in cases where the permit is transferred to another person, the proposed transferee) for an environmental permit will be the operator of the regulated facility and will operate the facility in accordance with the environmental permit (paragraph 13 of Schedule 5 to the Environmental Permitting Regulations 2007).

4.3.2 Chapter 8 of the core guidance on environmental permitting provides guidance on operator competence (www.defra.gov.uk/environment/epp/guidance.htm)
4.3.3 In determining whether the operator is competent to operate the facility in accordance with the permit, the regulator should not issue a permit when it considers the following are not the case:

- The operator’s management system is inadequate
- The operator’s technical competence is inadequate
- The operator has a poor record of compliance with previous regulatory requirements, or
- The operator’s financial competence is inadequate.

**Technical competence**

4.3.4 Of all the considerations for operator competence, the most exacting, time consuming and potentially most costly aspect is the demonstration of technical competence. The operator must be technically competent to carry out the operations authorised by the permit. Technical competence may be demonstrated through one of the schemes approved by the Government or where no appropriate scheme is available through assessment by the Environment Agency.

4.3.5 One of the requirements of any scheme of technical competence approved by Government is that the scheme ‘must not prevent new entrants from developing necessary competences in the workplace’. However, at the time of the preparation of this consultation new schemes have yet to be approved. Given this uncertainty, the Government believes that it would be unreasonable for managers of existing exempt operations to demonstrate technical competence within the timeframe allowed for making an application for a permit. It is therefore proposed that those sites already registered exempt will be treated in a similar manner as new entrants for the purposes of demonstrating technical competence and will be afforded additional time to demonstrate after the grant of a permit to do so.

**Proposal 13 - To provide an additional transitional period for operators of registered exemptions who newly need an environmental permit to demonstrate technical competence in the environmental permitting guidance**

4.3.6 The draft regulations set out the transitional arrangements for those needing to apply for an environmental permit. The time period allowed for making an application varies and may give rise to peaks in demand for registration with one of the approved scheme providers.

4.3.4 In order to ensure existing operators have flexibility to continue operating while applying for environmental permits and for a reasonable time thereafter, operators of existing facilities will be given an additional 12 months from the date on which their permit is granted in which to demonstrate the appropriate level of technical competence.
4.3.7 It will be necessary for applicants to indicate to the Environment Agency which person(s) is providing the technically competent management and which scheme they have or will be registering with.

4.3.8 Government guidance (see section 3.12 of this consultation) will set out the transitional provisions for technical competence and will be subject to separate consultation in early 2009.
5 Explanation of the Draft Regulations

Main section of Regulations

5.1 A copy of the draft Regulations can be found at Annex 2. The draft regulations generally amend The Environmental Permitting Regulations (England and Wales) Regulations 2007 and in particular Schedule 3 which sets out the proposed revised exempt waste operations. At the end of this section is a table setting out the current exemptions and where appropriate the equivalent exemption under the proposed exemptions. This is aimed to assist those interested in identifying specific activities and does not form part of the proposals itself.

5.2 Following the consultation the amendments to the regulations will form part of a consolidated Environment Permitting Regulations.

5.3 Proposed amendments to the Environmental Permitting (England and Wales) Regulations 2007 Regulations 2-11 of the draft regulations propose amendments to the Environmental Permitting (England and Wales) Regulations 2007:

- Regulation 3 provides the definition of an “exempt waste operation” by insertion of a new regulation 5(1) in the EPR. It provides that a waste operation is an exempt waste operation if: the requirements of paragraph 3(1) of Schedule 2 are met in respect of the waste operation. It also removes the condition that the exemptions do not cover hazardous waste or WEEE unless specified as the waste types allowed under exemptions are now much more specific as a result of the inclusion of EWC codes in the exemptions;
- Regulation 4 amends the circumstances under which the regulator may revoke an environmental permit. This now includes the situation where a waste operation covered by a permit becomes exempt as a result of the changes proposed in this consultation document. The permit or appropriate part of the permit is revoked on successful registration of the exemption.
- Regulation 5 amends the offence provisions in the EPR to reflect amendments to the record-keeping requirements as set out in the new Schedule 2.
- Regulation 6 introduces a power for the Secretary of State and the Welsh Ministers to make charging schemes for exemptions for which the local authorities are the registration authority.
- Regulation 7 provides that the permit requirements in section 33(1) of the EPA are disapplied in relation to non-WFD requirements set out in Schedule 3A
- Regulation 8 contains the transitional provisions
- Regulation 9 gives effect to paragraph 3.4.9 above and brings all mushroom composters within the scope of Part B permits.
Regulations 10 and 11 replace the existing schedules 2 and 3 in the EPR with new schedules setting out our proposed new exemptions.

Regulation 12 contains saving provisions for the purposes of the transitionals.

Regulation 13 makes consequential amendments to the Environment Act 1995 to enable charges to be prescribed for exemptions and to remove the restriction on prescribing charges for waste from agricultural premises.

Exempt waste operations: general – Schedule 2

5.4 Schedule 2 sets out the general requirements for exempt waste operations.

5.5 Paragraph 1 sets out the definitions for the purposes of Schedule 2, including the definition of prescribed fee which gives effect to paragraph 3.6.12.

5.6 Paragraph 2 describes the ‘exemption registration authority’ with whom exempt waste operations must be registered. As stated above, the Environment Agency is the ‘exemption registration authority’ for the majority of exemptions, local authorities will be the exemption registration authority in respect of the treatment of waste metals and alloys by heating for the purposes of removing grease etc and the treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size and Animal Health (an executive Agency of Defra) is the exemption registration authority for the treatment of animal by-products at a collection centre.

5.7 Paragraph 3 sets out the requirements for exempt waste operations which are as follows:-

- must fall within a description in Part 2 of Schedule 3;
- must meet general and specific conditions;
- must be registered;
- must carry out the operation in a way that is consistent with the environment and human health protection requirements of Article 4 of the WFD.

5.8 Paragraph 3(2) provides that householders may use any of the exemptions within the curtilage of a domestic property without having to register.

5.9 Paragraph 4 sets out the procedure for registering an exempt waste operation. This is broadly similar to the procedure under the existing EPR but it introduces an additional requirement for a contact name and details to be provided on registering an exemption. These details will not appear on the public register but will be used by the exemption registration authority to warn of the end of the validity of registration after three years. It also requires payment of the relevant registration charge at the time the particulars are provided to the registration authority. The relevant particulars may be notified by any method specified by the exemption registration authority.

5.10 Paragraph 5 (Validity of registration) introduces the requirement to re-register every three years described in section 3.5 of the consultation and the requirement for registration and re-registration to be accompanied by the
relevant fee. The introduction of charges for registration of exemptions is discussed in more detail in section 3.6 on funding and charging.

5.11 Paragraph 6 introduces a duty on the exemption registration authority to place the relevant details (excluding the name and contact details of the individual nominated to be a contact point) on the public register within 5 working days of receipt. In the case of an exempt waste operation for the treatment of WEEE the exemption registration authority must not enter the relevant particulars until it has carried out an inspection and is satisfied the waste operations satisfies the requirements of Article 6(2) of the WEEE Directive. Where the exempt waste operation falls within the description provided under the exemption numbered T7 in Schedule 3 the exemption registration authority must not enter the relevant particulars on the public register until it is satisfied that the operation cannot result in the release of emissions to air of listed substances and that any releases are so trivial as to be incapable of causing pollution.

5.12 Paragraph 7 makes a change to the duty of the exemption registration authority to remove entries from the public register where it becomes aware that the establishment or undertaking has ceased to carry out the waste operation, the waste operation has ceased to be an exempt waste operation that the criteria for registration in respect of WEEE treatment or the exemption number T9 are no longer being met.

5.13 Paragraph 8 deals with record-keeping. Record keeping is only required for exempt waste operations spreading waste to land. These records need to be available for inspection by an Environment Agency officer when asked for but operators will not be required to submit records on a regular basis. This requirement does not apply to landspreading carried out on land subject to legislation on Nitrate Vulnerable Zones as there is already a record keeping requirement in that legislation.

5.14 Paragraph 9 provides for appropriate periodic inspections to be carried out by the exemption registration authorities. In the case of an exemption for WEEE treatment an inspection must be carried out to discharge its duties under Article 6(2) of the WEEE Directive.

5.15 Paragraph 10 introduces a new duty on establishments and undertakings to notify the exemptions registration authority of any change in the name and address of operator and its nominated contact. It provides a power for the exemption registration authority to remove the relevant entry in the register if it does not receive notification of such changes.

Exempt waste operations: descriptions and conditions – Schedule 3

5.16 Section 2 of the consultation provides an explanation for the general ‘direction of change’ in the scope of exemptions. This part of the explanation of the draft Regulations focuses on the exemptions with the greatest change and does not discuss those exemptions which have transferred from the old system to the new with little or no change. It also explains new exemptions which are proposed to be introduced. A table is also included which maps the existing
exemptions to the new exemptions, another setting out the outcome of proposals submitted in response to the discussion document and a third mapping the Environment Agency low risk positions to new exemptions.

5.17 As discussed in section 3.1 of this paper potential exempt waste operations were assessed by independent consultants, Hyder Consulting, using the principles and criteria identified as a result of the informal consultation on the discussion paper. The proposals in Schedule 3 represent the output from the review of these risk assessment by the joint Defra, WAG and Environment Agency exemption project team. In some cases the proposals have been discussed and amended following additional discussion with key affected stakeholders.

5.18 Part 1 of Schedule 3 provides interpretation of terms used in Part 2. Part 2 sets out the exempt waste operation under four chapter headings.

Chapter 1 – Use of waste

5.19 Chapter 1 provides a group of exempt waste operations involving the use of waste for a variety of purposes. The waste in question may or may not have been treated before its use. The key factor differentiating exemptions in this Chapter are that the waste is not undergoing any treatment as a result of its use. Exemptions for the use of waste include and allow for the storage prior to their use. Storage limits are generally imposed in addition to maximum usage quantities.

Use of waste in construction works (U1)

5.20 Evidence (as set out in Annex C to the IA) has shown that the use of construction & demolition waste can be subject to abuse and large deposits would benefit from a higher regulatory control. The use of waste in construction works exemption has therefore been developed for the small scale use of imported inert waste material that could be carried out at any site without the need for a risk assessment.

5.21 The proposed exemption has a maximum quantity limit of 500 tonnes of specified waste at any place. Waste material can be used in a construction works which includes the repair, alteration, maintenance or improvement of existing works and also in new works.

Use of end-of life tyres in construction (U2)

5.22 The proposal for the use of end-of-life tyres in construction work exemption was developed from an existing Environment Agency low risk waste position (since replaced by a regulatory position statement, requiring operators to supply sufficient details to enable a determination of whether the use of the tyres is a disposal or recovery operation).

5.23 The risk assessment process has highlighted some research relating to the use of tyres in underground construction and the potential risk caused to the aquatic environment. Taking a precautionary approach to ensure that exemptions are only proposed for truly low risk waste activities it is proposed limiting the use of tyres in construction to ‘above ground’ works.
5.24 The proposed exemption is split into the total quantity of end-of-life tyres stored or used during a construction work does not exceed -

- 500 tonnes of baled tyres; Bales must comply with the PAS108 standard.
- Not more than 90 tonnes of bales may be stored at any one time.

**Use of waste in the construction of tracks, paths, bridleways or car parks (U3)**

5.25 There is a separate proposal in exemption U3 for the use of wood based waste in the construction of tracks, paths, bridleways or the surface of car parks.

**Use of waste derived biodiesel as fuel in a motor vehicle and storage at a relevant site (U6)**

5.26 The proposal for the use of waste derived biodiesel as a fuel in a motor vehicle exemption formalises an existing Environment Agency low risk position.

5.27 The proposed exemption provides for the storage of up to 5000 litres of biodiesel at a relevant site at any time, the storage of up to 500 litres on a motor vehicle and the use of biodiesel as a fuel. A relevant site is one owned or occupied by the establishment or undertaking that will use the fuel. **The storage at a relevant site (other than in the vehicle) will additionally be required to be stored indoors or within secondary containment if stored outdoors.** A definition of secondary containment is set out in Schedule 3 to the draft regulations.

**Direct and beneficial use of waste for a specified purpose (U9)**

5.28 The proposal for the direct and beneficial use of waste for the purposes of reuse or recovery exemption describes the quantities of specific waste types and the use to which that waste can be applied. The specified waste type must be used without needing any further treatment.

5.29 The exemption has been prescribed in this way to ensure that appropriate waste types are used in genuine recovery/reuse operations.

5.30 The proposed exemption allows for the use and associated storage of

- 50 tonnes of wood shavings or shredded paper for animal bedding.
- 30 tonnes of end-of-life tyres on a silage clamp
- 50,000 tonnes of roadstone in road construction
- Storage of 5000 litres and use of 1000 litres of Aluminium hydroxide and ferric chloride to treat water effluent

**Q1. Please can you advise if you are currently using waste under this exemption (currently the exemption in paragraph 15) and it does not appear here.**
Use of waste to manufacture finished goods (U10)

5.31 The proposal for the use of waste to manufacture finished goods exemption is also specific in types and quantities of waste permitted. “Finished goods” are defined in paragraph 1 of part 1 of Schedule 3 as meaning goods that are ready for use or sale to an end consumer and do not need processing or manufacturing in order to be put to their intended end use.

5.32 The proposed exemption will allow for the manufacture of finished goods from a range of waste types listed in the exemption.

Spreading of waste on agricultural land to confer agricultural benefit (U11)

5.33 The activity of spreading waste to land is currently regulated through a notifiable exemption. The waste types currently spread are highly variable arising from numerous industrial sources. The current system includes the requirement to provide a risk assessment and to demonstrate benefit to agriculture or ecological improvement. The provision of the level and type of this information, and the need for that information to be assessed prior to use does is considered better regulated via an environmental permit.

5.34 Accordingly the proposed exemption for spreading waste on agricultural land to confer agricultural benefit, has been limited to the waste types and quantities at which the material in question can be used without the need for site specific risk assessments.

5.35 The proposed exemption provides for the following wastes arising from agricultural premises to be spread at specified quantities:

- Farmyard and horse manure (where they are waste)
- Soil from cleaning vegetables
- Waste from aerobic/anaerobic treatment
- Milk from farms only (not processors)
- Dredged spoil (other than those containing hazardous substances) from farm ditches and ponds within fields and forests
- Compost/digestate from the aerobic and non-aerobic treatment of source-segregated biodegradable waste

Spreading of waste on land to improve soil structure or add nutrients (U12)

5.36 The proposal for the spreading of waste on land to improve soil structure or add nutrients exemption has been provided as a replacement for the current reclamation, restoration or improvement to land notifiable exemption. The proposal is limited in a similar manner to the previous exemption. Therefore, the proposed exemption has only been provided for specific waste types and quantities at which the materials can be used without the need for site specific risk assessment.

5.37 The proposed exemption provides for the following wastes to be spread on land at specified quantities:
- Farmyard and horse manure (where they are waste)
- Soil from cleaning and washing beet
- Soil from cleaning and washing vegetables
- Pulp from virgin timber
- Dredging spoil from non controlled waters generated from the creation or maintenance of habitats and dredged spoil (other than those containing dangerous substances) from farm ditches and ponds within fields and forests
- Coffee grounds
- Compost/digestate from the aerobic and non-aerobic treatment of source-segregated biodegradable waste
- Clean crustacean and mollusc shells

Chapter 2 – Treatment of waste

5.38 Chapter 2 provides a set of exempt waste operations involving the physical, chemical or biological treatment of waste including processes such as sorting for segregation. Exemptions for the treatment of waste include and allow for the storage prior to the treatment process and/or the storage of waste after treatment. In some cases storage limits are imposed in addition to maximum treatment rates.

Cleaning, washing, spraying or coating of relevant waste (T1)

5.39 The proposal for the cleaning, washing, spraying or coating relevant waste exemption provides for up to 300 tonnes of specified wastes to be treated and stored during any 7 day period, with no more than 1 tonne of metal containers that have been used to contain a dangerous substance. The waste must be intended for reuse following treatment. To ensure that the activities undertaken pose a low risk to the environment, they and associated storage of the waste must be undertaken in a location that has sealed drainage.

Treatment of waste metals and metal alloys by heating for the purposes of removing grease etc (T3)

5.40 The effects of the proposed exemption for the treatment of waste metals and metal alloys by heating for the purposes of removing grease etc. are mainly through emissions to air. It is therefore proposed that the exemption be regulated by local authorities rather than the Environment Agency as is currently the case.

Preparatory treatments (Baling, sorting, shredding etc) (T4)

5.41 The proposal for the preparatory treatments (baling, sorting, shredding etc) exemption has included a wider range of physical treatments to be allowed than in the current paragraph 11 exemption. The amendments also propose separate quantity limits according to whether the activity is carried out within a building or outdoors.

5.42 For example, the proposed exemption provides for the baling, sorting, shredding, densifying, crushing & compacting of paper

- 500 tonnes where the treatment is outdoors
• 3000 tonnes where the treatment is indoors

**Screening and blending of waste (T5)**

5.43 Evidence (as set out in Annex C to the Impact Assessment) has led the Government to conclude that sites undertaking the screening and blending of wastes derived from construction and demolition waste generally need to be subject to a greater level of regulatory control than the current exemption (paragraph 13) provides. It is considered that the current quantity limits are at a level that ought to require site specific risk assessment.

5.44 The particular regulatory concerns relate to ensuring that:

- sites have the correct waste acceptance procedures in place,
- sites have appropriate infrastructure in place,
- treatment is undertaken without using processes or methods which could harm the environment and in particular without causing nuisance,
- waste is treated to an appropriate standard that is suitable for further use

5.45 Accordingly the proposed exemption for the screening and blending of waste to produce an aggregate or growing medium has been considerably restricted. It specifies the waste types and limits the quantity that may be treated in any 12 month period to 500 tonnes. The exception is road planning where up to 50,000 tonnes will continue to be allowed to be treated, where the treatment is part of manufacturing roadstone.

**Treatment of wood and waste plant matter by chipping, shredding, cutting or pulverising (T6)**

5.46 The proposal for the chipping of wood waste plant matter exemption combines the wood chipping part of the previous paragraph 13 exemption and the chipping, shredding, cutting or pulverising of waste plant matter exemption (paragraph 21) to provide some consistency between these similar activities. The exemption has been provided to enable operators to chip wood in addition to non-plant matter, for example wooden pallets. The total quantity of waste stored and processed must not exceed 500 tonnes in any seven days.

**Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size (T7)**

5.47 Section 3.4 of the consultation sets out the proposals in respect of operations that are subject to Part B controls for emissions to air.

5.48 As set out in section 3.4.10, some local authorities may consider that some crushing operations meet the triviality requirements and that a Part B environmental permit is not necessary. For the reasons explained above an exemption is proposed to be retained for very small scale treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size that are deemed to be trivial by local authorities. The local authority will register this exemption once it is satisfied the operation meets the criteria for triviality.
Mechanical treatment, end-of-life tyres (T8)

5.49 A number of proposals for the treatment of end of life tyres have been developed. These include the mechanical treatment of whole end-of-life tyres by baling, peeling, shaving, shredding or granulating; the mechanical treatment of shredded or granulated end-of-life tyres and re-treading tyres.

5.50 There is some concern that tyre recovery and disposal has been subject to abuse and that a wide-ranging exemption for the recovery of tyres would not afford the regulator sufficient control. Accordingly the proposed exemptions restrict the storage of tyres to 30 tonnes at any time and the treatment to 300 tonnes in any 12 month period.

Recovery of Scrap Metal (T9)

5.51 The current paragraph 45 exemption for the recovery of scrap metal or the dismantling of motor vehicle is a wide ranging exemption with very large quantity limits for both storage and treatment. The Government considers that many of the operations merit greater assessment and inspection than is afforded under the current exemption. Furthermore the Government is mindful that certain treatment may become subject to IPPC controls in the future. Thirdly the regulator has experienced significant levels of illegal activity associated with this sector and in particular the handling of end-of-life vehicles (see Annex C to the Impact Assessment).

5.52 Accordingly it is proposed that the exemption for the recovery of scrap metal should be limited. The exemption for handling de-polluted end-of-life vehicles has been removed so that the handling of all ELVs is carried out through permitted sites. The draft exemption includes limits for the treatment of scrap to 275 tonnes in any 7 day period and the total storage under an exemption to 15,000 tonnes at any one time (it also includes with lower limits for swarf cable and batteries). However, the Government is minded to reduce these thresholds even further but it has proved difficult to identify a quantity threshold and other limits that make a clear distinction based on environmental risk. One option is to restrict the exemption to the handling of ‘dry’ scrap only i.e. to exclude cutting, turnings etc (swarf) from the scope of the exemption. Furthermore views have been expressed that it would be better to have a level playing field for all involved in the metal recycling and vehicle dismantling sectors by introducing a much smaller scale exemption providing that concerns about moving to environmental permitting can be overcome. It is further suggested that it is some operators in the lower quantity range that are responsible for the abused highlighted above and it would therefore be inappropriate to provide a simpler exemption for them.

5.53 Therefore the proposals for this exemption should be seen as only indicative and it may be that the metal recycling exemption is further restricted. Views are sought on what further restrictions might be imposed to provide confidence that those that remain operating under an exemption will pose little or no environmental risk and will be unlikely to lead to abuse.
Sorting mixed waste (T10)

5.54 The current exemptions for the storage and treatment of recyclables do not permit operations to accept and sort bags containing mixed recyclables, e.g. paper, plastic, glass and cans. The risk assessment process recognised that the small scale sorting of mixed recyclables such as takes place in the charity sector, does not pose any significant risk to the environment as long as the operation is undertaken in a secure place.

5.55 The proposal for the sorting for mixed waste exemption has been developed to allow the small scale sorting of mixed waste, limited to no more than 10 tonnes a week and undertaken in a secure place.

Repair or refurbishment of WEEE (T11)

5.56 The proposed repair and refurbishment of WEEE exemption allows certain electrical and electronic wastes to be recovered by repair and refurbishment. The requirements of this proposed exemption have not altered from the current paragraph 40 exemption. Therefore this activity will be subject to annual inspection by the Environment Agency to ensure the activity is undertaken in compliance with the exemption requirements. It is proposed that the operator will only need to renew the registration every 3 years in the same way as other exemptions. To reflect the changes on registration, the registration charge for this exemption will be £840 to cover the cost of the Environment Agency undertaking annual inspection.

Manual treatment of waste (T12)

5.57 The proposals for manual treatment of waste exemption have been based in part on a number of Environment Agency low risk positions.

5.58 The proposed exemption has been provided for waste types that the risk assessment process identified can be treated without causing any significant risks to the environment.

5.59 For example, the manual treatment of 100 tonnes of footwear and 100 tonnes of wooden pallets by sorting, repairing or refurbishing.

Bulking up food waste (T13)

5.60 The proposal for the bulking up waste food exemption is based on an Environment Agency low risk waste position. The proposal provides that food material that is unsuitable for consumption can be treated to remove the food material from its packaging. The operation must be undertaken for the purpose of recovery of the food material and any waste packaging should also be bulked up and sent for recovery.

5.61 The proposed exemption provides for the total quantity of waste stored or treated not to exceed 10 tonnes at any time.

Crushing and emptying waste oil filters (T14)

5.62 The proposal for the crushing and emptying of oil filters exemption has also been developed from an Environment Agency low risk waste position and provides for the treatment of oil filters that have been removed from a vehicle...
at the place of production. The oil filter should be treated as soon as practical after it has been removed from the vehicle.

5.63 The proposed exemption permits the storage of up to 400 litres of oil and 1 tonne of crushed and emptied oil filters where the oil and filter are destined for recovery.

**Crushing empty waste aerosol cans (T15)**

5.64 The proposal for the crushing of empty waste aerosols exemption has also been developed from an Environment Agency low risk waste position and provides for the treatment of empty aerosol cans at the place of production, where the cans will be sent for recovery.

5.65 The proposed exemption provides for a maximum of 1500 cans to be treated in any 12 month period.

**Treatment of waste toner cartridges by sorting, dismantling, cleaning, or refilling (T16)**

5.66 The proposal for the treatment of waste toner cartridges by sorting, dismantling cleaning, or refilling exemption has been developed from an existing Environment Agency low risk position. The risk assessment concurred with the view that this is a low risk activity that is suitable for the control via general rules and will encourage genuine reuse and recycling.

5.67 The proposed exemption sets the general rules that no more than 5000 cartridges are on site and any treatment is carried out in an indoor area with sealed drainage.

**Crushing waste discharge lamps (T17)**

5.68 The proposed crushing waste discharge lamps exemption provides for the volume reduction of gas discharge lamps in equipment designed for that purpose. The requirements of this proposed exemption have altered from the current paragraph 42 exemption in respect of the concentration of mercury emitted, which is now set 25 micrograms per cubic metre. The resulting glass and mercury must be stored in a secure container under a weatherproof covering.

**Dewatering using flocculants (T18)**

5.69 The proposed treatment of dewatering using flocculants exemption has been developed from two Environment Agency low risk waste positions. The proposed exemption allows for clay effluent from the ceramics manufacturing industry and water based wash waters to be treated via flocculation followed by sludge dewatering. The waste material must be stored within a secure tank with a bund.

5.70 The proposed exemption provides that the total quantity of waste stored or treated at any one time does not exceed 30,000 litres of water/clay suspension.
Physical treatment of waste oil to produce biodiesel (T19)

5.71 The proposal for the physical treatment of waste oil to produce biodiesel exemption has been developed from an Environment Agency low risk waste position. The risk assessment process determined that low risks are inherent when the storage and treatment of the biodiesel is undertaken at a suitable site using the mitigation measures provided within the exemption, for example waste oil is treated within a bund.

5.72 The proposed exemption allows for the physical treatment and storage of up to 5000 litres of waste edible oil and fat at any one time. It does not allow treatments that may be subject to IPPC or Waste Incineration Directive controls.

Aerobic composting and associated prior treatment (T23)

5.73 The proposal for the aerobic composting exemption is based on work done by the Composting Task Force (of Government and industry and other interest parties), which was set up in 2006 specifically to look at this exemption. The proposal further reflects concerns about the operation of large-scale commercial composting under the current exemption (paragraph 12) and the need for greater assessment and inspection by the regulator.

5.74 The Composting Task Force worked to develop an exemption for small scale composting that could be carried out at any site without the need for a risk assessment or a high specification of infrastructure. The Task Force felt that the quantity limits and waste types proposed were at the level that above which a risk assessment would need to be submitted to the Environment Agency for assessment before registration of the exemption.

5.75 The proposed exemption sets two limits as it is considered that there is a higher risk posed by activities involving the importation and/or exportation of waste compared with those dealing with waste generated on site. This is because of concerns with the potential levels of contamination of non-suitable material for composting present within the waste inputs and the subsequent quality and suitability for use of the resulting compost.

5.76 The proposed exemption has been split into two quantity limits;

i. 40 tonnes on site at any one time for organisations composting their own waste on site for use on that site; or

ii. 25 tonnes on site at any one time for organisations importing the waste and/or exporting the resulting compost.

This move will mean that community composting groups will more comfortably fit within the rules of the exemption in the latter category.

Anaerobic digestion and burning of resultant biogas (T24)

5.77 The proposal for a separate anaerobic digestion exemption is in response to calls to encourage anaerobic digestion. It has been developed using the risk assessment process and was informed by expert advice from Professor
Charles Banks (University of Southampton) and following consultation with National Farming Union, and the Country Land and Business Association.

5.78 The proposed limits were developed as it was recognised that although anaerobic digestion is not considered a low risk activity, the anaerobic digestion of suitable materials and particularly manure and slurry affords considerable benefit on farms compared spreading directly onto land. The resulting digestate is a more stable product that can be used as soil improver. Anaerobic digestion also produces a biogas which can be utilised to generate electricity or heat.

5.79 Two limits have been set based on the location of the activity and waste inputs. The Government wants to encourage the use of anaerobic digestion of on farm waste for the reasons outlined above. Discussion with those with farming interests have indicated that farms would produce approximately 10-20 tonnes a week, which is roughly equivalent to 1000 tonnes at any time.

5.80 Where the activity is to be undertaken at any other site, taking in a range of waste streams produced from a variety of sources the proposed limits are reduced to ensure that the risk to the environment is acceptable. The inconsistency of waste streams makes the process more difficult to manage and therefore warrants the increased technical competence and scrutiny a permit brings.

5.81 The proposed exemption has been split into two limits

   i) the anaerobic digestion on a farm of 1000 tonnes at any time of manure, slurry and green waste with gas engines having a net rated thermal input of less than 1.5MW
   ii) the anaerobic digestion of no more than 50 tonnes at any time of manure, catering and green waste at a location that is not a farm.

Treatment of kitchen waste in a wormery (T25)

5.82 The proposed treatment of kitchen waste in a wormery exemption has been developed, as it is recognised that more businesses are undertaking this form of treatment at office locations. The proposed exemption is limited to waste that arises from a kitchen and must result in a stable sanitised vermi-compost that can be added to land for the benefit of agriculture or to improve the soil structure or nutrients in land.

5.83 The proposed exemption is limited to maximum of 6 tonnes over any 12 month period.

Treatment of sheep dip (T26)

5.84 The treatment of sheep dip by an organophosphate degrading enzyme prior to disposal is recognised as affording an environmental improvement compared with disposing of untreated waste directly to land. It should be noted that the resulting treated waste will need to be disposed of in accordance with a groundwater authorisation.
5.85 The proposed treatment of sheep dip exemption allows for a maximum of 8000 litres to be treated in any 24 hour period at the place of production.

**Testing of Sewage Treatment Equipment**

5.86 The proposal for the testing by the manufacturer, of sewage treatment equipment (aerated membrane bioreactor) to be deployed with the Army to remote locations, using raw sewage from Royal Navy ships is being considered from an existing Environment Agency low risk waste position.

5.87 The proposal is limited to approximately 20 tonnes of activated sludge to be used and a treatment of approximately 9 tonnes per day of raw sewage under EWC code **200399** for a two week period.

5.88 There is no current exemption for this operation in the draft regulations but it is proposed an exemption for this operation is provided.

**Treatment of metal waste at Civic Amenity sites**

5.89 An Environment Agency low risk waste position currently allows treatment at civic amenity sites to remove non metal parts from metal domestic waste, e.g. removal of plastic handles from metal saucepans.

5.90 The current low risk waste position has a limit of 1000 tonnes at any one time.

5.91 There is no current exemption for this operation in the draft regulations and but it is proposed that an exemption for this operation is provided at the limit suggested in the paragraph above.

**Filtering of heating oil**

5.92 A current Environment Agency low risk waste position permits the filtering of heating oil, produced during the repair / replacement of heating oil tanks, using a simple cartridge type filter to remove solids e.g. rust.

5.93 This waste operation is limited to a total volume of 400 litres of heating oil per week, due to the approximate production of 40 litres of oil per tank.

5.94 There is no current exemption for this operation in the draft regulations but it is proposed that an exemption for this operation is provided at the limit suggested in the paragraph above.

**Separation of rims from tyres**

5.95 Two Environment Agency low risk waste positions relate to the separation of tyres from their rims. One is for use by Local Authorities or their agents, pending recovery principally for flytipped tyres with a maximum of 1000 tyres allowed to be stored at any one time.

5.96 The second low risk waste position allows for the same activity for small scale collection of tyres suitable for recovery or re-use from scrap yards and ELV sites. The separation of a maximum of 50 tyres a month from their rims is allowed, pending recovery or re-use.
There is currently a storage limit of 30 tonnes of tyres proposed in exemption S2 and a 300 tonnes per year treatment limit in T8. There is no current exemption proposed for the separation of rims from tyres in the draft regulations but it is proposed that an exemption for this operation is provided with a 300 tonne per year treatment limit in line with the other tyre treatment exemptions.

Chapter 3 – Disposal of waste

This chapter provides for exemptions for the disposal of waste. These exemptions are limited to the disposal of non-hazardous wastes at the place where they are produced.

Deposit of waterway dredgings (D1)

The proposal for the deposit of waterway dredgings has been developed from the existing paragraph 25 exemption following discussions with British Waterways. The proposed exemption limits the deposit of dredgings from a waterway to no more than 20 tonnes every 12 months for each metre of land along the banks of the same waterway.

The proposed exemption simplifies the current exemption by removing the requirement for the deposited material to result in agricultural benefit or ecological improvement. It is also proposed that the treatment of dredgings by screening or dewatering is not provided for by this exemption. Screening of up to 500 tonnes of non-hazardous dredgings to produce an aggregate is provided for under the proposed screening and blending of waste exemption (T6).

Disposal by incineration (D6)

The proposal for the disposal by incineration exemption has been developed to take into account the requirements of the Waste Incineration Directive (WID). Therefore the exemption will permit the disposal by incineration of waste as specified in Article 2(2)(a)(i) to (viii) of WID (excluding radioactive waste), where the incineration is undertaken by the producer of the waste in an incinerator with a capacity of less than 50kg per hour.

Peatworking and Prospecting

Under the current Environmental Permitting (England and Wales) Regulations 2007 there are two exemptions, paragraphs 33 and 35, relating to the deposit of peatworking waste and waste from prospecting. These waste operations have subsequently been reassessed and it is deemed that these operations will fall under the Mining Waste Directive (MWD) which is due to be transposed under the Environmental Permitting Programme. The MWD takes precedence over the WFD in relation to wastes resulting from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries and it is not possible to provide exemptions for activities falling within the MWD. However, comments are invited on whether respondents consider peatworking falls within the remit of the MWD in all circumstances.
Chapter 4 – Storage of waste pending its recovery

5.103 Chapter 4 sets out exempt waste operations solely relating to the storage of waste prior to its recovery elsewhere. Recovery must therefore constitute recovery within the meaning of the Waste Framework Directive. Because storage is the only activity, the Chapter lists in tabular forms the waste types that may be stored. The exemption is divided into ‘storage of waste in secure containers’, ‘storage of waste in a secure place’ and a separate exemption for the storage of sludge.

5.104 The proposals developed for the storage of waste in secure containers and storage of waste in a secure place exemptions have incorporated the waste types that are currently specified in the equivalent current exemptions and have added some further waste types destined for recovery. For example, WEEE storage.

5.105 The majority of the quantity limits have also remained unchanged although some additional infrastructure requirements have been added for the storage of some wastes where the risk assessment identified greater measures are required to ensure the storage is low risk.

5.106 For example, the proposed exemption includes provision for the storage of up to 5 cubic metres of waste solvent storage stored within a container, on a site with sealed drainage and any container used must be within a bund.

5.107 The proposed exemption also provides specifically for waste material to be stored at a dockside for short periods of time either prior to export of following import.

Storage of sludge (S3)

5.108 The proposed storage of sludge exemption provides for the storage of sludge from sewage plants treating domestic or urban waste waters and from other sewage plants. The proposed exemption specifies the storage requirements of up to 1250 tonnes of sludge prior to its use in accordance with the Sludge (Use in Agriculture) Regulations 1989.

Schedule 3A

5.109 Schedule 3A contains the non-Waste Framework Directive exemptions to which section 33 (1)(a) of the 1990 Act does not apply. The explanation for the rationale behind the provision of these exemptions is set out in section 3.3.

5.110 Non-WFD exemptions do not need to be registered with the competent authority. The only requirement is that the rules of the non-WFD exemptions are complied with as well as the need not to cause harm or pollution.

5.111 Part I provides interpretation of terms used in Schedule 3A Part 2 for non-registerable exemptions under the headings ‘Temporary storage at the place of production’, ‘temporary storage of waste on a site controlled by the producer’, and ‘temporary storage at a collection point’.
5.112 In a change from the current non-WFD exemption for the temporary storage at the place of production, there is not a storage limit on the temporary storage of hazardous waste. Comments are invited on whether the absence of a storage limit may mean that there is greater scope for the Article 4 environment and human health requirements not be met. Were harm to the environment or human health to be caused by this activity though, the Environment Agency would still have the power to prosecute operators.

Failed proposals
5.113 There is no proposal to provide an exemption for making safe liquid petroleum gas canisters or similar. This is an existing Environment Agency low risk position, however concerns have been raised regarding the manner to which the gas canisters would be made safe and whether that is an appropriate treatment activity. It is felt that the higher level of scrutiny provided by a permit would be more appropriate in this case.

5.114 There is no proposal to provide an exemption for the burning of tomato haulm containing plastic string/twine. This is an existing Environment Agency low risk waste position, however it is felt that the open burning of the plastic string which is entwined in the tomato haulm would not meet the environmental and human health protection objectives of Article 4 of the Waste Framework Directive. The tomato haulm itself will still be able to be burned under the Burning waste in the open exemption if it does not contain plastic string.

5.115 There is no proposal to provide an exemption for the spreading of ash from the incineration of pig and poultry carcases. A precautionary approach was taken not to propose an exemption as the risk assessment process highlighted concerns about the potential contaminants present, such as heavy metals and in particular dioxin levels and the effect that they may have on the environment when spread. We believe the application of this material should be associated with the requirement to provide a risk assessment and to demonstrate benefit to agriculture or ecological improvement. The provision of the level and type of this information, and the need for that information to be assessed prior to use does is considered better regulated via an environmental permit.
5.116 Proposed Changes to current exemptions

Table 2 Proposed Changes to current Exemptions

<table>
<thead>
<tr>
<th>Existing exemption</th>
<th>Current paragraph number(^{18})</th>
<th>Current Limit</th>
<th>Proposed new limit</th>
<th>Exemption Registration Authority</th>
<th>New Paragraph number(^{19})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scrap Metal Furnaces</td>
<td>2</td>
<td>Included in Part B permit</td>
<td>Local Authority</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Burning as Fuel</td>
<td>3</td>
<td>25 tonnes at any one time.</td>
<td>Included in Part B permit</td>
<td>Local Authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Packaging or containers</td>
<td>4</td>
<td>1,000 tonnes in 7 days.</td>
<td>Environment Agency</td>
<td>T1</td>
<td></td>
</tr>
<tr>
<td>Burning waste as fuel in small appliances</td>
<td>5</td>
<td>0.4 megawatts.</td>
<td>Environment Agency</td>
<td>U5</td>
<td></td>
</tr>
<tr>
<td>Treatment with sludge of non agricultural land</td>
<td>6</td>
<td>250 tonnes per hectare per year.</td>
<td>Environmental Permit Required.</td>
<td>Environment Agency</td>
<td>N/A</td>
</tr>
<tr>
<td>Waste for the Benefit of Land</td>
<td>7</td>
<td>1,500 tonnes per hectare – sugar beet soil. 5,000 tonnes per hectare – dredging spoil. 250 tonnes per hectare for all other wastes.</td>
<td>Only minor spreading (e.g. green waste compost) allowed under exemption.</td>
<td>Environment Agency</td>
<td>U11 and U12</td>
</tr>
<tr>
<td>Secure Storage of Sludge</td>
<td>8</td>
<td>1,250 tonnes at any one time.</td>
<td>Environment Agency</td>
<td>S3</td>
<td></td>
</tr>
<tr>
<td>Reclamation or Improvement of Land</td>
<td>9</td>
<td>20,000 tonnes per hectare.</td>
<td>Environment Agency</td>
<td>U1 and U12</td>
<td></td>
</tr>
<tr>
<td>Recovery Operations at water and Sewage Treatment Works</td>
<td>10</td>
<td>10,000 cubic metres per annum for water treatment works.</td>
<td>Environment Agency</td>
<td>T20 and T21</td>
<td></td>
</tr>
</tbody>
</table>

\(^{18}\) Of Schedule 3 to the Environmental Permitting (England and Wales) Regulations 2007.

\(^{19}\) Of proposed new schedules 3 and 3A to the EPR 2007, as set out in Schedule 2 to the attached draft Environmental Permitting (England and Wales) Regulations 2009.
<table>
<thead>
<tr>
<th>Existing exemption</th>
<th>Current paragraph number</th>
<th>Current Limit</th>
<th>Proposed new limit</th>
<th>Exemption Registration Authority</th>
<th>New Paragraph number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>100,000 cubic metres per annum for sewage treatment works.</td>
<td>100,000 cubic metres per annum for sewage treatment works.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Composting Biodegradable Waste</td>
<td>12</td>
<td>1,000 cubic metres.</td>
<td>40 tonnes at any one time if produced on site of waste production for use on that site. 25 tonnes with no import/export restriction. (This is not currently allowed).</td>
<td>Environment Agency</td>
<td>T23</td>
</tr>
<tr>
<td>Construction and Soil Materials</td>
<td>13</td>
<td>Manufacture: 500 tonnes per day. Treatment: 100 tonnes per day.</td>
<td>500 tonnes per site per year.</td>
<td>Environment Agency</td>
<td>T5 / T6</td>
</tr>
<tr>
<td>Existing exemption</td>
<td>Current paragraph number</td>
<td>Current Limit</td>
<td>Proposed new limit</td>
<td>Exemption Registration Authority</td>
<td>New Paragraph number</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
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</tr>
<tr>
<td>The Manufacture of Finished Goods from Waste</td>
<td>14</td>
<td>15,000 tonnes storage – use unlimited.</td>
<td>Exemption for specific activities and waste types</td>
<td>Environment Agency</td>
<td>U10</td>
</tr>
<tr>
<td>Use of Waste</td>
<td>15</td>
<td>Unlimited.</td>
<td>100 cubic metres or 500 tonnes, depending on waste type.</td>
<td>Environment Agency</td>
<td>U9</td>
</tr>
<tr>
<td>Biobeds</td>
<td>16</td>
<td>15,000 litres per year.</td>
<td>15,000 litres per year.</td>
<td>Environment Agency</td>
<td>T31</td>
</tr>
<tr>
<td>Existing exemption</td>
<td>Current paragraph number</td>
<td>Current Limit</td>
<td>Proposed new limit</td>
<td>Exemption Registration Authority</td>
<td>New Paragraph number</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>--------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
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<td>----------------------</td>
</tr>
<tr>
<td>Storage of Waste in a Secure Container</td>
<td>18</td>
<td>400 cubic metres at any one time for all except hypodermic syringes and sharps (2 cubic metres) and oils (3 cubic metres).</td>
<td>400 cubic metres at any one time for all except oils (3 cubic metres).</td>
<td>Environment Agency</td>
<td>S1</td>
</tr>
<tr>
<td>Storage and Use of Building Waste</td>
<td>19</td>
<td>Unlimited.</td>
<td>500 tonnes per site per three year registration period.</td>
<td>Environment Agency</td>
<td>U1 / U3 / U4</td>
</tr>
<tr>
<td>Recovery of Textiles</td>
<td>20</td>
<td>Unlimited.</td>
<td>20,000 tonnes storage at any time.</td>
<td>Environment Agency</td>
<td>T2</td>
</tr>
<tr>
<td>Preparatory treatment of waste plant matter</td>
<td>21</td>
<td>1,000 tonnes per week.</td>
<td>500 tonnes per week.</td>
<td>Environment Agency</td>
<td>T6</td>
</tr>
<tr>
<td>Recovery of Silver</td>
<td>22</td>
<td>5,000 litres</td>
<td>1,000 litres</td>
<td>Environment Agency</td>
<td>T29</td>
</tr>
<tr>
<td>Animal by-Products</td>
<td>23</td>
<td>10 tonnes at any time.</td>
<td>10 tonnes at any one time.</td>
<td>Animal Health</td>
<td>T22</td>
</tr>
<tr>
<td>Crushing, Grinding or Size Reduction of Bricks, Tiles and Concrete</td>
<td>24</td>
<td>20,000 tonnes at any time.</td>
<td>Included in Part B permit. Also exemption for cases of triviality – up to 20 tonnes per hour</td>
<td>Local Authority</td>
<td>T7</td>
</tr>
<tr>
<td>Waterway dredging</td>
<td>25</td>
<td>50 tonnes per metre.</td>
<td>20 tonnes per metre.</td>
<td>Environment Agency</td>
<td>D1</td>
</tr>
<tr>
<td>Recovery or Disposal as part of the Production Process</td>
<td>26</td>
<td>Unlimited.</td>
<td>Exemption no longer needed.</td>
<td>Environment Agency</td>
<td>N/A</td>
</tr>
<tr>
<td>Baling, Compacting or Pulverising</td>
<td>27</td>
<td>Unlimited.</td>
<td>Exemption no longer needed.</td>
<td>Environment Agency</td>
<td>N/A</td>
</tr>
<tr>
<td>Spreading Ash</td>
<td>28</td>
<td>150kg per</td>
<td></td>
<td>Environmental Agency</td>
<td>N/A</td>
</tr>
<tr>
<td>Existing exemption</td>
<td>Current paragraph number&lt;sup&gt;18&lt;/sup&gt;</td>
<td>Current Limit</td>
<td>Proposed new limit</td>
<td>Exemption Registration Authority</td>
<td>New Paragraph number&lt;sup&gt;19&lt;/sup&gt;</td>
</tr>
<tr>
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<td>-----------------------------------</td>
</tr>
<tr>
<td>Disposal by Incineration at the Place of Production</td>
<td>29</td>
<td>hectare.</td>
<td>Permit Required.</td>
<td>Environment Agency</td>
<td>D6</td>
</tr>
<tr>
<td>Burning Waste in the Open</td>
<td>30</td>
<td>50kg per hour.</td>
<td>50kg per hour.</td>
<td>Environment Agency</td>
<td>D7</td>
</tr>
<tr>
<td>Waste from Railway Sanitary Conveniences or Sinks</td>
<td>31</td>
<td>10 tonnes in 24 hours.</td>
<td>10 tonnes in 24 hours.</td>
<td>Environment Agency</td>
<td>D2</td>
</tr>
<tr>
<td>Waste from Sanitary Conveniences with Removable Receptacles</td>
<td>32</td>
<td>25 litres per discharge.</td>
<td>25 litres per discharge.</td>
<td>Environment Agency</td>
<td>D3</td>
</tr>
<tr>
<td>Peatworking</td>
<td>33</td>
<td>Unlimited.</td>
<td>To be covered by Mining Waste Directive</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Railway Ballast</td>
<td>34</td>
<td>10 tonnes per metre of track from which the ballast derives.</td>
<td>Non Waste Framework Directive Exemption</td>
<td>N/A</td>
<td>Schedule 3A, para 2</td>
</tr>
<tr>
<td>Waste from Prospecting</td>
<td>35</td>
<td>45,000 cubic metres per hectare in 24 months.</td>
<td>To be covered by Mining Waste Directive</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Spreading Farm Ditch Dredgings</td>
<td>36</td>
<td>150 tonnes per hectare in any 12 months.</td>
<td>150 tonnes per hectare in any 12 months.</td>
<td>Environment Agency</td>
<td>U12</td>
</tr>
<tr>
<td>Deposit of Agricultural Waste consisting of Plant Tissue at the Place of Production</td>
<td>37</td>
<td>250 tonnes per deposit.</td>
<td>250 tonnes per deposit.</td>
<td>Environment Agency</td>
<td>D4</td>
</tr>
<tr>
<td>Samples of Waste</td>
<td>38</td>
<td>10 tonnes per sample.</td>
<td>10 tonnes per sample.</td>
<td>Environment Agency</td>
<td>D5</td>
</tr>
<tr>
<td>Storage of Medicines, and Medical, Nursing or Veterinary Waste</td>
<td>39</td>
<td>5m³ at any one time.</td>
<td>5m³ at any one time under a Non Waste Framework Directive Exemption</td>
<td>N/A</td>
<td>Schedule 3A, para 3</td>
</tr>
<tr>
<td>Repair or Refurbishment of WEEE with a view to Reuse</td>
<td>40</td>
<td>20 tonnes per day.</td>
<td>1,000 tonnes per annum.</td>
<td>Environment Agency</td>
<td>T11</td>
</tr>
<tr>
<td>Secure Storage at</td>
<td>41</td>
<td>370 cubic metres</td>
<td>370 cubic metres</td>
<td>Environment</td>
<td>S2</td>
</tr>
<tr>
<td>Existing exemption</td>
<td>Current paragraph number</td>
<td>Current Limit</td>
<td>Proposed new limit</td>
<td>Exemption Registration Authority</td>
<td>New Paragraph number</td>
</tr>
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</tr>
<tr>
<td>any place of WEEE prior to Recovery</td>
<td></td>
<td>at any one time.</td>
<td>at any one time.</td>
<td>Agency</td>
<td></td>
</tr>
<tr>
<td>Crushing of Waste Gas Discharge Lamps prior to Recovery or Reuse</td>
<td>42</td>
<td>3 tonnes per 24 hours</td>
<td>3 tonnes per 24 hours</td>
<td>Environment Agency</td>
<td>T17</td>
</tr>
<tr>
<td>Glass Manufacture and Production</td>
<td>43</td>
<td>600,000 tonnes in 12 months</td>
<td>Included in Part B permit.</td>
<td>Local Authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Heating of Metals and Metal Alloys for the Purpose of Removing Grease, Oil or any other Non Metallic component</td>
<td>44</td>
<td>0.2 megawatts.</td>
<td>Exemption</td>
<td>Local Authority (Change of regulator)</td>
<td>T3</td>
</tr>
<tr>
<td>Recovery of Scrap Metal or the Dismantling of Waste Motor Vehicles</td>
<td>45</td>
<td>9,000 tonnes treated in 7 days. 53,000 tonnes stored at any one time.</td>
<td>15,000 tonnes. 500 tonnes of swarf, 50 tonnes of cable.</td>
<td>Environment Agency</td>
<td>T9</td>
</tr>
<tr>
<td>Burning of Waste at Docks</td>
<td>46</td>
<td>15 tonnes in 24 hours</td>
<td>10 tonnes in 24 hours</td>
<td>Environment Agency</td>
<td>D7</td>
</tr>
<tr>
<td>Treatment of land by the Spreading of Agricultural Waste (milk)</td>
<td>47</td>
<td>50 cubic metres per hectare per month.</td>
<td>50 cubic metres per hectare per month.</td>
<td>Environment Agency</td>
<td>U11</td>
</tr>
<tr>
<td>Pet Burial</td>
<td>48</td>
<td>Unlimited</td>
<td>Non Waste Framework Directive Exemption</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Temporary storage of ships' garbage or tank washings</td>
<td>49</td>
<td>20 cubic metres per ship at any one time.</td>
<td>Non Waste Framework Directive Exemption</td>
<td>N/A</td>
<td>Schedule 3A, para 2</td>
</tr>
<tr>
<td>Storing non-liquid waste pending management elsewhere</td>
<td>50</td>
<td>50 cubic metres in total for up to 3 months. No WEEE, hazardous or liquid waste.</td>
<td>50 cubic metres of non-liquid waste for 3 months. 1 cubic metre of liquid waste for 3 months. No asbestos or low flash point substances) Under a Non Waste Framework Directive</td>
<td>N/A</td>
<td>Schedule 3A, para 2</td>
</tr>
<tr>
<td>Existing exemption</td>
<td>Current paragraph number(^{18})</td>
<td>Current Limit</td>
<td>Proposed new limit</td>
<td>Exemption Registration Authority</td>
<td>New Paragraph number(^{19})</td>
</tr>
<tr>
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</tr>
<tr>
<td>Temporary storage of scrap rails</td>
<td>51</td>
<td>10 tonnes at any time.</td>
<td>Non Waste Framework Directive Exemption</td>
<td>N/A</td>
<td>Schedule 3A, para 2</td>
</tr>
<tr>
<td>Temporary storage of waste on the site where it is produced</td>
<td>52</td>
<td>23,000 litres for hazardous liquid waste. Unlimited otherwise.</td>
<td>Unlimited for all wastes. Non Waste Framework Directive Exemption</td>
<td>N/A</td>
<td>Schedule 3A, para 1</td>
</tr>
</tbody>
</table>
6 Outcome of proposals for suggested new exemptions

Table 3 – Details of outcome of proposals for suggested new exemptions received in response to the informal consultation

<table>
<thead>
<tr>
<th>Proposal Name</th>
<th>Organisation</th>
<th>Proposal for consultation</th>
<th>Location in Schedule 3 (if relevant)</th>
<th>Reason if not proposed as an exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sorting and baling of dry non-hazardous waste pending removal for recovery or disposal</td>
<td>Unipart</td>
<td>Non WFD Exemption (if at place of production), otherwise normal exemption</td>
<td>Schedule 3A, paragraph 1</td>
<td></td>
</tr>
<tr>
<td>The receipt and storage of waste automotive batteries, by their manufacturer, distributor or retailer pending removal for recycling or recovery.</td>
<td>Unipart</td>
<td>Non WFD Exemption</td>
<td>Schedule 3A, paragraph 3</td>
<td></td>
</tr>
<tr>
<td>Recovery at any location, including recovery in or on land plus the associated storage of pulverised fuel ash</td>
<td>Alcan</td>
<td>Permit</td>
<td></td>
<td>In moving into a scheme of purely simple exemptions with less regulatory control, it is proposed that the waste types that can be spread to land under an exemption are limited.</td>
</tr>
<tr>
<td>Mechanical and biological treatment plant and in-vessel composting</td>
<td>Courts &amp; Co</td>
<td>Permit</td>
<td></td>
<td>This activity was not deemed low risk enough to benefit from an exemption</td>
</tr>
<tr>
<td>Bulkling up and storage of C&amp;D waste not at a waste transfer station pending recovery elsewhere</td>
<td>Courts &amp; Co</td>
<td>Non WFD exemption</td>
<td>Schedule 3A, paragraph 2</td>
<td></td>
</tr>
<tr>
<td>Increase in limit of para 41 to 40 000 tonnes</td>
<td>The Society of Motor Manufacturers &amp; Traders Ltd</td>
<td>Non WFD Exemption</td>
<td>Schedule 3A, paragraph 1</td>
<td></td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
</tr>
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</tr>
<tr>
<td>Use of tyre chip and crumb in construction not at the place of production</td>
<td>The Environment Council</td>
<td>Permit</td>
<td></td>
<td>In moving to a scheme of purely simple exemptions with less regulatory control than notifiable exemptions, it is proposed that the types of waste used for construction is generally limited to inert wastes.</td>
</tr>
<tr>
<td>Use of tyre chip and crumb in manufacturing not at the place of production</td>
<td>The Environment Council</td>
<td>Exemption</td>
<td>U10</td>
<td></td>
</tr>
<tr>
<td>Storage of tyre chip and crumb prior to recovery</td>
<td>The Environment Council</td>
<td>Exemption</td>
<td>Associated storage included in the exemptions covering the treatment of end of life tyres and shredded or granulated tyres. Also in S2</td>
<td></td>
</tr>
<tr>
<td>Laying loose tyre chip or crumb - to remain loose - to improve soil drainage and for construction of artificial sports surfaces or equestrian surfaces</td>
<td>The Environment Council</td>
<td>Permit</td>
<td></td>
<td>It is felt that use for improvement of soil drainage could lead to abuse</td>
</tr>
<tr>
<td>The use of waste tyre bales in engineered construction works</td>
<td>The Environment Council</td>
<td>Exemption</td>
<td>U2</td>
<td></td>
</tr>
<tr>
<td>Use of whole tyres in construction</td>
<td>The Environment Council</td>
<td>Permit</td>
<td></td>
<td>Only allowed if baled</td>
</tr>
<tr>
<td>Use of whole tyres in construction as barriers</td>
<td>The Environment Council</td>
<td>Exemption</td>
<td>U2 if baled</td>
<td></td>
</tr>
<tr>
<td>Re-treading of tyres</td>
<td>The Environment Council</td>
<td>Exemption</td>
<td>T8</td>
<td></td>
</tr>
<tr>
<td>Storage of post process tyres prior to recovery</td>
<td>The Environment Council</td>
<td>Exemption</td>
<td>S2</td>
<td></td>
</tr>
<tr>
<td>Amendment to Para 14 to include whole tyres</td>
<td>The Environment Council</td>
<td>Permit</td>
<td></td>
<td>This has been kept to just rubber and not whole tyres.</td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Amendment to Para 19 to include tyres (whole, baled, chipped, granulated and powdered)</td>
<td>The Environment Council</td>
<td>Comment</td>
<td>The use of tyres in construction works has been given its own separate exemption within the draft regulations</td>
<td></td>
</tr>
<tr>
<td>Amendment to Para 17 to include 1,000 whole tyres; 3,000 tyre bales and 1,500 tonnes of chip, granulate or powdered tyre.</td>
<td>The Environment Council</td>
<td>Exemption</td>
<td>S2</td>
<td>30 tonnes of tyres, tyre chip and crumb may be stored at any one time</td>
</tr>
<tr>
<td>Use of small-scale on-farm anaerobic digesters</td>
<td>Composting Association</td>
<td>Exemption</td>
<td>T24</td>
<td></td>
</tr>
<tr>
<td>Landspreading Desulfogypsum</td>
<td>EDF Energy</td>
<td>Permit</td>
<td></td>
<td>In moving into a scheme of purely simple exemptions with less regulatory control, it is proposed that the waste types that can be spread to land under an exemption are limited to those which can be spread without a site specific assessment.</td>
</tr>
<tr>
<td>Retain pulverised fuel ash in Paragraph 9A</td>
<td>EDF Energy</td>
<td>Permit</td>
<td></td>
<td>It is proposed that the reclamation of land is to be covered by the use of waste in construction work exemption or the spreading waste on land to improve soil structure or add nutrients or biomass. Those exemptions have been provided only for wastes where it is felt that a site specific risk assessment is not necessary, in line with the move to purely simple exemptions.</td>
</tr>
<tr>
<td>Retain pulverised fuel ash and gypsum in Paragraph 19A</td>
<td>EDF Energy</td>
<td>N/A</td>
<td></td>
<td>It is proposed to remove the 'relevant works' condition.</td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
</tr>
<tr>
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</tr>
<tr>
<td>Add to Para 10 the use of ash and ash-based mixtures for the solidification and thickening of the wastes listed in table 3A</td>
<td>EDF Energy</td>
<td>Permit</td>
<td></td>
<td>It is considered that an assessment will be required on a case by case basis.</td>
</tr>
<tr>
<td>Add to the list of wastes in Para 13(1) to include plaster, cement, concrete and precast concrete products</td>
<td>EDF Energy</td>
<td>Permit</td>
<td></td>
<td>Paragraph 13 (EPR) has been one of the most abused of the current scheme of exemptions. Activities currently covered by this exemption have also resulted in noise and dust issues. As a result, this exemption has been split up into component parts and significantly tightened.</td>
</tr>
<tr>
<td>Add pulverised fuel ash, furnace bottom ash, cenospheres and FGD Gypsum to Paragraph 14</td>
<td>EDF Energy</td>
<td>Exemption</td>
<td>U10</td>
<td></td>
</tr>
<tr>
<td>Add PFA Grouts to Paras 13(1) and 19A</td>
<td>EDF Energy</td>
<td>Permit</td>
<td></td>
<td>It is considered that an assessment of the ash and the environmental setting and nature of the grouting works will be required on a case by case basis.</td>
</tr>
<tr>
<td>The use of plant tissue matter to form soil improvers and for hibernacula construction pursuant to the restoration of sites for ecological betterment. On occasion we would also wish to spread compost as a soil improver.</td>
<td>Rural Arisings</td>
<td>Comment</td>
<td></td>
<td>Please see the proposed changes to the landspreading exemptions (U11 and U12)</td>
</tr>
<tr>
<td>The use of soils and rubble and such similar wastes permitted under the current 9A for use in the construction of a wide range of environmental betterment projects.</td>
<td>Rural Arisings</td>
<td>Comment</td>
<td></td>
<td>Please see U1 and U12</td>
</tr>
<tr>
<td>Optimizing the recovery of soils and rubble and such similar wastes permitted under the current 13 for use in the construction of a wide range of</td>
<td>Rural Arisings</td>
<td>Comment</td>
<td></td>
<td>Paragraph 13 has been significantly changed. Please see T5</td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
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</tr>
<tr>
<td>environmental betterment projects.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amendment to Paras 14 &amp; 15 to shred (or bale) tyres to form permeable mediums and their deposition for engineering purposes such as landfill gas collection and conveyance medium or as lightweight fill in embankments. They could also be used for land drains and or reed bed filter growing mediums but this would need further consideration in terms of potential leaching pollution.</td>
<td>Rural Arisings</td>
<td>Exemption</td>
<td>U10</td>
<td></td>
</tr>
<tr>
<td>The use of soils and rubble and such similar wastes permitted under the current 19A for use in the construction of a wide range of environmental betterment projects.</td>
<td>Rural Arisings</td>
<td>Comment</td>
<td>See U1, U12 and T5</td>
<td></td>
</tr>
<tr>
<td>Spreading of rendering sludge.</td>
<td>UK Renders Association</td>
<td>Permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Para 7A The exemption needs to take account of the varying scale of operations both in terms of the level of notification/registration required and the level of fees charged. Dredged materials should be included in the list of appropriate wastes suitable for use under Part 1 of the exemption.</td>
<td>British Waterways</td>
<td>Permit</td>
<td></td>
<td>In moving into a scheme of purely simple exemptions with less regulatory control, it is proposed that the waste types that can be spread to land under an exemption are limited to those which can be spread without a site specific assessment.</td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
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</tr>
<tr>
<td>Para 9A The exemption needs to take account of the varying scale of operations both in terms of the level of notification/registration required and the level of fees charged. Dredged materials should be included in all parts of the exemption.</td>
<td>British Waterways</td>
<td>Permit</td>
<td>N/A</td>
<td>After risk assessment, it has been proposed that the specified use clause should remain for the use of dredgings only for dredging related drainage works. It is proposed that the use of waste in construction work exemption only be provided for wastes where it is felt that a site specific risk assessment is not necessary, in line with the move to purely simple exemptions.</td>
</tr>
<tr>
<td>Para 19A The exemption needs to take account of the varying scale of operations both in terms of the level of notification/registration required and the level of fees charged. The restriction related to use of dredgings (only for drainage related works) should be removed to bring the exemption in line with the more sustainable approach adopted in Scotland.</td>
<td>British Waterways</td>
<td>Exemption and Permit</td>
<td>U12 - only for dredgings from farm ditches</td>
<td></td>
</tr>
<tr>
<td>Para 21 Clarity is needed on whether cutting/chipping vegetation and the deposit of the material where it is cut/chipped falls under this exemption or is a low risk waste activity.</td>
<td>British Waterways</td>
<td>Exemption</td>
<td>T6 and U3</td>
<td></td>
</tr>
<tr>
<td>Para 25 This exemption should be amended to allow the containment of dredged material; this would enable the material to be better controlled to prevent it spreading and flowing until it has dried sufficiently for it to be re-graded.</td>
<td>British Waterways</td>
<td>N/A</td>
<td>The building out of soil of areas to hold dredgings is not deemed a waste activity</td>
<td></td>
</tr>
<tr>
<td>Para 30 The text needs to specifically refer to British Waterways [WFD compliant] and there needs to be flexibility in the location where material can be burnt. Due to nature designations, presence of services, proximity of</td>
<td>British Waterways</td>
<td>D7</td>
<td>The specific requirement on where/by whom it can be burnt has been removed. However, it is not possible to provide an exemption for</td>
<td></td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
</tr>
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</tr>
<tr>
<td>neighbours etc, it is not always possible to burn at the location that the material is produced [Not WFD compliant].</td>
<td></td>
<td></td>
<td>burning away from the site of production as the WFD only allows disposal exemptions to be provided for the place of production.</td>
<td>It is felt that it is inappropriate to provide a single exemption for the disposal or recovery of dredgings. There are currently a variety of exemptions that cover the use of dredgings, all with differing conditions. Inclusion within an exemption of a requirement to undertake an operation in accordance with a Code of Practice is not a favourable scenario as the Code of Practice is not a fixed document and is also not subject to the same level of public consultation and regulatory certainty as regulations are.</td>
</tr>
<tr>
<td>A simple exemption for the disposal or reuse of all inert, non-hazardous dredged material where works are undertaken in accordance with the Code of Practice/Guidance document drafted by the Wet Dredgings Group/AINA.</td>
<td>The Broads Authority</td>
<td>Comment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Please note that all exemptions currently related to British Waterways should be extended to cover all navigation authorities.</td>
<td>The Broads Authority</td>
<td>N/A</td>
<td>Whilst there were no objections to the principle behind this proposal, the particular references to British Waterways have all been removed in the proposed new exemptions</td>
<td></td>
</tr>
<tr>
<td>Support the proposals made by British Waterways</td>
<td>The Broads Authority</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
</tr>
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</tr>
<tr>
<td>Storage, recovery and reuse of excavated highway spoil mixed with sewage sludge incinerator ash to make the material fit for purpose as backfill, meeting Highway Agency requirements. To be reused at location or another location.</td>
<td>Yorkshire Water</td>
<td>Exemption</td>
<td>T5</td>
<td></td>
</tr>
<tr>
<td>Storage, re-use and recovery of inert construction and demolition waste at any location. i.e. (1) Waste excavated at one Waste Water Treatment Works (WWTW) re-used at another WWTW. (2) Waste excavated during main laying re-used as backfill at another main laying location.</td>
<td>Yorkshire Water</td>
<td>Exemption</td>
<td>U1</td>
<td></td>
</tr>
<tr>
<td>Para 7A to accommodate the application to land of wastes (principally effluent and wash down water) derived from secondary food processing or the cook chill sector (e.g. quiches, ready meals and sandwiches).</td>
<td>Food and Drink Federation</td>
<td>Permit</td>
<td></td>
<td>In moving into a scheme of purely simple exemptions with less regulatory control, it is proposed that the waste types that can be spread to land under an exemption are limited. As such, this proposal has not been included in the proposed exemption, with the exception of the spreading of waste milk produced on farms.</td>
</tr>
<tr>
<td>The secure storage of up to 50 cubic metres at any one time of non-hazardous excavation waste arising from the laying, maintenance, repair and renewal of infrastructure under the highway by public utility companies, local authorities and/or their contractors.</td>
<td>Environment Agency - Regulatory Position Statement</td>
<td>Non WFD exemption</td>
<td>Schedule 3A, paragraph 2</td>
<td></td>
</tr>
<tr>
<td>Use of waste as animal bedding at agricultural premises.</td>
<td>Environment Agency - Regulatory Position Statement</td>
<td>Exemption</td>
<td>U9</td>
<td></td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
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</tr>
<tr>
<td>Temporary Storage of waste, not at the site of production with sorting of that waste to allow segregation of materials that may be recovered or reused.</td>
<td>South West Water</td>
<td>Exemption</td>
<td>Schedule 3A, paragraph 2.</td>
<td></td>
</tr>
<tr>
<td>Bulking of waste from waste water treatment works not at the site of production prior to disposal.</td>
<td>South West Water</td>
<td>Non WFD exemption</td>
<td>Schedule 3A, paragraph 2.</td>
<td>This constitutes storage prior to disposal</td>
</tr>
<tr>
<td>Temporary storage of hazardous waste not at the site of production prior to recovery.</td>
<td>South West Water</td>
<td>Non WFD exemption</td>
<td>Schedule 3A of draft regulations</td>
<td></td>
</tr>
<tr>
<td>The use of inert waste to restore quarries.</td>
<td>Quarry Products Association</td>
<td>Permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The production of secondary and recycled aggregates from waste.</td>
<td>Quarry Products Association</td>
<td>Exemption and Permit</td>
<td>T5 and Part B permit for crushing</td>
<td></td>
</tr>
<tr>
<td>Para 15 include the reuse of third party waste asphalt planings in asphalt production, the use of returned loads, the reuse of third party ready-mix concrete waste with ready-mix plants, the use of dredgings as aggregate etc.</td>
<td>Quarry Products Association</td>
<td>N/A</td>
<td></td>
<td>The examples given were considered not to involve waste if the materials could be put back into the process without further treatment. However, the materials would be considered waste if further treatment is needed before returning to the process. Consultation responses are welcomed on whether the latter is the case.</td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
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</tr>
<tr>
<td>Para 13(2) &amp; 13(4) - There is a need to ensure that there is no restriction on the use of manufactured soils away from their place of manufacture. If government wish, as industry do, to maximise the recovery of materials then it must be possible to manufacture soils for sale off site as well as their use at the site of production. The site of production must include the site where crushing and screening of the listed wastes takes place. And increase storage limits.</td>
<td>Quarry Products Association</td>
<td>Permit</td>
<td></td>
<td>The proposed replacement for paragraph 13 allows the treatment of waste either at the place it is produced or at the place it is to be used. This is to limit the spread of any contamination that may be in the wastes being treated.</td>
</tr>
<tr>
<td>Para 17 - it would be appropriate to expand the scope of this exemption to cover a wider range of wastes destined for secondary and recycled aggregate production to further encourage their recovery.</td>
<td>Quarry Products Association</td>
<td>Exemption</td>
<td>S2</td>
<td></td>
</tr>
<tr>
<td>The Coal Authority's minewater treatment wastes are broadly similar iron hydroxide rich sludges which could be disposed at most inert or non-hazardous landfill locations.</td>
<td>Coal Authority</td>
<td>Permit</td>
<td></td>
<td>This is a landfill operation, which is not considered suitable for consideration under an exemption.</td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
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</tr>
<tr>
<td>Para 39 amendment This is no longer adequate to provide an appropriate exemption for pharmacies, in that it does not permit: Storage of sharps (a similar exemption exists for medical practitioners to accept sharps from their patients, but few are willing to accept the burden of handling such waste);</td>
<td>Pharmaceutical Services Negotiating Committee</td>
<td>Non WFD exemption</td>
<td>Schedule 3A, paragraph 3 for storage. T27 for denaturing</td>
<td></td>
</tr>
<tr>
<td>Processing of waste (for example, low risk denaturing of controlled drugs or ’deblistering’ prior to disposal through authorised waste disposal contractors); Storage of unwanted drugs dispensed by a pharmacy for an individual patient who is resident (permanently or temporarily) in a care home providing nursing care if returned from such a care home; Carrying unwanted drugs back to the pharmacy, if handed these by patients or their carers during delivery by the pharmacy staff of new drugs to the patient; Storage of drugs supplied to other healthcare professional and returned from that healthcare professional. In addition, some of the returned drugs do not strictly fall within the definition of medicine – although lay persons may class all the products as drugs.</td>
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</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
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<td></td>
</tr>
<tr>
<td>Landspreading - Various waste streams with Environment Agency low risk positions.</td>
<td>Environment Agency - Regulatory Position Statement</td>
<td>Permit</td>
<td></td>
<td>In moving into a scheme of purely simple exemptions with less regulatory control, it is proposed that the waste types that can be spread to land under an exemption are limited.</td>
</tr>
<tr>
<td>Landspreading - Animal By-products</td>
<td>Food and Farming Group</td>
<td>Permit</td>
<td></td>
<td>In moving into a scheme of purely simple exemptions with less regulatory control, the policy decision has been taken to limit the waste types that can be spread to land under an exemption</td>
</tr>
<tr>
<td>Use of tyres as a livestock shelter.</td>
<td>Mr Mike Outterside</td>
<td>Exemption</td>
<td>U2</td>
<td></td>
</tr>
<tr>
<td>Recovery at any location - use cooking oil</td>
<td>Longma</td>
<td>Exemption</td>
<td>T19</td>
<td></td>
</tr>
<tr>
<td>Recovery of Inert Waste at Mineral Workings</td>
<td>David L Walker</td>
<td>Permit</td>
<td></td>
<td>This is considered to be disposal and as a result needs to comply with the Landfill Directive. It is considered it would be too complicated to provide an exemption that meets all of the requirements of the Landfill Directive</td>
</tr>
<tr>
<td>Import and associated storage of biodegradable municipal waste and similar industrial &amp; commercial wastes for treatment in either in the urban wastewater treatment process or the sewage sludge treatment process.</td>
<td>Water UK</td>
<td>Comment</td>
<td></td>
<td>More information is needed to determine whether the operation is recovery or disposal. Some 20 03 codes have been included within the exemption</td>
</tr>
<tr>
<td>Import, and associated storage, of wastes, including hazardous wastes (oils, oil filters, pumps, oily rags, solvent degreasers), arising from the maintenance of the water distribution network and the wastewater collection network, prior to recovery.</td>
<td>Water UK</td>
<td>Non WFD exemption</td>
<td>Schedule 3A, paragraph 2</td>
<td></td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
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</tr>
<tr>
<td>Import, and associated storage, of wastes arising from the refurbishment, or installation, of the water distribution network and the wastewater collection network prior to recovery.</td>
<td>Water UK</td>
<td>Non WFD exemption</td>
<td>Schedule 3A, paragraph 3</td>
<td></td>
</tr>
<tr>
<td>Import, and associated storage, of residues from the treatment of water intended for public consumption, prior to treatment and / or discharge into the wastewater treatment works to aid in the treatment process.</td>
<td>Water UK</td>
<td>Exemption</td>
<td>T20</td>
<td>More information is needed to determine the potential risks involved with the activity</td>
</tr>
<tr>
<td>Import of centrate or pressate liquors produced from centrifugation or pressing of urban waste water sludges to a wastewater treatment works for treatment within the wastewater treatment process.</td>
<td>Water UK</td>
<td>Comment</td>
<td></td>
<td>More information is needed to determine the potential risks involved with the activity</td>
</tr>
<tr>
<td>Import, and associated storage, of residues from the treatment of water for potable supply, followed by utilisation within the brick making industry as a raw material in the production of bricks and other fired clay artefacts.</td>
<td>Water UK</td>
<td>Comment</td>
<td></td>
<td>More information is needed to determine the potential risks involved with the activity</td>
</tr>
<tr>
<td>Proposal Name</td>
<td>Organisation</td>
<td>Proposal for consultation</td>
<td>Location in Schedule 3 (if relevant)</td>
<td>Reason if not proposed as an exemption</td>
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</tr>
<tr>
<td>Import to a wastewater treatment works, and associated storage, of screenings and grit arising from the treatment of urban wastewater at another wastewater treatment works. Treatment of screenings by dewatering to reduce volume and hazardous nature. Treatment of WwTW grit by washing to reduce organic content to enable beneficial re-use. Import, and associated storage, of grit arising from the abstraction and treatment of water intended for public consumption to a wastewater treatment works. Treatment of WTW grit to enable beneficial re-use.</td>
<td>Water UK</td>
<td>Comment</td>
<td></td>
<td>More information is needed to determine the potential risks involved with the activity</td>
</tr>
<tr>
<td>Import, and associated storage, of residues from the treatment of water intended for public consumption, to another water treatment works prior to treatment with a view to recovery or disposal.</td>
<td>Water UK</td>
<td>Non WFD exemption</td>
<td>Schedule 3A, paragraph 2</td>
<td></td>
</tr>
<tr>
<td>Import and associated storage of printer toner cartridges, fluorescent light tubes, cathode ray tubes, sodium lamps, computer monitors and other associated waste electrical and electronic equipment destined for recovery.</td>
<td>Water UK</td>
<td>Exemption</td>
<td>S2</td>
<td></td>
</tr>
<tr>
<td>Proposal for a revised composting exemption</td>
<td>Composting Task Force</td>
<td>Exemption</td>
<td>T23</td>
<td></td>
</tr>
<tr>
<td>Existing Low Risk Position</td>
<td>LRW Ref</td>
<td>Comments</td>
<td>Proposed Limits</td>
<td>New Exemption</td>
</tr>
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<td>----------------------------</td>
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</tr>
<tr>
<td>Treatment of lab wastes using autoclaves</td>
<td>002</td>
<td>Cannot provide an exemption as it does not comply with WFD requirements (disposal of hazardous waste)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of 5000l and the treatment to bio diesel</td>
<td>003</td>
<td>Exempt</td>
<td>5000 litres 3 months</td>
<td>T19</td>
</tr>
<tr>
<td>Spreading of Coffee grounds</td>
<td>005</td>
<td>Exempt</td>
<td>50 tonnes 12 months</td>
<td>U12</td>
</tr>
<tr>
<td>Storage of batteries</td>
<td>006</td>
<td>Exempt</td>
<td>5 tonnes (automotive) 6 months</td>
<td>S2</td>
</tr>
<tr>
<td>Storage, treatment, refilling of toner cartridges</td>
<td>007</td>
<td>Exempt</td>
<td>500 units</td>
<td>T16</td>
</tr>
<tr>
<td>Storage and sorting of waste footwear</td>
<td>008</td>
<td>Exempt</td>
<td>100 tonnes 18 months storage</td>
<td>T12</td>
</tr>
<tr>
<td>Storage and cleaning of waste bricks</td>
<td>011</td>
<td>Exempt</td>
<td>500 tonnes 18 months storage</td>
<td>T12</td>
</tr>
<tr>
<td>Storage of 5000l of sewage effluent from portable toilets, by their supplier.</td>
<td>012 013</td>
<td>Cannot provide an exemption as does not comply with WFD requirements (Disposal not at the place of production)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of sewage sludge incinerator bottom ash in manufacture of concrete</td>
<td>014</td>
<td></td>
<td>500 tonnes at any one time and treated over 12 months</td>
<td>T5 / U10</td>
</tr>
<tr>
<td>Storage and spreading of poultry ash</td>
<td>019</td>
<td>Not considered suitable for a simple exemption</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of returned sharps</td>
<td>023 025 098</td>
<td>Temporary storage at a collection point</td>
<td>5 m3</td>
<td>Sch 3A 3</td>
</tr>
<tr>
<td>Denaturing of controlled drugs</td>
<td>023 025 098</td>
<td>Exempt</td>
<td>1m3, 6 months</td>
<td>T27</td>
</tr>
<tr>
<td>Storage, treatment of wooden pallets</td>
<td>028 052</td>
<td>Exempt</td>
<td>100 tonnes</td>
<td>T12</td>
</tr>
<tr>
<td>Existing Low Risk Position</td>
<td>LRW Ref</td>
<td>Comments</td>
<td>Proposed Limits</td>
<td>New Exemption</td>
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</tr>
<tr>
<td>Storage of LPG and similar cylinders</td>
<td>033</td>
<td>Not considered suitable for simple exemption</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage, baling of tyres Use of baled tyres in construction</td>
<td>034 035</td>
<td>Exempt</td>
<td>300 tonnes in 12 months 500 tonnes</td>
<td>T10 U2</td>
</tr>
<tr>
<td>Storage of waste samples subjected to testing/analysis</td>
<td>037</td>
<td>Exempt</td>
<td>10 tonnes 12 months</td>
<td>D5</td>
</tr>
<tr>
<td>Manual sorting of uncontaminated wastes</td>
<td>041</td>
<td>Exempt</td>
<td>10 tonnes in 7 days</td>
<td>T10</td>
</tr>
<tr>
<td>Storage and sorting of waste windows and doors</td>
<td>042</td>
<td>Exempt</td>
<td>100 tonnes</td>
<td>T12</td>
</tr>
<tr>
<td>Storage and sorting of waste coat hangers</td>
<td>043</td>
<td>Exempt</td>
<td>100 tonnes 6 months storage</td>
<td>T12</td>
</tr>
<tr>
<td>Storage and stripping of heavy and light duty waste cables</td>
<td>044</td>
<td>Exempt</td>
<td>50 tonnes</td>
<td>T9</td>
</tr>
<tr>
<td>Storage and treatment of stones/timber</td>
<td>046</td>
<td>Exempt</td>
<td>500 tonnes at any one time and treated over 12 months</td>
<td>T12</td>
</tr>
<tr>
<td>Storage and sale of wood chip/bark Use in public open spaces/domestic gardens</td>
<td>059</td>
<td>Storage under S2 Use under U3</td>
<td>100 tonnes 12 months 500 tonnes</td>
<td>S2 U3</td>
</tr>
<tr>
<td>Crushing empty waste aerosol cans</td>
<td>061 102</td>
<td>Exempt</td>
<td>1500 cans in 12 months</td>
<td>T15</td>
</tr>
<tr>
<td>Use of shredded tyres in underground engineering</td>
<td>062 084</td>
<td>Position now ceased</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of sealed lead acid batteries (non-automotive)</td>
<td>063</td>
<td>Exempt</td>
<td>10 tonnes 6 months</td>
<td>S2</td>
</tr>
<tr>
<td>Blending water cake sludge</td>
<td>064</td>
<td>Exempt</td>
<td>500 tonnes 12 months</td>
<td>T5</td>
</tr>
<tr>
<td>Burning waste tomato haulme</td>
<td>071</td>
<td>Does not include burning of plastic in</td>
<td>10 tonnes in 24 hours</td>
<td>D7</td>
</tr>
<tr>
<td>Existing Low Risk Position</td>
<td>LRW Ref</td>
<td>Comments</td>
<td>Proposed Limits</td>
<td>New Exemption</td>
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</tr>
<tr>
<td>Use of wood peelings for paths etc</td>
<td>074</td>
<td>Exempt</td>
<td>500 tonnes</td>
<td>U3</td>
</tr>
<tr>
<td>Manufacture of plastic from vinyl wallpaper/plastisol</td>
<td>076</td>
<td>Exempt</td>
<td>500 tonnes</td>
<td>U10</td>
</tr>
<tr>
<td>Storage, treatment of furniture</td>
<td>079</td>
<td>Exempt</td>
<td>100 tonnes</td>
<td>T12</td>
</tr>
<tr>
<td>Storage of electric arc furnace dust</td>
<td>083</td>
<td>Exempt</td>
<td>2500 tonnes/3 months</td>
<td>S2</td>
</tr>
<tr>
<td>Treatment of non-hazardous pesticide washings by carbon filtration</td>
<td>085</td>
<td>Exempt</td>
<td>8000 litres in 24 hours</td>
<td>T28</td>
</tr>
<tr>
<td>Use of sewage sludge for reseeding</td>
<td>094</td>
<td>Exempt</td>
<td>1000 tonnes/12 months</td>
<td>U7</td>
</tr>
<tr>
<td>Storage, treatment of garden tools</td>
<td>095</td>
<td>Exempt</td>
<td>100 tonnes</td>
<td>T12</td>
</tr>
<tr>
<td>Storage of oil contaminated absorbents</td>
<td>099/134</td>
<td>Exempt</td>
<td>3m3 X 20/12 months</td>
<td>S1</td>
</tr>
<tr>
<td>Storage of waste dental amalgam</td>
<td>108</td>
<td>Cannot provide an exemption as does not comply with WFD requirements (disposal of hazardous waste)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of leather of cuts.</td>
<td>109</td>
<td>Exempt</td>
<td>400 m3/12 months</td>
<td>S1</td>
</tr>
<tr>
<td>Storage and treatment of bicycles</td>
<td>110</td>
<td>Exempt</td>
<td>100 tonnes</td>
<td>T12</td>
</tr>
<tr>
<td>Storage of wood chip at docks</td>
<td>113</td>
<td>Exempt</td>
<td>100 tonnes/12 months</td>
<td>S2</td>
</tr>
<tr>
<td>Storage of septic tank sludge</td>
<td>116</td>
<td>Exempt</td>
<td>1,250 tonnes/12 months</td>
<td>S3</td>
</tr>
<tr>
<td>Storage and treatment of de-icers from airports</td>
<td>117</td>
<td>Exempt</td>
<td>5m3/6 months 250m3 in 7 days</td>
<td>S2/T30</td>
</tr>
<tr>
<td>Testing of equipment which separated cathode</td>
<td>119</td>
<td>Considered but outstanding issues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Low Risk Position</td>
<td>LRW Ref</td>
<td>Comments</td>
<td>Proposed Limits</td>
<td>New Exemption</td>
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<tr>
<td>ray tubes from TVs using waste TVs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of road chippings</td>
<td>128</td>
<td>Exempt</td>
<td>100 tonnes 6 months</td>
<td>S2</td>
</tr>
<tr>
<td>Bulking up of dry foods</td>
<td>132</td>
<td>Exempt</td>
<td>10 tonnes</td>
<td>T13</td>
</tr>
<tr>
<td>Storage of soils derived from fruit and vegetables</td>
<td>136</td>
<td>Exempt</td>
<td>100 tonnes 3 months</td>
<td>S2</td>
</tr>
<tr>
<td>Recovery of waste clays by dewatering</td>
<td>139</td>
<td>Exempt</td>
<td>30,000 litres</td>
<td>T18</td>
</tr>
<tr>
<td>Storage of oil filters for recovery elsewhere</td>
<td>144</td>
<td>Exempt</td>
<td>3m3 X 20 12 months</td>
<td>S1</td>
</tr>
<tr>
<td>Steaming of contaminated vegetation</td>
<td>147</td>
<td>Unable to gain additional information required so no exemption provided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of photographic films</td>
<td>148</td>
<td>Exempt</td>
<td>50 tonnes 12 months</td>
<td>S2</td>
</tr>
<tr>
<td>Storage of computer chips</td>
<td>149</td>
<td>Exempt</td>
<td></td>
<td>S2</td>
</tr>
<tr>
<td>Construction projects – educational/ entertainment</td>
<td>150</td>
<td>Exempt</td>
<td>20 tonnes</td>
<td>U4</td>
</tr>
<tr>
<td>Treatment of off-spec latex</td>
<td>152</td>
<td>Exempt</td>
<td>30 tonnes</td>
<td>U10</td>
</tr>
<tr>
<td>Storage of road planings containing coal tar</td>
<td>153</td>
<td>Exempt</td>
<td>100 tonnes 6 months</td>
<td>S2</td>
</tr>
<tr>
<td>Storage of dead pets from highways</td>
<td>154</td>
<td>Temporary storage of waste on a site controlled by the producer</td>
<td>50m3 3 months</td>
<td>Sch 3A 2</td>
</tr>
<tr>
<td>Use of crushed bricks, soils and stone</td>
<td>155</td>
<td></td>
<td></td>
<td>U1</td>
</tr>
<tr>
<td>Storage of cameras</td>
<td>156</td>
<td>Exempt</td>
<td></td>
<td>S2</td>
</tr>
<tr>
<td>Ferric chloride, aluminium hydroxide, caustic solution. Storage and use for effluent treatment</td>
<td>160 163</td>
<td>Exempt</td>
<td>5000 litres storage 1000 litres use</td>
<td>U9</td>
</tr>
<tr>
<td>Lion Faeces</td>
<td>164</td>
<td>Exempt</td>
<td>5 tonnes</td>
<td>U10</td>
</tr>
<tr>
<td>Peeling, shaving of</td>
<td>167</td>
<td>Exempt</td>
<td>300 tonnes</td>
<td>T8</td>
</tr>
<tr>
<td>Existing Low Risk Position</td>
<td>LRW Ref</td>
<td>Comments</td>
<td>Proposed Limits</td>
<td>New Exemption</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------</td>
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<td>----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>tyres - terrasofta</td>
<td></td>
<td></td>
<td>12 months</td>
<td></td>
</tr>
<tr>
<td>Bulking of paint residues for recovery</td>
<td>170</td>
<td>Exempt</td>
<td>10,000 litres 6 months</td>
<td>S2</td>
</tr>
<tr>
<td>Use of river gravel</td>
<td>172</td>
<td>Exempt</td>
<td>500 tonnes</td>
<td>U3</td>
</tr>
<tr>
<td>Leaving redundant pipes and ducts within excavation - utility companies</td>
<td>173</td>
<td>Cannot provide an exemption as it does not comply with WFD requirements (disposal of hazardous waste)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of waste cleaning solution – 2% sodium metasilicate</td>
<td>175</td>
<td>Exempt</td>
<td>3 tonnes 3 months</td>
<td>S2</td>
</tr>
<tr>
<td>Storage, treatment of mattresses</td>
<td>177, 178</td>
<td>Exempt</td>
<td>5 tonnes</td>
<td>T12</td>
</tr>
<tr>
<td>Treatment of water based paints</td>
<td>180</td>
<td>Exempt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of wine bottle corks</td>
<td>181</td>
<td>Exempt</td>
<td>500 tonnes 12 months</td>
<td>S2</td>
</tr>
<tr>
<td>Separation of tyres from rims - LA</td>
<td>184</td>
<td>See paragraphs 5.95 to 5.97</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of solder metal, skimming's, ashes and residues</td>
<td>186</td>
<td>Exempt</td>
<td>5m3 6 months</td>
<td>S2</td>
</tr>
<tr>
<td>Clay limited to use under construction project or blending</td>
<td>188</td>
<td>Exempt</td>
<td>500 tonnes 3 months</td>
<td>U1/T5</td>
</tr>
<tr>
<td>Sand limited to use under construction project or blending</td>
<td>189</td>
<td>Exempt</td>
<td>500 tonnes 3 months</td>
<td>U1/T5</td>
</tr>
<tr>
<td>Crushing of vehicle oil filters</td>
<td>190</td>
<td>Exempt</td>
<td>After treatment – 400 litres oil, 1 tonne oil filters</td>
<td>T14</td>
</tr>
<tr>
<td>Sewage treatment equipment</td>
<td>192</td>
<td>See paragraphs 5.86 to 5.88</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Removal of aluminium from waste telegraph poles pending recovery</td>
<td>193</td>
<td>Exempt</td>
<td></td>
<td>T12</td>
</tr>
<tr>
<td>Use of concrete sleepers for tracks</td>
<td>198</td>
<td></td>
<td>500 tonnes 3 months</td>
<td>U1</td>
</tr>
<tr>
<td>Storage/ treatment</td>
<td>202</td>
<td>Exempt</td>
<td>100 tonnes</td>
<td>T12</td>
</tr>
<tr>
<td>Existing Low Risk Position</td>
<td>LRW Ref</td>
<td>Comments</td>
<td>Proposed Limits</td>
<td>New Exemption</td>
</tr>
<tr>
<td>-----------------------------</td>
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<td>-----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>of lock gates</td>
<td></td>
<td></td>
<td>6 months</td>
<td></td>
</tr>
<tr>
<td>Landspreading of FYM with paper.</td>
<td>203</td>
<td>Exempt</td>
<td>50 tonnes per hectare in 12 months</td>
<td>U11/ U12</td>
</tr>
<tr>
<td>Emptying containers and bulking up out of date milk at a dairy</td>
<td>204</td>
<td>Exempt</td>
<td>Is this the same as above?</td>
<td>T13</td>
</tr>
<tr>
<td>Treatment of sheep dip</td>
<td>208</td>
<td>Exempt</td>
<td>8000 litres in 24 hours</td>
<td>T26</td>
</tr>
<tr>
<td>Storage of aqueous based paint</td>
<td>214</td>
<td>Exempt</td>
<td>1000 litres 6 months</td>
<td>S2</td>
</tr>
<tr>
<td>Collection and storage at veterinary practice of animal healthcare waste.</td>
<td>217</td>
<td>Temporary storage at a collection point</td>
<td>5m3</td>
<td>Sch 3A 3</td>
</tr>
<tr>
<td>Use of woodchips/ sawdust on tracks</td>
<td>221</td>
<td>Exempt</td>
<td>500 tonnes</td>
<td>U3</td>
</tr>
<tr>
<td>Temporary storage of hazardous waste following roadside breakdown</td>
<td>224</td>
<td>1 m3 3 months</td>
<td>SCH 3A - 2</td>
<td></td>
</tr>
<tr>
<td>Filtering of central heating oil</td>
<td>228</td>
<td>See paragraphs 5.92 to 5.94</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of final effluent to jet out highway soakaways</td>
<td>239</td>
<td>Exempt</td>
<td>10m3, 24 hours</td>
<td>U8</td>
</tr>
<tr>
<td>Treatment of metal domestic waste at CA sites to remove non metal parts</td>
<td>243</td>
<td>See paragraphs 5.89 to 5.91</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Separation of tyres from rims – scrap yards</td>
<td>244</td>
<td>See paragraphs 5.95 to 5.97</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of shells for relevant works</td>
<td>246</td>
<td></td>
<td>T6 U6 U1 / U3 / U9</td>
<td></td>
</tr>
<tr>
<td>Pulverising of paper waste prior to recovery</td>
<td>250</td>
<td>Treatment ancillary to collection so no exemption needed for treatment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of dredgings</td>
<td>251</td>
<td>Exempt</td>
<td>20 tonnes per metre, 12 months</td>
<td>D1</td>
</tr>
<tr>
<td>Existing Low Risk Position</td>
<td>LRW Ref</td>
<td>Comments</td>
<td>Proposed Limits</td>
<td>New Exemption</td>
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<td>---------------------------</td>
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<td>---------------</td>
</tr>
<tr>
<td>Sorting mixed waste</td>
<td>252</td>
<td>Exempt</td>
<td>10 tonnes in 7 days</td>
<td>T10</td>
</tr>
<tr>
<td>Shredding of computer hard drives</td>
<td>263</td>
<td>Exempt</td>
<td>1000 tonnes 12 months</td>
<td>T11</td>
</tr>
<tr>
<td>Storage of wood pending recovery</td>
<td>276</td>
<td>Exempt</td>
<td>100 tonnes 12 months</td>
<td>S2</td>
</tr>
<tr>
<td>Recovery of waste wood telegraph poles/ electricity poles for fencing</td>
<td>281</td>
<td>Exempt</td>
<td>100 tonnes 6 months</td>
<td>T12</td>
</tr>
<tr>
<td>Pallets, paper, cardboard – fire service</td>
<td>282</td>
<td>Not yet considered – submitted past deadline for consideration</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
7 Consultation Questions

7.1 This consultation seeks comments from consultees under three main headings. These are:
   (a) The numbered proposals in the Table below
   (b) The proposed exemptions in the draft regulations and described in chapter 5 the consultation
   (c) The questions in the Impact Assessment

(a) Proposals set out in the consultation document

<table>
<thead>
<tr>
<th>Proposal Number</th>
<th>Description of proposal</th>
<th>Relevant paragraph</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To embody the principles and criteria used in the formulation of these proposals in Government guidance for future reviews</td>
<td>3.1.8</td>
</tr>
<tr>
<td>2</td>
<td>To do away with the exemption for the storage of waste associated with Part B activities</td>
<td>3.4.5</td>
</tr>
<tr>
<td>3</td>
<td>To change the regulation of on-farm producers of mushroom compost from the Environment Agency to Local Authority regulation through a Part B environmental permit.</td>
<td>3.4.8</td>
</tr>
<tr>
<td>4</td>
<td>To provide an exemption for Local Authorities to register crushing, grinding or size reduction operations where they consider the activity too trivial for a Part B permit Environmental Permit</td>
<td>3.4.10</td>
</tr>
<tr>
<td>5</td>
<td>To introduce three-yearly registration periods</td>
<td>3.5.9</td>
</tr>
<tr>
<td>6</td>
<td>To introduce a charge for the registration of all registerable exemptions.</td>
<td>3.6.9</td>
</tr>
<tr>
<td>7</td>
<td>Not to introduce a general record-keeping requirement for exempt operations.</td>
<td>3.8.3</td>
</tr>
<tr>
<td>8</td>
<td>Not to introduce a statutory appeals mechanism for the regulators’ failure to register an exempt waste operation.</td>
<td>3.9.3</td>
</tr>
<tr>
<td>9</td>
<td>To introduce a three year transitional period from October 2009 to 1st October 2012</td>
<td>3.10.9</td>
</tr>
<tr>
<td>10</td>
<td>To provide an enhanced public register of exempt waste operations</td>
<td>3.11.4</td>
</tr>
<tr>
<td>11</td>
<td>To provide revised environmental permitting guidance on exempt waste operations</td>
<td>3.12.4</td>
</tr>
<tr>
<td>12</td>
<td>To include the principles for a regular review of exemptions in the environmental permitting guidance</td>
<td>3.13.3</td>
</tr>
<tr>
<td>13</td>
<td>To provide an additional transitional period for operators of registered exemptions who newly need an environmental permit to demonstrate technical competence in the environmental permitting guidance</td>
<td>4.3.6</td>
</tr>
</tbody>
</table>
For each of the above numbered proposals consultees are asked to consider the relevant text in the consultation paper and provide an indication of the advantages and disadvantages and where appropriate the likely impact of the proposal.

(b) Proposals for individual exemptions provided in the draft regulations.

Consultees are invited to comment on the proposed exemptions. In so doing it is important to identify the exemption or a group of exemptions by reference to code used in the draft regulations (e.g. U1, T1, D1 or S1). It is requested that comments on any of the exemptions seek to answer the following questions-

- Is the activity understood and clearly described?
- Are the EWC Codes and written descriptions appropriate for the exemption (should some be added or removed)?
- Are the quantity limits appropriate (if not explain please provide reasoning)
- Do the control measures and other rules provide appropriate level of environmental protection?

In addition, Q1 is asked with regards to U9 – Direct and beneficial use of waste for a specified purpose. Please can you advise if you are currently using waste under this exemption (currently the exemption in paragraph 15) and it does not appear here.

(c) Questions identified in the Impact Assessment

The questions below are taken from the draft Impact Assessment.

It has been difficult to quantify some of the benefits to the environment that moving some activities to environmental permits will bring. Additional work can be carried out between consultation and finalisation of the regulations and the impact assessment but consultees are invited to provide evidence of these benefits.

Consultees are invited to provide information on the two main areas of uncertainty in calculating the impact assessment, on which sensitivity analyses have been carried out. These are:

- the level of consultancy costs likely to be involved in registering a simple exemption and also
- the coverage of technically competent managers likely to be needed for those sites moving to standard permits.

Consultees are also invited to comment on whether the unit times and costs used for the calculations, as set out in Annex C to the impact assessment, seem fairly representative of their experience. If they are not, organisations are invited to submit alternative costs. Views of micro and small businesses are particularly welcomed.

In addition views are welcomed on any costs involved in demonstrating (rather than obtaining) appropriate planning permission when applying for a permit.
Annex 1
Acronyms, Terms and Abbreviations

Article 4(1) (WFD) Objectives

‘1. Member States shall take the necessary measures to ensure 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:

(a) without risk to water, air or soil, or to plants or animals;
(b) without causing a nuisance through noise or odours;
(c) without adversely affecting the countryside or places of special interest.’

Data Protection Act 1998

Under the Data Protection Act (DPA) 1998, individuals have rights of access to personal data. It must be ensured that personal data concerning an individual is processed in accordance with that individual's rights, and that remedies are provided for failure to comply with the Act.

Environmental Protection Act 1990 (the 1990 Act)

The Environmental Protection Act 1990 Chapter 43

Environmental Information Regulations 2004

The Environmental Information Regulations (EIRs) 2004 are based on Directive 2003/4/EEC. They give the public access rights to environmental information held by a public authority in response to requests. The Regulations came into force on 1 January 2005 along with the Freedom of Information Act and cover any information that is considered to be 'environmental information' within the terms of the Regulations. The Regulations promote the release of as much environmental information as possible to enable increased public participation in environmental decision making. More information can be found at www.defra.gov.uk/corporate/opengov/eir/index.htm

Environmental Permitting (England and Wales) Regulations 2007


Establishments and Undertakings

An establishment or undertaking includes any organisation, whether a company, partnership, authority, society, trust club charity or other organisation but not private
individually. (see para 1.42 DoE Circular 11/94 (Welsh Circular 26/94) of 19 April 1994).

**European Waste Catalogue (EWC)**


**Exemption Registration Authority**

The regulator and registration authority for the majority of exemptions is the Environment Agency although the relevant local authority performs this role for a few of the exemptions and in one case Animal Health, an executive agency of Defra. More information can be found in Annex D.

**Exempt Waste Operation**

As defined by Regulation 3 of the Environmental Permitting (England and Wales) Regulations 2007 wherein the requirements of Schedule 2 are met in respect of the waste operation and the type and quantity of waste submitted to the waste operation, and the method of disposal or recovery, are consistent with the need to attain the objectives mentioned in Article 4(1) of the Waste Framework Directive. This means that an establishment or undertaking carrying out a waste recovery or disposal operation in accordance with the general rules set out in Schedule 3 to the Regulations does not need to hold an environmental permit. In order to meet this requirement the establishment and undertaking needs to be registered with the exemption registration authority and be carrying out the operation in a way that meets the Article 4 objectives.

**General Rules**

Member States must set out general rules for any exemptions that are provided. They specify the type of activity, the types and quantities of waste and the conditions under which the activity may take place under the exemptions. These are set out at the moment in Schedule 3 to the Environmental Permitting Regulations.

**List of Wastes Regulations**


**Low Risk Position**

Positions adopted by the Environment Agency whereby operations have been allowed to continue notwithstanding that they ought to have an environmental permit. These low risk positions are intended to be a temporary measure, pending this review of exemptions.
Notifiable Exemptions

Notifiable exemptions are waste management operations that are exempt from environmental permitting but which require additional checks to ensure that they will not harm the environment. To operate under the terms of these exemptions the Environment Agency must be notified first and as with all exempt waste operations the operator must be able to keep to the limits specified within the exemption. There are also a number of additional obligations that apply to a notifiable exemption.

Part B activity

Means an activity falling within Part B of any section in Part 1 of Schedule 1 to The Environmental Permitting (England and Wales) Regulations 2007.

Regulator

Is the term used in the draft Environmental Permitting Regulations and means the authority on whom functions are conferred by regulation 27 or by direction under regulation 28 of the proposed regulations.

Simple Exemptions

A simple exemption is a waste management operation that is exempt from the need for an environmental permit under the current EP Regulations and which is relatively low risk. These are all of the current exemptions except for notifiable exemptions and the paragraph 45 metals recycling exemption. There is currently no charge for the registration of simple exemptions.

Standard Permit

A standard permit is a permit with one condition linked to a fixed package of standard rules for a particular type of activity. The conditions are consulted on once nationally and are generally quicker and easier to obtain that a bespoke permit.

Waste Framework Directive (WFD):


Waste Electrical and Electronic Equipment Directive (WEEE)