Draft Regulations laid before Parliament and the National Assembly for Wales under section 2(8) and (9)(d) and (e) of the Pollution Prevention and Control Act 1999 for approval by resolution of each of House of Parliament and the Assembly.

DRAFT STATUTORY INSTRUMENTS

2009 No. [XXXX]

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2009

Made - - - - -	***
Coming into force - -	*6th April 2010*



£9.50

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2009 No. [XXXX]

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2009

Made - - - -	*****
Coming into force - -	*6th April 2010*

These Regulations are made in exercise of the powers conferred by section 2 of, and Schedule 1 to, the Pollution Prevention and Control Act 1999(**a**).

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, have in accordance with section 2(4) of that Act consulted—

(a) the Environment Agency;

(b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate; and

(c) such other bodies or persons as they consider appropriate.

A draft of this instrument has been approved by a resolution of each House of Parliament and by the National Assembly for Wales pursuant to section 2(8) and (9)(d) and (e) of that Act.

Accordingly, the Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations—

(a) may be cited as the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2009;

(b) come into force on 6th April 2010; and

(**a**) 1999 c. 24. Functions of the Secretary of State under section 2 (except in relation to offshore oil and gas exploration and exploitation), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 3 of S.I. 2005/1958. Those functions were then transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(c) extend to England and Wales only.

(2) For the purposes of this regulation—

(a) England and Wales includes the sea adjacent to England and Wales out as far as the seaward boundary of the territorial sea; and

(b) the sea adjacent to Wales has the same meaning as in section 158 of the Government of Wales Act 2006(**a**).

Amendment of the Environmental Permitting (England and Wales) Regulations 2007

2. The Environmental Permitting (England and Wales) Regulations 2007(**b**) ("the 2007 Regulations") are amended in accordance with regulations 3 to 12.

Amendment of regulation 2 (interpretation: general)

3.—(1) Regulation 2 (interpretation: general) is amended as follows.

(2) After the definition of "agricultural waste", insert—

""the Animal By-Products Regulations" means—

(a) in relation to England, the Animal By-Products Regulations 2005(**c**),

(b) in relation to Wales, the Animal By-Products (Wales) Regulations 2006(**d**);".

Substitution of regulation 5 (interpretation: exempt waste operation)

4. For regulation 5 (interpretation: exempt waste operation), substitute—

"Interpretation: exempt waste operation

5.—(1) In these Regulations, a waste operation is an "exempt waste operation" if the requirements in paragraph 3(1) of Schedule 2 are met in respect of the waste operation.

(2) Schedule 2 (exempt waste operations: general) has effect.".

Amendment of regulation 22 (revocation of an environmental permit: general)

5.—(1) Regulation 22 (revocation of an environmental permit: general) is amended as follows.

(2) After paragraph (6), add—

"(7) Where an environmental permit authorises in whole or in part a waste operation which, on or after 6th April 2010, becomes an exempt waste operation, that part of the permit which authorises the exempt waste operation is revoked on the date that the operation becomes an exempt waste operation.".

Amendment of regulation 38 (offences)

6.—(1) Regulation 38 (offences) is amended as follows.

(2) In paragraph (2)(a)—

(a) omit "9 or";

(b) after "12(3)" insert "or (4)".

(3) In paragraph (2)(b), after "12(3)" insert "or (4)".

(**a**) 2006 c.32. The boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 and Schedule 3 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of and paragraph 26 of Schedule 11 to the 2006 Act, S.I. 1999/672 continues to have effect.

(**b**) S.I. 2007/3538, amended by section 88(2) of the Climate Change Act 2008 (c. 28), S.I. 2009/890, S.I. 2009/1799.

(**c**) S.I. 2005/2347 to which there are amendments not relevant to these Regulations.

(**d**) S.I. 2006/1293 (W.127).

Substitution of regulation 68 (further provision in relation to waste)

7. For regulation 68 (further provision in relation to waste), substitute—

"**Further provision in relation to waste**

68.—(1) Section 33(1)(a)(**a**) of the 1990 Act does not apply to an operation which—

(a) falls within a description in Part 2 of Schedule 3A; and

(b) meets the conditions specified in that Part for an operation of that description.

(2) Schedule 20 (further provision in relation to waste) has effect.".

Insertion of regulation 71B (transitional provision: exempt waste operations)

8. After regulation 71A(**b**) (transitional provision: existing mining waste operations), insert—

"**Transitional provision: exempt waste operations**

71B.—(1) This regulation applies to any establishment or undertaking which on 5th April 2010 was carrying on an exempt waste operation.

(2) The establishment or undertaking is deemed to carry on the exempt waste operation until—

(a) the date mentioned in paragraph (3); or

(b) if before that date the operation ceases to be an exempt waste operation within the meaning of regulation 5 (as that regulation had effect on 5th April 2010), the date on which it ceases to be such.

(3) The date referred to in paragraph (2)(a) is—

(a) if an application for the grant or variation of an environmental permit is made in relation to the operation on or before the date shown in the table set out below for the operation—

(i) if the application is granted, the date of the grant,

(ii) if the application is refused, and the applicant appeals against the refusal, the date on which the appeal is determined or withdrawn, or

(iii) if the application is refused, and the applicant does not appeal against the refusal, the day after the last day on which an appeal could have been brought, determined in accordance with paragraph 3(1) of Schedule 6; or

(b) if the establishment or undertaking seeks to be registered in relation to the waste operation as an exempt waste operation on or before the date shown in the table set out below for the operation, the date of first registration;

(c) otherwise, the date indicated in the second column of the table set out below for the operation.

Waste operation	*Date*
A waste operation described in paragraph 9, 10, 12 or 19 of Part 1 of previous Schedule 3 that does not involve the disposal or recovery of agricultural waste on agricultural land	1st October 2011
A waste operation described in paragraph 13 or 21 of Part 1 of previous Schedule 3 that does not involve the disposal or recovery of agricultural waste on agricultural land	6th April 2012

(**a**) 1990 c. 43; section 33(1)(a) was amended by paragraph 4(2) of Part 1 of Schedule 21 to S.I. 2007/3538 and by paragraph 1(3)(a) of Schedule 2 to S.I. 2009/1799. Regulation 28(2) of S.I. 2009/1799 makes provision for the application of section 33(1)(a) in relation to extractive waste.

(**b**) Regulation 71A was inserted by regulation 16(5) of S.I. 2009/1799.

A waste operation described in paragraph 7 of Part 1 of previous Schedule 3 that does not involve the disposal or recovery of agricultural waste on agricultural land	1st October 2012
A waste operation described in paragraph 4 to 6, 11, 14, 15, 17, 18, 20, 22, 23, 25, 29 to 32, 38, 40 to 42 or 46 of Part 1 of previous Schedule 3 that does not involve the disposal or recovery of waste on agricultural land	1st October 2012
A waste operation described in paragraph 2, 3, 8, 24, 43 to 45 of Part 1 of previous Schedule 3	1st October 2013
A waste operation described in paragraph 7, 9, 10, 12, 13, 16, 19, 21, 28, 36, 37 or 47 of Part 1 of previous Schedule 3 that involves the disposal or recovery of agricultural waste on agricultural land	1st October 2013
Any other waste operation described in Part 1 of previous Schedule 3 that involves the disposal or recovery of waste on agricultural land	1st October 2013

(4) In this regulation—

"agricultural land" means land used for agriculture within the meaning of section 109(3) of the Agriculture Act 1947(**a**);

"date of first registration" means, in relation to an establishment or undertaking, the date on which the relevant particulars (which means the information in paragraph 4(2) of Schedule 2) first appear on the register (as defined by paragraph 1 of that Schedule) but does not include any relevant particulars entered on the register before 6th April 2010;

"previous Schedule 3" means Schedule 3 to these Regulations as it had effect on 5th April 2010.".

Amendment of Schedule 1 (activities)

9.—(1) Schedule 1 (activities) is amended as follows.

(2) In paragraph 1 of Section 6.8 of Part 2 (activities), in the definition of "excluded activity", for paragraph (a) substitute—

"(a) any activity carried on on a farm or agricultural holding other than—

(i) the manufacture of goods for sale,

(ii) the production of compost for growing mushrooms,".

Substitution of Schedule 2 (exempt waste operations: general)

10.—(1) Subject to paragraph (2), for Schedule 2 (exempt waste operations: general), substitute the schedule set out in Schedule 1 to these Regulations.

(2) Paragraph (1) does not apply for the purposes of the transitional provisions inserted by regulation 8 (referred to in these Regulations as "the transitional provisions"), except for the purposes of the references to Schedule 2 in regulation 8(4).

Substitution of Schedule 3 (descriptions: exempt waste operations and other operations to which section 33(1)(a) of the 1990 Act does not apply)

11. For Schedule 3 (descriptions: exempt waste operations and other operations to which section 33(1)(a) of the 1990 Act does not apply), except for the purposes of the transitional provisions, substitute the schedules set out in Schedule 2 to these Regulations.

(**a**) 1947 c. 48.

Amendment of Schedule 19 (public registers)

12.—(1) Schedule 19 (public registers) is amended as follows.

(2) In paragraph 1(1) (matters to be included in a public register), for paragraph (k) substitute—

"(k) every direction given to the regulator or the exemption registration authority by an appropriate authority under these Regulations, other than a direction given under regulation 47 or paragraph 11 of Schedule 2.".

Amendments to the Environment Act 1995

13.—(1) The Environment Act 1995(**a**) is amended as follows.

(2) In section 41 (power to make charging schemes)—

(a) omit subsection (2A)(**b**); and

(b) in subsection (10)(**c**), omit the definition of "relevant environmental licence".

(3) In section 56(1) (interpretation)(**d**), in the definition of "environmental licence", for paragraph (j) substitute—

"(j) registration under Schedule 2 to the Environmental Permitting (England and Wales) Regulations 2007 of an establishment or undertaking in relation to a WEEE operation (as defined by paragraph 1 of Schedule 2 to those Regulations),".

Consequential amendment to the Waste Management (England and Wales) Regulations 2006

14. In the Waste Management (England and Wales) Regulations 2006(**e**), omit regulation 3 (amendment of the Environment Act 1995*)*.

Consequential amendment to the Waste Batteries and Accumulators Regulations 2009

15. In the Waste Batteries and Accumulators Regulations 2009(**f**), in Schedule 8 (amendments to other enactments), omit paragraph 2(5).

Savings

16.—(1) Notwithstanding the amendments made by regulation 6 (which amend regulation 38 of the 2007 Regulations), regulation 38(2) of the 2007 Regulations, as it had effect on 5th April 2010, continues to have effect for the purposes of the transitional provisions.

(2) Notwithstanding the amendments made by regulation 13(2) (which amend section 41 of the Environment Act 1995 by omitting subsection (2A) and by omitting the definition of "relevant environmental licence" in subsection (10)), those subsections, as they had effect on 5th April 2010, continue to have effect for the purposes of the transitional provisions.

(3) Notwithstanding the substitution made by regulation 13(3) (which substitutes paragraph (j) in the definition of "environmental licence" in section 56(1) of the Environment Act 1995), the definition of "environmental licence" in that paragraph, as it had effect on 5th April 2010, continues to have effect for the purposes of the transitional provisions.

(**a**) 1995 c. 25.

(**b**) Subsection (2A) of section 41 was inserted in relation to England and Wales by regulation 3(2) of S.I. 2006/937.

(**c**) The definition of "relevant environmental licence" was inserted into subsection (10) of section 41 in relation to England and Wales by regulation 3(3) of S.I. 2006/937.

(**d**) The definition of "environmental licence" in sub-paragraph (j) of section 56(1) in relation to the Environment Agency was substituted in relation to England and Wales by paragraph 23(2)(c) in Part 1 of Schedule 21 to S.I. 2007/3538.

(**e**) S.I. 2006/937. Regulation 3 of that instrument amended the Environment Act 1995 by inserting subsection (2A) into section 41 and by inserting the definition of "relevant environmental licence" into that section as subsection (10) in relation to England and Wales.

(**f**) S.I. 2009/890 in respect of which a relevant correction slip was issued. Paragraph 2(5) of Schedule 8 inserts a new paragraph into Schedule 3 of S.I. 2007/3538.

Name
Minister for Environment, Sustainability and Housing
Date one of the Welsh Ministers

Name
Parliamentary Under Secretary
Date Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 10

SCHEDULE 2 TO THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2007

"SCHEDULE 2

Exempt waste operations: general

Interpretation: general

1. In this Schedule—

"applicable fee" means a fee imposed by the Agency under paragraph 6(1) until such date as it is superseded by a charging scheme referred to in that paragraph and from that date means the fee prescribed under such a scheme;

"register" means the register which the exemption registration authority is required to establish and maintain under paragraph 9(1);

"registered" means, in relation to an establishment or undertaking, that the relevant particulars appear in the register during a valid registration period, and "registration" must be construed accordingly;

"relevant particulars" means the information in paragraph 4(2);

"valid registration period" means the period of validity of a registration referred to in paragraph 7(1) as read with paragraph 7(2);

"waste mobile plant" has the meaning given in regulation 8(4);

"WEEE operation" means a waste operation falling within a description in the paragraph numbered T11 of Chapter 2 of Part 2 of Schedule 3 (repair or refurbishment of WEEE).

Interpretation: exemption registration authority

2.—(1) Subject to sub-paragraphs (2) and (3), the exemption registration authority in relation to a waste operation falling within a description in Part 2 of Schedule 3 is the Agency.

(2) The exemption registration authority in relation to a waste operation falling within a description in the paragraph numbered T3 (treatment of waste metals and alloys by heating

for the purposes of removing grease etc) or T7 (treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size) of Chapter 2 in Part 2 of Schedule 3 is—

(a) where the waste operation is carried on by waste mobile plant and the operator of the plant has its principal place of business in England or Wales, the local authority in whose area the operator has its principal place of business;

(b) where the waste operation is carried on by waste mobile plant and the operator of the plant has its principal place of business outside England and Wales, the local authority in whose area the operation is first carried on;

(c) where the waste operation is not carried on by waste mobile plant, the local authority in whose area the operation is carried on.

(3) The exemption registration authority in relation to a waste operation falling within a description in the paragraph numbered T22 of Chapter 2 of Part 2 of Schedule 3 (treatment of animal by-product waste at a collection centre) is the authority responsible for granting an authorisation under regulation 27 of the Animal By-Products Regulations.

Requirements for exempt waste operations

3.—(1) The requirements referred to in regulation 5(1) are—

(a) the waste operation falls within a description in Part 2 of Schedule 3;

(b) the general and specific conditions specified in Part 2 of Schedule 3 (which are set out in paragraphs 2 and 3 of each Chapter of that Part) in relation to the description are met;

(c) subject to sub-paragraph (2) of this paragraph and paragraph 11(9), an establishment or undertaking is registered in relation to the waste operation; and

(d) 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.

(2) The requirement in sub-paragraph (1)(c) does not apply to any waste operation carried on within the curtilage of a domestic property by a person who is not an establishment or undertaking.

Procedure for registering an exempt waste operation

4.—(1) An establishment or undertaking seeking to be registered in relation to a waste operation falling within a description in Part 2 of Schedule 3 or to renew a registration in relation to such a waste operation must notify the exemption registration authority of —

(a) the relevant particulars; and

(b) the information specified in sub-paragraph (3).

(2) The relevant particulars are—

(a) the name and address of the establishment or undertaking carrying on the waste operation;

(b) a description of the waste operation;

(c) the place where the waste operation is carried on, including, where applicable, the post code of that place or if no post code is applicable, the Ordnance Survey National Grid reference point for that place; and

(d) where the waste operation described is a WEEE operation, the type and quantity of waste subject to the operation.

(3) The information in this sub-paragraph is the name and business contact details of an individual officer or employee designated by the establishment or undertaking to be the primary contact for the purposes of registration.

(4) Notification under sub-paragraph (1) must be in the form specified by the exemption registration authority.

(5) Where an establishment or undertaking is seeking to be registered in relation to a WEEE operation or to renew a registration in relation to a WEEE operation, it must make a notification under sub-paragraph (1) which must be accompanied by the applicable fee.

Restrictions on registering exempt waste operations carried on at the same place

5.—(1) An establishment or undertaking may not be registered more than once during a valid registration period in relation to any one waste operation described in Part 2 of Schedule 3 that is carried on or is to be carried on at the same place.

(2) If an establishment or undertaking is registered more than once in contravention of sub-paragraph (1), the second and any subsequent registration is invalid.

(3) Subject to sub-paragraph (7), not more than one establishment or undertaking may be registered at the same time in relation to the same waste operation described in Part 2 of Schedule 3 if the operation is carried on or is to be carried on at the same place.

(4) If more than one establishment or undertaking is registered in contravention of sub-paragraph (3), only the registration specified in sub-paragraph (5) is valid.

(5) The registration in this paragraph is the registration relating to the establishment or undertaking in respect of which the relevant particulars relating to the operation first appeared on the register in the relevant period.

(6) In this paragraph, "relevant period" means the period in which the relevant particulars relating to the establishments or undertakings appear on the register.

(7) Sub-paragraph (3) does not apply in relation to a waste operation falling within a description in the paragraph numbered D2 of Chapter 3 of Part 2 of Schedule 3 (deposit of waste from a railway sanitary convenience).

Fee for registration relating to WEEE operations

6.—(1) Notwithstanding the power to make a charging scheme under section 41 of the 1995 Act, the Agency may impose a fee in accordance with sub-paragraph (2) until—

(a) the fee is superseded by such a charging scheme; or

(b) 1st April 2013,

whichever is the earlier.

(2) The fee referred to in sub-paragraph (1) is £840 in respect of the registration of an establishment or undertaking in relation to a WEEE operation.

Validity of registration

7.—(1) A first registration or the registration of a WEEE operation is valid for 3 years.

(2) Any other registration is valid until the end of validity of the first registration made in relation to the establishment or undertaking.

(3) For the purposes of sub-paragraphs (1) and (2), the period of validity of any registration commences on the date of registration or on the most recent renewal date, as the case may be.

(4) An establishment or undertaking may renew a registration at any time in the month prior to the registration becoming invalid (and the registration procedure specified in paragraph 4 applies in relation to any such renewal).

(5) Where an establishment or undertaking has renewed a registration in accordance with sub-paragraph (4), the renewal takes effect on the day after the day on which the previous registration becomes invalid.

(6) In this paragraph—

"first registration" means in relation to an establishment or undertaking—

(a) the first appearance of relevant particulars on the register other than in relation to a WEEE operation, or

(b) in the case of a renewal, the first such appearance following the end of validity of the registration made in relation to an establishment or undertaking, other than the end of validity of registration of a WEEE operation;

"date of registration" means in relation to an establishment or undertaking, the date on which the relevant particulars first appear on the register;

"renewal date" means the date that the renewal of a registration takes effect in accordance with sub-paragraph (5).

Changes to relevant particulars

8.—(1) A registered establishment or undertaking must notify the exemption registration authority without delay of any changes to the following—

(a) any of the relevant particulars; and

(b) any of the information specified in paragraph 4(3).

(2) If an establishment or undertaking does not comply with sub-paragraph (1)(a), the exemption registration authority may remove the entry made in respect of the establishment or undertaking from the register.

(3) Notification under sub-paragraph (1) must be in the form specified by the exemption registration authority.

(4) The exemption registration authority must notify the establishment or undertaking in question without delay if it removes an entry from the register pursuant to sub-paragraph (2).

Register of exempt waste operations

9.—(1) Every exemption registration authority must establish and maintain a register of exempt waste operations in relation to which it is the exemption registration authority.

(2) Subject to sub-paragraph (4), the exemption registration authority must ensure the register contains the relevant particulars within 5 working days of the date that it receives from an establishment or undertaking seeking to be registered or to renew a registration—

(a) notification of—

(i) the relevant particulars, and

(ii) the information specified in paragraph 4(3); and

(b) payment of the applicable fee where this is required in accordance with paragraph 4(5).

(3) The exemption registration authority must ensure the register is updated to reflect any changes notified under paragraph 8(1) within 5 working days of the date that it receives the notification.

(4) The exemption registration authority must not enter the relevant particulars on the register in relation to a WEEE operation until it has carried out an inspection in relation to the operation that complies with the second and third paragraphs of Article 6(2) of the WEEE Directive.

(5) Every exemption registration authority must—

(a) ensure that its register is open to inspection by the public free of charge at all reasonable hours; and

(b) provide reasonable facilities to the public for obtaining a copy of an entry on payment of a reasonable charge.

(6) A register may be kept in any form.

Duty to remove entries from the register

10.—(1) The duty to maintain a register in paragraph 9(1) includes a duty to remove an entry if—

(a) the exemption registration authority is notified by an establishment or undertaking that it has ceased to carry on the waste operation at the place stated in the relevant particulars;

(b) the waste operation is no longer an exempt waste operation;

(c) in the case of a WEEE operation, the exemption registration authority—

(i) has carried out an inspection in accordance with paragraph 13(2), and

(ii) is not satisfied as to the particulars to be verified pursuant to the third paragraph of Article 6(2) of the WEEE Directive.

(2) The exemption registration authority must notify the establishment or undertaking in question without delay if it removes an entry from the register pursuant to sub-paragraph (1)(b) or (c).

Exclusion from the register of information affecting national security

11.—(1) The appropriate authority may direct the exemption registration authority that, in the interests of national security, specified information or a specified description of information must be excluded from the register.

(2) The exemption registration authority must notify the appropriate authority of any information it excludes from the register pursuant to such a direction.

(3) The appropriate authority may direct the exemption registration authority that in the interests of national security a specified description of information must be referred to the authority for its determination before the information is included on the register.

(4) A person may give a notice to the appropriate authority stating that in that person's opinion the inclusion of information on the register would be contrary to the interests of national security.

(5) A notice under sub-paragraph (4) must specify the information and indicate its apparent nature.

(6) A person giving a notice under sub-paragraph (4) must at the same time notify the exemption registration authority.

(7) The exemption registration authority must not include information notified under sub-paragraph (4) on the register unless the appropriate authority determines that it may be included.

(8) A determination by the appropriate authority to exclude information notified under sub-paragraph (4) from the register must be given effect by a direction under sub-paragraph (1).

(9) In relation to a waste operation that is the subject of a direction or notice given under this paragraph, the requirement in paragraph 3(1)(c) of this Schedule—

(a) does not apply where that direction requires the exclusion of all relevant particulars from the register; and

(b) is satisfied where—

(i) a direction given under sub-paragraph (1) requires the exclusion of some, but not all, relevant particulars from the register,

(ii) a direction given under sub-paragraph (3) requires the exclusion of relevant particulars from the register, or

(iii) a notice given under sub-paragraph (4) which is pending a determination under sub-paragraph (7) requires the exclusion of relevant particulars from the register.

Record keeping

12.—(1) This paragraph applies to every exempt waste operation where the waste operation—

(a) is a WEEE operation; or

(b) falls within a description in the following paragraph numbers in Part 2 of Schedule 3—

(i) subject to sub-paragraph (2), paragraph U10 (spreading waste on agricultural land to confer benefit) or U11 (spreading waste on non-agricultural land to confer benefit) of Chapter 1,

(ii) paragraph T9 (recovery of scrap metal) of Chapter 2,

(iii) paragraph T7 (treatment of waste bricks, tiles and concrete by crushing, grinding or reducing it in size) of Chapter 2 where the operation is carried on by waste mobile plant.

(2) But it does not apply in relation to an exempt waste operation where the waste operation falls within a description in the paragraph numbered U10 and U11 of Chapter 1 in Part 2 of Schedule 3 and the establishment or undertaking is required to keep records in relation to the operation and the waste that is subject to that operation under the Nitrate Pollution Prevention Regulations 2008(**a**) or the Nitrate Pollution Prevention (Wales) Regulations 2008(**b**).

(3) An establishment or undertaking which carries on an exempt waste operation to which this paragraph applies must—

(a) keep records of the quantity, nature, origin and, where relevant, the destination and treatment method of all waste disposed of or recovered in the course of that operation; and

(b) where the waste operation falls within a description in the paragraph numbered T3 (treatment of waste metals and metal alloys by heating for the purposes of removing grease etc) or T7 (treatment of waste bricks, tiles and concrete by crushing, grinding or reducing it in size) of Chapter 2 and is carried on by waste mobile plant, keep records of the places where the operation is carried on.

(4) An establishment or undertaking which carries on an exempt waste operation to which this paragraph applies must—

(a) retain any records that it is required to keep under sub-paragraph (3) for a period of 2 years; and

(b) during that period make those records available to the exemption registration authority on request.

Periodic inspections

13.—(1) Every exemption registration authority must carry out appropriate periodic inspections of establishments and undertakings carrying on exempt waste operations in respect of which it is the exemption registration authority.

(2) If an exempt waste operation involves a WEEE operation the exemption registration authority must discharge the duty in sub-paragraph (1) by carrying out an inspection that complies with the third and fourth paragraphs of Article 6(2) of the WEEE Directive."

(**a**) S.I. 2008/2349.
(**b**) S.I. 2008/3143 (W.278).

SCHEDULE 2

Regulation 11

SCHEDULES 3 AND 3A TO THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2007

"SCHEDULE 3

Paragraph 3(1) of Schedule 2

Exempt waste operations: descriptions and conditions

PART 1

Interpretation

Interpretation

1.—(1) In this Schedule—

"the 1991 Act" means the Water Resources Act 1991(**a**);

"agricultural land" has the meaning given in section 109(1) of the Agriculture Act 1947(**b**) and, for the purposes of the descriptions in the paragraphs numbered U10 (spreading waste on agricultural land to confer benefit) and U11 (spreading waste on non-agricultural land to confer benefit), in Chapter 1 of Part 2, this includes land used for the production of timber or other non-food crops;

"anaerobic digestion" means the mesophilic and thermophilic biological decomposition and stabilisation of biodegradable waste which—

(a) is carried on under controlled anaerobic conditions; and

(b) results in stable sanitised material that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land;

"associated storage" means storage of waste that —

(a) is associated with the use, treatment or disposal of waste; and

(b) takes place at the place where the use, treatment or disposal is carried on;

"bank" means a bank, wall or embankment adjoining or confining, or constructed for the purposes of or in connection with, any channel and includes all land between the bank and low-watermark;

"construction" means the carrying on of building or engineering work which includes the repair, alteration, maintenance or improvement of an existing work and preparatory or landscaping works;

"impermeable surface" means a surface or pavement constructed and maintained to a standard sufficient to prevent the transmission of liquids beyond the surface;

"inland waters" has the meaning given by section 221(1) of the 1991 Act;

"net rated thermal input" means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal;

"place of production" means in relation to any waste, the place where the waste was originally produced;

"Plant Health notice" means meaning a notice served under—

(**a**) 1991 c. 57.
(**b**) 1947 c. 48.

(a) article 12 of the Plant Health (Phytophthora ramorum) (England) Order 2004(**a**),

(b) article 13 of the Plant Health (Phytophthora ramorum) (Wales) Order 2006(**b**),

(c) article 31 of the Plant Health (Forestry) Order 2005(**c**),

(d) article 32 of the Plant Health (England) Order 2005 (**d**),

(e) article 32 of the Plant Health (Wales) Order 2006 (**e**);

"relevant waste", where it appears in any paragraph in Part 2 of this Schedule, means waste that—

(a) falls within a code specified in the first column of the table in the paragraph, and

(b) is of a type specified in the second column of the table;

"scrap metal" has the meaning given by section 9(2) of the Scrap Metal Dealers Act 1964(**f**);

"sealed drainage" means a drainage system with an impermeable surface which ensures that—

(a) no liquid will run off the surface otherwise than via the system, and

(b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump;

"secondary containment" means a bund or any other system for preventing waste which has leaked from the primary container from escaping from the place where it is stored or treated.

(2) In this Schedule, a 6 digit code used to refer to a waste is a reference to the waste specified by the 6 digit code(**g**)—

(a) in England, in the List of Wastes (England) Regulations 2005(**h**);

(b) in Wales, in the List of Wastes (Wales) Regulations 2005(**i**)

except insofar as the waste specified in this Schedule in relation to such a code does not include some of the types of waste specified by that code in those Regulations.

(3) Where a bund is used as secondary containment,—

(a) the bund must—

(i) have a capacity of not less than 110% of the original container's storage capacity, or

(ii) if there is more than one container within the containment system, have a capacity of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater, and

(iii) have an impermeable lining; and

(b) reasonable precautions must be taken to ensure that the capacities specified in paragraph (a) are maintained at all times.

(4) When interpreting this Schedule, a container, lagoon or other place is secure in relation to waste kept in it if—

(**a**) S.I. 2004/2590 to which there are amendments not relevant to these Regulations.
(**b**) S.I 2006/1344 (W.134) to which there are amendments not relevant to these Regulations.
(**c**) S.I. 2005/2517, amended by S.I. 2006/2696, S.I. 2008/644, S.I. 2009/594.
(**d**) S.I. 2005/2530 to which there are amendments not relevant to these Regulations.
(**e**) S.I. 2006/1643 (W.158) to which there are amendments not relevant to these Regulations
(**f**) 1964 c. 69.
(**g**) An asterisk following any such code indicates that the waste is considered as a hazardous waste for the purposes of regulation 6(a) of the Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894) (see regulation 3(6)of the List of Waste (England) Regulations 2005 and the List of Waste (Wales) Regulations 2005). See also regulation 3(7) of those Regulations for the effect of the asterisk where the waste comprises or contains one or more dangerous substances.
(**h**) S.I. 2005/895, amended by S.I. 2005/1673.
(**i**) S.I. 2005/1820 (W.148).

(a) all reasonable precautions are taken to ensure that the waste cannot escape from it; and

(b) members of the public are unable to gain access to the waste.

(5) Where a quantity limit is specified in relation to more than one operation (storage, use or treatment) in any one specific or additional condition, that quantity limit applies to all of those operations on an aggregate basis.

(6) Where a waste operation is carried on by waste mobile plant, the quantity limits specified in any specific or additional specific condition in any Chapter in Part 2 apply in relation to each place where the operation is carried on.

(7) The quantity limits specified in any specific condition in the paragraphs numbered U1 (use of waste in construction), U2 (used of baled end-of-life tyres in construction), U10 (spreading waste on agricultural land to confer benefit), U11 (spreading waste on non-agricultural land to confer benefit), U12 (use of mulch) and U15 (spreading pig and poultry ash) of Chapter 1 of Part 2 that relate to the use or storage of waste over a specified period apply for that period regardless of whether more than one establishment or undertaking carries on the operation at the same place over that period.

PART 2

Exempt waste operations: descriptions and conditions (specific and general)

CHAPTER 1

Use of waste

Introductory

1. The descriptions in this Chapter—

(a) are set out in the first sub-paragraph of the paragraphs numbered U1 to U16; and

(b) include associated storage.

2. The specific conditions for each description in this Chapter are set out in the third sub-paragraph of the paragraphs numbered U1 to U16.

3. The general conditions for all descriptions in this Chapter are as follows—

(a) the operation is for the purposes of recovering or reusing the waste, unless otherwise stated in the specific conditions;

(b) the waste used is suitable for the purposes of the operation; and

(c) no more waste is used than is necessary to carry on the operation.

Use of waste in construction

U1.—(1) The use of relevant waste in construction.

(2) The tables specifying relevant waste for the purposes of this paragraph are set out below.

Table 1

Codes	***Waste types***	***Quantity limit***	***Additional specific conditions***
010102	Waste from mineral non-metalliferous excavation	5,000 tonnes	
010408	Waste gravel and crushed rock other than those mentioned in 010407		

010409	Waste sand and clays		
020103	Plant tissue waste		
020202	Shellfish shells from which the soft tissue or flesh has been removed only		
101208	Waste ceramics, bricks, tiles and construction products (after thermal processing)		
101314	Waste concrete and concrete sludge		
170101	Concrete		
170102	Bricks		
170103	Tiles and ceramics		
170107	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 170106		
170506	Dredging spoil other than those mentioned in 170505		A
170508	Track ballast other than those mentioned in 170507		
191205	Glass		
191209	Minerals (for example sand, stones)		
191212	Aggregates only		

Table 2

Codes	***Waste types***	***Quantity limit***	***Additional specific conditions***
020399, 020401	Soil from cleaning and washing fruit and vegetables only	1,000 tonnes	
170302	Bituminous mixtures other than those mentioned in 170301		B
170504	Soil and stones other than those mentioned in 170503		
170506	Dredging spoil other than those mentioned in 170505		
191302	Solid wastes from soil remediation other than those mentioned in 191301		
200202	Soil and stones		
020103	Plant tissue waste		B
030101	Waste bark, cork and wood only		B
191207	Untreated wood other than those mentioned in 191206 only		B
200138	Untreated wood other than those mentioned in 200137 only		B

Table 3

Codes	***Waste types***	***Quantity limits***	***Additional specific conditions***
170302	Bituminous mixtures other than those mentioned in 170301	50,000 tonnes	C
170504	Road sub base only		C

(3) For the purposes of this paragraph, the specific conditions are that—

(a) where the relevant waste falls within the first column of a table in sub-paragraph (2), the total quantity of waste used or stored over any 3 year period does not exceed the limit indicated in the third column of that table;

(b) where one or more waste type falling within the first column of any one table in sub-paragraph (2) is used or stored, the total quantity for all the waste types used or stored does not exceed the limit indicated in the third column of that table over any 3 year period;

(c) no waste is stored for longer than 12 months prior to use; and

(d) the operation complies with such of the following additional conditions as are specified in the fourth column of the table and for these purposes—

A the waste is used only for drainage work carried on for the purposes of the Land Drainage Act 1991(**a**), the 1991 Act or the 1995 Act,

B the waste is used only for the construction of tracks, paths, bridleways or car parks and must be processed into chipped form prior to use,

C the waste is used only for the construction of roads.

Use of baled end-of-life tyres in construction

U2.—(1) The use of relevant waste in construction.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
160103	Baled end-of-life tyres only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste used or stored during the construction does not exceed 50 tonnes of baled tyres;

(b) the waste is not used more than once;

(c) the bales comply with standard PAS108(**b**); and

(d) no waste is stored for longer than 3 months prior to use.

Use of waste in the construction of entertainment or educational installations etc

U3.—(1) The use of relevant waste in the construction of installations, exhibits, sets or demonstrations for entertainment or educational purposes.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
170102	Bricks
170103	Tiles and ceramics
170201, 200138	Wood
170203, 200139	Plastic
170401 to 170407, 170411, 200140	Metals including their alloys
200101	Paper and cardboard
200111	Textiles

(3) For the purposes of this paragraph, the specific condition is that the total quantity of waste used or stored prior to use does not exceed 20 tonnes at any one time.

(**a**) 1991 c. 59.
(**b**) PAS 108:2007, Specification for the production of tyre bales for use in construction, ISBN 978 0 580 50349 8.

Burning of waste as a fuel in a small appliance

U4.—(1) The burning of relevant waste as a fuel in an appliance if the requirements in sub-paragraph (4) are met.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020103, 200201	Plant tissue waste only
020107, 170201	Untreated wood only
020304	Vegetable waste unsuitable for consumption or processing
030101	Waste bark and cork
030105	Untreated sawdust and wood shavings other than those mentioned in 030104 only
030301	Waste bark and wood
030310	Fibre rejects (fibrous vegetable waste from virgin pulp preparation or paper pulp production) only
150103	Untreated wooden packaging only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste burned over any period of 1 hour is less than 50kg;

(b) the total quantity of waste stored at any one time does not exceed 10 tonnes; and

(c) the waste is stored in a secure place.

(4) The requirements in this sub-paragraph are that—

(a) the appliance has a net rated thermal input of less than 0.4 megawatts; and

(b) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

Use of waste derived biodiesel as fuel

U5.—(1) The use of biodiesel derived from relevant waste as a fuel in a portable generator if the requirements in sub-paragraph (4) are met or in a motor vehicle and the storage of such biodiesel—

(a) in or on a motor vehicle or in such a portable generator; or

(b) at a place that is owned or occupied by the owner or user of the biodiesel.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
190210	Waste derived biodiesel only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of biodiesel stored in or on a motor vehicle or in a portable generator at any one time does not exceed 1,000 litres;

(b) the total quantity of biodiesel stored at a place owned or occupied by the owner or user of the biodiesel at any one time does not exceed 5,000 litres; and

(c) the biodiesel is stored with secondary containment.

(4) The requirements in this sub-paragraph are that—

(a) the portable generator has a net rated thermal input of less than 0.4 megawatts; and

(b) where it is used together with other portable generators (whether or not it is operated simultaneously with such other generators) the aggregate net rated thermal input of all the generators is less than 0.4 megawatts.

Use of sludge for the purposes of re-seeding a waste water treatment plant

U6.—(1) The use of relevant waste at a waste water treatment plant for the purposes of re-seeding the plant.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
190805	Sludges from treatment of urban waste water
190812	Sludges from biological treatment of industrial waste water other than those mentioned in 190811

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste used or stored at the plant at any one time does not exceed 1,000 cubic metres; and

(b) the waste was not produced at the plant.

Use of effluent to clean a highway gravel bed

U7.—(1) The use of relevant waste from a water treatment works or a waste water treatment plant to clean a highway gravel bed.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
190899	Effluent only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste used over any 24 hour period does not exceed 10 cubic metres;

(b) the highway gravel bed has sealed drainage to ensure that the condition in paragraph (c) can be met;

(c) all waste used in and produced by the cleaning operation is collected; and

(d) the waste meets the terms of the discharge consent issued in respect of the works or plant from which the waste arose.

(4) For the purposes of this paragraph, "discharge consent" means a consent issued under Chapter II of Part 3 of the 1991 Act(**a**).

Use of waste for a specified purpose

U8.—(1) The use of relevant waste for a specified purpose.

(2) For the purposes of this paragraph—

(a) the table specifying relevant waste and the limits referred to in sub-paragraph (3)(a) and (b) is set out below;

(b) "specified purpose" is a purpose specified in the third column of the table.

Codes	***Waste types***	***Specified purpose***	***Quantity limit (at any one time)***
030105, 191207	Wood shavings, woodchip, oversized compost, sawdust only	Use in horse menages	1,000 tonnes
191204	Shredded or granulated rubber and end-of-life tyres only	Use in horse menages	1,000 tonnes
191201	Shredded paper and	Use as animal	100 tonnes

(**a**) 1991 c. 57; Chapter II was amended by the Environment Act 1995 (c. 25), section 120(1) and Schedule 22.

	cardboard	bedding	
030305, 030311	Paper pulp and paper sludge from paper recycling only	Use as animal bedding	100 tonnes
030105, 191207	Wood shavings, woodchip, oversized compost, sawdust only	Use as animal bedding	100 tonnes
160103	End-of-life tyres	Use as a weight on cover sheeting on agricultural premises or use as crash barriers	40 tonnes
150102	Geotextile bags (flexible intermediate bulk containers) only	Use as reinforcement in construction	100 bags
020202	Shellfish shells from which the soft tissue or flesh has been removed only	Use for ornamental purposes	50 tonnes
191205	Crushed glass only	Use for ornamental purposes	50 tonnes
200127*, 200128, 080111*, 080112	Paints (excluding specialist and industrial paints, wood preservatives, aerosol and spray paints, inks, adhesives and resins)	Use as paint	1,000 litres
190599	Compost produced for the purposes of growing mushrooms only	Use in growing mushrooms	1,000 tonnes
170102, 170904	Stones and bricks capable of being used in their existing state only	Use in construction of buildings, fencing, barriers, containment or similar above ground construction	100 tonnes
170201, 191207, 200138	Non-hazardous wood including telegraph poles and railway sleepers	Use in construction of buildings, fencing, barriers, containment or similar above ground construction	100 tonnes
110105*, 110107*, 190902, 190903, 190906	Aluminium hydroxide (A1OH) and ferric chloride (FeCl) and sludges/solutions from the treatment of water only	Use in treating waste water effluent and in water treating processes	50 cubic metres
100201, 100202, 170504, 191209	Blast furnace slag and stones only	Use as filter media at waste water treatment works	50,000 tonnes

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total amount of waste used or stored at any one time does not exceed the quantity limit specified in the fourth column;

(b) in relation to any relevant waste to which code 160103 applies (end-of-life tyres), within the quantity limit specified for that waste type, not more than 10 tonnes is stored together;

(c) the waste is not treated or required to be treated prior to use; and

(d) in relation to any relevant waste to which code 110105* (aluminium hydroxide),110107* (ferric chloride), 190902, 190903 or 190906 (sludges/solutions from the treatment of water) applies, the waste is stored—

(i) with secondary containment, and

(ii) in a location with sealed drainage.

Use of waste to manufacture finished goods

U9.—(1) The use of relevant waste to manufacture finished goods.

(2) The table specifying relevant waste for the purposes of this paragraph and the quantity limits referred to in sub-paragraph (3)(a) is set out below.

Codes	***Waste types***	***Quantity limit (at any one time)***	***Additional specific conditions***
100101, 100102	Ash only	500 tonnes	A
101208	Ceramics	100 tonnes	A
101112, 150107, 191205, 200102	Glass	5,000 tonnes	A
100105	Gypsum only	500 tonnes	A
200199	Lion faeces only	5 tonnes	B
120101, 120103, 150104, 160117, 160118, 191001, 191002, 191202, 191203, 200140	Metals	500 tonnes	A
150101, 191201, 200101	Paper and cardboard	15,000 tonnes	C, D
070213, 120105, 150102, 191204, 200139	Plastics	500 tonnes	E
191204	Rubber only	30 tonnes	E, F
020106	Sheep, rabbit or deer faeces only	100 tonnes	B
040221, 040222, 150109, 191208, 200110, 200111	Textiles	1,000 tonnes	B
030105, 030301, 150103, 191207, 200138	Wood, bark, cork, sawdust, shavings, cuttings, particle board	100 tonnes	B

(3) For the purposes of this paragraph, the specific conditions are that —

(a) the total quantity of waste used or stored at any one time does not exceed the quantity limit specified in the third column of the table in sub-paragraph (2);

(b) the waste is stored in a secure location at the place where the manufacturing is carried on;

(c) the operation does not involve any activity falling within a description in Part A(1) or Part A(2) of Part 2 of Schedule 1; and

(d) the operation complies with such of the following additional specific conditions as are specified in the fourth column of the table—

A the waste is stored at a location with sealed drainage,

B the waste is stored indoors or in a secure container,

C the waste is stored in a baled form, in a container or indoors,

D within the quantity limit specified in the third column of the table and notwithstanding additional specific condition C, up to 1,000 tonnes may

be stored outdoors so long as it is stored in an enclosure designed and maintained to prevent the escape of litter,

E the waste is not subject to heat treatment,

F the total quantity of waste stored together does not exceed 10 tonnes.

(4) For the purposes of this paragraph, "finished goods" means goods that are ready for use by an end consumer without any further processing.

Spreading waste on agricultural land to confer benefit

U10.—(1) The spreading of relevant waste on agricultural land to confer benefit to the land for the purposes of providing, maintaining or improving the soil's ability to provide a growing medium by adding nutrients, lime or biomass.

(2) The table specifying relevant waste for the purposes of this paragraph and the quantity and storage limits referred to in sub-paragraph (3) is set out below.

Codes	***Waste types***	***Quantity limit***	***Storage limit (at any one time)***	***Period***	***Additional specific conditions***
010102, 010408, 170504	Chalk only	50 tonnes per hectare	200 tonnes	12 months	A
020106	Farmyard and horse manure only	50 tonnes per hectare	200 tonnes	12 months	A
020401, 020399	Soil from cleaning and washing fruit and vegetables only	50 tonnes per hectare	200 tonnes	12 months	A
020199	Milk from agricultural premises only	50 cubic metres of diluted milk per hectare	200 tonnes	24 hours	A, B, E
100101	Ash from wood chip boilers produced pursuant to an operation described in the paragraph numbered U4 in this Chapter only	1 tonne per hectare	10 tonnes	12 months	A
170506	Dredging spoil (other than those mentioned in 170505) generated from the creation or maintenance of habitats, ditches or ponds within parks, gardens, fields and forests only	150 tonnes per hectare	1,250 tonnes	12 months	C
020199	Spent compost from the growing of mushrooms compost only	50 tonnes per hectare	500 tonnes	12 months	A
190599	Compost produced pursuant to a treatment described in the paragraph numbered T23 or T26 of Chapter 2 only	50 tonnes per hectare	500 tonnes	12 months	A

190604	Digestate produced pursuant to a treatment described in the paragraph numbered T24 or T25 of Chapter 2 only	50 tonnes per hectare	200 tonnes	12 months	A
190812	Waste consisting of biobed or biofilter material produced pursuant to a treatment described in the paragraph numbered T32 of Chapter 2 only	50 tonnes per hectare	200 tonnes	12 months	A, D

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste spread does not exceed the limit specified in the third column of the table in sub-paragraph (2) over the period specified in the fifth column;

(b) the total quantity of waste stored at any one time does not exceed the limit specified in the fourth column of the table;

(c) subject to additional specific conditions D and E in sub-paragraph (f), where they apply, no waste is stored for longer than 12 months prior to spreading;

(d) the waste is stored in a secure location prior to spreading;

(e) at the time the spreading begins—

(i) the land has not been frozen for 12 hours or more in the preceding 24 hours,

(ii) the land is not waterlogged, frozen or snow-covered; and

(f) the operation complies with such of the following additional specific conditions as are specified in the sixth column of the table—

A the location of any waste which is stored or land which is spread is at least 10 metres from a watercourse and 50 metres from a spring, well or borehole,

B prior to spreading, the waste is diluted with not less than an equal quantity of water or slurry and the land is spread not more than once in any 4 week period,

C the waste is spread adjacent to the place from which it was dredged,

D the waste is stored for at least 12 months prior to spreading,

E the waste is not stored for longer than 24 hours prior to spreading.

Spreading waste on non-agricultural land to confer benefit

U11.—(1) The spreading of relevant waste on land that is not agricultural land for the purposes of providing, maintaining or improving the soil's ability to provide a growing medium by adding nutrients, lime or biomass.

(2) The table specifying relevant waste for the purposes of this paragraph and the quantity and storage limits referred to in sub-paragraph (3) is set out below.

Codes	***Waste types***	***Quantity limit (over 12 months)***	***Storage limit (at any one time)***	***Additional specific conditions***
010102, 010408, 170504	Chalk only	50 tonnes per hectare	200 tonnes	A
020106	Farmyard and horse manure only	50 tonnes per hectare	200 tonnes	A

020202	Shellfish shells from which the soft tissue or flesh has been removed only	50 tonnes per hectare	200 tonnes	A
020399, 020401	Soil from cleaning and washing fruit and vegetables only	50 tonnes per hectare	200 tonnes	A
100101	Ash from wood chip boilers produced pursuant to an operation described in the paragraph numbered U4 in this Chapter only	1 tonne per hectare	10 tonnes	A
170506	Dredging spoil (other than those mentioned in 170505) generated from the creation or maintenance of habitats, ditches or ponds within parks, gardens, fields and forests only	150 tonnes per hectare	1250 tonnes	B
020199	Spent compost from the growing of mushrooms only	50 tonnes per hectare	500 tonnes	A
190599	Compost produced pursuant to a treatment described in the paragraph numbered T23 or T26 of Chapter 2 only	50 tonnes per hectare	500 tonnes	A
190604	Digestate produced pursuant to a treatment described in the paragraph numbered T24 or T25 of Chapter 2 only	50 tonnes per hectare	200 tonnes	A
190812	Waste consisting of biobed or biofilter material produced pursuant to a treatment described in the paragraph numbered T32 of Chapter 2 only	50 tonnes per hectare	200 tonnes	A, C
200108	Coffee grounds only	50 tonnes per hectare	200 tonnes	A

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste spread does not exceed the limit specified in the third column of the table in sub-paragraph (2) over any 12 month period;

(b) the total quantity of waste stored at any one time does not exceed the limit specified in the fourth column of the table;

(c) subject to additional specific condition C in sub-paragraph (f), where it applies, no waste is stored for longer than 12 months prior to spreading;

(d) the waste is stored in a secure location prior to spreading;

(e) at the time the spreading begins—

(i) the land has not been frozen for 12 hours or more in the preceding 24 hours,

(ii) the land is not waterlogged, frozen or snow-covered; and

(f) the operation complies with such of the following additional specific conditions as are specified in the fifth column of the table—

A the location of any waste which is stored or land which is spread is at least 10 metres from a watercourse and 50 metres from a spring, well or borehole,

B the waste is spread adjacent to the place from which it was dredged,

C the waste is stored for at least 12 months prior to spreading.

Use of mulch

U12.—(1) The use of relevant waste as a mulch.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020103, 191207, 200201	Untreated wood and plant matter

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste used or stored over any period of 1 month does not exceed 100 tonnes; and

(b) the waste is stored in a secure location prior to use.

Spreading of plant matter to confer benefit

U13.—(1) The spreading of relevant waste at the place of production to confer benefit.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020103, 020107, 020304, 200201	Plant tissue only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste spread over any 12 month period does not exceed 50 tonnes per hectare;

(b) at the time the spreading begins—

(i) the land has not been frozen for 12 hours or more in the preceding 24 hours,

(ii) the land is not waterlogged, frozen or snow-covered; and

(c) except for waste which is spread on the banks of the waters from which it was produced, no waste is spread within 50 metres of any water source, spring, well or borehole.

Incorporation of ash into soil

U14.—(1) The incorporation of ash which is relevant waste into soil resulting from a qualifying operation.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	*Waste types*
020103, 020107, 200201	Ash from burning of plant tissue only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste incorporated into soil does not exceed 10 tonnes per hectare; and

(b) ashes of burnt cereal, straw or cereal stubble are not allowed, without reasonable excuse, proof of which lies on the establishment or undertaking carrying on the operation, to remain on the soil for longer than 24 hours after the commencement of the burning but must be incorporated into the soil—

(i) within that period, or

(ii) in a case where, having regard to wind conditions to do so would be likely to cause nuisance, as soon as conditions allow.

(4) For the purposes of this paragraph, a "qualifying operation" is one that—

(a) involves the burning of cereal straw or cereal stubble;

(b) falls within a description in the paragraph numbered D7 in Chapter 3 (burning waste in the open); and

(c) complies with the specific conditions specified in that paragraph and the general conditions specified in that Chapter.

Pig and poultry ash

U15.—(1) The spreading of relevant waste on agricultural land at the place of production.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	*Waste types*
190112	Ash from the incineration of pig and poultry carcasses only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste spread over any 12 month period does not exceed 150kg per hectare;

(b) the waste is mixed with an equal volume or more of manure or slurry prior to spreading;

(c) the waste is stored in a secure place prior to spreading;

(d) the location of the waste which is stored or land which is spread is at least—

(i) 10 metres from a watercourse,

(ii) 50 metres from a spring, well or borehole; and

(e) at the time of the spreading—

(i) the land has not been frozen for 12 hours or more in the preceding 24 hours,

(ii) the land is not waterlogged, frozen or snow-covered.

Use of depolluted end-of-life vehicles for vehicle parts

U16.—(1) The use of relevant waste for vehicle parts.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	*Waste types*
160106	End-of-life vehicles, containing neither liquids nor other hazardous components
160122	Non-hazardous components from end-of-life vehicles only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) no more than two depolluted end-of-life vehicles are stored at any one time;

(b) in relation to relevant waste to which code 160122 applies (non-hazardous components from end-of-life vehicles), the total quantity of waste stored at any one time does not exceed 5 cubic metres;

(c) the waste is stored in a secure place;

(d) the waste is stored on an impermeable surface; and

(e) the operation is for the purposes of re-using the waste.

(4) For the purposes of this paragraph and in relation to an end-of-life vehicle, "depolluted" means that the vehicle has been subjected to all of the operations described in paragraph 3 of Annex 1 of the End-of-Life Vehicles Directive.

CHAPTER 2

Treatment of waste

Introductory

1. The descriptions in this Chapter—

(a) are set out in the first sub-paragraph of the paragraphs numbered T1 to T33; and

(b) include associated storage.

2. The specific conditions for each description in this Chapter are set out in the third sub-paragraph of the paragraphs numbered T1 to T33.

3. The general condition for the descriptions in this Chapter is that the operation is for the purposes of recovering the waste, unless otherwise stated in the specific conditions.

Cleaning, washing, spraying or coating relevant waste

T1.—(1) The treatment of relevant waste by cleaning, washing, spraying or coating it, subject to sub-paragraph (4).

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
150105	Composite packaging
160120, 150107, 170202, 191205, 200102	Glass
150101	Paper and cardboard packaging
020104, 070213, 150102, 160119, 170203, 200139	Plastic
150109	Textile packaging

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated over any 7 day period does not exceed 300 tonnes;

(b) subject to paragraph (e), the total quantity of waste stored at any one time does not exceed 300 tonnes;

(c) the waste is stored and treated in a location with sealed drainage;

(d) no waste is stored for longer than 3 months prior to treatment;

(e) where the waste consists of containers that have been used to contain a dangerous substance, the total quantity of waste stored does not exceed 1 tonne over any 7 day period; and

(f) the waste is not contaminated by more than 1% of its original volume prior to treatment.

(4) The description in sub-paragraph (1) does not include cleaning, washing, spraying or coating of any relevant waste if this falls within Part B of section 6.4 (coating activities, printing and textile treatments) of Part 2 of Schedule 1.

(5) In this paragraph, "dangerous substance" has the meaning given in regulation 2(1) of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2009(**a**).

(6) References in this paragraph to quantity limits by weight include the weight of any contamination.

Recovery of textiles

T2.—(1) The treatment of relevant waste by laundering or otherwise cleaning it.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
191208	Textiles
200110	Clothes
200111	Textiles

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored at any one time does not exceed 20,000 tonnes; and

(b) the waste is treated and stored at a location with sealed drainage.

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

T3.—(1) The treatment of relevant waste for the purposes of removing grease, oil or any other non-metallic contaminant by heating it in an appliance where the requirements of sub-paragraph (4) are met using a process that is not an excluded process.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
160117	Ferrous metal
160118	Non ferrous metal
191001	Iron and steel waste
191002	Non ferrous waste
191202	Ferrous metal
191203	Non ferrous metal
200140	Metals

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste stored or treated at any one time does not exceed 10 tonnes; and

(b) the waste is stored in a secure location with sealed drainage.

(4) The requirements in this sub-paragraph are that—

(a) the appliance has a net rated thermal input of less than 0.2 megawatts; and

(b) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.2 megawatts.

(5) The processes that are excluded processes for the purposes of sub-paragraph (1) are—

(**a**) S.I. 2009/716.

(a) the removal by heat of plastic or rubber covering from scrap cable or any asbestos contaminant;

(b) a process that is an activity listed in Section 2.1 (ferrous metals) (other than paragraph (d) of Part B) of Part 2 of Schedule 1 involving the heating of iron, steel or ferrous alloy;

(c) a process that is an activity described in Part A(1) or A(2) of Section 2.2 (non-ferrous metals) of Part 2 of Schedule 1 involving the heating of any non-ferrous metal or non-ferrous metal alloy.

Preparatory treatments (baling, sorting, shredding etc)

T4.—(1) The treatment of relevant waste by baling, sorting, shredding, pulverising, densifying, crushing or compacting it.

(2) The table specifying relevant waste for the purposes of this paragraph and the quantity limits referred to in sub-paragraph (3) is set out below.

Codes	***Waste types***	***Treatment limit (over 7 days)***	***Storage limit (at any one time)***
150104, 200140	Cans and foils only	100 tonnes where treatment is carried on outdoors 500 tonnes where treatment is carried on indoors	500 tonnes
070213, 150102	Food and drink cartons only	100 tonnes where treatment is carried on outdoors 3,000 tonnes where treatment is carried on indoors	500 tonnes
150107, 160120, 170202, 191205, 200102	Glass	5,000 tonnes	5,000 tonnes
030308, 030307, 150105, 191201, 200101	Paper and cardboard (excluding food and drink cartons)	500 tonnes where treatment is carried on outdoors 3,000 tonnes where treatment is carried on indoors	15,000 tonnes
020104, 070213, 120105, 150102, 160119, 170203, 191204	Plastic	100 tonnes where treatment is carried on outdoors 3000 tonnes where treatment is carried on indoors	500 tonnes
040222, 150109, 191208, 200110, 200111	Textiles and clothes	1,000 tonnes where treatment is carried on outdoors 3,000 tonnes where treatment is carried on indoors	1,000 tonnes

(3) For the purposes of this paragraph, the specific conditions are that—

(a) subject to paragraph (d), the total quantity of waste treated over any 7 day period does not exceed the limit specified in the third column of the table in sub-paragraph (2);

(b) the total quantity of waste stored at any one time does not exceed the limit specified in the fourth column of the table;

(c) no waste is stored for longer than 12 months;

(d) where the treatment involves pulverising waste—

(i) the total quantity of waste treated over any 7 day period does not exceed 5 tonnes,

(ii) the treatment is carried on indoors;

(e) where the treatment involves densifying waste, the treatment does not involve the application of heat;

(f) the treatment and storage are carried on in a secure place;

(g) the waste arrives at the place where the operation is carried out unmixed with any other type of waste;

(h) the waste is treated and stored in an unmixed state; and

(i) in relation to relevant waste to which codes 030308, 030307, 150101, 191201, 200101 apply (paper and cardboard)—

(i) the waste is stored in a baled form, in a container or indoors,

(ii) within the storage limit specified in the fourth column of the table, up to 1,000 tonnes may be stored outdoors so long as it is stored in an enclosure designed and maintained to prevent the escape of litter.

Screening and blending of waste

T5.—(1) The treatment of relevant waste by screening and blending it for the purposes of producing an aggregate or soil and associated prior treatment.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
010408	Waste gravel and crushed rocks other than those mentioned in 010407
010409	Waste sand and clays
020202	Shellfish shells from which the soft tissue or flesh has been removed only
030101	Waste bark and cork
030301	Waste bark and wood
100101	Bottom ash, slag and boiler dust (excluding boiler dust mentioned in 100104)
100115	Bottom ash, slag and boiler dust from co-incineration other than those mentioned in 100114
170101	Concrete
170102	Bricks
170103	Tiles and ceramics
170107	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 170106
170201	Wood
170302	Bituminous mixtures other than those mentioned in 170301
170504	Soil and stones other than those mentioned in 170503
170506	Dredging spoil other than those mentioned in 170505
170508	Track ballast other than those mentioned in 170507
190599	Compost produced pursuant to a treatment described in the paragraphs numbered T23 or T26 of Chapter 2 only
191205	Glass

191209	Aggregates only
191212	Gypsum recovered from construction materials only
191302	Solid wastes from soil remediation other than those mentioned in 191301
191304	Sludges from soil remediation other than those mentioned in 191303
200202	Soil and stones

(3) For the purposes of this paragraph, the specific conditions are that—

(a) in relation to any relevant waste to which code 170302 applies (bituminous mixtures other than those mentioned in 170301) where the treatment is for the purposes of manufacturing roadstone, the total quantity of waste treated or stored over any 3 year period does not exceed 50,000 tonnes;

(b) in relation to relevant waste not covered by paragraph (a), the total quantity of waste treated or stored over any 3 year period does not exceed 5,000 tonnes;

(c) no waste is stored for longer than 12 months; and

(d) the treatment is carried on at the place—

(i) of production, or

(ii) where the treated waste is to be used.

(4) In this paragraph, "associated prior treatment" means crushing relevant waste for the purposes of screening or blending it but does not include crushing of any relevant waste which falls within Part B of Section 3.5 (other mineral activities) of Part 2 of Schedule 1 or within the paragraph numbered T7 in this Chapter (treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size).

Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising

T6.—(1) The treatment of relevant waste by chipping, shredding, cutting or pulverising it.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020103, 200201	Plant tissue waste
030101,030301, 170201	Wood
150103	Untreated wooden packaging only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored over any 7 day period does not exceed 500 tonnes; and

(b) no waste is stored for longer than 3 months after treatment.

Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size

T7.—(1) The treatment of relevant waste by crushing, grinding or reducing it in size but not including any treatment activity covered by paragraph (c) in Part B of Section 3.5 (other mineral activities) in Chapter 3 of Part 2 to Schedule 1.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
170101	Concrete
170102	Bricks
170103	Tiles and ceramics
170107	Mixtures of concrete, bricks, tiles and ceramics (other than those mentioned in 170106*)

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated over any period of 1 hour does not exceed 20 tonnes;

(b) the total quantity of waste stored at any one time does not exceed 200 tonnes;

(c) the waste is stored in a secure place prior to treatment;

(d) the treatment is carried on—

(i) at the place of production, or

(ii) at the place where the treated waste is to be used; and

(e) the operation does not result in the release into the air of a substance listed in paragraph 6(3) of Part 1 of Schedule 1 except in a quantity which is so trivial that it is incapable of causing pollution or its capacity to cause pollution is insignificant.

Mechanical treatment of end-of-life tyres

T8.—(1) The treatment of end-of-life tyres, including such tyres in a shredded or granulated form, that are relevant waste by a relevant treatment operation and associated prior treatment.

(2) The table specifying relevant waste and relevant treatment operations for the purposes of this paragraph is set out below.

Codes	***Waste types***	***Relevant treatment operation***
160103	End-of-life tyres	Granulating, baling, peeling, shaving, shredding and re-treading of tyres
191204	Shredded or granulated end-of-life tyres only	Granulating

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste stored or treated over any 7 day period does not exceed—

(i) 60 tonnes of truck tyres, or

(ii) 40 tonnes of any other tyres;

(b) within the limits in paragraph (a), the total quantity stored together does not exceed 10 tonnes;

(c) in relation to any relevant treatment operation that is granulating, the treatment is carried on indoors; and

(d) in relation to any relevant treatment operation that is re-treading, the treatment is for the purposes of re-using the waste.

(4) In this paragraph, "associated prior treatment" means cleaning tyres and separating rims from them prior to treatment.

Recovery of scrap metal

T9.—(1) The recovery of scrap metal consisting of relevant waste by—

(a) sorting, grading, shearing by manual feed, baling or crushing it; or

(b) cutting it with hand-held equipment.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020110	Waste metal
150104	Metallic packaging
160117, 191202	Ferrous metal

160118, 191203	Non ferrous metal
170401	Copper, bronze, brass
170402	Aluminium
170403	Lead
170404	Zinc
170405	Iron and steel
170406	Tin
170407	Mixed metals
170411	Cables other than those mentioned in 170410
200140	Metals

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored at any one time does not exceed 1,000 tonnes;

(c) within the limit in paragraph (a), the total quantity of any cables stored or treated does not exceed 50 tonnes;

(c) no waste is stored for longer than 24 months;

(d) the recovery is carried on at a location with sealed drainage; and

(e) the height of any pile or stack of waste does not exceed 5 metres.

Sorting mixed waste

T10.—(1) The sorting of one type of relevant waste from one or more other types of relevant waste.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
150101, 200101	Paper and cardboard
150102, 200139	Plastics
150104, 200140	Metals
150105	Composite packaging
150106	Mixed packaging
15017, 200102	Glass
150109, 200110, 200111	Textiles and clothing only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste sorted at any one time does not exceed 10 tonnes;

(b) the total quantity of waste stored over any 7 day period does not exceed 10 tonnes; and

(c) the waste is stored in a secure place.

Repair or refurbishment of WEEE

T11.—(1) The treatment of WEEE that is relevant waste by repairing or refurbishing it, including any prior dismantling.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
160211*	WEEE containing CFCs, HCFCs and HFCs
160213*	WEEE containing hazardous components other than those mentioned in 160209 to 160212
160214	WEEE other than those mentioned in 160209 to 160213
160216	Components removed from discarded equipment other than those

	mentioned in 160215
200123*	WEEE containing CFCs
200135*	WEEE other than those mentioned in 200121 and 200123 containing hazardous components
200136	WEEE other than those mentioned in 200121, 200123, and 200135

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored over any 12 month period does not exceed 1,000 tonnes;

(b) the best available treatment, recovery and recycling techniques are used when treating the waste;

(c) the operation meets the technical requirements specified in Annex III of the WEEE Directive;

(d) in relation to any relevant waste falling within codes 160211* (WEEE containing CFCs, HCFCs and HFCs) or 200123* (WEEE containing CFCs), the waste is stored in such a manner so as to prevent the release of CFCs, HCFCs and HFCs;

(e) the waste is stored in such a manner that its environmentally sound reuse or recycling is not hindered; and

(f) the operation is for the purposes of—

(i) re-using the WEEE for its original purpose, or

(ii) re-using any dismantled components for their original purpose.

(4) In this paragraph—

(a) "best available treatment, recovery and recycling techniques" has the meaning given in the document published jointly by the Department for Environment, Food and Rural Affairs, the Welsh Assembly Government and the Scottish Executive on 27th November 2006, entitled "Guidance on Best Available Treatment, Recovery and Recycling Techniques (BATRRT) and Treatment of Waste Electrical and Electronic Equipment (WEEE)"(**a**);

(b) "CFCs" means chlorofluorocarbons;

(c) "HCFCs" means hydrochlorofluorocarbons;

(d) "HFCs" means hydrofluorocarbons;

(e) "treatment" does not include the degassing or capture of ozone depleting substances.

Manual treatment of waste

T12.—(1) The manual treatment of relevant waste by a relevant treatment operation.

(2) The table specifying—

(a) relevant waste for the purposes of this paragraph and relevant treatment operations;

(b) the quantity limits referred to in sub-paragraph (3)(a); and

(c) the additional specific conditions referred to in sub-paragraph (3)(c),

is set out below.

Codes	***Waste types***	***Relevant treatment operation***	***Quantity limits (at any one time)***	***Additional specific conditions***
200199	Bicycles only	Sorting, repairing or refurbishing	100 tonnes	A

(**a**) Available on the Defra website - http://www.defra.gov.uk/environment/waste/producer/electrical/documents/weee-batrrt-guidance.pdf. See paragraphs 22 to 36.

200110, 200111	Clothing, fabrics, carpets only	Sorting, repairing or refurbishing	100 tonnes	A
200138, 200139, 200140	Coat hangers only	Sorting and dismantling	100 tonnes	B
200140	Domestic pots and pans only	Sorting and dismantling	100 tonnes	
200199	Footwear only	Sorting, repairing or refurbishing	100 tonnes	A
200307	Furniture only	Sorting, repairing or refurbishing	100 tonnes	A
200138, 200139, 200140	Garden tools only	Sorting, repairing or refurbishing	100 tonnes	A
200138, 200139, 200140	Lock gates only	Sorting and dismantling	100 tonnes	
200307	Mattresses only	Sorting and dismantling	5 tonnes	B, C
170102, 170201, 170904, 200138	Stone, bricks, wood only	Sorting, repairing or refurbishing	500 tonnes	A
200137, 200138, 200140	Telegraph poles only	Sorting and dismantling	100 tonnes	B
170201, 170202, 170203, 200102, 200138, 200139, 200140	Windows, doors only	Sorting, repairing or refurbishing	100 tonnes	A
170201, 170202, 170203, 200102, 200138, 200139, 200140	Windows, doors only	Sorting and dismantling	10 tonnes	B
150103	Wooden pallets only	Sorting, repairing or refurbishing	100 tonnes	A
150103	Wooden pallets only	Sorting and dismantling	100 tonnes	B

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored at any one time does not exceed the limit specified in the fourth column of the table in sub-paragraph (2);

(b) subject to additional specific condition B in sub-paragraph (c), where it applies, no waste is stored for longer than 2 years; and

(c) the operation complies with such of the following additional specific conditions as is specified in the fifth column of the table—

A the operation is for the purposes of reusing the waste,

B no waste is stored for longer than 12 months,

C treatment and storage are carried on indoors.

Treatment of waste food

T13.—(1) The treatment of waste food that is relevant waste by decanting or unwrapping it, bulking it up and sorting it.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020203, 020501	Milk only
020304, 020501, 020601, 020704	Materials unsuitable for consumption or processing excluding milk only
200199	Non liquid foods unsuitable for consumption or processing but excluding foods covered by the Animal By-Products Regulations only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored at any one time does not exceed 30 tonnes;

(b) the treatment and storage are carried on—

(i) indoors,

(ii) in a secure place;

(c) no waste is stored for longer than 7 days;

(d) in relation to relevant waste specified in the first row of the table in sub-paragraph (2) (milk only), the operation is carried on in a dairy which has sealed drainage; and

(e) any resultant waste packaging is bulked up for the purposes of recovery.

Crushing and emptying waste vehicle oil filters

T14.—(1) The treatment of waste vehicle oil filters consisting of relevant waste by crushing and emptying them.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
160107*	Oil filters

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste stored after treatment does not exceed 1 tonne of crushed and emptied oil filters at any one time;

(b) the treatment is carried on at the place of production;

(c) the equipment used to treat the waste is—

(i) designed for the purposes of crushing oil filters,

(ii) designed and maintained to ensure that oil does not escape during treatment; and

(d) the treatment takes place as soon as practicable after the oil filter is removed from a vehicle.

Treatment of waste aerosol cans

T15.—(1) The treatment of empty used waste aerosol cans consisting of relevant waste by puncturing and crushing them.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
150104	Aerosol cans only
150110*	Aerosol cans containing residues of or contaminated by dangerous

	substances only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored in any 12 month period does not exceed 3,000 cans;

(b) the waste is stored in a secure location in vented containers prior to treatment;

(c) the treatment and storage are carried on—

(i) at the place of production,

(ii) in a well-ventilated area; and

(d) the equipment used to treat the waste is designed for that purpose.

Treatment of waste toner cartridges by sorting, dismantling, cleaning or refilling

T16.—(1) The treatment of waste toner cartridges consisting of relevant waste by sorting, dismantling, cleaning or refilling them.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
080318	Waste printing toner other than those mentioned in 080317
150102	Plastic packaging
160216	Cartridges taken from discarded equipment other than those mentioned in 160213 only
200139	Plastics

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored at any one time does not exceed 50,000 cartridges; and

(b) the treatment is carried on—

(i) indoors,

(ii) at a location with sealed drainage.

Crushing waste fluorescent tubes

T17.—(1) The crushing of relevant waste for the purposes of volume reduction prior to collection.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
200121*	Fluorescent tubes only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste crushed over any period of 24 hours does not exceed 3 tonnes;

(b) the crushing is carried on at the place of production;

(c) the equipment used for crushing is designed for the purposes of crushing and volume reduction;

(d) the mercury concentration in any resultant emissions does not exceed 25 microgrammes per cubic metre; and

(e) any glass or mercury released after crushing is stored in a secure container under weatherproof covering.

Dewatering using flocculants

T18.—(1) The treatment of relevant waste by dewatering using flocculants.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	*Waste types*
010409	Clay effluent resulting from the manufacture of ceramics only
080120	Water based paint wash waters only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste stored or treated at any one time does not exceed 30,000 litres; and

(b) the waste is stored in a container with secondary containment.

Physical treatment of waste edible oil and fat to produce biodiesel

T19.—(1) The physical treatment of relevant waste for the purposes of producing biodiesel.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	*Waste types*
200125	Edible oil and fat

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored at any one time does not exceed 5,000 litres;

(b) the waste is treated and stored in a container with secondary containment;

(c) no waste is stored for longer than 3 months; and

(d) the operation is for the purposes of reusing the waste.

Treatment of waste at a water treatment works

T20.—(1) The treatment of relevant waste at a water treatment works.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	*Waste types*
190902	Sludges from water clarification
190903	Sludges from decarbonation
190906	Solutions and sludges from regeneration of ion exchangers
190999	Waste water and bore hole flushings only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated at the works over any period of 12 months does not exceed 10,000 cubic metres; and

(b) the waste is treated and stored in a secure location with sealed drainage.

Recovery of waste at a waste water treatment works

T21.—(1) The recovery of relevant waste at a waste water treatment works.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	*Waste types*
190801	Screenings
190802	Sewage grit (waste from desanding) only
190805	Sludges from treatment of urban waste water
190899	Centrate liquor only
190902	Sludges from water clarification
190903	Sludges from decarbonation
190906	Solutions and sludges from regeneration of ion exchangers
200304	Septic tank sludge

200306	Waste from sewage cleaning
200399	Cesspool waste and other sewage sludge only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste brought to the works over any period of 12 months does not exceed 100,000 cubic metres; and

(b) the waste is treated and stored in a secure location with sealed drainage.

Treatment of animal by-product waste at a collection centre

T22.—(1) The treatment of animal by-products consisting of relevant waste at a collection centre.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020102, 020202	Animal tissue waste
020203	Materials unsuitable for consumption or processing

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored at any one time does not exceed 10 tonnes; and

(b) the operation is carried on in accordance with an authorisation under regulation 27 of the Animal By-Products Regulations.

(4) In this paragraph—

(a) "animal by-product" has the same meaning as in Article 2(1)(a) of Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption(**a**);

(b) "collection centre" has the same meaning as in paragraph 18 of Annex 1 to that Regulation.

Aerobic composting and associated prior treatment

T23.—(1) The treatment of relevant waste by aerobic composting and associated prior treatment.

(2) The tables specifying relevant waste for the purposes of this paragraph are set out below.

Table 1

Codes	***Waste types***
170506	Plant tissue waste from inland waters only
020103, 200201	Plant tissue waste
020106	Horse manure and farmyard manure only
020107	Biodegradable waste from forestry only
200101	Paper and cardboard
200201	Biodegradable waste plant matter only

Table 2

Codes	***Waste types***
020202	Animal tissue waste
020501, 020601	Materials unsuitable for consumption or processing

(**a**) OJ No L. 273, 10.10.2002, p1.

200108	Biodegradable kitchen and canteen waste
200302	Biodegradable waste from markets only

(3) For the purposes of this paragraph, the specific conditions are—

(a) the total quantity of waste treated or stored at any one time does not exceed 80 tonnes where—

(i) the operation is carried on at the place of production, and

(ii) the treated waste is being or is to be used at that place;

(b) the total quantity of waste treated or stored at any one time does not exceed 60 tonnes where—

(i) the waste is produced at a place other than where the operation is carried on, or

(ii) the treated waste is not to be used at the place where the operation is carried on;

(c) within the quantity limits in paragraphs (a) and (b), the waste does not consist at any one time of more than the following quantities—

(i) 10 tonnes of paper or cardboard,

(ii) 20 tonnes of manure,

(iii) 10 tonnes of any relevant waste listed in Table 2;

(d) in relation to relevant waste listed in Table 1, no waste is stored for longer than 1 month prior to treatment;

(e) in relation to relevant waste listed in Table 2, no waste is stored for longer than 7 days prior to treatment;

(f) no waste is stored for a period of longer than 12 months after treatment; and

(g) the treatment results in stable sanitised material that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land.

(4) In this paragraph—

"aerobic composting" means the autothermic and thermophilic biological decomposition and stabilisation of biodegradable waste under controlled conditions that are aerobic;

"associated prior treatment" means screening, chipping, shredding, cutting, pulverising or sorting waste for the purposes of aerobic composting.

Anaerobic digestion at premises used for agriculture and burning of resultant biogas

T24.—(1) The treatment by anaerobic digestion of relevant waste at premises used for agriculture and associated prior treatment and the burning of any resultant biogas.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020103, 020107, 170506, 200201	Plant tissue waste
020106	Horse and farmyard manure, slurry only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored at any one time does not exceed 1,250 cubic metres;

(b) the minimum retention time for the waste in the digester is 28 days; and

(c) any gas resulting from the operation is collected and then burnt in an appliance—

(i) where the requirements of sub-paragraph (5) are met, and

(ii) the appliance is for the purposes of producing energy.

(4) In this paragraph, "associated prior treatment" means screening, chipping, shredding, cutting, pulverising or sorting waste for the purposes of anaerobic digestion.

(5) The requirements in this sub-paragraph are that—

(a) the appliance has a net rated thermal input of less than 0.4 megawatts; and

(b) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

Anaerobic digestion at premises not used for agriculture and burning of resultant biogas

T25.—(1) The treatment by anaerobic digestion of relevant waste at premises not used for agriculture and associated prior treatment and the burning of any resultant biogas.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020103, 020107, 170506, 200201	Plant tissue waste
020106	Horse and farmyard manure only
200101	Paper and cardboard
200108	Biodegradable kitchen and canteen waste
020202	Animal tissue waste
020501, 020601	Materials unsuitable for consumption or processing
200302	Biodegradable waste from markets only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored at any one time does not exceed 50 cubic metres;

(b) the minimum retention time for the waste in the digester is 28 days; and

(c) any gas resulting from the operation is collected and then burnt in an appliance—

(i) where the requirements of sub-paragraph (5) are met, and

(ii) the appliance is for the purposes of producing energy.

(4) In this paragraph, "associated prior treatment" means screening, chipping, shredding, cutting, pulverising or sorting waste for the purposes of anaerobic digestion.

(5) The requirements in this sub-paragraph are that—

(a) the appliance has a net rated thermal input of less than 0.4 megawatts; and

(b) where it is used together with other appliances (whether or not it is operated simultaneously with such other appliances), the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

Treatment of kitchen waste in a wormery

T26.—(1) The treatment in a wormery of relevant waste originating from a kitchen.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
200101	Paper and cardboard
200108	Biodegradable kitchen and canteen waste

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated over any 12 month period does not exceed 6 tonnes; and

(b) the treatment results in a stable sanitised vermicompost that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land.

Treatment of sheep dip for disposal

T27.—(1) The treatment of used organophosphate sheep dip consisting of relevant waste for the purposes of its disposal.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	*Waste types*
020109	Organophosphate sheep dip only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) total quantity of waste treated or stored over any 24 hour period does not exceed 8,000 litres;

(b) the waste is treated using organophosphate-degrading enzyme in accordance with the enzyme manufacturer's instructions;

(c) the treatment and storage are carried on at the place of production; and

(d) the treatment is carried on in a secure sheep dip bath.

Sorting and de-naturing of controlled drugs for disposal

T28.—(1) The treatment of controlled drugs consisting of relevant waste by sorting and de-naturing them prior to their disposal.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	*Waste types*
180109	Medicines from natal care, diagnosis, treatment or prevention of disease in humans
180208	Medicines from research, diagnosis, treatment or prevention of disease involving animals
200132	Medicines separately collected as municipal waste

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored at any one time does not exceed 1 cubic metre;

(b) the treatment and storage are carried on at the place of production; and

(c) no waste is stored for longer than 6 months.

(4) In this paragraph, "controlled drug" means a controlled drug specified in Schedules 1 to 5 to the Misuse of Drugs Regulations 2001(**a**).

Treatment of non-hazardous pesticide washings by carbon filtration for disposal

T29.—(1) The treatment of non-hazardous pesticide washings that are relevant waste by carbon filtration for the purposes of disposal.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	*Waste types*
020109, 160509	Non-hazardous pesticide washings only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored over any 24 hour period does not exceed 8,000 litres;

(b) the treatment and storage are carried on at the place of production; and

(c) the treatment is carried on in a location with sealed drainage.

(**a**) S.I. 2001/3998; relevant amending instruments are S.I. 2003/1432, 2005/1653, 2005/3372 and 2007/2154.

Recovery of silver

T30.—(1) The recovery of silver from relevant waste produced in connection with printing or photographic processes.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
090107	Photographic film or paper containing silver or silver compounds

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste stored or treated at any one time does not exceed 1,000 litres; and

(b) the treatment and storage are carried on in a location with sealed drainage.

Recovery of monopropylene glycol from aircraft antifreeze fluids

T31.—(1) The recovery of monopropylene glycol by filtering and distilling relevant waste collected following de-icing of aircraft.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
160115	Antifreeze fluids other than those mentioned in 160114

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored over any 7 day period does not exceed 250 cubic metres;

(b) the waste is treated in a location with sealed drainage;

(c) the operation is carried on at the place where the waste is produced; and

(d) the waste is stored with secondary containment.

Treatment of waste in a biobed or biofilter

T32.—(1) The treatment of relevant waste in a lined biobed or above ground biofilter.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020109, 160509	Non-hazardous pesticide washings only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated or stored over any 12 month period does not exceed 15,000 litres;

(b) the biobed or biofilter is located at a secure place that is—

(i) at least 10 metres from a watercourse,

(ii) at least 50 metres from a spring or well or from any borehole not used to supply water for domestic or food production purposes,

(iii) at least 250 metres from any borehole used to supply water for domestic or food production purposes,

(iv) not within a zone defined by a 50 day travel time for groundwater to reach a groundwater abstraction that is used to supply water for domestic or food production purposes;

(c) the biobed or biofilter —

(i) is designed and maintained for the treatment operation,

(ii) has an impermeable lining; and

(d) the treatment is carried on at the place of production.

Recovery of central heating oil by filtration

T33.—(1) The recovery of central heating oil by filtering relevant waste.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
130701*	Central heating oil only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste treated over any 7 day period does not exceed 400 litres;

(b) the waste is stored with secondary containment;

(c) the treatment is carried on at a location with sealed drainage; and

(d) the operation is for the purposes of reusing the waste.

CHAPTER 3

Disposal of waste

Introductory

1. The descriptions in this Chapter—

(a) are set out in the first sub-paragraph of the paragraphs numbered D1 to D8; and

(b) include associated storage.

2. The specific conditions for each description in this Chapter are set out in the third sub-paragraph of the paragraphs numbered D1 to D8.

3. The general condition for all descriptions in this Chapter is that the operation is carried on at the place of production.

Deposit of waste from dredging of inland waters

D1.—(1) The deposit of relevant waste arising from the dredging of inland waters and associated screening and dewatering.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
170506	Dredging spoil other than those mentioned in 170505

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste deposited or treated over any 12 month period does not exceed 50 cubic metres for each metre of land on which the waste is deposited; and

(b) the waste is deposited at the closest possible point to where the waste was produced on—

(i) the bank of the inland waters from which the waste was produced, or

(ii) such width of land adjoining the inland waters so as to enable the waste to be removed and deposited by mechanical means in one operation.

Deposit of waste from a railway sanitary convenience

D2.—(1) The deposit of relevant waste on to a railway track.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
200399	Wastes from railway sanitary conveniences only

(3) For the purposes of this paragraph, the specific condition is that the total quantity of waste deposited per discharge does not exceed 25 litres.

(4) In this paragraph, "railway sanitary convenience" means a sanitary convenience or sink forming part of a vehicle used for the carriage of passengers on a railway.

Deposit of waste from a portable sanitary convenience

D3.—(1) The deposit of relevant waste by burying it.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
200399	Waste from portable sanitary conveniences only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste deposited over any 12 month period does not exceed 1 cubic metre; and

(a) no waste is deposited within 50 metres of any water source, spring, well or borehole.

Deposit of agricultural waste consisting of plant tissue under a Plant Health notice

D4.—(1) The deposit of agricultural waste that is relevant waste.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020103	Plant tissue waste

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the deposit is required under a Plant Health Notice;

(b) where waste is deposited into a pile, the pile—

(i) does not exceed 250 tonnes, and

(ii) is not immediately adjacent to another pile of the same type of waste;

(c) at the time the deposit is made—

(i) the land has not been frozen for 12 hours or more in the preceding 24 hours,

(ii) the land is not waterlogged, frozen or snow-covered; and

(d) no waste is deposited within 50 metres of any water source, spring, well or borehole.

Depositing samples of waste for the purposes of testing or analysing them

D5.—(1) The deposit and subsequent storage of relevant samples of waste at any place where the samples are being or are to be tested or analysed.

(2) For the purposes of sub-paragraph (1), "relevant samples of waste" means samples of waste that are taken—

(a) in the exercise of any power under—

(i) the Radioactive Substances Act 1993(**a**),

(ii) the Control of Pollution Act 1974(**b**),

(iii) section 5 of the Control of Pollution (Amendment) Act 1989(**c**),

(iv) the 1990 Act,

(**a**) 1993 c. 12.
(**b**) 1974 c. 40.
(**c**) 1989 c. 14; section 5 was amended by section 37 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).

(v) the 1991 Act,

(vi) the Water Industry Act 1991(**a**),

(vii) the Waste Electrical and Electronic Equipment Regulations 2006(**b**),

(viii) the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (**c**),

(ix) regulation 88 of the Waste Batteries and Accumulators Regulations 2009(**d**);

(b) by or on behalf of the holder of an environmental permit;

(c) by or on behalf of a person carrying on in relation to the waste—

(i) an operation described in this Part, or

(ii) an excluded waste operation;

(d) by or on behalf of the owner or occupier of the land from which the samples are taken;

(e) by or on behalf of any person to whom section 34(1) or (1A) of the 1990 Act(**e**) applies in connection with that person's duties under that section;

(f) by or on behalf of any person to whom the Transfrontier Shipment of Waste Regulations 2007(**f**) apply in connection with that person's duties under those regulations; or

(g) for the purposes of research.

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste deposited or stored at any one time does not exceed 10 tonnes; and

(b) the waste is not stored for longer than 12 months or such other period as may be ordered in court proceedings.

Disposal by incineration

D6.—(1) The disposal by incineration of the waste described in sub-paragraph (2) in an incinerator where the requirements in sub-paragraph (4) are met.

(2) The waste described in this paragraph is the waste mentioned in Article 2(2)(a)(i) to (viii) of the Waste Incineration Directive, but excluding the waste mentioned in sub-paragraph (iv) (radioactive waste) of that Article.

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste stored prior to incineration does not exceed 5 tonnes at any one time; and

(b) the operation is carried on by the person who produced the waste.

(4) The requirements in this sub-paragraph are—

(a) the incinerator has a capacity of less than 50kg per hour and a net rated thermal input of less than 0.4 megawatts; and

(b) where it is used together with other incinerators (whether or not it is operated simultaneously with such other incinerators), the aggregate net rated thermal input of all the incinerators is less than 0.4 megawatts.

(**a**) 1991 c. 56.
(**b**) S.I. 2006/3289, amended by S.I. 2007/3545; there are other amending instruments but none is relevant.
(**c**) S.I. 2007/871, to which there are amendments not relevant to these Regulations.
(**d**) S.I. 2009/890.
(**e**) 1990 c. 43; section 34(1) was amended by S.I. 2000/1973 and 2007/3538. Section 34(1A) was inserted by paragraph 1(6) of Schedule 2 to S.I. 2009/1799.
(**f**) S.I. 2007/1711, to which there are amendments not relevant to these Regulations.

Burning waste in the open

D7.—(1) The burning of relevant waste on open land.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020103, 020107, 200201	Plant tissue
030105	Sawdust, shavings and cuttings from untreated wood only
030301	Waste bark and wood

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste burned over any period of 24 hours does not exceed 10 tonnes;

(b) the total quantity of waste stored at any one time does not exceed 20 tonnes; and

(c) no waste is stored for longer than 6 months.

Burning waste at a port under a Plant Health notice

D8.—(1) The burning of relevant waste at a port.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
020103, 020107, 020304, 200201	Plant tissue only
150103, 200138	Wood used to wedge or support parts of cargo, including packing material, spacers and pallets only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste burned or stored over any period of 24 hours does not exceed 10 tonnes;

(b) the burning and storage of waste takes place in a secure place at the port where the waste was unloaded; and

(c) the burning is required under a Plant Health notice.

(4) In this paragraph, "port" means a port appointed by order made under section 19 of the Customs and Excise Management Act 1979(**a**).

CHAPTER 4

Storage of waste other than at the place of production pending its recovery or reuse

Introductory

1. The descriptions in this Chapter are set out in the first sub-paragraph of the paragraphs numbered S1 to S3.

2. The specific conditions for each of the descriptions in this Chapter are set out in the third sub-paragraph of the paragraphs numbered S1 to S3.

3. The general conditions for all descriptions in this Chapter are that the storage is carried on —

(a) at a place other than the place of production, and

(**a**) 1979 c. 2.

(b) pending the recovery of the waste.

Storage of waste in secure containers

S1.—(1) The storage of relevant waste at a place in a secure container or containers for the purposes of its recovery elsewhere.

(2) The table specifying relevant waste for the purposes of this paragraph and the storage limits referred to in sub-paragraph (3) is set out below.

Codes	***Waste types***	***Storage limit (at any one time)***
130109* to 130113* 130204* to 130208* 130401* to 130403* 130701*	Waste oils	400 cubic metres
150101, 200101	Cartons	400 cubic metres
150102, 200139	Plastics and plastic packaging	400 cubic metres
150104, 200140	Cans and foil only	400 cubic metres
150101, 200101	Paper and cardboard	400 cubic metres
150107, 200102	Glass	400 cubic metres
150109, 200110, 200211	Textiles and clothes	400 cubic metres
150202*	Absorbents, filter materials (including oil filters not otherwise specified) wiping cloths, protective clothing contaminated by dangerous substances	3 cubic metres
150203	Absorbents, filter materials, wiping cloths and protective clothing other than those mentioned in 150202	3 cubic metres
160107*	Oil filters	3 cubic metres

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste stored at any one time does not exceed the limit specified in the third column in the table in sub-paragraph (2);

(b) the total quantity of storage containers at the storage place at any one time does not exceed 20;

(c) no waste is stored for longer than 12 months;

(d) the person storing the waste is the owner of the container or containers or has the consent of the owner; and

(e) in respect of any waste oils and waste to which code 160107* applies (oil filters), the waste is stored with secondary containment.

Storage of waste in a secure place

S2.—(1) The storage of relevant waste in a secure place for the purposes of its recovery elsewhere.

(2) The table specifying relevant waste for the purposes of this paragraph and the quantity limits referred to in sub-paragraph (3) is set out below.

Codes	***Waste types***	***Storage limit (at any one time)***	***Period***	***Additional specific conditions***

161002	Aqueous paint related waste only	1,000 litres	6 months	A, C
160601*, 160602*, 160603*, 160604, 160605, 200133, 200134	Batteries	10 tonnes	6 months	A, B
150104, 200140	Cans and foil only	500 tonnes	12 months	
140601*	CFCs, HCFCs and HFCs	18 tonnes	6 months	A, C
170201, 170101, 170103,170107, 170202, 170203, 170401 to 170407, 170504, 170604, 170802	Construction and demolition waste capable of being used in its existing state (non hazardous) only	100 tonnes	12 months	
200125	Edible oil and fat only	5,000 tonnes	12 months	A, C
100207*	Electric arc furnace dust only	2,500 tonnes	3 months	D, E, F
020104	Farm plastics (non packaging) only	500 tonnes	12 months	D
070213, 150101, 150102, 150105, 200139	Food and drink cartons only	500 tonnes	12 months	
101112, 150107, 160120, 170202, 191205, 200102	Glass	5,000 tonnes	12 months	B
020102	Mammalian protein only	60,000 tonnes	12 months	D
020202	Mammalian tallow only	45,000 tonnes	12 months	D
200307	Mattresses only	5 tonnes	3 months	D
010408, 191209	Marble chips only	5,000 tonnes	12 months	
020304	Olive pulp/pellet only	5,000 tonnes	3 months	B, C, E
200127*, 200128, 080111*, 080112	Paints (excluding specialist and industrial paints, wood preservatives, aerosol and spray paints, inks, adhesives	10,000 litres	6 months	A, C

	and resins) pending reuse as paints only			
150101, 191201, 200101, 030308, 030307	Paper and cardboard (excluding food and drink cartons) only	15,000	12 months	J, K
090107, 090108	Photographic films and papers	50 tonnes	12 months	J
070213, 120105, 150102, 160119, 191204, 200139	Plastic	500 tonnes	12 months	
100101	Poultry litter ash only	3,000 tonnes	12 months	D, E
080318, 150102, 160216, 200139	Printer cartridges only	5,000 units	6 months	D
170301*, 170302, 170504	Road planings, waste road chippings, road sub-base only	500 tonnes	12 months	
020110, 160117, 160118, 191203, 170401, 170402, 170403, 170404, 170405, 170406, 170407, 191202, 170411	Scrap metal	15,000 tonnes	6 months	B, E
090110, 090111*, 090112	Single use cameras	400 cubic metres	6 months	
020401, 020399	Soils from cleaning fruit and vegetables only	100 tonnes	6 months	
100316, 100405*, 100504, 100511, 100604, 100811, 100899	Solder metal, skimmings, ashes and residues	100 tonnes	3 months	G
140602*, 140603*, 200113*	Solvents and solvent mixtures	5 cubic metres	6 months	A, C
100101, 101002, 100105,	Synthetic gypsum and pulverised fuel ash only	2,500 tonnes	3 months	D, E, F

100115				
040222, 150109, 191208, 200110, 200111	Textiles and clothes	1,000 tonnes	12 months	
160103, 191204	Tyres, tyre chip and crumb	40 tonnes	3 months	H
110113*, 120301*, 160708*	Waste cleaning solution containing 2% sodium metasilicate and 1-2% waste oil only	3 tonnes	3 months	A, C
160211*,160213*, 160214, 160216, 200121*, 200123*, 200135*, 200136	WEEE	400 cubic metres	6months	I
030301, 150102, 150103, 200138	Wine bottle corks only	500 tonnes	12 months	
030105, 170201, 170204*,191206*, 191207, 200137*, 200138	Wood including telegraph poles and railway sleepers (hazardous and non hazardous)	100 tonnes	12 months	

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste stored at any one time does not exceed the limit specified in the third column of the table in sub-paragraph (2);

(b) no waste is stored for longer than the period specified in the fourth column of the table;

(c) each type of waste is stored separately; and

(d) the operation complies with such of the following additional conditions as are specified in the fifth column of the table—

A the waste is stored in a container,

B the storage place has sealed drainage,

C the waste is stored with secondary containment,

D the waste is stored indoors,

E the waste is stored at a dock prior to being exported or after being imported,

F the waste must arrive at the storage place in bags and must be stored there in bags or in drums,

G the waste is stored in bags or in drums,

H the total quantity of waste stored together does not exceed 10 tonnes,

I the requirements in paragraph 1 of Annex III to the WEEE Directive must be complied with,

J the waste is stored in a baled form, in a container or indoors,

K within the quantity limit specified in the third column of the table and

notwithstanding additional specific condition J, up to 1,000 tonnes may be stored outdoors so long as it is stored in an enclosure designed and maintained to prevent the escape of litter.

Storage of sludge

S3.—(1) The storage of relevant waste.

(2) The table specifying relevant waste for the purposes of this paragraph is set out below.

Codes	***Waste types***
190805	Residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters only
200304	Residual sludge from septic tanks and other similar installations for the treatment of sewage only

(3) For the purposes of this paragraph, the specific conditions are that—

(a) the total quantity of waste stored at any one time does not exceed 1,250 tonnes;

(b) no waste is stored for longer than 12 months;

(c) the waste is stored in a secure location at the place where it is to be used;

(d) the waste is stored at least—

(i) 10 metres from any watercourse,

(ii) 50 metres from any spring or well, or from any borehole not used to supply water for domestic or food production purposes,

(iii) 250 metres from any borehole used to supply water for domestic or food production purposes;

(e) no waste is stored—

(i) within a zone defined by a 50 day travel time for groundwater to reach a groundwater abstraction that is used to supply water for domestic or food production purposes,

(ii) within 0.3 metres of the top of an open storage container or within 0.75 metres of the top of an earthbank tank or lagoon; and

(f) after storage, the waste is to be used in accordance with the Sludge (Use in Agriculture) Regulations 1989(**a**).

SCHEDULE 3A

Regulation 68(1)

Descriptions and conditions: other waste operations to which section 33(1)(a) of the 1990 Act does not apply

PART 1

General and interpretation

General and interpretation

1.—(1) The descriptions in Part 2 of this Schedule are set out in the first sub-paragraph of each paragraph in that Part.

(**a**) S.I. 1989/1263, amended by S.I. 1990/880, 1996/593 and 2000/656.

(2) The conditions for each description in Part 2 are set out in the second sub-paragraph of each paragraph in that Part.

(3) In this Schedule—

"collection" has the meaning given in Article 1(1)(g) of the Waste Framework Directive;

"collection point" means a place that is used for the collection of waste by an establishment or undertaking where the establishment or undertaking does not—

(a) receive payment for collecting the waste; or

(b) collect waste as its main business activity;

"place of production" has the meaning given in paragraph 1(1) of Part 1 of Schedule 3.

(4) When interpreting this Schedule, a container, lagoon or other place is secure in relation to waste kept in it if—

(a) all reasonable precautions are taken to ensure that the waste cannot escape from it; and

(b) members of the public are unable to gain access to the waste.

PART 2

Other waste operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions and conditions

Temporary storage at the place of production

1.—(1) The temporary storage of any waste at the place of production, pending its collection.

(2) For the purposes of this paragraph, the conditions are—

(a) no waste is stored for longer than 12 months; and

(b) the waste is stored in a secure place.

Temporary storage of waste at a place controlled by the producer

2.—(1) The temporary storage of any waste, pending its collection, at a place controlled by the producer of the waste.

(2) For the purposes of this paragraph, the conditions are—

(a) the producer has control over the waste and the storage place;

(b) the waste does not contain or consist of—

(i) unbonded asbestos, or

(ii) any substance with a flash point of less than 21 degrees Celsius;

(c) the operation is not carried on in the course of providing a waste management service to another person;

(d) the waste is stored in a secure place;

(e) where more than one type of waste is stored, the types are not mixed;

(f) no waste is stored for longer than 3 months;

(g) in relation to non-liquid waste, the total quantity stored at any one time does not exceed 50 cubic metres; and

(h) in relation to liquid waste—

(i) the total quantity stored at any one time does not exceed 1,000 litres,

(ii) the waste is stored in a container with secondary containment.

Temporary storage at a collection point

3.—(1) The temporary storage of waste at a collection point for the purposes of recovering or disposing of the waste elsewhere.

(2) For the purposes of this paragraph, the conditions are that—

(a) the waste does not contain or consist of—

(i) asbestos,

(ii) any substance with a flash point of less than 21 degrees Celsius;

(b) the waste is stored in a secure container;

(c) where more than one type of waste is stored, the types are not mixed;

(d) in relation to WEEE, the total quantity of waste stored at any one time does not exceed 30 cubic metres;

(e) in relation to non-hazardous waste that —

(i) is not WEEE, and

(ii) is to be recovered elsewhere,

the total quantity of waste stored any one time does not exceed 50 cubic metres; and

(f) in relation to waste not covered by paragraph (d) or (e), the total quantity of waste stored at any one time does not exceed 5 cubic metres."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions in the Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538 as amended by section 88(2) of the Climate Change Act 2008 (c. 28), S.I. 2009/890 and 2009/1799) ("the 2007 Regulations") relating to exempt waste operations. They revoke and re-implement provisions in the 2007 Regulations partially giving effect to the Waste Framework Directive 2006/12/EC of the European Parliament and of the Council (OJ No L 114, 27.4.2006, p9) ("the Directive").

An exempt waste operation is a waste disposal or recovery operation that does not require an environmental permit under regulation 12 of the 2007 Regulations as provided for in Article 11 of the Directive. Regulation 5 of the 2007 Regulations defines an exempt waste operation.

These Regulations revise the definition of an exempt waste operation (regulation 4). They also insert a new definition into regulation 2 of the 2007 Regulations (regulation 3).

They provide for the revocation of an existing environmental permit (in whole or in part) where, as result of the amendments made by these Regulations, the permit covers an exempt waste operation (regulation 5).

Regulation 38 (offences) of the 2007 Regulations is amended to reflect the amendments made to the record-keeping requirements set out in Schedule 2, as inserted by Schedule 1 to these Regulations (regulation 6).

The Regulations also amend the provisions in the 2007 Regulations relating to waste operations that are not covered by the Waste Framework Directive but which may still require an environmental permit under 33(1)(a) of the Environmental Protection Act 1990 to the extent that they involve the deposit of waste. The 2007 Regulations provide that certain of these operations do not require an environmental permit provided that certain conditions are met. These

Regulations continue to provide for this but in a revised form with the revisions set out in Schedule 3A, inserted by Schedule 2 to these Regulations (regulation 7).

Transitional provisions are provided for establishments and undertakings that were registered in relation to exempt waste operations under the 2007 Regulations immediately before these Regulations came into force (regulation 8). The savings provisions in regulation 16 of these Regulations are also relevant for the purposes of these transitional provisions.

The definition of "excluded activity" in paragraph 1 of Section 6.8 of Part 2 of Schedule 1 is amended so that the production of compost for growing mushrooms is an excluded activity for the purpose of that paragraph meaning that this becomes a Part B activity (as defined in regulation 3(1) of the 2007 Regulations) requiring an environmental permit (regulation 9).

The Regulations substitute Schedule 2 (exempt waste operations: general) of the 2007 Regulations with a new Schedule setting out the specific procedural requirements relating to the registration of exempt waste operations (regulation 10). They also substitute Schedule 3 (descriptions: exempt waste operations and other operations to which section 33(1)(a) of the 1990 Act does not apply) of the 2007 Regulations with a new Schedule 3 (regulation 11). However, the substitutions do not apply for the purposes of the transitional provisions inserted by regulation 8. Therefore, Schedule 2 and 3 to the 2007 Regulations continue to apply for the purposes of the transitional provisions.

The Regulations make a consequential amendment to the public register provisions in paragraph 1(1)(k) of Schedule 19 to the 2007 Regulations necessitated by the provisions in paragraph 11 of substituted Schedule 2 (which provides for directions that certain information must be excluded from the register) (regulation 12).

The Regulations make consequential amendments to section 41 and section 56 of the Environmental Protection Act 1995 relating to Environment Agency charging schemes (regulation 13). As a result of the amendments, such charging schemes may only cover the registration of exempt waste operations where the operation is the repair or refurbishment of WEEE. A related consequential amendment is made to the Waste Management (England and Wales) Regulations 2006 (regulation 14). The savings provisions in regulation 16(2) and (3) of these Regulations mean that the Environment Agency can continue to make charging schemes for the registration of "notifiable" waste operations (as defined in paragraph 1 of Schedule 2 to the 2007 Regulations) and operations involving the recovery of scrap metal for the purposes of the transitional provisions.

Regulation 15 makes a minor consequential amendment to the Waste Batteries and Accumulators Regulations 2009 and regulation 16 contains savings provisions previously described.

The substituted Schedule 2 defines who is an exemption registration authority – in most cases, this is the Environment Agency but in some cases, local authorities are exemption registration authorities (paragraph 2). Paragraph 3(1) sets out the requirements that must be met by a waste operation in order for it to be an exempt waste operation. Paragraph 4 sets out the procedure for registering exempt waste operations. Paragraph 5 contains provisions relating to restrictions on the registration of multiple waste operations at the same place. Paragraph 6 contains provisions for fees in relation to the registration of a WEEE operation (repair or refurbishment of WEEE). Paragraph 7 contains provisions relating to the period of validity of registrations and the renewal of registrations. Paragraph 8 contains provisions relating to changes to information appearing on the register (referred to as relevant particulars). Paragraph 9 sets out the requirements for the exemption registration authority as regards establishing and maintaining a register of exempt waste operations. Paragraph 10 sets out the circumstances under which such an authority must remove an entry from the register. Paragraph 11 makes provision for information affecting national security to be excluded from the register. Paragraph 12 sets out record keeping requirements and paragraph 13 sets out inspection requirements.

The substituted Schedule 3 set out sets revised descriptions and conditions for exempt waste operations (regulation 11). The provisions of Schedule 3 in the 2007 Regulations that relate to other waste operations to which section 33(1)(a) of the 1990 Act does not apply are revised and set out in new Schedule 3A.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Waste Management Division, Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London, SW1P 2AL and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk).

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