

# Waste Exemption Review

## Getting ready for change

New regulations coming into effect in April 2010 will affect everyone who currently carries out exempt waste operations or who intends to in the future.

This guidance will give you an overview of how these changes will affect your business and how to prepare for them.

This guidance does not cover the exemption for Waste Electrical and Electronic Equipment (WEEE) treatment because it is slightly different to the other exemptions (for example, you have to pay to register a WEEE treatment exemption) We are producing separate guidance on this.

### Who is affected?

- Anyone holding a current registered exemption for a waste operation.
- Anyone wishing to carry out a new exempt waste operation.
- Anyone who currently benefits from a low risk waste position or waste regulatory position.
- Anyone who holds a permit for an activity that will become exempt from 6 April 2010.

### What is the Exemption Review?

The current waste exemptions system has been in place since 1994. The waste management industry has changed significantly since then. There are now many more uses of waste and other recovery activities. Where no exemption is available, these activities require a permit. However many of these activities pose a relatively low risk to human health and the environment, so regulating them through permits was considered to be excessive regulation. Instead, we developed [Low Risk Waste Positions www.environment-agency.gov.uk/exemptions](http://www.environment-agency.gov.uk/exemptions) that allowed some activities to be carried out without a permit until the whole system of exemptions could be reviewed and changed.

Some existing exemptions have proved to be higher risk because they have a potentially negative impact on the environment and human health. The Exemption Review considered which of these would be better controlled by a permit.

The Review has now finished and the revised regulations have now been approved by the Governments in England and Wales.

### When will the changes happen?

The revised regulations come into force on 6 April 2010. They give businesses plenty of time to understand and comply with the new system. Different existing

activities move into the new system at different times over a three-and-a-half year period.

## Existing exempt waste operations

If your waste operation is registered exempt and you are complying with that exemption on 5 April 2010 you will have between 18 months and three-and-a-half years to transfer to the new system.

This means that you will have time to decide whether to:

1. Register one of the new exemptions if you can meet the limits and conditions. See Appendix A and our website for associated guidance. [www.environment-agency.gov.uk/exemptions](http://www.environment-agency.gov.uk/exemptions)
2. Apply for a standard or bespoke permit if you can't meet the limits and conditions of one of the new exemptions. See 'Making the step to permitting' guidance on our website. (see [www.environment-agency.gov.uk/exemptions](http://www.environment-agency.gov.uk/exemptions))
3. Stop the activity.

If you are carrying out a notifiable exemption, meaning an exemption that requires annual renewal (for example Paragraph 19 - waste for construction), you will be able to continue to renew it and pay a fee until the date that the transition period ends for that activity.

The summary document 'Waste exemptions – Summary map of transitional provisions' shows you when you need to have moved into the new system by. The document can be found on our website at: [www.environment-agency.gov.uk/exemptions](http://www.environment-agency.gov.uk/exemptions)

## New exempt waste operations

If you register your exempt waste operation on or after 6 April 2010 you will go straight into the new system. You will need to look at Appendix A and the associated guidance ([www.environment-agency.gov.uk/exemptions](http://www.environment-agency.gov.uk/exemptions)) and decide whether your activity fits into one of the new exemptions. If it doesn't, it may be covered by a standard permit which we are currently drafting. When they are published they will be available at: [www.environment-agency.gov.uk/business/topics/permitting/32330.aspx](http://www.environment-agency.gov.uk/business/topics/permitting/32330.aspx). In the event that these standard permits don't fit your operation you may have to apply for a tailor made (bespoke) permit.

## How can I register a new exemption?

From 6 April 2010 you will be able to register online at: [www.environment-agency.gov.uk/exemptions](http://www.environment-agency.gov.uk/exemptions). This will be the quickest and easiest way of registering and updating your exemptions.

If you do not have access to the internet you can call us on 08708 506506 and request a registration form and guidance. You will need to have read our guidance on exemptions before registering so that you know what you need to do to comply.

## How long does a registration last?

A registration lasts for three years. You can add exemptions throughout that period but for ease and simplicity we will ask you to renew all your exemptions at the same time. This will be at the end of the three year period after the first registration. This means you only have one date to remember. We will send you a reminder one month before the renewal date. If you are no longer carrying out the activity, you do not need to renew it and we will automatically remove the entry from the public register.

## How much does it cost?

It is free to register all your exempt waste activities (with the exception of the exemption for the repair or refurbishment of WEEE).

## What if I don't fit into one of the new exemptions?

Some activities pose more of a risk to the environment because of the types of waste or the quantities involved. Some activities are more prone to abuse and need a higher degree of regulation than the exemption system provides. These activities will require a permit.

If your activity does not fit into one of the new exemptions (see Appendix A and the associated guidance on our website [www.environment-agency.gov.uk/exemptions](http://www.environment-agency.gov.uk/exemptions)) then you will probably need to apply for a permit. We have provided new standard permits to cover the majority of activities that will no longer be exempt.

We will be providing a list of these on our website. See also our guidance on 'Making the step to permitting' which is also available through [www.environment-agency.gov.uk/exemptions](http://www.environment-agency.gov.uk/exemptions).

## I operate under a low-risk waste position/regulatory position. What do I need to do?

If you currently benefit from a low-risk waste position or regulatory position you will need to check whether or not a new exemption has been provided (see Appendix A) and register the activity under the new system. Not all low-risk waste positions and regulatory positions will have been given an exemption but we will tell you what you need to do (<http://www.environment-agency.gov.uk/business/regulation/99685.aspx>).

## What if my permitted activity is now exempt?

If you have a permit for an activity that is now wholly or partially exempt you can choose to register the activity as exempt.

Once the exemption has been registered the part of the permit which allowed the exempt waste operation will be automatically revoked free of charge.

## What do I need to do now?

Check our website [www.environment-agency.gov.uk/exemptions](http://www.environment-agency.gov.uk/exemptions)) because we will be adding more information over the next few months. We will be producing more specific guidance to keep you informed and help you move into the new system.

## Appendix A – List of waste exemptions

### Chapter 1 – Use of waste

- U1 Use of waste in construction
- U2 Use of baled end-of-life tyres in construction
- U3 Use of waste in the construction of entertainment or educational installations etc
- U4 Burning of waste as a fuel in a small appliance
- U5 Use of waste derived biodiesel as fuel
- U6 Use of sludge for the purposes of re-seeding a waste water treatment plant
- U7 Use of effluent to clean a highway gravel bed
- U8 Use of waste for a specified purpose
- U9 Use of waste to manufacture finished goods
- U10 Spreading waste on agricultural land to confer benefit
- U11 Spreading waste on non-agricultural land to confer benefit
- U12 Use of mulch
- U13 Spreading of plant matter to confer benefit
- U14 Incorporation of ash into soil
- U15 Pig and poultry ash
- U16 Use of depolluted end-of-life vehicles for vehicle parts

### Chapter 2 – Treatment of waste

- T1 Cleaning, washing, spraying or coating relevant waste
- T2 Recovery of textiles
- T3 Treatment of waste metals and metal alloys by heating for the purposes of removing grease etc (this one needs to be registered with your Local Authority)
- T4 Preparatory treatments (baling, sorting, shredding etc)
- T5 Screening and blending of waste
- T6 Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising
- T7 Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size (this one needs to be registered with your Local Authority)
- T8 Mechanical treatment of end-of-life tyres
- T9 Recovery of scrap metal
- T10 Sorting mixed waste
- T11 Repair or refurbishment of WEEE
- T12 Manual treatment of waste
- T13 Treatment of waste food
- T14 Crushing and emptying waste vehicle oil filters
- T15 Treatment of waste aerosol cans

- T16 Treatment of waste toner cartridges by sorting, dismantling, cleaning or refilling
- T17 Crushing waste fluorescent tubes
- T18 Dewatering using flocculants
- T19 Physical treatment of waste edible oil and fat to produce biodiesel
- T20 Treatment of waste at a water treatment works
- T21 Recovery of waste at a waste water treatment works
- T22 Treatment of animal by-product waste at a collection centre (this one needs to be registered with Animal Health)
- T23 Aerobic composting and associated prior treatment
- T24 Anaerobic digestion at premises used for agriculture and burning of resultant biogas
- T25 Anaerobic digestion at premises not used for agriculture and burning of resultant biogas
- T26 Treatment of kitchen waste in a wormery
- T27 Treatment of sheep dip for disposal
- T28 Sorting and de-naturing of controlled drugs for disposal
- T29 Treatment of non-hazardous pesticide washings by carbon filtration for disposal
- T30 Recovery of silver
- T31 Recovery of monopropylene glycol from aircraft antifreeze fluids
- T32 Treatment of waste in a biobed or biofilter
- T33 Recovery of central heating oil by filtration

### **Chapter 3 – Disposal of waste**

- D1 Deposit of waste from dredging of inland waters
- D2 Deposit of waste from a railway sanitary convenience
- D3 Deposit of waste from a portable sanitary convenience
- D4 Deposit of agricultural waste consisting of plant tissue under a Plant Health notice
- D5 Depositing samples of waste for the purposes of testing or analysing them
- D6 Disposal by incineration
- D7 Burning waste in the open
- D8 Burning waste at a port under a Plant Health notice

### **Chapter 4 – Storage of waste other than at the place of production pending its recovery or reuse**

- S1 Storage of waste in secure containers
- S2 Storage of waste in a secure place
- S3 Storage of sludge

### **Other waste operations to which Section 33(1)(a) of the 1990 Act does not apply (these do not need to be registered)**

- 1 Temporary storage at the place of production
- 2 Temporary storage of waste at a place controlled by the producer
- 3 Temporary storage at a collection point