

Principal statutes and statutory instruments

<p>Environmental Permitting (England and Wales) Regulations 2010 (SI 2010/675)</p>	<p>Keeping, treating or disposing of Directive Waste (except where such activities are either excluded or exempt activities) requires the operator to obtain an Environmental Permit (see e key facts No.2). An exempt waste operation may require a formal registration with the Regulator or may be deemed without a specific registration as long as the specified requirements are met. (see e key facts No.4).</p> <p>The following are not regulated facilities (a) an excluded waste operation, (b) the disposal or recovery of household waste from a domestic property within the curtilage of that property by a person other than an establishment or undertaking.</p> <p>Certain waste activities are specified as regulated activities under Schedule 1 and therefore require an Environmental Permit under Part A(1), A(2) or Part B routes.</p>
<p>Excluded waste operations – Reg 4</p>	<p>In the Regulations, “excluded waste operation” means— a waste operation which is or forms part of an operation which— (i) is the subject of a licence under Part II of the Food and Environment Protection Act 1985, or (ii) by virtue of an order under section 7 of that Act, does not require such a licence.</p>
<p>Exempt waste operations – Reg 4</p>	<p>A waste operation is an “exempt waste operation” and therefore not a regulated facility if— (a) the requirements in paragraph 3(1) of Schedule 2 are met in respect of the waste operation; (b) it falls within a description in Part 1 of Schedule 3; and (c) 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.</p> <p>But a waste operation is not an exempt waste operation to the extent that it involves hazardous waste or the storage or treatment of WEEE, unless otherwise indicated in Part 1 of Schedule 3.</p>
<p>Planning permission</p>	<p>Following an application under regulation 13(1), the regulator must not grant an environmental permit in relation to a relevant waste operation if use of the site for carrying on that operation requires a planning permission and no such permission is in force.</p>
<p>Landfill</p>	<p>The provisions of the Landfill Directive are applied through Schedule 10, which includes requirements applying to Waste Acceptance Criteria for land filling of waste.</p>

Who can hold an environmental permit for a waste activity?

Before the grant of an environmental permit or transfer of a permit, the Environment Agency must ensure that , where appropriate, the holder is able to satisfy the following requirements:

- They must be technically competent – often established through the holding of a Certificate of Technical Competence or Vocationally Related Qualifications. There are transitional provisions that allow a person to hold a licence for limited periods whilst they gain the necessary technical competence providing they satisfy the Environment Agency that they are technically competent management.
- They must be free of relevant convictions
- They must have adequate financial and other resources necessary to discharge their obligations under the permit..

What waste activities are regulated under Part A(1), A(2) and Part B permits?

The installations and mobile plant activities related to waste related activities that are controlled an Environmental Permit under Schedule 1 as either Part A(1), A(2) or Part B activities are summarised in the table below. All other waste activities falling outside of these definitions require an Environmental Permit for a Waste Activity.

<p>Section 1.1 Combustion Activities</p> <p>Part A(1)</p> <p>(a) Burning any fuel in an appliance with a rated thermal input of 50 megawatts or more.</p> <p>(b) Burning any of the following fuels in an appliance with a rated thermal input of 3 megawatts or more but less than 50 megawatts unless the activity is carried out as part of a Part A(2) or B activity:</p> <p>(i) waste oil;</p> <p>(ii) recovered oil;</p> <p>(iii) any fuel manufactured from, or comprising, any other waste.</p> <p>Part A(2)</p> <p>At present there are no activities subject to Part A(2) controls in this section.</p> <p>Part B</p> <p>Unless falling within paragraph (a) of Part A(1) of this Section:</p> <p>(a) Burning any fuel, other than a fuel mentioned in paragraph (b) of Part A(1) of this Section, in a boiler or furnace or a gas turbine or compression ignition engine with, in the case of any of these appliances, a rated thermal input of 20 megawatts or more but less than 50 megawatts.</p> <p>(b) Burning any of the following fuels in an appliance with a rated thermal input of less than 3 megawatts:</p> <p>(i) waste oil;</p> <p>(ii) recovered oil;</p> <p>(iii) a solid fuel which has been manufactured from waste by an activity involving the application of heat.</p> <p>(c) Burning fuel manufactured from or including waste, other than a fuel mentioned in paragraph (b), in any appliance:</p> <p>(i) with a rated thermal input of less than 3 megawatts but at least 0.4 megawatts; or</p> <p>(ii) which is used together with other appliances which each have a rated thermal input of less than 3 megawatts, where the aggregate rated thermal input of all the appliances is at least 0.4 megawatts.</p>	<p>Section 5.1 - Incineration and Co-incineration of Waste</p> <p>Part A(1)</p> <p>(a) The incineration of hazardous waste in an incineration plant.</p> <p>(b) Unless carried out as part of any other Part A(1) activity, the incineration of hazardous waste in a co-incineration plant.</p> <p>(c) The incineration of non-hazardous waste in an incineration plant with a capacity of 1 tonne or more per hour.</p> <p>(d) Unless carried out as part of any other activity in this Part, the incineration of hazardous waste in a plant which is not an incineration plant or a co-incineration plant.</p> <p>(e) Unless carried out as part of any other activity in this Part, the incineration of non-hazardous waste in a plant which is not an incineration plant or a co-incineration plant but which has a capacity of 1 tonne or more per hour.</p> <p>Part A(2)</p> <p>(a) The incineration of non-hazardous waste in an incineration plant with a capacity of less than 1 tonne per hour.</p> <p>(b) Unless carried out as part of any other Part A activity, the incineration of non-hazardous waste in a co-incineration plant.</p> <p>Part B</p> <p>(a) The incineration of non-hazardous waste in a plant which is not an incineration plant or a co-incineration plant but which has a capacity of 50 kilogrammes or more per hour but less than 1 tonne per hour.</p> <p>(b) The cremation of human remains.</p> <p>This Section was deleted and replaced by the Waste Incineration (England and Wales) Regulations SI 2002/2980</p>
<p>Section 5.2 Disposal of Waste by Landfill</p> <p>Part A(1)</p> <p>(a) The disposal of waste in a landfill receiving more than 10 tonnes of waste in any day or with a total capacity of more than 25,000 tonnes, excluding disposals in landfills taking only inert waste.</p> <p>(b) The disposal of waste in any other landfill to which the Landfill (England and Wales) Regulations SI 2002/1559 apply.</p> <p>Part A(2)</p> <p>At present there are no activities subject to Part A(2) controls in this section.</p> <p>Part B</p> <p>At present there are no activities subject to Part B controls in this section.</p>	<p>Section 5.3 Disposal of Waste Other Than by Incineration or Landfill</p> <p>Part A(1)</p> <p>(a) The disposal of hazardous waste (other than by incineration or landfill) in a facility with a capacity of more than 10 tonnes per day.</p> <p>(b) The disposal of waste oils (other than by incineration or landfill) in a facility with a capacity of more than 10 tonnes per day.</p> <p>(c) Disposal of non-hazardous waste in a facility with a capacity of more than 50 tonnes per day by:</p> <p>(i) biological treatment, not being treatment specified in any paragraph other than paragraph D8 of Annex IIA to Council Directive 75/442/EEC, which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 in that Annex (D8); or</p> <p>(ii) physico-chemical treatment, not being treatment specified in any paragraph other than paragraph D9 in Annex IIA to Council Directive 75/442/EEC, which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 in that Annex (for example, evaporation, drying, calcination, etc.) (D9).</p> <p>Part A(2)</p> <p>At present there are no activities subject to Part A(2) controls in this section.</p> <p>Part B</p> <p>At present there are no activities subject to Part B controls in this section.</p>
<p>Section 5.4 Recovery of Waste</p> <p>Part A(1)</p> <p>(a) Recovering by distillation of any oil or organic solvent.</p> <p>(b) Cleaning or regenerating carbon, charcoal or ion exchange resins by removing matter which is, or includes, any substance listed in paragraphs 12 to 14 of Part 2 of this Schedule.</p> <p>(c) Unless carried out as part of any other Part A activity, recovering hazardous waste in plant with a capacity of more than 10 tonnes per day by means of the following operations:</p> <p>(i) the use principally as a fuel or other means to generate energy (R1);</p> <p>(ii) solvent reclamation/regeneration (R2);</p> <p>(iii) recycling/reclamation of inorganic materials other than metals and metal compounds (R5);</p> <p>(iv) regeneration of acids or bases (R6);</p> <p>(v) recovering components used for pollution abatement (R7);</p> <p>(vi) recovery of components from catalysts (R8);</p> <p>(vii) oil re-refining or other reuses of oil (R9).</p> <p>Part A(2)</p> <p>At present there are no activities subject to Part A(2) controls in this section.</p> <p>Part B</p> <p>At present there are no activities subject to Part B controls in this section.</p>	<p>Section 5.5 The Production of Fuel from Waste</p> <p>Part A(1)</p> <p>(a) Making solid fuel (other than charcoal) from waste by any process involving the use of heat.</p> <p>Part A(2)</p> <p>At present there are no activities subject to Part A(2) controls in this section.</p> <p>Part B</p> <p>At present there are no activities subject to Part B controls in this section.</p> <p>Section 3.5 Other Mineral Activities</p> <p>Part B</p> <p>.....</p> <p>(c) The crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles or concrete.</p> <p>(d) Screening the product of any activity described in paragraph (c).</p> <p>.....</p>