

## **E Key Facts No. 4 (1)**

# **Environmental Permitting - Waste, Water and Groundwater Exemptions**

### **When is an environmental permit required?**

Any person who keeps, treats or disposes of directive waste on or under any land or discharges water to surface or groundwater requires a permit unless they are excluded as an activity regulated under a separate regime or are exempt from the need to hold a permit. Failure to hold a valid permit or to benefit from a registered exemption or to fail to comply with the conditions of a permit or exemption would amount to an offence the Environmental Permitting (England and Wales) Regulations 2010. There are specified circumstances in which, although treatment, storage or disposal of directive waste is being undertaken on or in land or discharges to surface or groundwater, a permit is not required. These are referred to as exempt activities.

### **What is an exempt activity?**

The 2010 Regulations contains the provision for waste to be treated, kept or disposed of in or on land without the need to hold a permit providing that:

- The activity meets one or more of the specific circumstances summarised in the table below; and
- The activity is undertaken in such a way as to ensure that waste is disposed or recovered without endangering human health or harming the environment; and
- Unless otherwise specified, the activity does not involve Hazardous waste.

Exemption does not provide a blanket defence against prosecution. A person undertaking an exempt activity is still liable to prosecution if they keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health. Under the Environmental Permitting Regulations 2010, Schedule 3, specified activities involving the use, treatment or disposal of waste are defined that can potentially benefit from an exemption.

A person wishing to claim exemption under Schedule 3 must ensure that where required, they have a valid planning permission for the activity in question.

An exemption involving the recovery or disposal of waste must be registered with the appropriate registration authority. In the case of exemptions conferred on waste related parts of processes permitted under Schedule 1 to the 2010 Regulations ([see e key facts No. 17](#)), the registration authority is the body responsible for the issuing of the relevant authorisation. In the case of paragraph T3 and T7, this is the local authority, for T22 the registration authority is the licensing body under the Diseases of Animals (Waste Food) Order 1973. In all other cases, the registration authority is the Environment Agency (the Agency).

Registrations last for a period of 3 years after which time they must be renewed.

The 2010 Regulations also introduce new exemptions for water discharge and groundwater discharge activities. These are listed at the end of the table below.

### **Summary of activities exempted under Schedule 3**

In the following table, there is a summary of the exemptions specified in Schedule 3. Each exemption is listed under the paragraph heading that was previously used in the original 2007 Environmental Permitting Regulations where relevant. Activities which are eligible for new exemptions, which were not previously available, are listed towards the end of the table. There is a description of the activity upon which an exemption right was then conferred and the new exemption reference numbers where applicable. Some activities which were previously exempt have now become liable to permitting.

Unless specifically stated, exemptions do not apply to Hazardous waste or any activity where the total area of land exceeds 50 hectares.

Storage of wastes listed in Schedule 3 in a container, lagoon or place must be secure in relation to the waste kept in it. This means that all reasonable precautions must be taken to ensure that the waste cannot escape and members of the public are unable to gain access to the waste.

The table below contains a summary version of Schedule 3 to act a guide only. If any activity appears to meet the description given, the full text of Schedule 3 should be consulted.

2007 Regs Exemption paragraph No.	Existing exemption title	New exempt waste operation	New exempt waste operation title/additional information	Transition date (non-agricultural activities)
2	Scrap metal furnaces	No exemption needed	Part B permit required which will also cover storage, loading/unloading of waste.	01 October 2013
3	Burning waste as fuel	No exemption needed	Part B permit required which will also cover storage, loading/unloading of waste.	01 October 2013
4	Packaging or containers	T1	Cleaning, washing, spraying or coating relevant waste	01 October 2012
5	Burning waste as fuel in small appliances	U4	Burning of waste as a fuel in a small appliance	01 October 2012
6	Sludge on land	No exemption has been provided		01 October 2012
7	Waste for the benefit of land	U10, or	Spreading waste on agricultural land to confer benefit	01 October 2012
		U11	Spreading waste on non-agricultural land to confer benefit	01 October 2012
8	Storage of sludge which is to be used in accordance with the 1989 Regulations	S3	Storage of sludge	01 October 2013
9	Land reclamation or improvement	U1	Use of waste in construction (now has very limited use)	01 October 2011
		U11	Spreading waste on non-agricultural land for benefit	01 October 2011
10	Sewage and water treatment works	T20	Treatment of waste at a water treatment works	01 October 2011
		T21	Recovery of waste at a waste water treatment works	01 October 2011
11	Preparatory treatments of certain Waste	T4	Preparatory treatments (baling, sorting, shredding etc)	01 October 2012
12	Composting waste	T23, T24, T25	Aerobic composting and Anaerobic Digestion	01 October 2011
13	Construction and soil materials	T5, or	Screening and blending of waste	06 April 2012

2007 Regs Exemption paragraph No.	Existing exemption title	New exempt waste operation	New exempt waste operation title/additional information	Transition date (non-agricultural activities)
		T6	Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising	06 April 2012
14	Manufacturing finished goods	U9	Use of waste to manufacture finished goods	01 October 2012
15	Use of waste	U8	Use of waste for a specified purpose	01 October 2012
16	Biobeds	T32	Treatment of waste in a biobed or biofilter	01 October 2013
17	Storage of waste in a secure place	S2	Storage of waste in a secure place	01 October 2012
18	Waste in secure containers	S1	Storage of waste in secure containers	01 October 2012
19	Waste for construction	U1, or U3	Use of waste in construction Use of waste in the construction of entertainment or educational installations etc	01 October 2011 01 October 2011
20	Recovery of textiles	T2	Recovery of textiles	01 October 2012
21	Preparatory treatments of waste plant matter	T6	Treatment of waste wood and waste plant matter by chipping shredding, cutting or	06 April 2010
22	Recovery of silver	T30	Recovery of silver	01 October 2012
23	Recovery of waste consisting of animal by-products at a collection centre	T22	Treatment of animal by-product waste at a collection centre	01 October 2012
24	Crushing, grinding or size reduction of bricks, tiles or concrete	T7	Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size	01 October 2013
25	Waterway dredging	D1	Deposit of waste from dredging of inland waters	01 October 2012
26	Recovery or disposal as part of the production process	Non Waste Framework Directive	No longer requires registration	06 April 2010
27	Baling, compacting, crushing, shredding or pulverising (at place of production)	No exemption needed	No longer requires registration	06 April 2010
28	Spreading ash	U15	Pig and poultry ash	01 October 2013

2007 Regs Exemption paragraph No.	Existing exemption title	New exempt waste operation	New exempt waste operation title/additional information	Transition date (non-agricultural activities)
29	Disposal by burning at the place of production	D6	Disposal by incineration	01 October 2012
30	Burning waste in the open	D7	Burning waste in the open	01 October 2012
31	Waste from railway sanitary conveniences or sinks	D2	Deposit of waste from a railway sanitary convenience	01 October 2012
32	Waste from sanitary conveniences with removable receptacles	D3	Deposit of waste from a portable sanitary convenience	01 October 2012
33	Peatworking	No exemption provided	This activity is covered by the Mining Waste Directive	06 April 2010
34	Railway ballast	Non Waste Framework Directive	No longer requires registration	06 April 2010
35	Waste from Prospecting	No exemption provided	This activity is covered by the Mining Waste Directive	06 April 2010
36	Spreading dredgings	U10	Spreading waste on agricultural land to confer benefit	01 October 2013
37	The deposit of agricultural waste consisting of plant tissue at the place of production	D4	Deposit of agricultural waste consisting of plant tissue under a Plant Health notice	01 October 2013
38	Samples of waste	D5	Depositing samples of waste for the purposes of testing or analysing them	01 October 2012
39	Storage of medicines and medical, nursing or veterinary waste	Non Waste Framework Directive	No longer requires registration	06 April 2010
40	Repair or refurbishment of WEEE	T11	Repair or refurbishment of WEEE	01 October 2012
41	Secure storage of WEEE	S2	Storage of waste in a secure place	01 October 2012
42	Crushing waste discharge lamps	T17	Crushing waste fluorescent tubes	01 October 2012

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43	Glass manufacture and production	No exemption needed	Part B permit required which will also cover storage, loading/unloading of waste.	01 October 2013
44	Heating metals and metal alloys for the purpose of removing grease, oil or any other non-metallic contaminant	T3	Treatment of waste metals and metal alloys by heating for the purposes of removing grease etc	01 October 2013
45	Recovery of scrap metal or the dismantling of waste motor vehicles	T9	Recovery of scrap metal	01 October 2013
46	Burning plant tissue waste and wood at a dock	D8	Burning waste at a port under a Plant Health notice	01 October 2012
47	Treating land by the spreading of agricultural waste (milk)	U10	Spreading waste on agricultural land to confer benefit	01 October 2013
48	Pet burial	No exemption provided	Not regulated unless waste is clinical waste	01 October 2013
49	Temporary storage of ships' garbage or tank washings	Non Waste Framework Directive	No longer requires registration	06 April 2010
50	Storing non-liquid waste pending its management elsewhere	Non Waste Framework Directive	No exemption needed	06 April 2010
51	Temporary storage of scrap rails	Non Waste Framework Directive	No longer requires registration	06 April 2010
52	Temporary storage of waste on the site where it is produced	Non Waste Framework Directive	No exemption needed	06 April 2010
53	Storage of waste portable batteries at a collection point	Non Waste Framework Directive	No longer requires registration	06 April 2010

2007 Regs Exemption paragraph No.	Existing exemption title	New exempt waste operation	New exempt waste operation title/additional information	Transition date (non-agricultural activities)
None		U2	Use of baled end-of-life tyres in construction	
None		U6	Use of sludge for the purposes of re-seeding a waste water treatment plant	
None		U7	Use of effluent to clean a highway gravel bed	
None		U12	Use of mulch	
None		U13	Spreading of plant matter to confer benefit	
None		U14	Incorporation of ash into soil	
None		U16	Use of depolluted end-of-life vehicles for vehicle parts	
None		T8	Mechanical treatment of end-of-life tyres	
None		T10	Sorting mixed waste	
None		T12	Manual treatment of waste	
None		T13	Treatment of waste food	
None		T14	Crushing and emptying waste vehicle oil filters	
None		T15	Treatment of waste aerosol cans	
None		T16	Treatment of waste toner cartridges by sorting, dismantling, cleaning or refilling	

2007 Regs Exemption paragraph No.	Existing exemption title	New exempt waste operation	New exempt waste operation title/additional information	Transition date (non-agricultural activities)
None		T18	Dewatering using flocculants	
None		T19	Physical treatment of waste edible oil and fat to produce biodiesel	
None		T20	Treatment of waste at a water treatment works	
None		T21	Recovery of waste at a waste water treatment works	
None		T26	Treatment of kitchen waste in a wormery	
None		T27	Treatment of sheep dip for disposal	
None		T28	Sorting and de-naturing of controlled drugs for disposal	
None		T29	Treatment of non-hazardous pesticide washings by carbon filtration for disposal	
None		T31	Recovery of monopropylene glycol from aircraft antifreeze fluids	
None		T33	Recovery of central heating oil by filtration	
None		S3	Storage of sludge	
		New exempt water discharge operation	New exempt water discharge operation title/additional information	Transition date (non-agricultural activities)
None		Part 2(1)	Vegetation management activities	
None		Part 2(2)	Small discharges of sewage effluent	

	New exempt groundwater discharge operation	New exempt groundwater discharge operation title/additional information	Transition date (non-agricultural activities)
None	Part 3(2)	Discharge of small quantities of substances for scientific purposes	
None	Part 3(3)	Small discharges of sewage effluent	