

## Regulation of small-scale food waste pre-treatment at source

### Purpose

This guidance covers the treatment of source segregated food waste at the site of production. It should be read by food waste producers when considering options for food waste treatment.

It does not apply to the treatment of food waste treated at a site other than the point of production or to the treatment of mixed (“black bag”) waste. Such activities will require an environmental permit such as a waste management licence or a PPC permit.

### Background

Food businesses in non rural areas<sup>1</sup>, which produce over 50 kg of food waste per week, must take all reasonable steps to ensure their food waste is separately collected. In such circumstances food waste disposal to sewer via a macerator is prohibited.

Food businesses which produce between 5 and 50 kg of food waste per week will have to present that food waste for separate collection from 1 January 2016.

There has been an increase in the availability and type of small scale food waste treatment technologies on the market that reduce the volume of material requiring transport for treatment and the potential for odour problems arising from storage at the point of production.

SEPA understands the role and potential benefits of such treatment however it is important to understand what the treatment does and what it does not do, along with the status of the treated material.

### Composting Processes

“Composting” is defined in the Waste Management Licensing (Scotland) Regulations 2011 (WMLR), as–

*“the autothermic [i.e. self-heating] and thermophilic [i.e. 40-80°C] biological decomposition and stabilisation of biodegradable waste under controlled aerobic conditions that result in a stable sanitised material that can be applied to land for the benefit of agriculture, horticulture or ecological improvement”.*

If the small-scale food waste treatment process meets this definition of “composting” in full then we will consider this to be exempt from licensing under paragraph 12 of Schedule 1 to the WMLR. Any exemption from licensing must be registered with SEPA. Full details of all activities exempt from licensing, including guidance and registration forms, are available on the SEPA website<sup>2</sup>.

Processes that do not meet the definition of composting but treat food waste using heat, chemicals or biological agents to reduce the water content or volume, may be suitable for the pre-treatment of food waste prior to its separate collection and onward transport to an authorised treatment facility, e.g. an in-vessel composting (IVC) or an anaerobic digestion (AD) facility. However the residues from such processes remain waste, are not compost and are not suitable for application to land.

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<sup>1</sup> A Food Business is defined as whether for profit or not, public or private, carrying out any activity relating to the processing, distribution, preparation or sale of food. To check whether your premises are defined as rural for the purposes of the Regulations follow this link to a postcode checker <http://faq.zerowastescotland.org.uk/ruralsearch/>.

<sup>2</sup> Further information on registering an exempt activity is available here: [http://www.sepa.org.uk/waste/waste\\_regulation/application\\_forms/exempt\\_activities.aspx](http://www.sepa.org.uk/waste/waste_regulation/application_forms/exempt_activities.aspx)

## Use of Outputs

The output from compost processes can be applied to land under an exemption from licensing if its use can be shown to be beneficial to the land. Full details of relevant exemptions from licensing can be found in paragraphs 7, 9 and 19 of Schedule 1 to the WMLR.

If the process does not meet the definition of “composting” then the outputs are not suitable to be spread on land. All output material remains waste and should be sent to an appropriate IVC or AD facility for treatment compliant with the Animal By-Product (Scotland) Regulations 2013 (the ABPR). Alternatively, if the food waste producer is in a rural area (as outlined above) it may be disposed of to landfill in accordance with the ABPR since the requirements to segregate and recycle do not apply.

If the output material is to be used as a fuel then that process will also require the appropriate environmental permit.

SEPA expects all marketing material for rapid food waste treatment processes to be clear as to the legal status of the process and its output.

## Dewatering Processes

Food waste disposers (i.e. macerators) cannot be used to discharge food waste to a drain or sewer in a non-rural area. Systems which dewater food waste at source and store the solid material for collection and treatment are an acceptable form of management only where they are configured to maximise the capture of organic material.

## Other Legislative requirements

The storage of the food waste, the treatment process and the storage and use of outputs from the process must comply with the Duty of Care<sup>3</sup>. This means that it must be securely stored to prevent any unauthorised access by people or vermin. It must also be stored and/or treated in such a way that it does not endanger human health or cause harm to the environment, which includes causing nuisance through generation of odour.

Compliance with the WMLR and the contents of this guidance note does not remove the need to comply with any other legislation, such as that regulated by the Animal Health & Veterinary Laboratory Agency. Food waste producers should contact their local AHVLA office for further information and advice.

**This position applies only in Scotland. The terms of this position may be subject to periodical review and be changed or withdrawn in light of technological or scientific developments, regulatory or legislative changes, future government guidance or experience of its use. SEPA reserves its discretion to depart from the position outlined here and to take appropriate action to avoid any risk of pollution or harm to human health or the environment.**

## Useful Links

Food waste recycling information on the SEPA website:

[http://www.sepa.org.uk/waste/moving\\_towards\\_zero\\_waste/zero\\_waste\\_regulations/food\\_waste\\_recycling.aspx](http://www.sepa.org.uk/waste/moving_towards_zero_waste/zero_waste_regulations/food_waste_recycling.aspx)

Composting information on the SEPA website:

[http://www.sepa.org.uk/waste/waste\\_regulation/composting.aspx](http://www.sepa.org.uk/waste/waste_regulation/composting.aspx)

Information on Animal By Product legislation is available on the Scottish Government website:

<http://www.scotland.gov.uk/Topics/farmingrural/Agriculture/animal-welfare/ABPs/EUABPGuide#top>

Animal Health and Veterinary Laboratory Agency Office details are available here:

<http://www.defra.gov.uk/ahvla-en/about-us/contact-us/field-services/scotland/>

<sup>3</sup> Further information on the Duty of Care is available on the SEPA website:

[http://www.sepa.org.uk/waste/waste\\_regulation/waste\\_carriers\\_and\\_brokers/duty\\_of\\_care.aspx](http://www.sepa.org.uk/waste/waste_regulation/waste_carriers_and_brokers/duty_of_care.aspx)