

Roadside Vehicle Maintenance - 3rd Party Collection and Storage of Waste

Purpose

This regulatory position statement aims to provide guidance in respect to the intermediate storage of waste produced from roadside vehicle maintenance.

Background

In the course of their duties operators (patrols) of emergency vehicle maintenance services such as “roadside assistance” or a “recovery service” will need to ensure that small quantities of hazardous and non-hazardous waste are managed and disposed of correctly.

In general, the logistical structure of some of the larger service providers is such that there is no centralised depot available to patrol vehicles for the purposes of bulking up of waste produced from roadside operations. Waste is often stored temporarily in vehicles until such time that it is economically and/or logistically feasible to dispose of the waste.

This position statement promotes the use of an existing disposal network i.e. 3rd party garages, producing similar wastes, contracted to National vehicle maintenance operators.

The identified 3rd party garages will act as an intermediate storage point until the disposal of the waste.

SEPA Position

Where waste resulting from roadside vehicle maintenance is removed from the roadside and taken to another location for storage, SEPA will consider the 3rd party storage activity as being the point of production and consequently will be covered by a paragraph 41 exemption¹ where the conditions of that exemption, in conjunction with additional requirements listed below (consignment and movement of waste), are met, namely:

- The storage site has not been designed or adapted for the storage of scrap metal or the dismantling of waste motor vehicles
- The storage site must have impermeable surfaces and adequate drainage to prevent pollution to the environment
- Any Special waste is stored for no longer than 12 months
- Liquid waste that is also special waste is stored in a secure container and the total volume of that waste does not at any time exceed 23,000 litres;
- All other wastes are stored in:
 - a secure container and the total volume of that waste does not at any time exceed 80 cubic metres; or
 - a secure place and the total volume of that waste does not at any time exceed 50 cubic metres
- the relevant objectives of the Waste Framework Directive are met; namely ensuring that waste is managed without endangering human health and without using processes or methods which could harm the environment and in particular without:
 - i. risk to water, air, soil, plants or animals,

¹ Paragraph 41 of Schedule 1 to the Waste Management Licensing (Scotland) Regulations 2011
http://www.sepa.org.uk/waste/waste_regulation/application_forms/exempt_activities/paragraph_41.aspx

- ii. causing nuisance through noise or odours; or
- iii. adversely affecting the countryside or places of special interest.

Paragraph 41 exemptions do not need to be registered with SEPA. If however, the establishment or undertaking wishes to register the activity to obtain paperwork suitable for auditing, this exemption can be registered online².

Consignment and Movement

Any movement or transfer of waste from the roadside to a site for intermediate storage will not require to be consigned under a Waste Transfer Note or Special Waste Consignment Note. However, such movements must be recorded and the information is available on request. Furthermore the receiving site must be licensed under a paragraph 41 exemption to accept and store the waste in question.

Any subsequent movement from the intermediate storage site to a treatment or disposal site must be done in accordance with the Special Waste Regulations 1996, where that waste is special waste, and the “Duty of Care”³ where that waste is non-hazardous. SEPA has produced “A Guide to Consigning Special Waste” which is available on our website (http://www.sepa.org.uk/waste/waste_regulation/special_waste.aspx).

Please note that a Waste Carriers Registration is still required for those involved in the movement and transfer of waste. Further guidance on who should be registered and the types of registration available can be accessed at the following:

http://www.sepa.org.uk/waste/waste_regulation/waste_carriers_and_brokers/who_needs_to_register.aspx

SEPA’s Enforcement Policy

Regardless of this position, SEPA still retains the right to take enforcement action and to review this position in the light of policy and legislative changes. Where there is observed harm to the environment or human health, potential harm to the environment or human health or where there is a breach of environmental legislation, the presumption will be to use enforcement action. The level of action may be dependent on any mitigating circumstances as well as on the seriousness of the offence.

SEPA’s enforcement policy⁴ is available on our website (http://www.sepa.org.uk/about_us/policies.aspx).

² <http://apps.sepa.org.uk/Wmx/pages/welcome.aspx>

³ Section 34 of the Environmental Protection Act 1990 see also:
<http://www.business.scotland.gov.uk/bdotg/action/detail?itemId=1097280893&site=202&type=RESOURCES>

⁴ http://www.sepa.org.uk/about_us/idoc.ashx?docid=48c35c8b-7a17-40da-80ed-f4637abbcf4c&version=-1