

Paragraph 49 Exemption

1 INTRODUCTION

This document provides guidance, definitions, operational policy and strategy with regard to registering a Paragraph 49 exemption under Schedule 1 of the Waste Management Licensing (Scotland) Regulations 2011 (“the Regulations”) for the treatment of waste organophosphate sheep dip with an enzyme preparation.

2 SEPA’S OPERATIONAL POLICY CONCERNING PARAGRAPH 49 EXEMPTIONS.

2.1 What can I do under a paragraph 49 exemption?

This exemption allows you to treat up to two tonnes per day of waste organophosphate sheep dip with an enzyme preparation.

Sheep dipping plays an important role in the maintenance of good animal welfare, and combined with other good flock management techniques, is commonly used to control ectoparasites such as sheep scab. SEPA is involved in the UK sheep dip pollution reduction programme, to ensure that environmental issues are addressed.

Due to the acutely toxic nature of the chemicals involved, organophosphate (OP) dips in small quantities can be sufficient to wipe out aquatic life in surface waters for considerable distances.

Enzymes are proteins that speed up chemical reactions. In enzymatic reactions, the molecules at the beginning of the process, called substrates, are converted into different molecules, called products. Like a lock and a key, enzymes are specific for the chemical reactions they take part in.

In the case of sheep dip, an enzyme may be used to break down the organophosphate element to less harmful substances. The exemption covers the treatment of the waste sheep dip with a specific enzyme preparation designed to break down the OP substances into less harmful chemicals. The exemption does not cover the disposal of untreated or treated sheep dip solutions. If you want to dispose of treated or untreated dip on land, you must meet other regulatory requirements relating to water pollution control.

2.2 What other regulatory requirements are there?

Due to the toxic nature of sheep dip chemicals, an authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) must be held prior to the disposal of waste sheep dip to land. The authorisation will identify an area of land where disposal can take place and will contain conditions to prevent pollution occurring from the disposal activity. You can apply for an authorisation at your local SEPA office.

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Depending upon the specific action of the enzyme preparation, you may still need a CAR authorisation to dispose of the treated sheep dip solution. The details of the enzyme preparation must provide information on the breakdown products and these must be compared with the list of hazardous substances which will still be controlled under CAR.

2.3 What must be provided by the applicant?

- At least 21 days written notice of the date on which the exempt activity is first to be carried on shall be given to SEPA.
- The appropriate notification fee (cheques made payable to “Scottish Environment Protection Agency”). The charging scheme may be found on SEPA’s website at www.sepa.org.uk or obtained by contacting your local SEPA office.
 - The establishment or undertaking’s name, address and telephone number and, if applicable, its fax number and email address.
- A description of the enzyme preparation to be applied. This should include the trade name of the product, instructions for use and details of the breakdown products formed at the end of the treatment. This information should be available from the manufacturer or the retailer of the enzyme preparation.

2.4 What are the main reasons a notification will be taken off the public register?

Although not exhaustive there are several principal reasons why a notification would be taken off the register. These are:

- The operator is no longer carrying out the activity
- The operator fails to submit a renewal notice at least 21 days before the expiry date
- The activity is being carried out in breach of any of the conditions or limitations of the relevant exemption;
- The operator fails to meet the Registration Obligations; and
- The type and quantity of waste submitted to the activity, and method of recovery are not consistent with the Relevant Objectives.

In the Regulations, Paragraph 6 of Schedule 4 specifies the ‘Relevant Objectives’ that must be met when carrying out the activity, in this case, recovery of waste. It must be ensured that waste is recovered 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; or
- ii. Causing nuisance through noise or odours; or
- iii. Adversely affecting the countryside or places of special interest.

2.5 How often will a paragraph 49 exemption be inspected?

Waste Management Licensing (Scotland) Regulations 2011 states that: “*An initial inspection shall be carried out at the time when the exempt activity commences. Thereafter, periodic inspections shall be carried out at intervals not exceeding 12 months.*”

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In practice this means the activity will be inspected when it is first registered and will only be inspected again when the renewal is submitted or if there is a complaint or incident.

3 OTHER SOURCES OF INFORMATION AND GUIDANCE

The Waste Management Licensing (Scotland) Regulations 2011, Scottish Statutory Instrument [2011:228](#)

Further information on the application of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) is available on the SEPA website: http://www.sepa.org.uk/water/water_regulation/regimes.aspx