



Water Use

Supporting Guidance (WAT-SG-14)

Disposal to Land: Waste Sheep Dip / Waste Pesticide Washings Authorisation Review

SEPA Guidance

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Update Summary

Version	Description
v1.0	First issue for Water Use reference using approved content from the following documents: <i>Review_of_Auth_for_Sheep_Dip_Disposal_to_Land.doc</i>
v2	Consolidates content from WAT-SG-22 and modifies for CAR 2011: Sections 1 & 2: Background information / Section 3: SGRPID inspections / Section 4: SEPA inspections / Section 5: Post-inspection procedures

Notes

References: Linked references to other documents have been disabled in this web version of the document. See the References section for details of all referenced documents.

Printing the Document: This document is uncontrolled if printed and is only intended to be viewed online.

If you do need to print the document, the best results are achieved using Booklet printing or else double-sided, Duplex (2-on-1) A4 printing (both four pages per A4 sheet).

Always refer to the online document for accurate and up-to-date information.

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1. Key Points

The disposal of waste sheep dip and waste pesticides / pesticide washings to land are controlled via the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (referred to hereafter as CAR). Any authorisation for disposal to land granted under the regulations must be reviewed at least every four years until December 2013 (when the 1980 Groundwater Directive will be revoked). The review involves an inspection of the disposal site and may require changes to the authorisation.

Since April 2008, staff of both SEPA and the Scottish Government Rural Payments Inspections Division (SGRPID) have had a role in the review of existing authorisations for the disposal of waste sheep dip or pesticide washings to land.

Section 3 of this document provides guidance on the procedures SEPA should adopt when SGRPID officers undertake site inspections for the purpose of reviewing the CAR licence.

Section 4 provides guidance on the procedures to be followed when SEPA undertakes site inspections for the purpose of reviewing the CAR licence.

Section 5 provides guidance on the review procedure for local Operations teams following site inspection.

2. Background

2.1 The need for CAR authorisation reviews

The disposal of waste sheep dip and waste pesticides to land are controlled via CAR. Any authorisation for disposal to land granted under the regulations must be reviewed at least every four years until December 2013 (when the 1980 Groundwater Directive will be revoked). After 2013 there is no statutory requirement for a periodic review but 6 yearly reviews may be appropriate to fit in with River Basin Planning cycles. The review involves an inspection of the disposal site and may require changes to the authorisation.

The purpose of the authorisation is to ensure that disposal is undertaken in compliance with the Groundwater Directive, Groundwater Daughter Directive and Water Framework Directive i.e. there will be no entry into groundwater of List I/hazardous substances (e.g. waste sheep dip and waste pesticides / pesticide washings) or the pollution of groundwaters by other non-hazardous pollutants (e.g. sheep treatments (bloom dips) used for cosmetic purposes).

2.2 Cross Compliance and Good Farming Practice

Compliance with the Groundwater Directive forms part of *Statutory Management Requirement SMR 2 Protection of Groundwater Against Pollution* and also Good Farming Practice. To comply with these requirements, the land manager must demonstrate that where waste sheep dip or waste pesticide / pesticide washings are disposed of to land, this is done under a CAR authorisation, and that the conditions of the authorisation are being met.

2.3 Deemed applications and deemed registrations

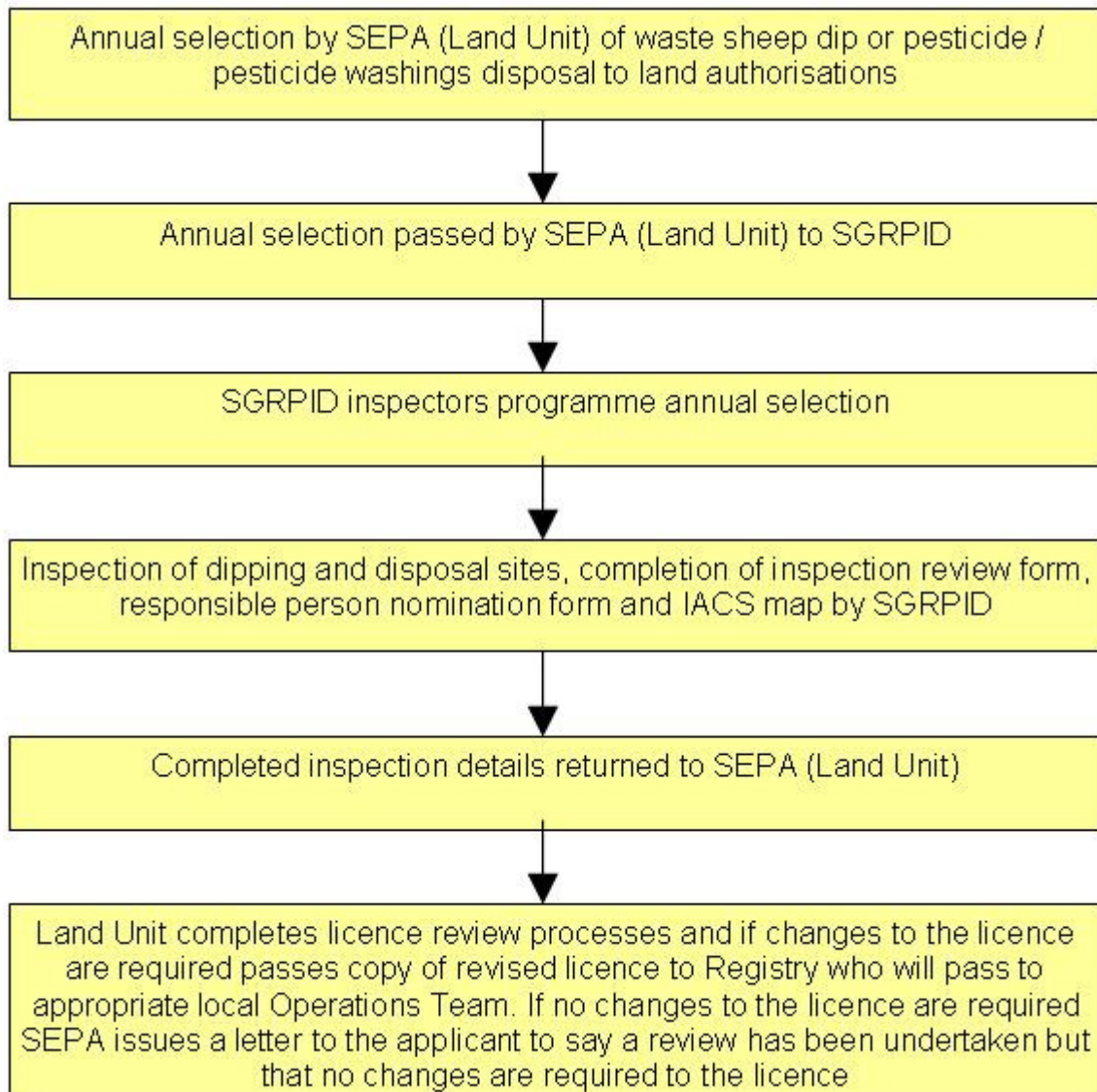
Under the transitional provisions of CAR, from 1 April 2006 holders of authorisations issued under regulation 18 of the Groundwater Regulations 1998 (GWR) (or those who had made applications for GWR authorisation that were undetermined on that date) were deemed to have made an application for CAR authorisation. Until this 'deemed application' was determined by SEPA, the activity was deemed to be authorised as a registration in accordance with the conditions of the existing GWR authorisation (or, in the case of undetermined GWR applications, in accordance with the details supplied in the application). These deemed authorisations have the identification CAR/R. However, under CAR 2011, the determination step for the transfer of Groundwater Authorisations into CAR has fallen and all such consents/authorisations are now automatically deemed as CAR Authorisations.

SEPA will review deemed authorisations as part of the four yearly review process. If the deemed authorisation presents acceptable risks to the water environment then the authorisation should be varied to a CAR /S **licence**. These licences will have the identification CAR/S. Some deemed authorisations have already been varied by SEPA

3. SEPA Procedure - SGRPID Site Inspection

3.1 Process Summary

Figure 1 Review Procedure - SGRPID site inspections



3.2 Land Unit: Pre-Inspection Procedures

Each March SEPA's Land Unit will, using CLAS, select those disposal sites that will be reviewed in the following year. This list will be forwarded to SGRPID via the secure server.

SEPA will also pass on a copy of the current authorisation together with any other relevant details held.

3.3 Land Unit: Post Inspection Procedure

Following the inspection SGRPID will return the following information to the Land Unit:

- *SEARS-F-001: Disposal to Land - Waste Sheep Dip Authorisation Review*, completed
- The IACS map, amended where necessary with details of new sites, split sites or sites no longer used
- *WAT-FORM-16: Responsible Person Request Form*, completed (where necessary).

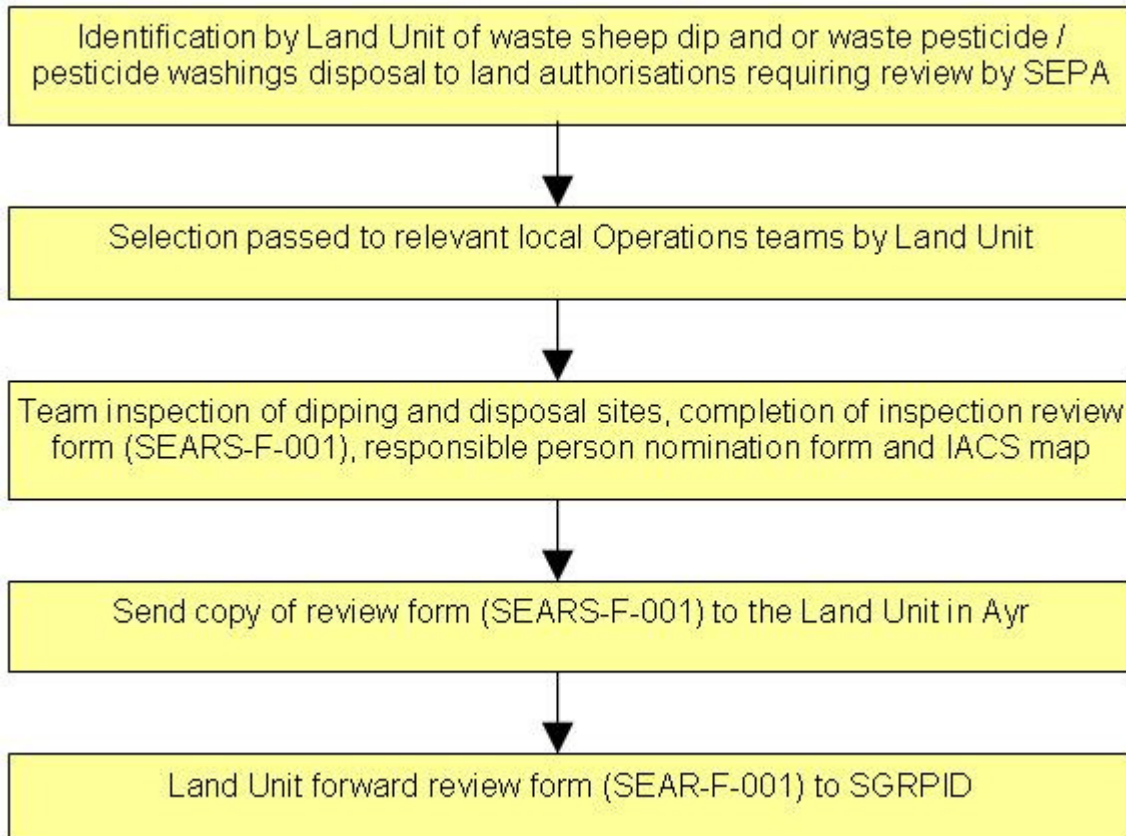
The Land Unit will review the returned inspection forms and examine the returned information to ensure that the requirements of CAR have been met. The Land Unit will then complete the review and issue any paperwork to the responsible person. Section 5 provides more details.

4. SEPA Procedure - SEPA Site Inspection

4.1 Process summary

Inspections will normally be undertaken by SGRPID inspectors but there may be some instances where an inspection by local SEPA Operations staff will be required.

Figure 2 Review Procedure - SEPA site inspections



4.2 During a site visit

The staff member undertaking the inspection should ensure that they follow the guidance in Part B of the Review Form Completion Guidance, of *SEARS-SG-001: Disposal to Land: Waste Sheep Dip Authorisation Review* (SGRPID) Inspection Guidance and have:

- A copy of the current IACS map (where available, otherwise a GIS printout with the grid reference of the disposal site or other suitable alternative)
- *SEARS-F-001: Disposal to Land - Waste Sheep Dip Authorisation Review*
- *WAT-FORM-16: Responsible Person Request Form* in case there is a change of ownership or the authorisation is in the form of a deemed authorisation

Section 5 provides details on the post-inspection review procedure.

The staff member undertaking the inspection should ensure that they are aware of the appropriate biosecurity measures which should be employed. When visiting farmland this typically involves cleaning and disinfecting footwear before and after the visit, see *Biosecurity guidance for SEARS staff*.

5. Post-inspection Review

5.1 Review summary

Carry out review using this guidance and information supplied by SGRPID or local staff including:

- The responsible person details from completed *WAT-FORM-16*
- The completed *SEARS-F-001*
- The IACS Map of Site or suitable alternative.

Table 1

Modification	Actions	References
No changes to licence necessary following review (CAR/S only)	For CAR/S only, if no changes to the licence are required SEPA issues a letter to the applicant to say a review has been undertaken but that no changes are required.	
Variation of either: Deemed authorisations (CAR/R) OR previously varied/determined authorisations (CAR/S))	Deemed authorisation (CAR/R) – Vary to a Simple Licence using template and covering letter OR Previously determined/varied licence (CAR/S) - If variation is necessary, issue variation notice, including schedule, with covering letter	<i>WAT-TEMP-23</i> <i>WAT-TEMP-25</i> <i>WAT-LETT-24</i>
Surrender of existing CAR licence	If licence is no longer required follow procedure described in <i>WAT-RM-09</i> Issue surrender notice and letter	<i>WAT-RM-09</i> <i>WAT-TEMP-34</i> <i>WAT-LETT-40</i>
Revocation of existing licence	If revocation essential follow guidance in <i>WAT-RM-10</i> on use of enforcement notices. Issue revocation notice, schedule, and letter.	<i>WAT-RM-10</i> <i>WAT-TEMP-29</i> <i>WAT-TEMP-30</i> <i>WAT-LETT-28</i>

5.2 Necessary information

Following inspections by SGRPID or SEPA, the Land Unit will require to complete the authorisation review for disposal. The required information will include:

- A copy of the (amended) IACS map or suitable alternative;
- A copy of the completed review inspection form *SEARS-F-001*

- A copy of the completed *WAT-FORM-16: Responsible Person Request Form* (where necessary)

5.3 Deemed Authorisations

All authorisations with a reference number beginning “CAR/R” are GWR authorisations that are deemed registrations under CAR. For each of these, the deemed authorisation should be reviewed and either varied, revoked or surrendered as detailed below. The review will require examination of:

- *SEARS-F-001* as appropriate
- The IACS Map or suitable alternative
- *WAT-FORM-16*

5.3.1 Variation of a Deemed Authorisation

Where the existing authorisation is a deemed registration (reference number beginning “CAR/R”) this should be varied to a CAR Simple Licence using

- *WAT-TEMP-23: Variation Notice - SEPA Initiated* and *WAT-TEMP-25: Variation Notice - Schedule*
- The location of the disposal sites marked on the IACS map or suitable alternative
- The details on *WAT-FORM-16*. Responsible Person Nomination Form and
- Information contained in *SEARS-F-001*

The variation should be approved according to the Scheme of Delegation and when approved, details entered on CLAS.

This was previously carried out by doing a “Transfer to WFD” task on CLAS and then a “Determination” task and a new licence was sent out with the letter explaining it was deemed and determined. This is no longer the case. What is required is a “Transfer to WFD” task on CLAS to obtain the licence number in the normal way and then to create a variation task for the new licence. The licence should be issued with the appropriate variation notice template dependent on whether it is a SEPA initiated or Operator initiated variation. If it is a SEPA initiated variation then it cannot take effect for three months but the existing Groundwater Authorisation is still in effect and they can therefore be sent a copy if requested.

- Send the varied licence to the responsible person identified on *WAT-FORM-16* with a completed copy of *WAT-LETT-24: Variation Notice Covering Letter*.
- Copy of the revised authorisation should be sent to Registry who will forward onto the relevant local operations team.

5.3.2 Revocation or Surrender of Deemed Authorisation

Where the existing authorisation is a deemed registration (reference number beginning “CAR/R”) and:

- the authorisation is no longer required (e.g. because the disposal has ceased, i.e. normally a surrender) then the applicant should be asked to surrender their authorisation. *WAT-RM-09: Modifications to CAR Authorisations* provides further details.
- the disposal does not comply with CAR and the Groundwater Directive and cannot be modified or an alternative site found then the authorisation should normally be revoked. A notice of revocation of the deemed application should be prepared using *WAT-TEMP-29: Revocation Notice - Schedule* and *WAT-TEMP-30: Revocation Notice - Front Sheet*. If the revocation by SEPA of the authorisation is for enforcement purposes (as opposed to a surrender by the operator), then the proposal to revoke must be referred to the Regulatory Review Team (RRT) for a recommendation.

5.4 Previously Determined/Varied Applications (CAR/S)

All authorisations with a reference number beginning “CAR/S” are licences already issued by SEPA under CAR following determination/variation of the deemed application/authorisation. CAR licences should be reviewed to establish the need for variation or revocation. This will entail:

- Examination of the conclusions on the front of *SEARS-F-001* to determine if variation is required;
- Examination of the IACS map to determine if the correct location or number of sites has been identified;
- Where new sites have been added, checking the details of *SEARS-F-001* using GIS to confirm that the site is suitable.

5.4.1 Variation of Existing Licence

Variation of the licence will require completion of a Notice of Variation including the schedule to that Notice. If during a review a variation of a sheep dip/pesticide washings disposal to land authorisation is required it will be regarded as SEPA initiated and will attract no additional charge. The Notice should be prepared using:

- *WAT-TEMP-23: Variation Notice - SEPA Initiated*
- *WAT-TEMP-25: Variation Notice - Schedule*
- The location of the disposal sites marked on the IACS map and
- Information contained in *SEARS-F-001*

as required.

The Notice and Schedule should be approved using the Scheme of Delegation. Following approval the Notice and Schedule and a completed copy of *WAT-LETT-24*: should be sent to the responsible person and CLAS updated

Change of Ownership

Where the farm has changed ownership since the last review or original application the procedure described in *WAT-RM-09: Modifications to CAR Authorisations* should be followed, and an application for transfer made jointly by the existing responsible person and the proposed responsible person.

Change of Disposal Site

Where the location of the disposal site has been changed or additional disposal sites added to the authorisation a variation to the Licence will be required. The procedure described in *WAT-RM-09* should be followed.

The following templates for a variation to a Licence should be used:

- *WAT-TEMP-23: Variation Notice - SEPA Initiated*
- *WAT-TEMP-25: Variation Notice - Schedule*
- *WAT-LETT-24: Letter Confirming Variation*

5.4.2 Surrender of Existing Licence

Where the existing authorisation is a CAR licence (reference number beginning “CAR/S”) and the National Land Unit have indicated that the licence is no longer needed, the responsible person must make an application to SEPA in writing for surrender of the licence (see Licence I – to surrender a licence). No application fee is required. The application should be sent to the SEPA Land Unit at the Ayr office.

On receipt of the surrender application, the only consideration with regards to cessation of disposal to land of waste sheep dip or pesticide washings is likely to be if the land manager will continue dipping / spraying operations, i.e. what provision has been made for disposal of waste sheep dip / pesticide or pesticide washings in the future. Where the disposal will be via a contractor who will transport the waste off farm, consideration should be given to:

- Whether the contractor is authorised for disposal of waste sheep dip / waste pesticide / pesticide washings
- Whether that authorisation will cover the additional amount.

Following determination *WAT-LETT-40: Surrender (Full) Covering Letter* and *WAT-TEMP-34: Surrender (Full) Notice of Surrender* should be completed and sent to responsible person and CLAS updated.

5.4.3 Revocation of Existing Licence

Where the existing authorisation is a CAR licence (reference number beginning “CAR/S”) and the Land Unit have indicated that the activity fails to comply with CAR and the Groundwater Directive and the activity/site cannot be varied to make it so, then revocation of the licence should be considered.

If revocation is essential (e.g. for enforcement reasons) then, provided this action has been approved according to the Scheme of Delegation, follow the guidance in *WAT-RM-10: Use of Enforcement Notices*. Complete the revocation notice *WAT-TEMP-30: Revocation Notice - Front Sheet*, the revocation schedule *WAT-TEMP-29: Revocation Notice - Schedule* and accompanying letter *WAT-LETT-28: Revocation Notice Covering Letter* and send to responsible person and update CLAS.

Note the revocation is not effective until 28 days after the date of on which it is served.

References

NOTE: Linked references to other documents have been disabled in this web version of the document.

See the Water >Guidance pages of the SEPA website for Guidance and other documentation (www.sepa.org.uk/water/water_regulation/guidance.aspx).

All references to external documents are listed on this page along with an indicative URL to help locate the document. The full path is not provided as SEPA can not guarantee its future location.

SGRPID Inspection Form and Guidance

- *SEARS-F-001: Disposal to Land - Waste Sheep Dip Authorisation Review* (Inspection form)
- *SEARS-SG-001: Disposal to Land: Waste Sheep Dip Authorisation Review* (SGRPID Inspection Guidance)

Key References

- *WAT-RM-09: Modifications to CAR Authorisations*
- *WAT-RM-10: Use of Enforcement Notices*
- *Biosecurity guidance for SEARS staff* (QPULSE, Doc No: ATT/04/03)

Forms and Templates

- *WAT-FORM-16: Responsible Person Request Form*
- *WAT-LETT-24: Variation Notice Covering Letter*
- *WAT-LETT-28: Revocation Notice Covering Letter*
- *WAT-LETT-40: Surrender (Full) Covering Letter*
- *WAT-TEMP-23: Variation Notice - SEPA Initiated*
- *WAT-TEMP-25: Variation Notice - Schedule*
- *WAT-TEMP-29: Revocation Notice - Schedule*
- *WAT-TEMP-30: Revocation Notice - Front Sheet*
- *WAT-TEMP-34: Surrender (Full) Notice of Surrender*

Legislation

- *SMR 2 Protection of Groundwater Against Pollution in Cross Compliance Notes for Guidance* (<http://www.scotland.gov.uk>)
- *Water Environment (Controlled Activities) (Scotland) Regulations 2011* (<http://www.netregs.gov.uk/netregs/>)

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