

Regulation of small scale food waste storage

Background

This position statement relates to the storage of small scale food waste at a site other than that of production in order to bulk up for onward transport to an appropriate treatment facility.

Since 1 January 2014, food businesses¹ in non-rural areas have had to ensure that food waste is segregated for collection and subsequent treatment at anaerobic digestion or in-vessel composting facilities².

Waste management activities are regulated by SEPA under the Environmental Protection Act 1990 and the Waste Management Licensing (Scotland) Regulations 2011 (WMLR). The WMLR contain a list of activities that are exempt from the requirement to hold a waste management licence (WML). There is currently no exemption which would allow the small scale storage of food waste collected from other businesses and, therefore, storage of such waste without a WML would be an offence.

However SEPA considers that the requirement to hold a WML would be disproportionate to the environmental risks associated with the small scale storage of food waste.

Interim Regulatory Requirements

SEPA will seek an amendment to the WMLR to provide an exemption from licensing for this activity. In the interim SEPA will not take enforcement action against any person who stores food waste they have collected from food businesses and who do not hold a waste management licence provided:

1. Prior to commencement of the activity they notify SEPA's National Waste Unit, via zerowaste@sepa.org.uk, giving the following information:
 - Contact name of responsible person
 - Location address with postcode
2. The material is stored in enclosed, sealed containers.
3. A maximum of two tonnes of food waste is stored on site for a maximum duration of 48 hours.
4. The food waste is stored in a manner which does not cause pollution of the environment or harm to human health. In particular its storage should not cause a nuisance through odour, vermin or pests.

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 The terms of this position may be subject to periodical review and be changed or withdrawn in light of technological or scientific developments, regulatory or legislative changes, future government guidance or experience of its use.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

¹ 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.

² This will apply to premises producing in excess of 50kg per week from 2014 and to premises producing in excess of 5kg per week from 1 January 2016.