



Position Statement

Paragraph 45 WML exempt activity: clarification of acceptable wastes

Purpose

This regulatory position clarifies that:

- ferrous metals or ferrous alloys from any source
- non ferrous metals or non-ferrous alloys from any source
- Depolluted motor vehicles or depolluted offshore oil and gas equipment
- lead acid batteries from any source
- catalytic converters

can be accepted at a paragraph 45 exempt activity for the recovery of scrap metal or the dismantling of depolluted motor vehicles.

Background

Waste management activities are regulated by SEPA under the Environmental Protection Act 1990 and the Waste Management Licensing (Scotland) Regulations 2011¹ (WMLR). Schedule 1 of the WMLR contains a list of activities that are exempt from the requirement to hold a waste management licence (WML).

Paragraph 45 of the schedule allows the sorting, grading, baling, shearing or cutting of scrap metal, the dismantling of depolluted motor vehicles and the sorting of lead acid batteries with a view to the recovery of the waste.

¹ <http://www.legislation.gov.uk/ssi/2011/228/made>

Permissible waste types, activities and tonnages are presented in Table 16 of the exemption but are restricted to metal types listed in the [European Waste Catalogue](#) Chapter 16 relating to end of life vehicles (ELVs). However, SEPA recognises that scrap metal arising from other sources may present a comparable level of risk to the environment as depolluted ELVs and in such circumstances may be accepted by a paragraph 45 exempt activity.

SEPA position

SEPA will not take enforcement action when waste of the types listed above is stored and treated at a scrap metal recycling facility that does not hold a waste management licence where the following conditions apply. Where waste is transferred to a site registered as exempt under paragraph 45 in line with this regulatory position, SEPA will not seek to take enforcement action for failure to transfer wastes to an authorised person.

This position statement extends to the storage of catalytic convertors only. Any treatment of catalytic converters (i.e. dismantling, baling, shearing, compacting, crushing or cutting) must be carried out under and in accordance with a waste management licence or a PPC permit.

Conditions that apply

1. The scrap metal recycling facility holds a current registered exemption under paragraph 45 of Schedule 1 to the WMLR.
2. The total quantity of each type of waste described in column 1 of Table 1 **treated** at the site by the listed activities in column 2 of Table 1 does not, in any seven day period exceed the amount specified in column 3.

Table 1

Kind of Waste EWC Catalogue	Activities	Seven day limit
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing;	8,000 tonnes

Kind of Waste EWC Catalogue	Activities	Seven day limit
	cutting by hand-held equipment	
The following non ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	400 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	300 tonnes
Depolluted motor vehicles or depolluted offshore oil and gas equipment	Dismantling, rebuilding, restoring or reconditioning	40 vehicles or 80 tonnes of depolluted offshore oil and gas equipment (or up to 80 tonnes of a combination of both)

Kind of Waste EWC Catalogue	Activities	Seven day limit
Lead acid batteries (including those whose contents are special waste) not forming part of, nor contained in, a motor vehicle or equipment arising from offshore oil and gas activity	Sorting	20 tonnes

3. The total quantity of each type of waste described in column 1 of Table 2 **stored** at the site does not, in any seven day period, exceed the amount specified in Table 2.

Table 2

Kind of waste EWC Catalogue	Maximum total quantity
Ferrous metals or ferrous alloys in metallic non dispersible form (but not turnings, shavings or chippings of those metals or alloys)	50,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	1,500 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	1,000 tonnes

Kind of waste EWC Catalogue	Maximum total quantity
Depolluted motor vehicles and depolluted offshore oil and gas equipment	1000 vehicles or 1500 tonnes of depolluted offshore oil and gas equipment (or up to 1500 tonnes of a combination of both)
Lead acid batteries (within category 16 06 01 of the European Waste Catalogue) and/or catalytic converters (including those whose contents are special waste) not forming part of, nor contained in, a motor vehicle or equipment arising from offshore oil and gas activity	40 tonnes

4. With the exception of lead acid batteries and catalytic converters, the waste must not contain hazardous (special) waste as defined in the Waste Framework Directive 2008/98/EC. This includes any coatings such as tin / lead based paints, asbestos, residual chemicals or naturally occurring radioactive wastes (NORM).
5. The waste must not be contaminated by marine growth such as seaweed or barnacles.
6. Subject to conditions 1-5, the storage and treatment of the wastes must be carried out in accordance with the conditions and restrictions specified in paragraph 45 and must be consistent with ensuring the attainment of the relevant objectives as specified in paragraph 6 of Schedule 4 of the WMLR.
7. Any waste data returns made by the operator of the facility must include details of all wastes received at the facility, including from the decommissioning of offshore oil and gas installations.

8. All wastes should be properly assessed, coded and managed in compliance with duty of care requirements (Section 34 Environmental Protection Act 1990).

Additionally, the activity must not endanger human health or the environment. In particular, the activity must not:

- cause a risk to water, air, soil, plants or animals
- cause a nuisance through noise or odours
- adversely affect the countryside or places of special interest.

This position statement applies only in Scotland. The terms of this position statement may be subject to periodical review and be changed or withdrawn in light of technological, 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.

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