

SEPA Position statement

Storage of Waste by Local Authorities at authorised sites

1. Background

- 1.1 The industrial action (comprising of strikes) by waste service workers in Local Authorities across Scotland (“Industrial Action”) means some types of waste may need to be stored at licensed Local Authority waste management sites for longer or in greater quantities than is licensed, due to staffing, transportation and/or processing capacity impacts.
- 1.2 Having regard to the Industrial Action and its potential direct impact upon licensed Local Authority waste management sites we have taken this Temporary Regulatory Position.
- 1.3 Notwithstanding this Temporary Regulatory Position, SEPA expects Scottish Local Authorities to have business continuity arrangements in place to ensure compliance with the requirements of their Waste Management Licence or other environmental regulatory requirements during the Industrial Action wherever possible.
- 1.4 This Temporary Regulatory Position has been taken on the basis that any non-compliance covered by the Temporary Regulatory Position Statement (see below) is unavoidable, solely as a direct result of the impact of the Industrial Action and will not lead to significant environmental harm.
- 1.5 This Temporary Regulatory Position Statement will be published on SEPA’s website.

2. SEPA Position

- 2.1 This position only applies to household waste recycling centres and waste transfer stations operated by a Scottish Local Authority and authorised under a Waste Management Licence held by a Scottish Local Authority.
- 2.2 Subject to the conditions set out in Section 3, a breach of licence conditions relating to the maximum quantity of waste that can be stored on site at any one time will not be treated as

a non-compliance for compliance assessment or enforcement purposes where the quantity of waste stored on site at any one time exceeds the maximum quantity of waste specified in the Waste Management Licence by no more than 20%.

- 2.3 Subject to the conditions set out in Section 3, a breach of licence conditions relating to waste storage time limits will not be treated as a non-compliance for compliance assessment or enforcement purposes if it exceeds any waste storage time limit specified in the Waste Management Licence by no more than 10 days.
- 2.4 This Temporary Regulatory Position Statement only applies to those matters set out in paragraphs 2.2 and 2.3 and covered by the conditions set out in Section 3. It does not apply to any other regulatory requirements such as the Duty of Care or the Special Waste Regulations 1996 and does not detract from any other statutory requirements applicable to the authorised waste activity, such as any need to obtain planning permission or building regulations approval or any responsibilities under legislation for health, safety and welfare in the workplace. All other conditions of the Waste Management Licence not referred to in paragraphs 2.2 and 2.3 of this Temporary Regulation Position Statement continue to apply as normal.
- 2.5 This Temporary Regulatory Position applies from 25 August 2022 and expires on 23 September 2022.

3. Conditions that apply

Specific Conditions

You must:

- 3.1 Put in place and implement a written contingency plan to ensure the conditions of this Temporary Regulatory Position Statement are met.
- 3.2 Have written permission from the landowner to store the waste at the specified location before you start doing so, if you are not the landowner.
- 3.3 Only store waste within the authorised site boundary.
- 3.4 Put in place any additional environmental protection measures needed to manage any additional environmental risks from excess storage. This includes additional risks from odour, pests and vermin, dust, litter and noise.

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- 3.5 Ensure waste is stored in a way that maintains sufficient access for Fire and Rescue Services and other emergency vehicles at all times.
- 3.6 Notify SEPA (at NationalWaste@sepa.org.uk) as soon as reasonably practicable of any incident which could cause pollution, harm to the environment or human health or which creates a risk that any other condition of the Waste Management Licence may be breached.
- 3.7 Provide confirmation to SEPA in writing when returning to compliance with the requirements of your Waste Management Licence, within 5 days of having done so.

General conditions

- 3.8 You must take all such measures as are reasonably practicable to prevent and, where prevention is not possible, minimise and mitigate any impacts on human health or the environment which result from the non-compliances specified in paragraphs 2.2 and 2.3.
- 3.9 You 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.
- 3.10 You must notify SEPA (at NationalWaste@sepa.org.uk) without delay if you cannot comply, or think you may not be able to comply, with the conditions of this Temporary Regulatory Position Statement.
- 3.11 In the event that, due to changing circumstances, you become able to comply with the requirements of the Waste Management Licence you must return to compliance as soon as possible, notwithstanding that this Temporary Regulatory Position Statement remains in place.
- 3.12 After you return to compliance, you must assess the extent of any harm to the environment that has been caused as a result of your activity and restore or remediate that harm without delay.
- 3.13 You must keep records to show that you have complied with the conditions in this Temporary Regulatory Position Statement for 12 months from the date the record was made. These must be made available to SEPA on request.

- 3.14 This Temporary Regulatory Position Statement applies only in Scotland.
- 3.15 This Temporary Regulatory Position Statement only applies where non-compliance is unavoidable and solely as a direct result of the impact of the Industrial Action.
- 3.16 The terms of this Temporary Regulatory Position Statement may be subject to periodical review and may be varied or withdrawn at any time.
- 3.17 SEPA reserves its discretion to depart from this Temporary Regulatory Position Statement and to take appropriate action as necessary.

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<http://contactscotland-bsl.org/>

www.sepa.org.uk

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