



**Water Environment (Controlled Activities) (Scotland) Regulations
2011**

LICENCE APPLICATION GUIDANCE

**FORM F - WASTE SHEEP DIP AND/OR WASTE
PESTICIDES DISPOSAL TO LAND**

Guidance structure:

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SECTION 1: GENERAL INFORMATION

Disposal to land, or tipping for the purpose of disposal to land, which could result in substances polluting the water environment, must be authorised by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 ('CAR 2011') which superseded CAR 2005 on 31 March 2011. Existing authorisations issued under the Groundwater Regulations (1998) or CAR 2005 are automatically transferred to CAR 2011 and farmers holding such an authorisation need not re-apply.

It should be assumed that all agrochemicals contain pollutants; however the risk to the water environment is greater from some than from others. Products containing pesticides and veterinary medicines pose a particular hazard.

You should refer to the following documents for information on how to prevent pollution of the water environment when using or disposing of these products:

Scottish Executive guidance –

The Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity (the PEPFAA Code)

SEPA guidance –

Sheep Dip Code of Practice for Farmers and Crofters and Contractors

SECTION 2: DOES THE ACTIVITY REQUIRE AUTHORISATION?

2.1 Activities where authorisation is required

Activities that will definitely require authorisation by SEPA include:

- Disposal to land of waste sheep dip arising from static or mobile dippers and showers. (This includes dips used for parasitic and cosmetic purposes.)
- Disposal to land of waste pesticides and pesticide tank and equipment washings
- The spreading of farm wastes, such as livestock slurries and animal manures containing waste sheep dip and other waste agrochemicals is classified as tipping for the purposes of disposal to land.

Any such disposal activity which is carried out without an authorisation is a criminal offence unless it is:

- An application of dilute waste pesticide and washings on previously treated or untreated crops which is made in accordance with the Code of Good Practice for the Prevention of Environmental Pollution From Agricultural Activity (the PEPFAA Code), and within the terms of the pesticide product approval. (The Scottish Executive is planning to issue guidance on the safe use and disposal of plant protection products in spring 2006. Until such time that this has been issued you may wish to consult the Defra guidance, PESTICIDES – Code of Practice for Using Plant Protection Products for safe practice guidance.)

2.2 Activities where authorisation is not required

There are some agrochemicals that pose less of a risk to the environment. In addition you may wish to undertake other activities that could result in a disposal to land of potentially polluting matter. Activities that do not generally require authorisation by SEPA include:

- Use of nutrients, crop or animal inputs for agricultural benefit (e.g. copper, selenium, boron, cobalt, phosphorus and ammonia), if used in accordance with the Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA).
- Application to land of wastes generated on-farm and applied for agricultural benefit; e.g. livestock slurries and animal manures.
- Sewage sludge applied to land in accordance with the Sludge (Use in Agriculture) Regulations 1989 (as amended).

- The land application of those non-agricultural wastes exempt from the licensing requirements of the Waste Management Licensing Regulations 1994 by virtue of being applied for the purposes of agricultural benefit or ecological improvement.
- Use of potential pollutants in normal agricultural practices (e.g. crop protection), if used in accordance with approved codes and manufacturers instructions.
- If the waste being disposed of contains pollutants in a quantity and concentration so small so as to obviate any present or future deterioration in groundwater quality. In practice it is highly unlikely that this can be achieved as, for example, for sheep dip to achieve exemption, a dilution ratio of approximately 1 part spent dip to 1,000,000 parts of diluent (slurry/water) would be required, which is impractical in all but exceptional cases.

2.3 Activities where authorisation may be required

You may wish to undertake a disposal of a product containing agrochemicals which does not obviously fit into either of the above categories. In such cases you should contact your nearest SEPA office. You will need to be able to identify the ingredients of the product and describe the way in which you plan to dispose of it (amount of dilution, area to be spread, location, etc.) so that you can be advised on the need for authorisation.

Note The movement of waste sheep dip and or waste pesticide from one farm holding to another for disposal will require the farmer or contractor moving the material to fill out consignment notes in line with the Special Waste Regulations (Please contact your local SEPA office for further information).

SECTION 3: HOW TO APPLY FOR AUTHORISATION

3.1 Prior Investigation

Before completing the application form, you must assess the suitability of the area(s) of land you plan to use for disposal by filling in the prior investigation section of the application form *Assessment of Land suitability for the Disposal of Waste Sheep Dip and/or Waste Pesticides*. You must complete all sections of the assessment.

The prior investigation is designed in such a way to identify suitable areas for waste agrochemical disposal.

Your application may be rejected if the prior investigation indicates that the area chosen is unsuitable.

Only one disposal of waste sheep dip or waste pesticide per year can be carried out on a disposal area. The authorisation will allow you to carry out a number of disposals on different areas within the same farm or holding but if you plan to use several disposal areas you must submit a prior investigation assessment for each.

SEPA will not authorise an application without a completed prior investigation for each disposal area.

3.2 Site Map

You must also submit a map of the area with your application. The map can either be a copy of the 1:10,000 scale IACS map, or a copy of an Ordnance Survey map at 1:10,000 or 1:25,000 scale. If you have used one of these for your site plan then a further map will not be required.

You must mark on the map:

- the boundary of the holding, (A holding may comprise common grazing and/or inbye land managed by a crofting or grazing committee)
- the boundaries of the land area(s) you are proposing for disposal, (These area(s) can be part of a field or include a number of fields dependent on the availability of suitable land)

- the location of drinking water supplies within 500 metres of any proposed disposal area or dipping facility,
- the location of the static or mobile dipper(s)/shower(s)

3.3 Completing the application

On completion of a prior investigation for each disposal site and the site map you should fill in the appropriate sections of forms A and F.

Forms A and F with the appropriate sections completed, a prior investigation assessment for each proposed disposal area, the site map together with the appropriate application fee should be sent to your local SEPA Registry at the address indicated in Form A.

SECTION 4: PROCESSING THE APPLICATION

A member of the SEPA's Operations Team will examine your application. They may call upon the expertise of other SEPA specialists in deciding whether or not to authorise the activity. They need to consider a number of factors and it may not be possible to make a decision with the available information. The following are examples of what course of action may be followed.

- Where SEPA considers that there is a risk that a disposal could impact upon a sensitive receptor, such as a drinking water supply, you may be asked to supply additional information before a final decision is made. This could involve:
 - monitoring work and/or
 - a requirement for further hydrogeological assessment of the disposal area(s)
 - A site visit by SEPA staff may be necessary
 - SEPA may request further evidence of any technical precautions you plan to take to prevent pollution.
- Where the disposal could have an impact on parts of the water environment associated with others, e.g. a stretch of fishing waters, you may be required to advertise the application, at your cost, **before** an authorisation decision is made.

SECTION 5: AUTHORISATION CONDITIONS

Where SEPA is satisfied that there will be no significant impact upon the water environment or water users as a result of the disposal, the activity will be authorised. The authorisation will specify:

- i) The area of land to be used for disposal
- ii) The method of disposal used
- iii) Essential precautions to be taken and/or conditions under which disposal is to take place
- iv) The maximum quantity of waste to be disposed of during one or more specified periods of time
- v) The maintenance of accurate disposal records
- vi) Precautions to be implemented to prevent any pollution of groundwater
- vii) If necessary, measures for monitoring groundwater.

Authorisation may be granted for a limited period only and will be reviewed by SEPA when deemed necessary, but at least once in every four years. When an authorisation is reviewed, it may be renewed, amended or revoked.

SEPA must be notified of any change in circumstances, such as the sale or transfer of the farm, croft or holding, change in responsible person or other alteration to the disposal activity specified in the application.

SECTION 6: REFERENCES

- PESTICIDES – Code of Practice for Using Plant Protection Products for safe practice guidance, 2005, Defra
- Prevention of Environmental Pollution From Agricultural Activity, (The PEPFAA Code), 2005, Scottish Executive.
- The Code of Good Practice for the Safe Use of Plant Protection Products, (The Green Code), 2006, Scottish Executive
- Sheep Dip Code of Practice for Farmers and Crofters, SEPA, 2006
- Sludge (Use in Agriculture) Regulations, as amended, DoE, 1989
- Waste Management Licensing Regulations, DoE (1994)