# Major non-compliance: waste

**Table 1: Major impact of the authorised activity**

| **Authorisation condition** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Any authorisation condition | Non-compliance causes or has potential to cause:   * Category 1 or 2 environmental event. * Breach of water or air quality standard or * Significant adverse trend for groundwater. | * Environmental events guidance. * Determine if any environmental standards have been breached: * Evidence of Water Framework Directive (WFD) classification downgrade. * Local environmental standard. * Groundwater monitoring / investigation shows, or modelling demonstrates significant and sustained adverse trend. |
| Conditions covering the control of nuisance, including but not limited to odour, noise, dust, litter, aerosols and the presence of vermin | Non-compliance causes or has potential to cause:   * Category 1 or 2 environmental event. * Noise emission which leads to significant adverse impact. * Odour emission which leads to offensive odour as defined by [odour guidance](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.sepa.org.uk%2Fmedia%2Fh4ocmt2z%2Fsepa-odour-guidance-2025.docx&wdOrigin=BROWSELINK). | * Environmental events guidance [Odour guidance](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.sepa.org.uk%2Fmedia%2Fh4ocmt2z%2Fsepa-odour-guidance-2025.docx&wdOrigin=BROWSELINK). * Noise: events categorisation guidance. |

**Table 2:** **Scope of site**

| **Authorisation condition** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Authorised activity | Authorised person undertaking any waste activities (accepting, processing, storage of waste) outwith site boundaries / permitted working areas. | * Site inspection. |
| Limit on the amount of waste that can be accepted, stored or treated on a site | Exceeding the limit that is authorised for acceptance, storage or treatment on site where the authorised person is unable to manage the material in an effective manner – causing or posing the risk of causing a Category 1 or 2 environmental event. | * Site inspection, including on-site records review. * Data return review. |
| Type of waste that can be accepted | Accepting unauthorised waste.  Allowance made for some unauthorised waste entering site and being dealt with in accordance e.g. via quarantine procedures. Only where this does not happen, is this deemed major non-compliance. | * Site inspection, including on-site records review. * Data return review. |

**Table 3:** **Understanding of authorised activities**

| **Authorisation condition** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Requirement to report incidents / events (either in operation of plant or environmental events). | Unless specified otherwise in the permit, failure to notify SEPA within 24 hours of an event that has caused or could cause an adverse impact upon the environment, human health and wellbeing.  Failure to submit a report within 14 days or the report does not comply with the information requirements specified in the authorisation. | * Assess incident against incident/event conditions in authorisation and environmental events guidance. |
| Requirement to submit routine data (records, reports, data) | Failure to make a routine data return (including nil returns) of adequate quality within 30 days of the required submission date. | * SEPA will assess submission to confirm it has been received within the correct timescale. * Adequate quality means containing the necessary information to enable the assessment of compliance with the permit conditions. * Adequate quality includes a data report that has the required evidential data e.g. numerical measurements but also compliance context. If the report is not in the correct format and can’t be assessed. * If operator is near the compliance limit, information should be included about how this will be managed going forward. |
| Requirement to keep records | * Failure to provide upon request information required by the authorisation. * Information submitted is not true and accurate. * Records are not kept for the minimum duration. | No information provided. |

**Table 4: Overall management of authorised activities**

| **Authorisation condition** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Authorised person must ensure compliance with the conditions of this authorisation | Non-compliance causes or has potential to cause Category 1 or 2 environmental event. | Ensuring compliance with conditions requires an authorised person to have robust management control measures in place.  In assessing compliance with this condition, the following will be considered:   * Technical competence. * Ability of responsible person on site during inspection to demonstrate knowledge of authorisation requirements / operational pollution control procedures and processes required to ensure compliance. * Staff training to ensure compliance. * Adherence to management plans and processes. * How plant and equipment is being operated/maintained. * Monitoring equipment not present or not calibrated in line with manufacturers guidance and so operator has no early warning or potential for Category 1 or 2 event. |
| Compliance with authorisation conditions | Multiple non-compliance (same or different conditions) which cumulatively equate to major non-compliance. | Having regard to condition-specific guidance where this exists and/or environmental events guidance and events records.   * Greater than or equal to 4 category 3 events within a 365-day period which have been caused by a breach of the same condition. * Unless otherwise stated within the site authorisation, multiple non-compliance breaches may be considered collectively as major non-compliance depending on the particular circumstances. SEPA's assessment will be subject to additional governance checks to ensure national consistency in decision-making. |
| Site working plan | Working plan unobtainable or inadequate (fails to reflect operations on site).  Following deemed major non-compliance **if** potential to cause Category 1 or 2 environmental event, otherwise non-compliance   * Lack of staff awareness of pollution control techniques outlined in working plan. * Processes undertaken not in accordance with working plan. | Investigation by inspecting officer. |
| Site security | Inadequate site security where non-compliance causes or has potential to cause Category 1 or 2 environmental events. | Investigation by inspecting officer on site. |
| Acceptance of waste | Failure to implement satisfactory pre-acceptance audit procedures.  Noted only applicable to some authorisations. | Inspections. |
| Management of hazardous material | Hazardous waste must not be mixed with any other waste, substance or materials. | Inspection and environmental events guidance. |

**Table 5: Wider legal environmental requirements and financial non-compliance**

EPAS is designed to provide a more accurate picture of legal environmental compliance. Under EPAS we will therefore assess compliance of the following situations as it is important a performance record reflects this. In addition to below, our intent is to develop major non-compliance criteria for duty of care and special waste regulation contraventions and start to use these at the same time.

| **Contravention** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Undertaking a regulated activity without authorisation | Undertaking a regulated activity without authorisation.  For example:   * Unauthorised direct discharge into groundwater. * Unauthorised discharge to surface water. * Unauthorised Directly Associated Activities. | SEPA will check if an activity is being carried out which is not covered by an appropriate authorisation. |
| Environmental event at an authorised site that is **unrelated to the authorised activity** | Causes:   * Category 1 or 2 environmental event. * Breach of water or air quality standard. * Significant and sustained adverse trend for groundwater. | * Environmental events guidance. * Determine if any environmental standards have been breached\*: * Evidence of Water Framework Directive (WFD) classification downgrade. * Local environmental standard e.g. spatial standard breach. * Groundwater monitoring / investigation shows or modelling demonstrates significant and sustained adverse trend.   \*Modelling can be used to predict area of impact, and/or test if it breaches spatial standards. |
| Failure to comply with requirements of [The Persistent Organic Pollutants Regulations 2007](https://www.legislation.gov.uk/uksi/2007/3106) | * Failure to dispose of or recover POPs-contaminated waste in such a way as to ensure that the POPs content is destroyed or irreversibly transformed. * Undertaking any disposal or recovery operations that may lead to recovery, recycling, reclamation or reuse on their own of the POPs-contaminated wastes. | Assessment against [Guidance on the management of Waste Upholstered Domestic Seating (WUDS) containing Persistent Organic Pollutants (POPs)](https://www.sepa.org.uk/media/tnoa12he/waste-upholstered-domestic-seating-containing-pops-guidance.pdf) and the overarching requirements of [The Persistent Organic Pollutants Regulations 2007.](https://www.legislation.gov.uk/uksi/2007/3106) |
| Non-payment of annual charges | Major non-compliance = escalation to debt collection or if debt goes into next financial year.  Non-compliance = more than 90 days late. | * Monthly debtors report. |

<Report date here (month, year)>

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