**Major non-compliance: radioactive substances**

For further guidance on what the radioactive substances standard conditions entail, please refer to the full set of [Standard Conditions](https://www.sepa.org.uk/media/r4hpmuy5/standard-conditions-for-radioactive-substances-activities-v3.docx), and the [Guide to the Standard Conditions](https://www.sepa.org.uk/media/5ieb420w/easr-guide-to-standard-conditions.pdf) which sets out SEPA’s expectations in full.

**Table 1: Radioactive substances major non compliances**

| **Authorisation condition type** | **Major non-compliance** | **How will SEPA assess / supporting guidance** |
| --- | --- | --- |
| Conditions relating to the “**Authorised person**” | Site no longer in control by the authorised person.  | E.g. Use ‘[Guidance on who can hold an authorisation](https://www.sepa.org.uk/media/372007/guidance_on_who_can_hold_an_authorisation.pdf)’. |
| Conditions relating to the “**Authorised place**” | Authorised person undertaking activities outwith the permitted area. | Site authorisation will define where the authorised activities are permitted to take place.  |
| Conditions relating to the “**Authorised Activity**” | Authorised person is undertaking activities which require authorisation; however, the operator does not hold an authorisation for those activities.  | Examine to assess whether the Operator/individual undertaking the activity has a relevant authorisation in place for the activity. |
| “**2 level**” Generic **bespoke condition** that can only be classed as* ‘Major’ or
* ‘Compliant’

Compliance with this condition only has two possible outcomes.  | Any breach of this type of condition.  | The condition itself should be clear enough to allow the officer making the assessment to determine if the condition has been breached. Note that this is a condition for which a contravention can only be classed as ‘Major non-compliant’. (E.g. a hard backstop discharge limit for a facility.) |
| “**3 level**” Generic **bespoke condition** that can be classed as:* ‘Major’
* ‘Non-compliant’ or
* ‘Compliant’.

Compliance with this condition can have three possible outcomes. | A breach of this type of condition will result in a major non-compliance being recorded should certain conditions be met with, otherwise it could be deemed as being ‘Non-compliant’.  | Compliance with the condition has three possible outcomes, either * ‘Compliant’: with all components of the condition being met with in full;
* ‘Non-compliant’: with only some of the condition requirements being met with;
* ‘Major non-compliant’: should the failure to meet with the condition sub-components be sufficiently severe it would be assessed as ‘Major non-compliant’ (note that due to the wide array of conditions that can fall into this kind of category of condition that not all variants will be addressed here).

(E.g. a data quality condition could be an example of this kind of condition. No information supplied would be a ‘Major’, some information may lead to a non-compliance, and all information supplied leading to ‘Compliant’.) |
| **Radioactive substances standard conditions** **A.9.1** - Contraventions of your authorisation **B.3.1** - Receipt of radioactive waste**B.4.2** - Safe management of radioactive substances **B.6.2.(\*)** - Treatment of radioactive waste **B.7.2** - Holdings of radioactive substances **B.9.1.c** - Lost and stolen radioactive substances **C.1.1** - Duty of care**C.2.4.(\*)** - Transfer procedure **C.4.1.a** - Transfer of radioactive waste outside of the United Kingdom **C.4.1.b** - Transfer of radioactive waste outside of the United Kingdom **C.5.1.a** - Transfer of intermediate level radioactive waste to other parts of the United Kingdom **C.5.1.b** - Transfer of intermediate level radioactive waste to other parts of the United Kingdom **C.6.1.(\*)** - Return of radioactive waste **C.6.3.(\*)** - Return of radioactive waste **D.1.1** - Holdings of sealed sources **D.2.1** - Security requirements for sealed sources **E.1.1** - Financial provision **G.1.1** - Generic Disposal Requirements **G.1.2** - Generic Disposal Requirements **G.1.3** - Generic Disposal Requirements **G.3.1.a** - Disposal in normal refuse **G.3.1.b** - Disposal in normal refuse **G.3.1.c** - Disposal in normal refuse **G.3.1.d** - Disposal in normal refuse **G.4.1.a** - Radioactive aqueous liquid disposals- small quantities**G.4.1.b.(\*)** - Radioactive aqueous liquid disposals- small quantities **G.5.1.a** - Radioactive gaseous releases- small quantities **G.5.1.b** - Radioactive gaseous releases- small quantities **H.2.1.b** - Radioactive gaseous discharges outwith authorised outlets **I.1.1** - Introduction of radioactive material into organisms**K.1.1** - Conditions applicable to offshore installation registrations**K.1.2** - Conditions applicable to offshore installation registrations**K.1.3** - Conditions applicable to offshore installation registrations**K.1.5** - Conditions applicable to offshore installation registrations(\*) all standard conditions marked with “\*” mean that the entire condition including its sub conditions are to be assessed and scored as a single condition. | As per “2 level” generic bespoke condition assessment. | As per “2 level” generic bespoke condition assessment, with the “standard condition” and “guidance to the standard conditions” holding further details on what SEPA would expect regarding compliance. |
| **Radioactive substances standard conditions****A.1.1** – Resources**A.2.1** - Management arrangements**A.2.2** - Management arrangements**A.3.1** - Written procedures**A.4.1** - Record keeping**A.4.2** - Record keeping**A.4.3** - Record keeping**A.5.1** - Provision of training and information to staff**A.5.2** - Provision of training and information to staff**A.6.1** - Facilities and equipment **A.6.2** - Facilities and equipment **A.6.3.a** - Facilities and equipment **A.6.3.b** - Facilities and equipment **A.6.3.c** - Facilities and equipment **A.6.3.d** - Facilities and equipment **A.7.1** - Sampling, measurements, tests, surveys, and calculations**A.7.2** - Sampling, measurements, tests, surveys, and calculations**A.8.1** - Provision of information and data returns **A.9.2.a** - Contraventions of your authorisation **A.9.2.b** - Contraventions of your authorisation **A.9.2.c** - Contraventions of your authorisation **A.9.2.d** - Contraventions of your authorisation **A.9.2.e** - Contraventions of your authorisation **A.10.1.(\*)** - Ceasing your authorised activity and leaving the authorised place **B.1.1** - Overarching requirement**B.2.1** - Radioactive waste optimisation**B.2.2** - Radioactive waste optimisation**B.4.1** - Safe management of radioactive substances **B.4.3** - Safe management of radioactive substances **B.4.4** - Safe management of radioactive substances **B.4.5** - Safe management of radioactive substances **B.5.1** - Contamination control and remediation **B.5.2.a** - Contamination control and remediation **B.5.2.b** - Contamination control and remediation **B.6.1** - Treatment of radioactive waste **B.7.1** - Holdings of radioactive substances **B.7.3** - Holdings of radioactive substances **B.8.1** - Waste management plan **B.9.1.a** - Lost and stolen radioactive substances **B.9.1.b** - Lost and stolen radioactive substances **B.10.1(\*)** - Radioactive waste advisers **B.10.2** - Radioactive waste advisers **C.2.1.a** - Transfer procedure **C.2.1.b** - Transfer procedure **C.2.2** - Transfer procedure **C.2.3** - Transfer procedure **C.3.1** - Transfer of radioactive waste **C.3.2** - Transfer of radioactive waste **C.6.2** - Return of radioactive waste **C.7.1** - Transfer of samples **D.2.2** - Security requirements for sealed sources **E.2.1.(\*)** - HASS information and marking requirements **F.1.1** - Mobile radioactive sources**F.1.2.(\*)** - Mobile radioactive sources**G.1.4** - Generic Disposal Requirements **G.1.5** - Generic Disposal Requirements **G.2.1** - Evaluation of releases **H.1.1** - Assessment of public exposure and the environment**H.2.1.a** - Radioactive gaseous discharges outwith authorised outlets **I.1.2** - Introduction of radioactive material into organisms**I.1.3** - Introduction of radioactive material into organisms**J.1.1** - Environmental monitoring programme**J.1.2** - Environmental monitoring programme**J.1.3** - Environmental monitoring programme**K.1.4** - Conditions applicable to offshore installation registrations(\*) all standard conditions marked with “\*” mean that the entire condition including its sub conditions are to be assessed and scored as a single condition. | As per “3 level” generic bespoke condition assessment. | As per “3 level” generic bespoke condition assessment, with the “standard condition” and “guidance to the standard conditions” holding further details on what SEPA would expect regarding compliance. |
| **Incident reporting** (e.g. standard condition A.9.1; B.9.1) | Unless specified otherwise in the authorisation, 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.  |  |
| **Data returns** (e.g. standard conditions A.8.1) | Failure to make a routine data return (including nil returns) of adequate quality within 30 days of the required submission date. |  |
| **Monitoring** (e.g. standard condition A.7.1, A.7.2 & standard condition section J) | Monitoring as specified within the site authorisation not undertaken or not undertaken to meet required timescale. Monitoring specified in the authorisation not undertaken in line with required procedures (e.g. MACS and SG requirements). |  |
| 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. |
| Environmental event at an authorised site that is **unrelated to the authorised activity** | The event is/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.

Examples relevant to industrial activities:* Hydrocarbon pollution unrelated to authorised activity – diesel tank on site, which is used to fuel vehicles ruptures, slow contamination of borehole required by permit from unrelated vehicles.

\* modelling can be used to predict area of impact, and/or test if it breaches spatial standards. |
| Compliance with authorisation conditions | Multiple non-compliances (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. |

<Report date here (month, year)>

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