

Waste management (waste motor vehicle) permit consultation

January 2020

Every day SEPA works to protect and enhance Scotland's environment, helping communities and businesses thrive within the resources of our planet.



We call this **One Planet Prosperity**

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

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Overview

As part of our work to deliver [One Planet Prosperity](#) we have committed to simplify our permits across all sectors. Our [Metals sector plan](#), published in December 2018, further commits to reforming metal sector permits. The first of these permits has now been revised – a simple, outcome-focussed permit for waste motor vehicle management facilities.

In this consultation, we will introduce our permit reform process, outline the key changes to the permit and provide you with an opportunity to give feedback on key areas.

Why we are consulting

Getting feedback from our communities, partners and stakeholders is important, and your input is critical to the success of our new permit. If you think we've got something wrong, 'missed the mark', or if anything is unclear now is your opportunity to let us know.

Following our consultation process, we are aiming to move all existing permits to the new template by March 2021. We aim to have the highest priority sites on the new permit template by the end of March 2020. If you are the operator of a waste motor vehicle management facility, you will be contacted by us before this process starts.

How to respond:

You can respond to this [consultation online](#) or by sending your comments on the proposal to:

Scottish Environment Protection Agency
Angus Smith Building
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

Email: permitreform@sepa.org.uk

Responses should be submitted to us by 21 February 2020.

Simplification principles

A core set of principles have been established to direct the permit simplification process and ensure consistency. We will use these principles when simplifying all permits across all sectors. An overview of the core principles and how these will be delivered is provided below:

1.	Simple, outcome focused permits will be clearer and more powerful.
2.	Permits will be enforceable.
3.	Permits will be written in simple, plain English that everyone will understand from the general public to the Sheriff in the court.
4.	Permits will contain the minimum number of conditions to achieve the environmental outcomes of: <ul style="list-style-type: none">a. preventing harm;b. preventing incidents and accidents;c. using resources sustainably
5.	Permits will put the responsibility on to the operator for environmental management.

Factors taken into consideration

Simplified permits will be legally correct, deliver environmental protection and meet the requirements of the sector. Factors taken into consideration include:

- the overarching legislative requirements, including [The Waste Management Licensing \(Scotland\) Regulations 2011](#) and [The End-of-Life Vehicles \(Storage and Treatment\) \(Scotland\) Regulations 2003](#)
- an assessment of compliance at waste motor vehicle management facilities.
- identification of common issues:
 - Incomplete depollution of waste motor vehicles;
 - Incorrect waste storage infrastructure;
 - A lack of awareness of the discharge locations for run-off generated on site.
- the need for permit simplicity and use of plain English.
- the future aspirations of the sector, including the desire for increased diversification and flexibility.

What does the permit control?

Some of the main items the permit controls are:

- **Waste acceptance:** the types and quantities of waste that can be managed on the site must be controlled. Permit conditions ensure that only waste the site is designed for can be managed.
- **Infrastructure:** key infrastructure must be provided on the site to ensure that the management of the permitted wastes does not impact the environment. Permit conditions detail the specific infrastructure that must be provided for each waste stream / activity.
- **Operational practices:** key operational steps must be undertaken to maximise the viability of wastes for future reuse, recycling or recovery, and to minimise the potential impact on the environment. For example, the correct and full depollution of waste motor vehicles and removal of key vehicle parts (e.g. catalysts).
- **Nuisance:** impacts from odour, dust, noise, litter, vermin and aerosols that may arise from the operation of the facility are all controlled via permit conditions.

Main changes

Future-proofed terminology

We have included terms in the permit to be consistent with those in the [Regulatory Reform \(Scotland\) Act 2014](#) and the [Environmental Authorisations \(Scotland\) Regulations 2018](#).

These regulations aim to deliver an integrated authorisation framework, which will combine, as far as possible, the authorisation, procedural and enforcement arrangements relating to:

- water;
- waste management;
- radioactive substances;
- pollution prevention and control.

The integrated authorisation framework is being introduced in a phased manner, and currently the regulations **only apply to** radioactive substances. However, in the future, all waste management permits will move to this framework. To help with this change, we are future-proofing the current permit as much as possible to minimise the impact when this happens.

Previous legal term	New legal term
Licence	Permit
Licence Holder	Authorised Person
Pollution	Environmental Harm
Site	Authorised Place

You can find more information on the Integrated Authorisation Framework on our website:

<https://www.sepa.org.uk/regulations/how-we-regulate/environmental-authorisations-scotland-regulations-2018/>

Working plans

One of the guiding principles of permit simplification is to put responsibility on to the authorised person for environmental management. We believe that the authorised person is the best person to manage their site in a way that meets the outcome-focussed conditions of their permit. We fully expect responsible operators to have their own appropriate working plans and procedures in place to manage their sites effectively. We may ask to see these as part of our inspection process; however, we will no longer require these to be approved by SEPA and will no longer make reference to them in permit conditions.

Technical competence

It is expected that sites will be managed and supervised by a technically competent person; however, there will no longer be a condition in the permit requiring this as there are already sufficient controls around technical competence. We will assess technical competence when:

- a new permit application is received;
- the management of the permitted activities comes into the hands of a different person;
- an application for a significant modification of the permit is received;
- an application for a full or partial transfer of the permit is received.

Additionally, failure to comply with permit conditions could bring into question whether the authorised person is technically competent or not. We can suspend or revoke a permit if we consider that an authorised person is no longer technically competent.

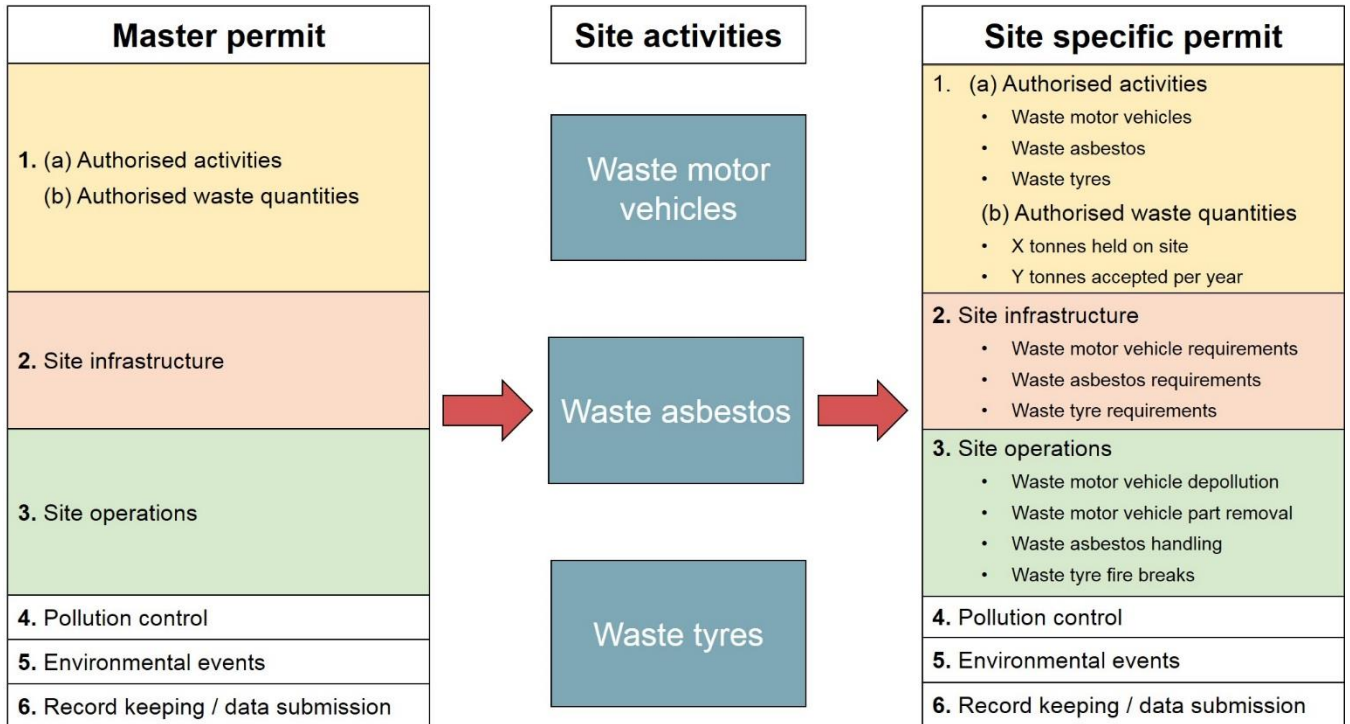
Process control and management conditions

By simplifying permits we will give more responsibility to the authorised person for environmental management. We're moving away from permit conditions that detail how a site must be operated and managed. The simplified permits won't contain conditions on:

- hours of operation;
- staffing and management requirements;
- health and safety considerations;
- notice board and signage requirements;
- traffic control and pedestrian access;
- site office requirements;
- plant and machinery calibration and maintenance;
- tidiness and spillages;
- site diary.

Structure of waste management permits

Current waste management permits do not follow a common structure. This has restricted the usability of permits and led to confusion. To resolve this, we have adopted a new 'master' permit structure. The new permits will have the same look and feel but will be specific for each site. An overview of the new 'master' permit structure, and how this will capture the necessary conditions for bespoke site activities, is provided below:



This new structure means that all operators will have familiar and less confusing permits. It will also make it easier to maintain and update permits if required.

Authorised activities

Restricting the activities that can be undertaken on a site is important to ensure that the site is correctly designed, equipped and managed to prevent environmental harm. Previously, the activities were restricted by limiting the waste types that could and could not be accepted on a site. This approach was highly detailed, often describing waste types to an individual European Waste Catalogue Code and was restrictive. This hindered the ability of sites to diversify.

For example, a waste metals management facility that wished to accept waste mattresses to recycle metal springs was not able to do so as the permit restricted the site to accept scrap metal only from industrial sources. In order to accept waste mattresses, a permit variation was required.

To resolve this, we've defined a standard list of waste management activities. This will provide a consistent basis to form our permits. The defined waste management activities have been drawn from a wholesale review of the activities currently undertaken at licenced waste management facilities, legislative requirements, and our experience of regulating the waste management sector.

As shown in the example above, each broad activity is effectively a heading that can include more detailed conditions if needed.

Hazardous wastes

Any hazardous waste management activities that are undertaken (e.g. storage of non-depolluted waste motor vehicles, storage of waste oil, storage of waste batteries, etc.) will be listed and authorised by the permit. The management of any other hazardous wastes will be automatically excluded by the permit.

Non-hazardous waste

The management of most non-hazardous wastes will be authorised by the permit as these generally present a lower risk.

However, some non-hazardous waste management activities do have a unique environmental risks and / or require additional controls (e.g. composting of waste, management of sludge wastes, etc.). Where any of these are undertaken, it will be listed

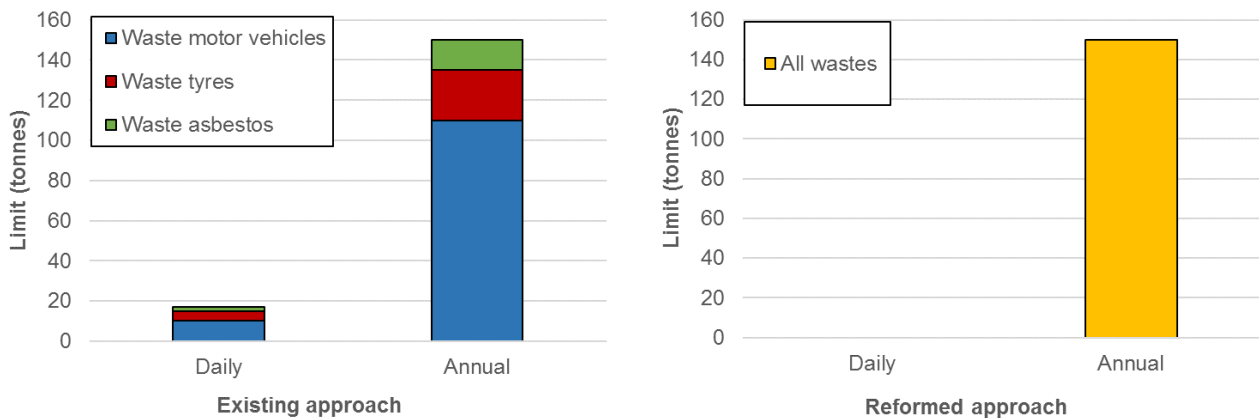
and authorised by the permit with the specific conditions attached. Where these activities are **not** undertaken, they will be excluded by the permit.

By only controlling a relatively small set of non-hazardous waste management activities, there will be a far greater degree of flexibility for sites to accept alternative non-hazardous wastes. An overview of this approach is provided in Schedule 1 of our reformed permit.

The use of our outcome-focussed pollution control conditions (Schedule 4) will continue to ensure that the environment and local communities are protected.

Waste quantities (throughput)

Waste throughput (the quantity of waste transferring onto and out of a site) was previously controlled by limiting both the daily and annual quantities of waste that could be accepted on the site. This approach was restrictive and hindered effective throughput. To improve this, the daily waste limit for individual waste types has been removed. In addition, the annual waste acceptance limit is now for the total of all wastes accepted on site, rather than individual waste streams. This change of approach is demonstrated below:



This reformed approach grants a greater degree of flexibility allowing operators to adapt to market fluctuations and demand. This approach also encourages efficient throughput of waste and greater site productivity in turn promoting greater resource efficiency as a whole. This approach also continues to deliver a suitable level of environmental protection. The reformed condition which limits annual throughput is set out in Section 1.4 of our reformed permit.

Waste quantities (storage)

The cumulative total of all wastes that can be stored on the site at any one time will continue to be controlled by the permit – this mirrors the current approach. This cumulative total is an important environmental control and will also be used as the basis of calculating financial provision requirements.

A strengthening of the current approach is the addition (where necessary) of storage limits for individual waste streams. These individual waste stream limits will be included upon consideration of:

- the relevant legislative requirements and restrictions;
- the risks posed by each waste stream;
- site-specific factors.

Where the environmental risk presented by the waste stream is high and controlling the quantity of it is important, it is likely that a waste stream specific storage limit will be included. For example, limiting the quantity of waste tyres that can be stored is a key control to minimise fire risk.

However it is unlikely individual waste type storage limits will be included for all wastes accepted on site. For example, a storage limit may be included to restrict the quantity of all hazardous wastes that can be stored on the site, rather than limit the quantity of each individual type of hazardous waste that is stored on the site.

This risk-based strengthening of site storage limits is a far more direct way of preventing environmental harm yet still permits a suitable degree of flexibility to operators. This new approach is demonstrated in Schedule 1 of our reformed permit.

Site infrastructure

Correct site infrastructure (namely storage and drainage) is important to prevent environmental harm. Site infrastructure requirements will continue to be detailed in our permits, however the method of presenting these has been simplified.

Previously infrastructure requirements were detailed as individual permit conditions, often leading to lengthy and repetitive permits, with infrastructure requirements ‘sprinkled’ throughout. Moving forward, infrastructure requirements will be detailed in a standardised table. This will reduce complexity, provide greater consistency and easier ongoing maintenance of the permit. The requirements have been written in a concise and easy to understand way to provide greater focus.

Where site infrastructure requirements are consistent across the entire site (e.g. security, bunding and labelling of storage areas), they have been included as traditional text based conditions. Again these have been written in a concise and easy to understand way.

The site infrastructure requirements are set out in Schedule 3 of our reformed permit.

Depollution and part removal / reuse

The full and correct depollution of waste motor vehicles is essential to minimise the environmental impact associated with storage and to maximise the viability of constituent wastes for onward treatment. The steps that must be carried out to depollute a waste motor vehicle are set out in [The End-of-Life Vehicles \(Storage and Treatment\) \(Scotland\) Regulations 2003](#).

The regulations also require the removal of parts that are suitable for reuse / recycling / recovery (e.g. catalysts, tyres, glass, etc.) to promote resource efficiency.

An assessment of compliance levels undertaken for waste motor vehicle management facilities identified that failure to correctly depollute was common.

Given the importance of undertaking correct depollution and part removal, conditions have been included in our reformed permit setting out what steps must be completed. These conditions are set out in Section 3.4 (Removal of waste motor vehicle parts) and Section 3.5 (Depollution of waste motor vehicles) of our reformed permit. The conditions are written in an 'instructional' style with ease of understanding a key focus. It is hoped the increased awareness and transparency delivered by this reformed approach will drive compliance improvements and greater resource efficiency across the sector.

Nuisance

This section of the permit deals with nuisance arising from operations on the site. The potential nuisances controlled via the permit include odour, dust, noise, litter, aerosols and vermin.

Historically nuisance from waste management facilities was regulated using a variety of approaches: minimisation, absolute prohibition or significance. Multiple approaches were used within single permits leading to confusion and inconsistencies. To resolve this, a new two-fold approach will be adopted for all nuisances:

Step 1 – Prevent / minimise generation of nuisance

As is the case already, operators will be required to prevent, or where not possible, minimise the generation of nuisance. We will not specify the measures that must be implemented in our permits, instead we will allow flexibility for operators to tailor their site as required to prevent issues arising. This approach complies closely with the agreed permitting simplification principles as it places the responsibility for environmental management onto the operator.

Where nuisance issues arise, the operator will be required to implement further steps to prevent / minimise nuisance to a standard sufficient to stop further issues arising.

Step 2 – No significant impact from nuisance

Step 2 (no significant impact from nuisance) will be used as the lever to regain compliance on the occasions where step 1 (prevent / minimise generation of nuisance) fails and there has been a significant impact.

Our current condition to control odour nuisance has been frequently used and found to be legally robust and enforceable; for this reason it will continue to be used in our reformed permits. For other nuisances (noise, dust, litter and aerosols) we have added new conditions which mirror our current odour condition and will be used for the purposes of step 2.

Discharge of trade effluent / surface water run-off

Waste management sites often discharge trade effluent and / or surface water run-off to the public sewer or water environment. These discharges form an important part of site operations and have the potential to cause environmental harm. There is currently a lack of knowledge of these discharges at waste motor vehicle management facilities. To help resolve this, the discharge option for each of the authorised activities will be detailed in the permit (Table 2 – Storage and Drainage Requirements). The increased transparency delivered by this new approach will provide a more complete picture of site activities and resolve the previous disconnect between waste management activities and the discharge of generated trade effluent / surface water run-off.

Where trade effluent / surface water run-off is discharged to the water environment, and the discharge point falls **within** the site boundary of the waste management facility, conditions will be included in the waste management permit to control the location and impact of it. These conditions are set out in Section 4.3 of our reformed permit.

Where trade effluent / surface water run-off is discharged to the water environment, and the discharge point falls **outside** the site boundary of the waste management facility, a separate SEPA authorisation granted under [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011](#) (as amended) must be in place. Further information on these requirements can be found on our website:

<https://www.sepa.org.uk/regulations/water/pollution-control/>

Where trade effluent / surface water is not discharged to the water environment, i.e. it is discharged to the public sewer or collected on site for treatment at a separate facility, no additional conditions will be included in the waste management permit nor a separate SEPA controlled activities regulations authorisation required. Any discharge to the public sewer may require a separate authorisation from Scottish Water. Further information on Scottish Water's requirements can be found on their website:

<https://www.scottishwater.co.uk/en/Business-and-Developers/Byelaws-and-Trade-Effluent/Trade-Effluent>