

# CONSULTATION ON AMENDMENT OF THE CONDITIONS ALLOWING THE RECEIPT OF RADIOACTIVE WASTE AND CONTAMINATED ITEMS

July 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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## Overview

The purpose of this consultation is to seek your views on our proposal to vary a bespoke condition included in some permits granted under the Environmental Authorisations (Scotland) Regulations 2018 (EASR) on the receipt of radioactive waste and the holding of contaminated items. As these conditions are not standard conditions, we are not obliged to consult on any proposed changes as required under EASR for standard conditions and following the process set out in our [Public Participation Statement](#).

## How to respond

You can respond to this consultation online (add link). As our offices are currently closed, please do not post your response but make your submission via Citizen Space.

Responses should be submitted to us by 9 September 2020.

## Handling your response

When you respond we will ask for your name, email address and what your interest is in the consultation, e.g. industry that will be affected by the proposals or member of the public. We would like to know if you are content for your response to be made public, so please complete the confidentiality questions where prompted.

If you ask for your response not to be published, it will be regarded as confidential and treated accordingly.

## Why are we consulting?

The [Policy for the Long Term Management of Solid Low Level Radioactive Waste in the United Kingdom](#) (the LLW policy) published by Defra, DTI and the Devolved Administrations in 2007 says that:

‘The import of LLW from other countries may only be authorised or consented to by the competent UK authority in light of an assessment of all practicable options, and if it complies with EU and UK legislation and any associated Government guidance provided to the competent UK authority, and should not be permitted except:

- for the recovery of re-useable materials; or
- for treatment that will make its subsequent storage and disposal more manageable.

In all cases where such processes would add materially to the wastes needing to be disposed of in the UK, the presumption should be that they will be returned to the country of origin to a timescale agreed by regulators and competent authorities in the UK and in the country of origin.’

In Scotland, the competent authority is the Scottish Environment Protection Agency (SEPA) and we regulate radioactive substances activities under the [Environmental Authorisations \(Scotland\) Regulations 2018](#) (EASR). We do this for higher risk activities, including the management of radioactive waste and receipt of radioactive waste from another place, by granting a permit that contains conditions. A permit must specify the ‘standard conditions’<sup>1</sup> that apply to the radioactive substances activity, but can also include other bespoke conditions that are specific to a particular activity. Any reference to a permit in this consultation means a permit granted under EASR for a radioactive substances activity.

Standard condition B.3.1 says that ‘You may only receive radioactive waste that is described in your authorisation.’ This means that a person cannot receive radioactive waste unless they are specifically allowed to do so by another condition in their permit.

The reasons for requesting authorisation to receive radioactive waste vary. In some cases, such as hospitals and universities, it may be because radioactive waste is generated at

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<sup>1</sup> [Standard conditions for radioactive substances activities, RS-S-100, SEPA](#)

different places under different authorisations but to enable better management, the radioactive waste is stored and treated in a single location prior to transfer or disposal meaning that the permit for that location needs to include the receipt of radioactive waste. In other cases, it may be that the management of radioactive waste is the main part of a person's business such as decommissioning, decontamination and waste management, and they need to be permitted to receive radioactive waste in order to carry on these activities.

In some permits, we limit where the radioactive waste can be received from, but in others, there is no limit. This means that under the EASR permit radioactive waste may be imported into Scotland without explicitly meeting the requirements of the government's LLW policy for the import of LLW from other countries.

The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 apply to the import of radioactive waste and contaminated items and the Transfrontier Shipment of Waste Regulations 2007 apply to the import of NORM, but do not allow us to demonstrably show that the requirements of the LLW policy are being fully implemented in Scotland when authorising radioactive substances activities under EASR.

## **What are we proposing to do?**

For those permits authorising the receipt of radioactive waste that do not currently have a limit on where radioactive waste or contaminated items can be received from, we are proposing to vary the permit to reflect the policy intent of the LLW policy by including a geographical limit.

The variation will limit the receipt of radioactive waste and holding of contaminated items to only allow the receipt of such radioactive waste or contaminated items originating within the UK and the UK offshore area. There will be no charge for this SEPA-initiated variation.

This does not mean that radioactive waste or contaminated items cannot be received from places outwith the UK, but it will require an application to vary the permit to allow receipt

from elsewhere, which will give us the opportunity to ensure that it meets the requirements of the government's LLW policy<sup>2</sup>.

We are seeking your views on some aspects of how we will do this.

### **When will I need to apply for a variation?**

We recognise that there may be a threshold below which the potential impact of managing radioactive waste or contaminated items from outwith the UK is of no concern and therefore there is no need to control by permit conditions. There are options for a threshold that will require an application for variation to a permit:

- a. Only activities involving radioactive waste or contaminated items that need to be authorised by permit.
- b. Only radioactive waste that is excluded from The Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2019, i.e. NORM that does not arise from practices and disused sources going to a supplier or manufacturer of radioactive sources or to a recognised installation. These regulations will replace The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 once the transition period for exiting the European Union ends at the end of December 2020, however, the thresholds remain the same.
- c. Only for the treatment of contaminated items in Scotland, if all radioactive waste is not to be returned to the country of origin.

### **How will the receipt of radioactive waste and contaminated items be described in a permit?**

Where an application for variation is granted, there are a number of options available as to how the receipt of radioactive waste and contaminated items from outwith the UK could be described in a permit, from a relatively light-touch to very prescriptive, with many possible combinations. The following illustrate some options we are considering, but the precise wording of any condition will be determined on a case-by-case basis:

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<sup>2</sup> This does not detract from any other statutory requirements applicable to the import of radioactive waste or contaminated items, in particular under the Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 and the Transfrontier Shipment of Waste Regulations 2007

- Specify the waste, contaminated items or samples to be received, its quantities (by volume/weight, radionuclide, activity), the consignor and timescales of transfer for a specified endpoint. For example, you are authorised to receive radioactive waste in the form of [narrow description] from [legal person] in [country/region] for the purpose of disposal in the United Kingdom until 20XX.
- Specify general types of waste, contaminated items or samples to be received from a specified country with a specified endpoint. For example, you are authorised to receive radioactive waste in the form of [broader description] arising from [countries/regions] for the purpose of treatment with any waste generated managed in accordance with government policy until 20XX.
- Specify general types of waste, contaminated items or samples to be received with a restrictive, specific endpoint. For example, you are authorised to receive radioactive waste in the form of [description] arising from outwith the United Kingdom for the purpose of treatment with the return of all waste until 20XX.

Question 1: Are there any other thresholds for the receipt of radioactive waste and contaminated items from outwith the UK that we should consider?

Question 2: What is the impact of the thresholds identified including any additional ones that you have suggested? Please give evidence to support your answer.

Question 3: What impact will the proposals for variation have? Please give evidence to support your answer.

Question 4: If the SEPA-initiated variation to allow only the receipt of radioactive waste or contaminated items originating within the UK and the UK offshore area is brought in to effect rapidly, will this have an impact on any work you already have planned? Please give evidence to support your answer.

Question 5: Is there any other information that you can provide relating to our proposal that will help us decide on the best way to implement the proposal including timescales for transition?



## What happens next?

Once this consultation closes, we will review and consider the responses that we receive to inform our decision on how best to vary any permit conditions on the receipt of radioactive waste and the holding of contaminated items. We will review all permits that allow the receipt of radioactive waste and the holding of contaminated items and make a SEPA-initiated variation to those that do not have an adequate restriction on where the radioactive waste or contaminated items can be received from.

We anticipate that any variations will be made by the end of 2020.