

## SCHEDULE 2

Regulations 2(1) and 5

### Exempt waste operations: general

#### **Interpretation: general**

**1.** In this Schedule—

“notifiable exempt waste operation” means an exempt waste operation in relation to which notice must be given to the exemption registration authority under paragraph 3(1)(b);

“registered”, in relation to an establishment or undertaking, means that the relevant particulars appear in the register, and “registration” must be construed accordingly;

“relevant particulars” means—

- (a) the information in paragraph 4(3), and
- (b) in the case of a waste operation falling within paragraph 45(1) or 45(3) of Schedule 3, the plan referred to in paragraph 6(2)(b).

#### **Interpretation: exemption registration authority**

**2.—(1)** Subject to sub-paragraphs (2) and (3), the exemption registration authority in relation to a waste operation falling within Part 1 of Schedule 3 is the Agency.

(2) The exemption registration authority in relation to the following waste operations is the local authority regulator—

- (a) a waste operation falling within paragraph 2, 3, 24 or 43 of Schedule 3;
- (b) a waste operation falling within paragraph 4(3) of Schedule 3, if—
  - (i) the operation relates to the coating or spraying of metal containers, and
  - (ii) that coating or spraying is an activity within Part B of Section 6.4 of Part 2 of Schedule 1;
- (c) a waste operation falling within paragraph 12(3) of Schedule 3, if—
  - (i) the operation relates to the composting of biodegradable waste,
  - (ii) the operation is an activity within paragraph (a) of Part B of Section 6.8 of Part 2 of Schedule 1, and
  - (iii) the compost is to be used for cultivating mushrooms.

(3) The exemption registration authority in relation to a waste operation falling within paragraph 23 of Schedule 3 is the authority responsible for granting an authorisation—

- (a) in England, under regulation 27 of the Animal By-Products Regulations 2005(1);
- (b) in Wales, under regulation 27 of the Animal By-Products (Wales) Regulations 2006(2).

(4) In this paragraph “local authority regulator” means the local authority responsible for granting an environmental permit authorising the Part B activity in question.

#### **Registration, notification and consent requirements for exempt waste operations**

**3.—(1)** The requirements referred to in regulation 5(1)(a) are—

- (a) an establishment or undertaking must be registered in relation to the waste operation, except in relation to a waste operation falling within paragraph 48 of Schedule 3;

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(1) S.I.2005/2347.

(2) S.I. 2006/1293 (W. 127).

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- (b) an establishment or undertaking carrying on a waste operation falling within a description mentioned in sub-paragraph (2) must give notice to the exemption registration authority in accordance with paragraph 8; and
  - (c) a waste operation falling within a description mentioned in sub-paragraph (3) must be carried on—
    - (i) by, or with the consent of, the occupier of the land where the operation is carried on, or
    - (ii) by a person who is otherwise entitled to do so on that land.
- (2) The descriptions mentioned in this sub-paragraph are the waste operation descriptions in paragraphs 6, 7, 9, 10, 19, 40 and 46 of Schedule 3.
- (3) The descriptions mentioned in this sub-paragraph are the waste operation descriptions in paragraphs 4, 6, 7, 8, 9, 11, 13, 14, 15, 17, 18, 19, 25, 40, 41, 42, 45, 46 and 48 of Schedule 3.

#### **Registration of exempt waste operations**

- 4.—(1) Every exemption registration authority must establish and maintain a register of exempt waste operations in relation to which it is the exemption registration authority.
- (2) The exemption registration authority must ensure the register contains the information required by sub-paragraph (3) in every case where—
- (a) the authority receives notice of that information in writing;
  - (b) in the case of a notifiable exempt waste operation, the establishment or undertaking has given notice under paragraph 3(1)(b); and
  - (c) in the case of an exempt waste operation falling within paragraph 45(1) or 45(3) of Schedule 3 (which makes provision in relation to recovery and storage of scrap metal and waste motor vehicles), any extra requirement under paragraph 6 is complied with.
- (3) The information required is—
- (a) the name and address of the establishment or undertaking carrying on an exempt waste operation;
  - (b) the waste operation which constitutes the exempt waste operation; and
  - (c) the place where the exempt waste operation is carried on.
- (4) The exemption registration authority may enter the information required by sub-paragraph (3) on the register if it receives notice which is not in writing.
- (5) Every exemption registration authority must—
- (a) ensure that its register is open to inspection by members of the public free of charge at all reasonable hours; and
  - (b) provide reasonable facilities to members of the public for obtaining a copy of an entry on payment of a reasonable charge.
- (6) A register may be kept in any form.

#### **Duty to remove entries from the register**

- 5.—(1) The duty to maintain a register in paragraph 4(1) includes a duty to remove an entry if—
- (a) the exemption registration authority becomes aware that the establishment or undertaking has ceased to carry out the waste operation;
  - (b) the waste operation is no longer an exempt waste operation;

- (c) in the case of a waste operation falling within paragraph 45(1) or 45(3) of Schedule 3, the exemption registration authority—
    - (i) has carried out an inspection in accordance with the second paragraph of Article 6(2) of the End-of-Life Vehicles Directive, and
    - (ii) is not satisfied as to the particulars required to be verified under that paragraph; or
  - (d) in the case of a waste operation falling within paragraph 40 of Schedule 3, the exemption registration authority—
    - (i) has carried out an inspection in accordance with the second paragraph of Article 6(2) of the WEEE Directive, and
    - (ii) is not satisfied as to the particulars required to be verified under that paragraph.
- (2) An exemption registration authority must notify the establishment or undertaking in question if it removes an entry from the register under this paragraph.

#### **Extra requirements in relation to recovery and storage of scrap metal or waste motor vehicles**

**6.—**(1) An exempt waste operation falling within paragraph 45(1) or 45(3) of Schedule 3 must comply with the extra requirements mentioned in sub-paragraph (2).

- (2) The requirements are that—
- (a) the notice is given by the establishment or undertaking carrying on the operation;
  - (b) the notice is accompanied by a plan of every place at which the operation is carried on showing—
    - (i) the boundaries of the place,
    - (ii) the locations within the place at which the exempt waste operation is to be carried on,
    - (iii) the location and specifications of any impermeable pavement or drainage system mentioned in paragraph 45(1)(c), 45(3)(f) or 45(3)(g) of Schedule 3, and
    - (iv) the location of any secure container mentioned in paragraph 45(3)(e) of Schedule 3;
  - (c) the notice is accompanied by payment of any charge prescribed for the purpose by a charging scheme under section 41 of the 1995 Act<sup>(3)</sup>; and
  - (d) if the operation comprises or includes the dismantling of waste motor vehicles, the exemption registration authority—
    - (i) has carried out an inspection in accordance with the second paragraph of Article 6(2) of the End-of-Life Vehicles Directive, and
    - (ii) is satisfied as to the particulars required to be verified under that paragraph.

(3) A verification under sub-paragraph (2)(d) is valid for 12 months, but the exemption registration authority may inspect and verify again before a verification becomes invalid.

#### **Removal of entries in relation to recovery and storage of scrap metal or waste motor vehicles**

**7.—**(1) The exemption registration authority must remove a register entry relating to a waste operation requiring verification under paragraph 6(2)(d) if the verification becomes invalid.

(2) If a fee payable under paragraph 45(5)(f) of Schedule 3 is not received by the exemption registration authority within 2 months of the due date, ascertained in accordance with paragraph 45(6) of that Schedule, the authority must—

- (a) amend the register in accordance with sub-paragraph (3); and

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(3) Section 41 was amended by S.I. 2005/894, 2005/1806 (W. 138), 2006/937 and 2007/1711.

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- (b) notify the establishment or undertaking in question.
- (3) The register must be amended to remove the registration in respect of every place—
  - (a) where an exempt waste operation to which this paragraph applies is carried on; and
  - (b) in respect of which the fee remains unpaid.

**Notifiable exempt waste operations: giving notice**

- 8.**—(1) Every notice required by paragraph 3(1)(b) must contain—
- (a) the relevant particulars of the establishment or undertaking;
  - (b) details of the quantity of waste to be disposed of or recovered;
  - (c) any plans or other documents reasonably required by the authority; and
  - (d) any other information reasonably required by the authority.
- (2) Every such notice in relation to an exempt waste operation falling within paragraph 6, 7 or 9(1)(b) of Schedule 3 must also certify that, in the opinion of the person signing it, the activity—
- (a) will result in benefit to agriculture or ecological improvement; and
  - (b) will be consistent with the objectives in Article 4 of the Waste Framework Directive.
- (3) A certificate given under paragraph (2) must—
- (a) be signed by a person with appropriate technical expertise; and
  - (b) contain evidence demonstrating the reasons for his opinion.
- (4) Every such notice must be in the form required by the authority.
- (5) Every such notice must be accompanied by payment of any charge prescribed for the purpose by a charging scheme under section 41 of the 1995 Act.

**Notifiable exempt waste operations: changes to the quantity of waste disposed of or recovered**

**9.** An establishment or undertaking which wishes to dispose of or recover a quantity of waste greater than that notified to the exemption registration authority must give the authority a further notice which complies with paragraph 8.

**Notifiable exempt waste operations: renewal notices**

- 10.**—(1) An establishment or undertaking which—
- (a) carries on a notifiable exempt waste operation; and
  - (b) wishes to maintain its entry on the register,
- must give a renewal notice in writing to the exemption registration authority within 12 months of the date the particulars were entered or last renewed.
- (2) Every renewal notice must contain—
- (a) confirmation that the establishment or undertaking continues to carry on the exempt waste operation;
  - (b) the information required by paragraph 8(1); and
  - (c) if it is in relation to an exempt waste operation mentioned in paragraph 8(2), the certificate required by that paragraph.
- (3) Every renewal notice must be accompanied by payment of any charge prescribed for the purpose by a charging scheme under section 41 of the 1995 Act.

### **Notifiable exempt waste operations: duties of the exemption registration authority**

**11.**—(1) If an exemption registration authority receives a notice under paragraph 3(1)(b) or 9, it must—

- (a) enter the relevant particulars on the register; or
- (b) during the relevant period, refuse to do so.

(2) But an authority which receives notice in relation to a waste operation falling within paragraph 40 of Schedule 3 must not enter the relevant particulars on the register unless—

- (a) it has first carried out an inspection in accordance with paragraph 13; and
- (b) in addition to verification in accordance with paragraph 13(3), the authority is satisfied that best available treatment, recovery and recycling techniques will be used.

(3) An exemption registration authority must remove an entry in relation to a notifiable exempt waste operation from the register if it—

- (a) does not receive a renewal notice which complies with paragraph 10 in relation to the entry; or
- (b) decides, within the relevant period, to refuse to renew a registration in response to a renewal notice.

(4) If an exemption registration authority refuses to enter relevant particulars on the register or renew a registration, the authority must give notice to the establishment or undertaking in question of the decision and the reasons for it.

(5) In this paragraph—

“best available treatment, recovery and recycling techniques” has the meaning given by paragraph 1 of Schedule 3;

“the relevant period” means—

- (a) in the case of a waste operation falling within paragraph 40 of Schedule 3, the period of 2 months beginning with the receipt by the exemption registration authority of the notice; or
- (b) in any other case, the period of 25 working days beginning with the date of receipt by the exemption registration authority of the notice in question,

or in any case, a longer period than the period in paragraph (a) or (b), if it is agreed in writing between the exemption registration authority and the establishment or undertaking in question.

### **Record keeping**

**12.**—(1) This paragraph applies to every—

- (a) notifiable exempt waste operation; and
- (b) exempt waste operation falling within paragraph 47(1) of Schedule 3.

(2) But it does not apply in relation to an exempt waste operation falling within—

- (a) paragraph 9 of Schedule 3 at a place where the quantity of waste recovered in reliance on the exemption at that place is less than 2,500 cubic metres;
- (b) paragraph 19 of Schedule 3 at a place where the quantity of waste recovered in reliance on the exemption at that place is less than 2,500 tonnes; or
- (c) paragraph 47(1) of Schedule 3 if it is carried out on land subject to an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998(4).

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(4) S.I. 1998/1202, amended by S.I. 2002/2614 and 2003/1852 (W. 202).

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- (3) An establishment or undertaking which carries out an exempt waste operation to which this paragraph applies must—
- (a) keep records of the quantity, nature, origin and, where relevant, the destination and treatment method of all waste disposed of or recovered in the course of that activity;
  - (b) keep those records for a period of 2 years; and
  - (c) during that period make those records available to the exemption registration authority on request.

### **Periodic inspections**

**13.**—(1) Every exemption registration authority must carry out appropriate periodic inspections of establishments and undertakings carrying on exempt waste operations in respect of which it is the exemption registration authority.

(2) If an exempt waste operation falls within paragraph 45(1) or 45(3) of Schedule 3, or involves the treatment of WEEE, the exemption registration authority must discharge that duty by carrying out an inspection—

- (a) within 2 months of receipt of a notice fulfilling the extra requirements in paragraph 6; and
- (b) subsequently, at least every 12 months.

(3) If an exempt waste operation involves the treatment of WEEE, the inspection must be carried out for the purposes of the second paragraph of Article 6(2) of the WEEE Directive.