

## SCHEDULE 3

Descriptions: exempt waste operations and other operations to which section 33(1)(a) of the 1990 Act does not apply

### PART 1

#### Exempt waste operations: descriptions

#### Interpretation

1.—(1) In this Schedule—

“the 1989 Regulations” means the Sludge (Use in Agriculture) Regulations 1989<sup>(1)</sup>;

“the 1991 Act” means the Water Resources Act 1991<sup>(2)</sup>;

“best available treatment, recovery and recycling techniques” has the meaning given in the document published jointly by the Department for Environment, Food and Rural Affairs, the Welsh Assembly Government and the Scottish Executive on 27th November 2006, entitled “Guidance on Best Available Treatment, Recovery and Recycling Techniques (BATRRT) and Treatment of Waste Electrical and Electronic Equipment (WEEE)”<sup>(3)</sup>;

“construction work” includes the repair, alteration or improvement of existing works;

“domestic purposes” has the same meaning as in section 218 of the Water Industry Act 1991<sup>(4)</sup>;

“food production purposes” means the manufacturing, processing, preserving or marketing purposes with respect to food or drink for which water supplied to food production premises may be used, and for the purposes of this definition “food production premises” means premises used for the purposes of a business of preparing food or drink for consumption otherwise than on the premises;

“inland waters” has the meaning given by section 221(1) of the 1991 Act;

“internal drainage board” has the same meaning as in section 1(1) of the Land Drainage Act 1991<sup>(5)</sup>;

“operational land” unless the context otherwise requires has the meaning given by sections 263 and 264 of the Town and Country Planning Act 1990<sup>(6)</sup>;

“recycling”, “reuse” and “treatment”, in relation to WEEE, have the meanings given by Article 3 of the WEEE Directive;

“scrap metal” has the meaning given by section 9(2) of the Scrap Metal Dealers Act 1964<sup>(7)</sup>;

“sealed drainage system” in relation to an impermeable pavement, means a drainage system with impermeable components which does not leak and which will ensure that—

(a) no liquid will run off the pavement otherwise than via the system, and

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(1) S.I.1989/1263, amended by S.I. 1990/880, 1996/593, 2000/656.

(2) 1991 c. 57.

(3) Available at the Defra website, [www.defra.gov.uk](http://www.defra.gov.uk).

(4) 1991 c. 56.

(5) 1991 c. 59.

(6) 1990 c. 8; section 263 is amended by the Planning and Compensation Act 1991 (c. 34), sections 31(4) and 84(6) and Schedules 6 and 19, by the Transport Act 2000 (c. 38), section 37 and Schedule 5, and by S.I. 2001/1149; section 264 is amended by the Water Consolidation (Consequential Provisions) Act 1991 (c. 60), section 2(1) and Schedule 54, and by S.I. 2001/4050 and S.I. 2003/1615.

(7) 1964 c. 69.

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- (b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump;

“work” includes preparatory work.

(2) In this Schedule, a 6 digit code used to refer to a waste is a reference to that waste as specified by the 6 digit code—

- (a) in England, in the List of Wastes (England) Regulations 2005<sup>(8)</sup>;
- (b) in Wales, in the List of Wastes (Wales) Regulations 2005<sup>(9)</sup>.

(3) An asterisk following any such code indicates that the waste is considered to be hazardous pursuant to Directive 91/689/EEC on hazardous waste<sup>(10)</sup>, and subject to the provisions of that Directive unless Article 1(5) of that Directive applies.

(4) When interpreting this Schedule a container, lagoon or other place is secure in relation to waste kept in it if—

- (a) all reasonable precautions are taken to ensure that the waste cannot escape from it; and
- (b) members of the public are unable to gain access to the waste.

### Scrap metal furnaces

2.—(1) Loading or unloading a scrap metal furnace, except at a place used for carrying on the business of a scrap metal dealer (within the meaning given by section 9(1) of the Scrap Metal Dealers Act 1964).

(2) Storing, at the place where a scrap metal furnace is located, scrap metal intended to be loaded into that scrap metal furnace.

(3) In this paragraph “scrap metal furnace” means a furnace—

- (a) with a designed holding capacity of less than 25 tonnes operated such that it is or forms part of an activity within—
  - (i) paragraph (a), (b) or (d) of Part B of Section 2.1 of Part 2 of Schedule 1, or
  - (ii) paragraph (a), (b) or (e) of Part B of Section 2.2 of Part 2 of Schedule 1; and
- (b) which is operated under an environmental permit.

### Burning waste as a fuel

3.—(1) Secure storage on any premises of any specified substance which is intended to be burned or fed into an appliance in which it is to be burned if—

- (a) no more than 25 tonnes is stored there at any one time; and
- (b) no waste is stored there for longer than 12 months.

(2) In this paragraph—

- (a) “specified substance” means the following types of waste—
  - (i) straw included in **02 01 03**,
  - (ii) poultry litter included in **02 01 06**,
  - (iii) wood included in **02 01 07, 03 01 01, 03 03 01, 20 01 38 or 20 02 01**,
  - (iv) solid fuel which has been manufactured from waste by a process involving the application of heat included in **19 12 10**;

<sup>(8)</sup> S.I. 2005/895, amended by S.I. 2005/1673.

<sup>(9)</sup> S.I. 2005/1820 (W.148).

<sup>(10)</sup> OJ No. L 377, 31.12.1991, p20, as amended by Directive 94/31/EC (OJ No. L 168, 2.7.1994, p28).

- (b) “burned” means burned as a fuel pursuant to an environmental permit to the extent that it is or forms part of a Part B activity.

#### **Packaging or containers**

4.—(1) Subject to sub-paragraph (2), cleaning, washing, spraying or coating of waste consisting of packaging or containers so that it can be reused if the total quantity of such waste so dealt with at any place does not exceed 1,000 tonnes in any period of seven days.

(2) An operation does not fall within this paragraph if the cleaning, washing, spraying or coating falls within Part B of Section 6.4 (coating activities and printing) of Part 2 of Schedule 1.

(3) Storing waste in connection with the carrying on of an operation described in sub-paragraph (1) at the place where the operation is carried on unless—

- (a) the total quantity of such waste stored at that place exceeds 1,000 tonnes; or
- (b) more than 1 tonne of metal containers used for the transport or storage of any chemical are dealt with in any period of seven days.

#### **Burning waste as a fuel in small appliances**

5.—(1) Burning waste as a fuel in an appliance if—

- (a) the appliance has a net rated thermal input of less than 0.4 megawatts; or
- (b) the appliance is used together with other appliances (whether or not it is operated simultaneously with such other appliances) and the aggregate net rated thermal input of all the appliances is less than 0.4 megawatts.

(2) Secure storage of waste intended to be submitted to such burning.

(3) In this paragraph, “net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal.

#### **Sludge on land**

6.—(1) Treatment with sludge of land which is not agricultural land within the meaning of the 1989 Regulations if—

- (a) it results in—
  - (i) ecological improvement, or
  - (ii) in the case of the treatment of land used for non-food crops not grown in short term rotation with food crops, benefit to agriculture;
- (b) it does not cause the concentration in the soil of any of the elements listed in column 1 of the soil table set out in Schedule 2 to the 1989 Regulations to exceed the limit specified in column 2 of that table; and
- (c) no more than 250 tonnes of sludge per hectare is used on the land in any period of 12 months.

(2) Storage in a secure container or lagoon (or, in the case of dewatered sludge, in a secure place) of sludge intended to be used for such treatment if—

- (a) the sludge is stored at the place where it is to be used;
- (b) the sludge is stored at least—
  - (i) 10 metres from any watercourse,

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- (ii) 50 metres from any spring or well, or from any borehole not used to supply water for domestic or food production purposes, and
- (iii) 250 metres from any borehole used to supply water for domestic or food production purposes;
- (c) no sludge is stored within a zone defined by a 50 day travel time for groundwater to reach a groundwater source used to supply water for domestic or food production purposes;
- (d) no sludge is stored within 0.3 metres of the top of an open storage container or within 0.75 metres of the top of an earthbank tank or lagoon;
- (e) no sludge is stored for a period of more than 12 months; and
- (f) no more than 1,250 tonnes of sludge is stored at any one time.

(3) In this paragraph “sludge” means residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters.

**Waste for the benefit of land**

7.—(1) Subject to sub-paragraph (5), treatment of land used for agriculture with any kind of waste specified in column 2 of the Table in sub-paragraph (3) from the corresponding source specified in column 1 of that Table where such treatment results in benefit to agriculture or ecological improvement.

(2) Subject to sub-paragraph (5), treatment with a kind of waste specified in column 2 of Part 1 of the Table in sub-paragraph (3) from the corresponding source specified in column 1 of Part 1 of that Table of—

- (a) operational land of a railway, light railway, water undertaker, internal drainage board, British Waterways Board or the Agency; or
- (b) land which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, churchyard or cemetery,

where the land in question is not used for agriculture and such treatment results in ecological improvement.

(3) The Table referred to in sub-paragraphs (1) and (2) is set out below.

<i>Column 1</i> <i>Source of Waste</i>	<i>Column 2</i> <i>Kind of Waste</i>
<b>PART 1</b>	
Wastes from forestry, aquaculture, horticulture and fishing	Plant-tissue waste
Wastes from sugar processing	Soil from cleaning and washing beet
Wastes from wood processing and the production of panels and furniture	Waste bark and cork Sawdust shavings, cuttings, wood and particle board
Wastes from pulp, paper and cardboard production and processing	Waste bark and wood, pulp from virgin timber
Soil (excluding excavated soil from contaminated sites), stones and dredging spoil	Soil and stones
Wastes from aerobic treatment of solid wastes	Compost of biodegradable garden and park waste

<i>Column 1</i> <i>Source of Waste</i>	<i>Column 2</i> <i>Kind of Waste</i>
Garden and park wastes (including cemetery waste)	Biodegradable waste
	Soil and stones
<b>PART 2</b>	
Wastes from the preparation and processing of meat, fish and other foods of animal origin	Blood and gut contents from abattoirs, poultry preparation plants or fish preparation plants
	Wash waters and sludges (with or without treatment) from abattoirs, poultry preparation plants or fish preparation plants
	Shells from shellfish processing
Wastes from fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco preparation and processing; conserve production; yeast and yeast extract production, molasses preparation and fermentation	All wastes derived from the processing of such materials
Wastes from sugar processing	All wastes derived from the processing of sugar
Wastes from the dairy products industry	Wastes derived from the processing of dairy products
Wastes from the baking and confectionery industry	All wastes derived from the processing of raw materials used in the baking and confectionery industry
Wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa)	All wastes derived from the processing of the raw materials used in the production of such beverages
Wastes from pulp, paper and cardboard production and processing	De-inked paper sludge and de-inked paper pulp from paper recycling
	Lime mud waste
Wastes from the leather and fur industry	Sludges from on-site effluent treatment free of chromium
Wastes from the textile industry	Organic matter from natural products
	Wastes from finishing other than those containing organic solvents
	Sludges from on-site effluent treatment
	Wastes from textile fibres
Wastes from the manufacture of cement, lime and plaster and articles and products made from them	Wastes from calcinations and hydration of lime
	Gypsum
Wastes from power stations and other combustion plants	Gypsum

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<i>Column 1</i> <i>Source of Waste</i>	<i>Column 2</i> <i>Kind of Waste</i>
Soil (including excavated soil from contaminated sites), stones and dredging spoil	Dredging spoil (other than those containing dangerous substances)
Wastes from aerobic treatment of waste	Compost derived from source segregated biodegradable waste
	Liquor from aerobic treatment of source segregated biodegradable waste
	Digestate from aerobic treatment of source segregated biodegradable waste
Wastes from anaerobic treatment of waste	Compost derived from source segregated biodegradable waste
	Liquor from anaerobic treatment of source segregated biodegradable waste
	Digestate from anaerobic treatment of source segregated biodegradable waste
Wastes from the preparation of water intended for human consumption or water for industrial use	Sludges from water clarification

(4) Secure storage, at the place where it is to be used, of not more than 1,250 tonnes of waste intended to be used for a treatment falling within sub-paragraph (1) or (2), if—

- (a) the waste is stored at a distance of at least—
    - (i) 10 metres from any watercourse,
    - (ii) 50 metres from any spring or well, or from any borehole not used to supply water for domestic or food production purposes, and
    - (iii) 250 metres from any borehole used to supply water for domestic or food production purposes;
  - (b) no waste is stored within 0.3 metres of the top of an open storage container or within 0.75 metres of the top of an earthbank tank or lagoon; and
  - (c) the waste is stored for no more than 12 months.
- (5) An operation only falls within sub-paragraph (1) or (2) if—
- (a) it is carried on in relation to an area of land of 50 hectares or less;
  - (b) no more than the following quantities of waste are used on the land in any period of 12 months—
    - (i) in the case of sugar beet soil, 1,500 tonnes per hectare,
    - (ii) in the case of dredging spoil from inland waters, 5,000 tonnes per hectare, or
    - (iii) in the case of any other waste, no more than 250 tonnes per hectare; and
  - (c) the operation is carried on in accordance with any requirements imposed by—
    - (i) in England, the Animal By-Products Regulations 2005<sup>(11)</sup>;

<sup>(11)</sup> S.I. 2005/2347.

- (ii) in Wales, the Animal By-Products (Wales) Regulations 2006(12).
- (6) In this paragraph—
  - (a) “agriculture” has the meaning given by section 109 of the Agriculture Act 1947(13);
  - (b) “operational land” in relation to an internal drainage board means land which is held for the purpose of carrying out its functions as an internal drainage board.

### **Storage of sludge which is to be used in accordance with the 1989 Regulations**

8.—(1) Storage in a secure container or lagoon (or, in the case of dewatered sludge, in a secure place) of sludge which is to be used in accordance with the 1989 Regulations if—

- (a) the sludge is stored at the place where it is to be used;
- (b) the sludge is stored at a distance of at least—
  - (i) 10 metres from any watercourse,
  - (ii) 50 metres from any spring or well, or from any borehole not used to supply water for domestic or food production purposes, and
  - (iii) 250 metres from any borehole used to supply water for domestic or food production purposes;
- (c) no sludge is stored within a zone defined by a 50 day travel time for groundwater to reach a groundwater source used to supply water for domestic or food production purposes;
- (d) no sludge is stored within 0.3 metres of the top of an open storage container or within 0.75 metres of the top of an earthbank tank or lagoon;
- (e) no sludge is stored for a period of more than 12 months; and
- (f) no more than 1,250 tonnes of sludge is stored at any one time.

(2) In this paragraph “sludge” means residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters.

### **Land reclamation or improvement**

- 9.—(1) Subject to sub-paragraph (3)—
- (a) spreading a kind of waste specified in column 2 of Part 1 of the Table in sub-paragraph (2) from the corresponding source specified in column 1 of Part 1 of that Table on any land; or
  - (b) spreading a kind of waste specified in column 2 of Part 2 of the Table in sub-paragraph (2) from the corresponding source specified in column 1 of Part 2 of that Table on any land where that operation results in benefit to agriculture or ecological improvement.
- (2) The Table referred to in sub-paragraph (1) is set out below.

<i>Column 1</i> <i>Source of Waste</i>	<i>Column 2</i> <i>Kind of Waste</i>
<b>PART 1</b>	
Wastes from physical and chemical processing of non-metalliferous minerals	Waste gravel and crushed rocks Waste sand and clays

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

(13) 1947 c. 48.

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<i>Column 1</i> <i>Source of Waste</i>	<i>Column 2</i> <i>Kind of Waste</i>
Wastes from sugar processing	Soil from cleaning and washing beet
Wastes from power stations and other combustion plants (except wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use)	Pulverised fuel ash, bottom ash and slag
Wastes from manufacture of ceramic goods, bricks, tiles and construction products	Waste ceramics, bricks, tiles and construction products (after thermal processing)
Wastes from manufacture of cement, lime and plaster and articles and products made from them	Waste concrete and concrete sludge
Concrete, bricks, tiles and ceramics	Bricks
	Tiles and ceramics
	Mixtures of concrete, bricks, tiles and ceramics
Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, palletising) not otherwise specified	Minerals (for example sand, stones)
Wastes from soil and groundwater remediation	Solid wastes from soil remediation (other than those containing dangerous substances)
Garden and park wastes (including cemetery waste)	Soil and stones
Soil (including excavated soil from contaminated sites), stones and dredging spoil	Track ballast other than those containing dangerous substances
<b>PART 2</b>	
Wastes from pulp, paper and cardboard production and processing	De-inked paper sludge and de-inked paper pulp
	Lime mud waste
Soil (including excavated soil from contaminated sites), stones and dredging spoil	Soil and stones other than those containing dangerous substances
	Dredging spoil other than those containing dangerous substances
Wastes from aerobic treatment of solid wastes	Compost
Wastes from waste water treatment plants	Sludges from treatment of urban waste water
Wastes from the preparation of water intended for human consumption or water for industrial use	Sludges from water clarification
Wastes from soil and groundwater remediation	Sludges from soil remediation (other than those containing dangerous substances)

- (3) An operation does not fall within sub-paragraph (1) unless—
- (a) the waste is spread for the purpose of reclamation, restoration or improvement of land which has been subject to industrial or other man-made development, and the use to which that land could be put would be improved by the spreading;

- (b) the waste is spread in accordance with any requirement of or under the Town and Country Planning Act 1990(14);
  - (c) the waste is spread to a depth not exceeding the lesser of—
    - (i) 2 metres, or
    - (ii) the final cross-sections shown on any plan submitted under paragraph 8 of Schedule 2; and
  - (d) no more than 20,000 cubic metres of waste are spread per hectare.
- (4) Secure storage for a period not exceeding 6 months, at the place where it is to be spread, of waste intended to be spread in reliance on sub-paragraph (1).

**Sewage and water treatment works**

10.—(1) Treatment within the curtilage of a water treatment works of—

- (a) sludge from water clarification;
- (b) sludge from decarbonation solutions;
- (c) sludge from regeneration of solutions and ion exchanges; and
- (d) waste water and bore-hole flushings,

arising from water treatment at the works if the total quantity of waste which is treated in any period of 12 months does not exceed 10,000 cubic metres.

(2) Secure storage of waste intended to be submitted to such treatment if that storage is at the works where the waste is produced.

(3) Subject to sub-paragraph (5)—

- (a) any recovery operation carried on within the curtilage of a sewage treatment works (other than the recovery of sewage, sludge or septic tank sludge as an integral part of the operation of those works) in relation to a kind of waste specified in column 2 of the Table in sub-paragraph (4) from the corresponding source specified in column 1 of that Table; and
- (b) secure storage within the curtilage of a sewage treatment works of waste intended to be subjected to such a recovery operation.

(4) The Table referred to in sub-paragraph (3) is set out below.

<i>Column 1</i> <i>Source of Waste</i>	<i>Column 2</i> <i>Kind of Waste</i>
Wastes from other sewage treatment works	Screenings
Other municipal wastes	Sludges from treatment of urban waste water
	Septic tank sludge
	Cesspool waste and other sewage sludge
Wastes from the preparation of water intended for human consumption or for industrial use	Waste from sewage cleaning
	Sludges from water clarification
	Sludges from decarbonation

(14) 1990 c. 8.

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<i>Column 1</i> <i>Source of Waste</i>	<i>Column 2</i> <i>Kind of Waste</i>
	Solutions and sludges from regeneration of ion exchangers

- (5) An operation does not fall within sub-paragraph (3) unless—
- (a) the total quantity of waste brought to the sewage treatment works in any period of 12 months does not exceed 100,000 cubic metres; and
  - (b) the operation is carried out on an area with an impermeable pavement capable of containing any spillage of waste received and connected to a drainage system with impermeable components which does not leak and which will ensure that—
    - (i) no liquid will run off the pavement otherwise than via the system, and
    - (ii) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump.

- (6) In this paragraph—

“sludge” (in relation to sewage) means residual sludge from sewage plants treating domestic or urban waste waters and from other sewage plants treating waste waters of a composition similar to domestic and urban waste waters;

“septic tank sludge” means residual sludge from septic tanks and other similar installations for the treatment of sewage.

**Preparatory treatments of certain waste**

**11.**—(1) Carrying on, at any place, an operation specified in column 2 of the Table in sub-paragraph (2) relating to a corresponding kind of waste listed in column 1 of that Table where—

- (a) the operation is carried on with a view to the recovery or reuse of the waste, whether or not by the person carrying it on; and
- (b) the total quantity of any particular kind of waste dealt with at that place does not in any period of 7 days exceed the corresponding limit specified in column 3 of that Table.

(2) The Table referred to in sub-paragraph (1) is set out below.

<i>Column 1</i> <i>Kind of waste</i>	<i>Column 2</i> <i>Operations</i>	<i>Column 3</i> <i>Limit (tonnes per week)</i>
Waste paper or cardboard	Baling, sorting or shredding	3,000
Waste textiles	Baling, sorting or shredding	100
Waste plastic	Baling, sorting, shredding, densifying or washing	100
Waste glass	Sorting, crushing or washing	1,000
Waste steel cans, aluminium cans or aluminium foil	Sorting, crushing, pulverising, shredding, compacting or baling	100
Waste food or drink cartons	Sorting, crushing, pulverising, shredding, compacting or baling	100

### **Composting waste**

**12.**—(1) Subject to sub-paragraph (2), composting biodegradable waste at the place where the waste is produced or where the compost is to be used, or at any other place occupied by the person producing the waste or using the compost, if the total quantity of waste being composted at that place at any time does not exceed—

- (a) in the case of waste composted or to be composted for the purposes of cultivating mushrooms, 10,000 cubic metres; and
- (b) in any other case, 1,000 cubic metres.

(2) An operation does not fall within sub-paragraph (1) if it falls within paragraph (a) of Part B of Section 6.8 of Part 2 of Schedule 1.

(3) Storing biodegradable waste which is to be composted if that storage is at the place where the waste is produced or is to be composted.

(4) In this paragraph, “composting” includes any biological transformation process that results in materials which may be spread on land for the benefit of agriculture or ecological improvement.

### **Construction and soil materials**

**13.**—(1) Manufacturing timber products, straw board, plasterboard, bricks, blocks, roadstone or aggregate from—

- (a) waste which arises from demolition or construction work or tunnelling or other excavations; or
- (b) waste which consists of ash, slag, clinker, rock, wood, bark, paper, straw or gypsum.

(2) Manufacturing soil or soil substitutes from any of the wastes listed in sub-paragraph (1) if—

- (a) the manufacture is carried out at the place where either the waste is produced or the manufactured product is to be applied to land; and
- (b) the total amount manufactured at that place on any day does not exceed 500 tonnes.

(3) Treatment of waste soil or rock which, when treated, is to be spread on land under paragraph 7 or 9, if—

- (a) it is carried out at the place where the waste is produced or the treated product is to be spread; and
- (b) the total amount treated at that place in any day does not exceed 100 tonnes.

(4) Storage of waste which is to be submitted to any operation falling within sub-paragraphs (1) to (3) if—

- (a) the waste is stored at the place where the operation is to be carried on; and
- (b) the total quantity of waste stored at that place does not exceed—
  - (i) in the case of the manufacture of roadstone from road planings, 50,000 tonnes, and
  - (ii) in any other case, 20,000 tonnes.

### **Manufacturing finished goods**

**14.**—(1) Manufacturing finished goods from any of the following kinds of waste—

- (a) metal;
- (b) plastic;
- (c) glass;
- (d) ceramics;

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- (e) rubber;
  - (f) textiles;
  - (g) wood;
  - (h) paper; or
  - (i) cardboard.
- (2) Storing any such waste intended to be used in such manufacturing if—
- (a) the waste is stored at the place of manufacture; and
  - (b) the total amount of any particular kind of waste stored at that place at any time does not exceed 15,000 tonnes.

### **Use of waste**

- 15.**—(1) Subject to sub-paragraph (3), the beneficial use of waste if—
- (a) the waste is put to that use without further treatment; and
  - (b) that use does not involve the disposal of the waste.
- (2) Storing waste intended to be used for such beneficial use to the extent that the storage does not amount to disposal of the waste.
- (3) An operation does not fall within this paragraph if it falls within a description in paragraph 7, 9, 10, 11, 19 or 25.

### **Biobeds**

- 16.**—(1) Disposal of agricultural waste consisting of non-hazardous pesticide solution or washings in a lined biobed at the place of production of the waste if—
- (a) every part of the place where the activity is carried out is surfaced with an impermeable pavement provided with a sealed drainage system so that all liquids are directed into the biobed;
  - (b) the biobed is located at a secure place at least—
    - (i) 10 metres from a watercourse, and
    - (ii) 50 metres from a spring, well or borehole;
  - (c) the lining of the biobed is impermeable;
  - (d) the biobed is suitable for treatment of the waste;
  - (e) the biobed is covered with turf; and
  - (f) the total quantity of waste being treated does not exceed 15,000 litres in any period of 12 months.
- (2) Secure covered storage of not more than 1,500 litres of waste at the place where it is intended to be so disposed of.
- (3) Treatment of land used for agriculture with agricultural waste consisting of biobed material where such treatment results in benefit to agriculture or ecological improvement if—
- (a) the biobed material is stored securely for 12 months before it is spread;
  - (b) the biobed material consists of a mixture of straw, compost and biologically active soil;
  - (c) the land is at least—
    - (i) 10 metres from a watercourse, and
    - (ii) 50 metres from a spring, well or borehole;

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- (d) at the start of the treatment and at any time during the treatment—
    - (i) the land has not been frozen for 12 or more hours during the preceding 24 hours, and
    - (ii) the land is not waterlogged, flooded or snow-covered;
  - (e) the operation is carried out in accordance with any requirement imposed by an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998<sup>(15)</sup>; and
  - (f) the total quantity of waste used does not exceed 50 tonnes per hectare in any period of 12 months.
- (4) Secure storage at the place of production of waste that is intended to be so treated if—
- (a) no more than 50 cubic metres is stored at any one time; and
  - (b) no waste is stored for more than 3 years.

### Storage of waste in a secure place

17.—(1) Storage in a secure place on any premises of waste of a type listed in the Table in sub-paragraph (2) if—

- (a) the waste is stored for the purpose of its recovery;
- (b) the total quantity of any particular type of waste stored on those premises at any time does not exceed the corresponding storage limit specified in the Table;
- (c) the period for which any particular type of waste is stored on those premises does not exceed the corresponding limits specified in the Table;
- (d) in the case of hazardous waste, the waste is stored on an impermeable surface;
- (e) in the case of any solvents, chlorofluorocarbons, hydrochlorofluorocarbons, hydrofluorocarbons, paints or edible oil, the waste is stored in sealed leak proof containers; and
- (f) each kind of waste listed in the Table and stored on those premises is kept separately.

(2) The Table referred to in sub-paragraph (1) is set out below.

<i>Kind of Waste<sup>(1)</sup></i>	<i>Maximum quantity stored at one time</i>	<i>Maximum duration of storage</i>
<b>02 01 02, 02 02 02</b> (mammalian protein)	60,000 tonnes	12 months
<b>02 01 02, 02 02 02</b> (mammalian tallow)	45,000 tonnes	12 months
<b>10 11 12, 15 01 07, 16 01 20, 17 02 02, 19 12 05, 20 01 02</b> (glass)	5,000 tonnes	12 months
<b>14 06 01*</b> (chlorofluorocarbons, hydrochlorofluorocarbons and hydrofluorocarbons)	18 tonnes	6 months
<b>14 06 02*, 14 06 03*, 20 01 13*</b> (solvents and solvent mixtures)	5 cubic metres	6 months

(1) Where a description of a waste follows a 6 digit code, only that kind of waste falling within the code is included

<sup>(15)</sup> S.I. 1998/1202, amended by S.I. 2002/2614, 2003/1852 (W.202)

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<i>Kind of Waste<sup>(1)</sup></i>	<i>Maximum quantity stored at one time</i>	<i>Maximum duration of storage</i>
<b>15 01 01, 19 12 01, 20 01 01</b> (paper and cardboard)	15,000 tonnes	12 months
<b>15 01 01, 19 12 01, 20 01 01</b> (cartons)	500 tonnes	12 months
<b>15 01 02, 20 01 39</b> (plastic)	500 tonnes	12 months
<b>15 01 04, 20 01 40</b> (cans and foil)	500 tonnes	12 months
<b>16 01 03</b> (tyres)	1,000 tyres	12 months
<b>17 01 01 to 17 08 02</b> except for <b>17 03 02, 17 05 04, 17 05 06</b> and <b>17 05 08</b> (non-hazardous construction and demolition waste articles which are to be used for construction work and are capable of being used in their existing state)	100 tonnes	12 months
<b>15 01 03, 17 02 01, 17 02 04*, 20 01 37*, 20 01 38</b> (wood including telegraph poles and railway sleepers)	100 tonnes	12 months
<b>15 01 09, 19 12 08, 20 01 10, 20 01 11</b> (textiles and clothes)	1,000 tonnes	12 months
<b>20 01 25</b> (edible oil)	500 tonnes	12 months
<b>20 01 27*, 20 01 28</b> (paints (excluding specialist and industrial paints, wood preservatives, aerosol and spray paints, inks, adhesives and resins) pending re-use as paint)	10,000 litres	6 months

(1) Where a description of a waste follows a 6 digit code, only that kind of waste falling within the code is included

### **Waste in secure containers**

**18.**—(1) The storage on any premises in a secure container or containers of waste of a kind listed in the Table in sub-paragraph (2) if—

- (a) the storage capacity of the container or containers does not exceed 400 cubic metres in total;
- (b) there are no more than 20 containers on those premises;
- (c) the waste is stored for the purpose of recovery;
- (d) each kind of waste listed in the Table and stored on the premises is kept separately;
- (e) the waste is not stored on the premises for longer than—
  - (i) in the case of hypodermic syringes and sharps, 1 month,
  - (ii) in any other case, 12 months;

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- (f) the person storing the waste is the owner of the container or has the consent of the owner; and
- (g) the other requirements specified in relation to that kind of waste in the Table are met.
- (2) The Table referred to in sub-paragraph (1) is set out below.

<i>Kind of Waste<sup>(1)</sup></i>	<i>Other requirements</i>
<b>13 01 09*</b> to <b>13 07 01*</b> except <b>13 03 01*</b> to <b>13 03 10*</b> and <b>13 05 01*</b> to <b>13 05 08*</b> (waste oils)	The waste is stored at a distance of at least 10 metres from any inland or coastal waters and 50 metres from any well, borehole or similar work sunk into underground strata for the purpose of any water supply;  The storage capacity of any container or containers used for the waste does not exceed 3 cubic metres in total;  Provision is made to prevent oil escaping into the ground.
<b>15 01 01, 20 01 01</b> (cartons)	
<b>15 01 02, 20 01 39</b> (plastics and plastic packaging)	
<b>15 01 04, 20 01 40</b> (cans and foil)	
<b>20 01 99</b> (hypodermic syringes and sharps)	The storage capacity of the container or containers used for the waste does not exceed 2 cubic metres in total
<b>15 01 01, 20 01 01</b> (paper and cardboard)	
<b>15 01 07, 20 01 02</b> (glass)	
<b>15 01 09, 20 01 10, 20 01 11</b> (textiles and clothes)	
<b>20 01 33*</b> (sorted or unsorted separate collections of batteries containing hazardous batteries)	
<b>20 01 34</b> (sorted or unsorted separate collections of batteries not containing hazardous batteries)	

(1) Where a description of a waste follows a 6 digit code, only that kind of waste falling within the code is included.

### **Waste for construction**

**19.**—(1) Storage on a site of a kind of waste specified in Column 2 of the Table in sub-paragraph (3) from the corresponding source specified in Column 1 of that Table for the purposes of relevant work carried on at the site, if—

- (a) the waste is suitable for use for those purposes;
- (b) no more than 50,000 tonnes of such waste are stored at the site; and
- (c) in the case of waste which is not produced on the site, it is not stored there for longer than 6 months.

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- (2) The use of a kind of waste specified in Column 2 of the Table in sub-paragraph (3) from the corresponding source specified in Column 1 of that Table for the purposes of relevant work, if—
- (a) the waste is suitable for use for those purposes;
  - (b) the work is carried out in accordance with any requirement of or under the Town and Country Planning Act 1990(16); and
  - (c) the waste is used to a depth that does not exceed the dimensions of the final cross sections shown on any plan submitted under paragraph 8 of Schedule 2.
- (3) The Table referred to in sub-paragraphs (1) and (2) is set out below.

<i>Column 1</i> <i>Source of Waste</i>	<i>Column 2</i> <i>Kind of Waste</i>
Wastes from physical and chemical processing of non-metalliferous minerals	Waste gravel and crushed rocks other than those containing dangerous substances
Wastes from sugar processing	Waste sand and clays
Wastes from power stations and other combustion plants (except wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and waste for industrial use)	Soil from cleaning and washing beet
Wastes from the iron and steel industry	Bottom ash, slag and boiler dust (excluding oil fly ash and boiler dust)
Wastes from the casting of ferrous and non ferrous pieces	Pulverised fuel ash
Wastes from the manufacture of ceramic goods, bricks, tiles and construction pieces	Gypsum
Wastes from the manufacture of cement, lime and plaster and articles and products made from them	Unprocessed slag
Concrete, bricks, tiles and ceramics	Furnace slag
Wastes from incineration and pyrolysis of waste	Waste ceramics, bricks, tiles and construction products (after thermal processing)
Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified	Waste concrete and concrete sludge
Soil (including excavated soil from contaminated sites), stones and dredging spoil	Concrete
	Bricks
	Tiles and ceramics
	Mixtures of concrete, bricks, tiles and Ceramics
	Bottom ash and slag
	Minerals (for example sand, stones)
	Track ballast, soil and stones other than those containing dangerous substances

(16) 1990 c. 8.

<i>Column 1</i> <i>Source of Waste</i>	<i>Column 2</i> <i>Kind of Waste</i>
	Dredging spoil (unless it contains dangerous substances)
Garden and park waste (including cemetery waste)	Soil and stones
Bituminous mixtures, coal tar and tarred products	Road base and road planings

(4) For the purposes of sub-paragraphs (1) and (2), dredging spoil is only suitable for use in drainage works.

(5) Storage on a site of waste consisting of road planings and roadbase which are to be used for the purposes of relevant work carried on elsewhere if—

- (a) no more than 50,000 tonnes of such waste are stored at the site; and
- (b) the waste is stored there for no longer than six months.

(6) In this paragraph—

“drainage” means drainage carried out for the purposes of the Land Drainage Act 1991(17), the 1991 Act or the 1995 Act; and

“relevant work” means work for the construction, maintenance or improvement of—

- (a) a building or a highway, railway, airport, dock or other transport facility;
- (b) recreational facilities; or
- (c) drainage,

but does not include work involving land reclamation.

### **Recovery of textiles**

**20.**—(1) Laundering or otherwise cleaning waste textiles with a view to their recovery or reuse.

(2) Storing waste textiles at the place where they are to be so laundered or cleaned.

### **Preparatory treatments of waste plant matter**

**21.**—(1) Subject to sub-paragraph (2),—

- (a) chipping, shredding, cutting or pulverising waste plant matter, including wood or bark; or
- (b) sorting and baling sawdust or wood shavings,

on any premises.

(2) An operation does not fall within sub-paragraph (1) unless—

- (a) it is carried on for the purposes of recovery or reuse; and
- (b) no more than 1,000 tonnes of such waste is dealt with on those premises in any period of 7 days.

(3) Storage of waste in connection with an operation mentioned in sub-paragraph (1) at the premises where it is carried on if the total amount of waste stored at those premises does not at any time exceed 1,000 tonnes.

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(17) 1991 c. 59.

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### Recovery of silver

**22.**—(1) Recovery, at any premises, of silver from waste produced in connection with printing or photographic processing if no more than 50,000 litres of such waste are dealt with on those premises in any day.

(2) Storage, at those premises, of waste which is to be submitted to such a recovery operation.

### Recovery of waste consisting of animal by-products at a collection centre

**23.**—(1) The recovery of waste consisting of animal by-products at a collection centre—

- (a) in England, in accordance with an authorisation under regulation 27 of the Animal By-Products Regulations 2005<sup>(18)</sup>;
- (b) in Wales, in accordance with an authorisation under regulation 27 of the Animal By-Products (Wales) Regulations 2006<sup>(19)</sup>,

if the total quantity of waste being recovered at that collection centre at any time does not exceed 10 tonnes.

(2) Storage of the waste intended to be submitted to such a recovery operation if—

- (a) storage takes place in a secure place; and
- (b) no waste is stored for more than twelve months.

(3) In this paragraph—

- (a) “animal by-product” has the same meaning as in regulation 2(1)(a) of Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption<sup>(20)</sup>;
- (b) “collection centre” has the same meaning as in paragraph 18 of Annex I to that Regulation.

### Crushing, grinding or size reduction of bricks, tiles or concrete

**24.**—(1) Storage at the place where crushing is carried on of any waste bricks, tiles or concrete which is intended to be crushed if—

- (a) the total quantity of such waste stored at that place at any time does not exceed 20,000 tonnes; and
- (b) where the crushing is carried on otherwise than at the place where such waste is produced, the crushing is carried on with a view to the recovery or reuse of the waste.

(2) In this paragraph, “crushing” means crushing, grinding or other size reduction under an environmental permit to the extent it is an activity within paragraph (a) of Part B of Section 3.5 of Part 2 of Schedule 1.

### Waterway dredging

**25.**—(1) Deposit of waste arising from dredging inland waters, or from clearing plant matter from inland waters, if—

- (a) the waste is deposited along the bank or towpath of—
  - (i) the waters where the dredging or clearing takes place by the establishment or undertaking producing it, or
  - (ii) any inland waters so as to result in benefit to agriculture or ecological improvement;

<sup>(18)</sup> S.I. 2005/2347.

<sup>(19)</sup> S.I. 2006/1293 (W.127).

<sup>(20)</sup> OJ No. L 273, 10.10.2002, p1.

- (b) the total amount of waste so deposited on any day does not exceed 50 tonnes for each metre of the bank or towpath along which it is deposited; and
  - (c) the waste is not deposited in a container or lagoon.
- (2) Treatment by screening or dewatering of such waste—
- (a) on the bank or towpath of the waters where either the dredging or clearing takes place or the waste is to be so deposited, prior to the deposit;
  - (b) on the bank or towpath of the waters where the dredging or clearing takes place, or at a place where the waste is to be spread, prior to its being spread as an exempt waste operation falling within paragraph 7(1) or 7(2); or
  - (c) in the case of waste from dredging, on the bank or towpath of the waters where the dredging takes place, or at a place where the waste is to be spread, prior to its being spread as an exempt waste operation falling within paragraph 9(1).

### **Recovery or disposal as part of the production process**

26.—(1) Recovery or disposal of waste, at the place where it is produced, as an integral part of the process that produces it, except for final disposal by deposit in or on land.

(2) Storage, at the place where it is produced, of waste which is intended to be so recovered or disposed of.

### **Baling, compacting, crushing, shredding or pulverising**

27.—(1) Baling, compacting, crushing, shredding or pulverising waste at the place where it is produced.

(2) Storage, at the place where it is produced, of waste which is to be submitted to such an operation.

### **Spreading ash**

28.—(1) Mixing ash from the incineration of pig or poultry carcasses at its place of production with manure for use in land treatment specified in sub-paragraph (2).

(2) Treatment of land used for agriculture with agricultural waste at the place of production where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste consists of ash from the incineration of pig or poultry carcasses or such ash mixed with manure from an exempt waste operation falling within in sub-paragraph (1);
- (b) the land is at least—
  - (i) 10 metres from a watercourse, and
  - (ii) 50 metres from a spring, well or borehole;
- (c) at the start of the treatment and at any time during the treatment—
  - (i) the land has not been frozen for 12 or more hours during the preceding 24 hours, and
  - (ii) the land is not waterlogged, flooded or snow-covered;
- (d) the activity is carried out in accordance with any requirement imposed by an action plan under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998(21);
- (e) where the waste consists only of ash from the incineration of pig or poultry carcasses, the waste is incorporated into the soil as soon as possible;

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(21) S.I. 1998/1202, amended by S.I. 2002/1614, 2003/1852 (W.202).

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- (f) the total quantity of ash incorporated into the soil does not exceed 150 kilogrammes per hectare in any period of 12 months; and
  - (g) the total quantity of nitrogen added to the soil as a result of the treatment does not exceed 250 kilogrammes per hectare in any period of 12 months.
- (3) Secure storage of not more than 100 tonnes of waste intended to be used for such treatment.

#### **Disposal by burning at the place of production**

**29.**—(1) Burning waste at the place where it is produced by the person producing it in any of the following plant with a capacity of less than 50kg per hour—

- (a) an excluded plant within section 5.1 of Part 2 of Schedule 1;
  - (b) any other incinerator not being used to incinerate clinical waste, sewage sludge, sewage screenings or municipal waste.
- (2) Secure storage at that place of that waste if it is intended to submit it to such burning.

#### **Burning waste in the open**

**30.**—(1) Burning waste on land in the open if—

- (a) the waste consists of plant tissue;
  - (b) it is agricultural waste or the waste is produced on—
    - (i) land which is operational land of a railway, a light railway, a tramway, an internal drainage board or the Agency,
    - (ii) land which is a forest, woodland, a park, a garden, a verge, a landscaped area, a sports ground, a recreation ground, a churchyard or a cemetery, or
    - (iii) other land as a result of demolition work;
  - (c) it is burned on the land where it is produced;
  - (d) the total quantity burned in any period of 24 hours does not exceed 10 tonnes; and
  - (e) the waste is burned by the establishment or undertaking producing it.
- (2) Storing of such waste pending such burning, on the land where it is to be burned.
- (3) Incorporation into soil of ash from cereal straw or cereal stubble burned as an exempt waste operation falling within sub-paragraph (1) if—
- (a) the incorporation is on the land where the ash was produced; and
  - (b) the ash is incorporated in accordance with paragraph 10 of Schedule 2 to the Crop Residues (Burning) Regulations 1993<sup>(22)</sup>.
- (4) In this paragraph “operational land”, in relation to an internal drainage board, means land which is held for the purpose of carrying out its functions as an internal drainage board.

#### **Waste from railway sanitary conveniences or sinks**

**31.** Discharging waste onto the track of a railway from a sanitary convenience or sink forming part of a vehicle used for the carriage of passengers on the railway if the discharge in question does not exceed 25 litres.

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(22) S.I. 1993/1366.

### **Waste from sanitary conveniences with removable receptacles**

**32.** Burial on premises of waste arising from the use on those premises of a sanitary convenience which is equipped with a removable receptacle if the total amount buried in any period of 12 months does not exceed 5 cubic metres.

### **Peatworking**

**33.** Keeping or depositing waste consisting of excavated materials arising from peatworking at the place where that operation takes place if the waste kept or deposited is produced by the establishment or undertaking carrying on the operation.

### **Railway ballast**

- 34.** Keeping or depositing on land spent ballast at the place where it is produced if—
- (a) the land is operational land of a railway, a light railway or a tramway;
  - (b) the total amount kept or deposited at that place does not exceed 10 tonnes for each metre of track from which the ballast derives; and
  - (c) the waste kept or deposited is produced by the establishment or undertaking carrying on the operation.

### **Waste from prospecting**

**35.—(1)** Depositing waste consisting of excavated material from a borehole or other excavation made for the purpose of mineral exploration if—

- (a) it is deposited in or on land at the place where it is excavated;
- (b) the total quantity of waste so deposited over any period of 24 months does not exceed 45,000 cubic metres per hectare; and
- (c) the drilling of the borehole or the making of any other excavation is development for which planning permission has been granted by article 3 of, and Class A or B of Part 22 of Schedule 2 to, the Town and Country Planning (General Permitted Development) Order 1995<sup>(23)</sup> and the conditions subject to which the development is permitted are observed.

(2) Expressions used in this paragraph which are also used in the Town and Country Planning (General Permitted Development) Order 1995 have the same meaning as in that Order.

### **Spreading dredgings**

**36.—(1)** Treating land used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste consists of dredged spoil (other than those containing dangerous substances) from farm ditches;
- (b) the operation is carried out in accordance with any requirement imposed by an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998; and
- (c) the total quantity of waste used per hectare does not exceed 150 tonnes per hectare in any period of 12 months.

(2) Secure storage of not more than 200 tonnes of waste intended to be used for such treatment.

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<sup>(23)</sup> S.I. 1995/418, amended by S.I. 1999/293, 1999/1783, 2003/956, 2004/3156 (W. 273), 2006/1282, 2006/1386 (W. 136), and by the Utilities Act 2000 (c. 27), section 76(7); there are other amending instruments but none is relevant.

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### **The deposit of agricultural waste consisting of plant tissue at the place of production**

- 37.**—(1) Depositing agricultural waste consisting of plant tissue at the place of production if—
- (a) there is no more than 250 tonnes in any one deposit;
  - (b) the deposit is made on land which is at least—
    - (i) 10 metres from a watercourse, and
    - (ii) 50 metres from a spring, well or borehole;
  - (c) the deposit is not immediately adjacent to any other deposit made in carrying on an exempt waste operation falling within this paragraph;
  - (d) at the time the deposit is made the land—
    - (i) has not been frozen for 12 hours or more during the preceding 24 hours, and
    - (ii) is not waterlogged, flooded or snow-covered;
  - (e) the deposit is carried out in accordance with any requirement imposed by an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998; and
  - (f) the deposit is carried out in accordance with any requirements specified under a notice served under article 32 of the Plant Health (England) Order 2005(**24**) or article 32 of the Plant Health (Wales) Order 2006(**25**).

### **Samples of waste**

**38.** Depositing or storing samples of waste, including samples of waste which is hazardous waste, at any place where they are being or are to be tested or analysed, if the samples do not exceed 10 tonnes and are taken—

- (a) in the exercise of any power under—
  - (i) the Radioactive Substances Act 1993(**26**),
  - (ii) the Control of Pollution Act 1974(**27**),
  - (iii) the 1990 Act,
  - (iv) the 1991 Act, or
  - (v) the Water Industry Act 1991(**28**);
- (b) by or on behalf of the holder of an environmental permit;
- (c) by or on behalf of a person carrying on in relation to the waste—
  - (i) an operation described in this Part, or
  - (ii) an excluded waste operation;
- (d) by or on behalf of the owner or occupier of the land from which the samples are taken;
- (e) by or on behalf of any person to whom section 34(1) of the 1990 Act(**29**) applies in connection with his duties under that section; or
- (f) for the purposes of research.

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(24) S.I. 2005/2530, to which there are amendments not relevant to this instrument.

(25) S.I. 2006/1643 (W.158).

(26) 1993 c. 12.

(27) 1974 c. 40.

(28) 1991 c. 56.

(29) Section 34(1) was amended by S.I. 2000/1973 and is amended by these Regulations.

### Storage of medicines and medical, nursing or veterinary waste

**39.**—(1) Storing in secure containers at a pharmacy, pending its recovery there or elsewhere, medicines included in **18 01 08\***, **18 01 09**, **20 01 31\*** or **20 01 32** or hypodermic syringes included in **18 01 01** or **18 01 03\***, which have been returned to the pharmacy from households or by individuals if—

- (a) the total quantity of such waste at the pharmacy does not exceed 5 cubic metres at any time;
- (b) any medicine or hypodermic syringe so returned to the pharmacy is not stored there for longer than 6 months; and
- (c) the medicines and hypodermic syringes are stored separately.

(2) Storing in secure containers at the premises of a medical, nursing or veterinary practice waste of a kind described in sub-paragraph (3) produced in carrying on that practice if—

- (a) the total quantity of that waste at the premises does not at any time exceed 5 cubic metres; and
- (b) no such waste is stored at those premises for longer than three months.

(3) The kinds of waste referred to in sub-paragraph (2) are—

- (a) hypodermic syringes and sharps included in **18 01 01**, **18 01 03\***, **18 02 01** or **18 02 02\***;
- (b) body parts and organs included in **18 01 02**;
- (c) general healthcare waste (other than hypodermic syringes and sharps) included in **18 01 03\***, **18 01 04**, **18 02 02\*** or **18 02 03**;
- (d) chemicals not consisting of or containing dangerous substances included in **18 01 07** or **18 02 06**; and
- (e) medicines included in **18 01 08\***, **18 01 09**, **18 02 07\***, **18 02 08**, **20 01 31\*** or **20 01 32**.

### Repair or refurbishment of WEEE

**40.**—(1) Subject to sub-paragraph (6), carrying on, at any secure place in respect of WEEE of a kind described in the Table in sub-paragraph (2), the treatment operations of repair or refurbishment or both if—

- (a) the operation is carried on with a view to the reuse of the WEEE for its original purpose;
- (b) the best available treatment, recovery and recycling techniques are used when carrying on the operation;
- (c) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the treatment limit specified in relation to that kind of WEEE in that Table; and
- (d) the technical requirements specified in Annex III of the WEEE Directive are met.

(2) The Table referred to in sub-paragraph (1) is set out below.

<i>Kind of Waste</i>	<i>Storage Limits</i>	<i>Treatment Limits</i>
<b>16 02 14</b> (WEEE other than those mentioned in 16 02 09 to 16 02 13)	80 cubic metres	5 tonnes per day
<b>20 01 36</b> (WEEE other than those mentioned in 20 01 21, 20 01 23 and 20 01 35)	80 cubic metres	5 tonnes per day

(3) Subject to sub-paragraph (6), carrying on, at any secure place in respect of WEEE that is hazardous waste of a kind described in the Table in sub-paragraph (4), the treatment operations

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of repair or refurbishment or both, but not including the degassing and capture of ozone depleting substances, if—

- (a) the operation is carried on with a view to the reuse of the WEEE for its original purpose;
  - (b) best available treatment, recovery and recycling techniques are used when carrying on the operation;
  - (c) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the treatment limit specified in relation to that kind of WEEE in that Table;
  - (d) the technical requirements specified in Annex III of the WEEE Directive are met; and
  - (e) the other requirements specified in relation to that kind of WEEE in that Table are met.
- (4) The Table referred to in sub-paragraph (3) is set out below.

<i>Kind of Waste</i>	<i>Storage Limits</i>	<i>Treatment Limits</i>	<i>Other Requirements</i>
<b>16 02 11*</b> (WEEE containing chlorofluorocarbons, HCFC, HFC) and <b>20 01 23*</b> (WEEE containing chlorofluorocarbons)	80 cubic metres	5 tonnes per day	Stored and treated in a manner that will prevent the release of the CFCs, HCFCs or HFCs
Televisions and computer monitors containing cathode ray tubes falling within <b>16 02 13*</b> (WEEE containing hazardous components other than those mentioned in 16 02 09 to 16 02 12) and <b>20 01 35*</b> (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components)	80 cubic metres	5 tonnes per day	

(5) Subject to sub-paragraph (6), secure storage at the place where the operation is carried on of any WEEE of a kind described in the Tables in sub-paragraph (2) or (4) intended to be submitted to repair or refurbishment or both if—

- (a) the total quantity of any particular kind of WEEE so dealt with at that place does not exceed the storage limit specified in relation to that kind of WEEE in those Tables;
- (b) the technical requirements specified in Annex III of the WEEE Directive are met;
- (c) the other requirements specified in relation to that kind of WEEE in the Table in sub-paragraph (4) are met;
- (d) the WEEE is stored in such a manner that its environmentally sound reuse or recycling is not hindered; and
- (e) no WEEE is stored at that place for more than 12 months.

(6) An operation does not fall within sub-paragraph (1), (3) or (5) at a place unless the person responsible for the management of that place has established administrative arrangements to ensure that—

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- (a) WEEE accepted at that place is of kind described in the Table in sub-paragraph (2) or the Table in sub-paragraph (4), as the case may be; and
- (b) no waste is accepted at that place in such a quantity as would cause there to be a breach of any of the conditions of the exemption.

(7) For the purposes of this paragraph, the storage and treatment limits specified in the Tables in sub-paragraphs (2) and (4) are overall limits that apply to all waste falling within the 6 digit code or codes specified in those Tables.

### Secure storage of WEEE

41.—(1) Secure storage at any place of WEEE of a kind described in the Table in sub-paragraph (2) if—

- (a) the WEEE is stored for the purpose of its recovery elsewhere;
- (b) the total quantity of any particular kind of WEEE stored at the site at any time does not exceed the storage limit specified in relation to that kind of WEEE in that Table;
- (c) the total duration that any particular kind of WEEE is stored for does not exceed the duration limits specified in relation to that kind of WEEE in that Table;
- (d) the type of containment specified in relation to that kind of WEEE in that Table are met; and
- (e) the WEEE is stored in such a manner that its environmentally sound reuse or recycling is not hindered.

(2) The Table referred to in sub-paragraph (1) is set out below.

<i>Kind of Waste</i>	<i>Maximum Quantity</i>	<i>Maximum Duration</i>	<i>Type of Containment</i>
<b>16 02 14</b> (WEEE other than those mentioned in 16 02 09 to 16 02 12)	80 cubic metres	3 months	impermeable surface; weatherproof coating of stored WEEE
<b>20 01 36</b> (WEEE other than those mentioned in 20 01 21, 20 01 23 and 20 01 35)	80 cubic metres	3 months	impermeable surface; weatherproof coating of stored WEEE

(3) Secure storage at any place of WEEE of a kind described in the Table in sub-paragraph (4) if—

- (a) the WEEE is stored for the purpose of its recovery elsewhere;
- (b) the total quantity of any particular WEEE stored at the site at any time does not exceed the storage limit specified in relation to that kind of WEEE in that Table;
- (c) the total duration that any particular kind of WEEE is stored for does not exceed the duration limits specified in relation to that kind of WEEE in that Table;
- (d) the type of containment and other requirements specified in relation to that kind of WEEE in that Table are met; and
- (e) the WEEE is stored in such a manner that its environmentally sound reuse or recycling is not hindered.

(4) The Table referred to in sub-paragraph (3) is set out below.

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<i>Kind of Waste</i>	<i>Maximum quantity</i>	<i>Maximum duration</i>	<i>Type of containment</i>	<i>Other Requirements</i>
<b>16 02 11*</b> (WEEE containing chlorofluorocarbons, HCFC, HFC) and <b>20 01 23*</b> (WEEE containing chlorofluorocarbons)	80 cubic metres	3 months	impermeable surface; weatherproof covering of stored WEEE	stored in a manner that will prevent the release of the CFC, HCFC and HFC; the number of units in any stack must not exceed 2; the overall height of any stack must not exceed 3.5m
<b>16 02 13*</b> (WEEE containing hazardous components other than those mentioned in 16 02 09 to 16 02 12) and <b>20 01 35*</b> (WEEE other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components)	80 cubic metres	3 months	impermeable surface; weatherproof covering of stored WEEE	
<b>20 01 21*</b> (fluorescent tubes and other mercury-containing waste)	50 cubic metres	3 months	appropriate secure containers; weatherproof covering	stored in such a way that the glass is not broken

(5) For the purposes of sub-paragraphs (1) and (3), the operation of storage must be taken to include the incidental sorting of waste of that kind.

(6) For the purposes of this paragraph, the storage and treatment limits specified in the Tables in sub-paragraphs (2) and (4) are overall limits that apply to all waste falling within the 6 digit code or codes specified in those Tables.

### **Crushing waste discharge lamps**

**42.**—(1) Crushing waste discharge lamps (including fluorescent tubes which are hazardous waste within category 20 01 21\*) for the purposes of volume reduction prior to collection, where the material is intended for recovery or reuse if—

- (a) the operation is carried on in equipment designed for the purpose of volume reduction prior to collection;
- (b) the operation is carried on solely for that purpose;
- (c) the mercury concentration in emissions does not exceed 50 microgrammes/cubic metre; and
- (d) the total quantity of lamps processed in any period of 24 hours does not exceed 3 tonnes.

(2) Secure storage of such lamps prior to crushing, or after crushing but prior to collection, if—

- (a) the lamps are stored under weatherproof covering; and
- (b) after crushing, the lamps are stored in a secure container.

### **Glass Manufacture and Production**

**43.**—(1) Storage, at the place where the activity is carried out, of any waste glass which is intended to be used as part of the activity if—

- (a) the total quantity of waste glass used as part of the activity does not exceed 600,000 tonnes in any period of 12 months; and
- (b) the activity is carried on under an environmental permit.

(2) In this paragraph “activity” means an activity within Part B of Section 3.3 of Part 2 of Schedule 1.

### **Heating metals and metal alloys for the purpose of removing grease, oil or any other non-metallic contaminant**

**44.**—(1) Subject to sub-paragraph (2), heating iron, steel, ferrous-alloys, non-ferrous metal or non-ferrous metal alloys—

- (a) in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts; and
- (b) for the purpose of removing grease, oil or any other non-metallic contaminant.

(2) An operation does not fall within sub-paragraph (1) if—

- (a) it is the removal by heat of plastic or rubber covering from scrap cable, or any asbestos contaminant;
- (b) in the case of a process involving the heating of iron, steel or ferrous-alloys, that process is an activity described in Section 2.1 (other than paragraph (d) of Part B) of Part 2 of Schedule 1; or
- (c) in the case of a process involving the heating of any non-ferrous metal or non-ferrous metal alloy, that process is an activity described in Part A(1) or A(2) of Section 2.2 of Part 2 of Schedule 1.

(3) Secure storage of waste intended to be submitted to such heating if the waste or, as the case may be, any container in which the waste is stored, is stored on an impermeable pavement which is provided with a sealed drainage system.

(4) In this paragraph—

“ferrous alloy” means an alloy of which iron is the largest constituent, or equal to the largest constituent, by weight, whether or not that alloy also has a non-ferrous metal content greater than any percentage specified in Section 2.2 of Part 2 of Schedule 1;

“net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal;

“non-ferrous metal alloy” means an alloy which is not a ferrous alloy.

### **Recovery of scrap metal or the dismantling of waste motor vehicles**

**45.**—(1) Subject to sub-paragraph (5), carrying on, at any secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles, in respect of a kind of waste specified in column 1 of the Table in sub-paragraph (2), any of the corresponding operations specified in column 2 of that Table in relation to that kind of waste if—

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- (a) the total quantity of any particular kind of waste so dealt with at that place does not in any period of seven days exceed the limit specified in relation to that kind of waste in column 3 of that Table;
  - (b) the operation is carried on with a view to the recovery of the waste (whether or not that recovery is to be by the person carrying on the operation listed in that Table);
  - (c) every part of that place upon which the operation is carried out is surfaced with an impermeable pavement provided with a sealed drainage system; and
  - (d) the plant or equipment used in carrying on the operation is maintained in reasonable working order.
- (2) The Table referred to in sub-paragraph (1) is set out below.

<i>Column 1 Kind of Waste</i>	<i>Column 2 Operations</i>	<i>Column 3 Seven Day Limit</i>
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	8,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	400 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	300 tonnes
Depolluted motor vehicles	Dismantling, rebuilding, restoring or reconditioning	40 vehicles
Lead acid motor vehicle batteries included in <b>16 06 01*</b> , whether or not forming part of, or contained in, a motor vehicle	Sorting	20 tonnes

(3) Subject to sub-paragraph (5), storage, at any secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles, of waste of a kind specified in column 1 of the Table in sub-paragraph (4) if—

- (a) the waste is to be submitted to any of the operations specified in the Table in sub-paragraph (2) in relation to that kind of waste, or to a recycling or reclamation operation authorised by an environmental permit;
- (b) the total quantity of waste of that kind stored at that place does not exceed the maximum total quantity specified in column 2 of the Table in sub-paragraph (4) in relation to that kind of waste;
- (c) no waste is stored at that place for a period exceeding 12 months;

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- (d) each kind of waste is either stored separately or is kept in separate containers, but in a case where a consignment consisting of more than one kind of waste is delivered to that place, it may be stored unseparated at that place pending sorting for a period not exceeding 2 months;
  - (e) in the case of waste which is liquid or consists of motor vehicle batteries, it is stored in a secure container;
  - (f) subject to paragraph (g), the waste or, as the case may be, any container in which it is stored, is stored on an impermeable pavement which is provided with a sealed drainage system;
  - (g) in the case of waste motor vehicles, they are, where appropriate, stored on an impermeable pavement; and
  - (h) the height of any pile or stack of waste does not exceed 5 metres.
- (4) The Table referred to in sub-paragraph (3) is set out below.

<i>Column 1</i>	<i>Kind of waste</i>
<i>Column 2</i>	<i>Maximum total quantity</i>
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	50,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	1,500 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	1,000 tonnes
Motor vehicles, stored where appropriate on an impermeable pavement	1,000 vehicles
Lead acid motor vehicle batteries included in 16 06 01*, whether or not forming part of, or contained in, a motor vehicle	40 tonnes

- (5) An operation does not fall within sub-paragraph (1) or (3) at a place unless—
- (a) the person responsible for the management of that place has established administrative arrangements to ensure that—
    - (i) waste accepted at that place is of a kind listed in the Table in sub-paragraph (2) or, as the case may be, the Table in sub-paragraph (4), and
    - (ii) no waste is accepted at that place in such a quantity as would cause there to be a breach of any of the terms and conditions of the exemption;
  - (b) that person carries out a monthly audit to confirm compliance with the terms and conditions of the exemption;
  - (c) the records referred to in Article 14 of the Waste Framework Directive are kept in such a form as to show, for each month, the total quantity of each kind of waste recovered during that month at that place;

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- (d) details of the total quantity of each kind of waste recovered at that place during the preceding 12 months are sent annually to the exemption registration authority with the charge referred to in paragraph (f);
- (e) an up to date plan of that place containing the details referred to in paragraph 6(2)(b) of Schedule 2 is sent annually to the exemption registration authority with the annual charge referred to in paragraph (f) below; and
- (f) the charge prescribed for the purpose by a charging scheme under section 41 of the 1995 Act<sup>(30)</sup> is paid in respect of that place to the exemption registration authority by the due date which must be ascertained in accordance with sub-paragraph (6).

(6) For the purposes of ascertaining the due date in any year for payment of the charge referred in paragraph (5)(f) in respect of any place the exemption registration authority must serve notice in accordance with sub-paragraph (7) on the establishment or undertaking from which notice has been received by the exemption registration authority under paragraph 3(1)(b) of Schedule 2 in respect of that place.

(7) A notice required by sub-paragraph (6) must be served not later than 1 month before the anniversary of the date when the notice, plan and charge referred to in paragraph 6 of Schedule 2 were received by the exemption registration authority in respect of that place and must specify—

- (a) the amount of the payment due;
- (b) the method of payment;
- (c) the date of such anniversary;
- (d) that payment is due on that date or, if later, upon the day falling 1 month after the date of the notice; and
- (e) the effect of payment not being made by the date on which it is due,

and the due date for payment of the annual fee for that year by that establishment or undertaking in respect of that place is the date specified for payment in the notice.

(8) Temporary storage of waste (in this sub-paragraph referred to as the “non-scrap waste”), pending its collection, at a secure place designed or adapted for the recovery of scrap metal or the dismantling of waste motor vehicles if—

- (a) the non-scrap waste is not of a kind described in the Table in sub-paragraph (4);
- (b) the non-scrap waste was delivered to that place as part of a consignment of waste of which —
  - (i) at least 70 per cent by weight was waste consisting of waste motor vehicles, or
  - (ii) at least 95 per cent by weight was waste of any kind described in the Table in sub-paragraph (4) other than waste motor vehicles,
 and is capable of being separated from that waste by sorting or hand dismantling;
- (c) the non-scrap waste is stored at that place for no more than 3 months;
- (d) where the non-scrap waste is liquid, it is stored in a secure container; and
- (e) the non-scrap waste or, as the case may be, the container in which the non-scrap waste is stored, is stored on an impermeable pavement which is provided with a sealed drainage system.

(9) In this paragraph—

“depolluted”, in relation to waste motor vehicles, means subjected to all of the operations described in paragraph 3 of Annex I of the End-of-Life Vehicles Directive;

“shearing” means the cold cutting of metal by purpose-made shears;

<sup>(30)</sup> Section 41 was amended by S.I. 2005/894, 2005/1806 (W. 138), 2006/937 and 2007/1711.

“waste motor vehicle” has the meaning given in paragraph 2(1) of Schedule 11.

#### **Burning plant tissue waste and wood at a dock**

**46.**—(1) Subject to sub-paragraph (3), burning at a dock of waste consisting of—

- (a) plant tissue waste; or
- (b) wood of any kind used to wedge or support parts of cargo, including packing material, spacers and pallets,

pursuant to a notice given under article 32 of the Plant Health (England) Order 2005<sup>(31)</sup> or article 32 of the Plant Health (Wales) Order 2006<sup>(32)</sup>, if the waste is burned on a hardstanding, within a secure location at the dock where it was unloaded.

(2) Subject to sub-paragraph (3), storage at the dock where it was unloaded of waste intended to be so burned.

(3) An operation does not fall within this paragraph unless the total quantity of waste stored or burned, in any period of 24 hours, does not exceed 15 tonnes.

#### **Treating land by the spreading of agricultural waste**

**47.**—(1) Treating land used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste is liquid milk;
- (b) the land is at least—
  - (i) 10 metres from a watercourse, and
  - (ii) 50 metres from a spring, well or borehole;
- (c) before the treatment the waste is diluted with not less than an equal quantity of water or slurry;
- (d) at the time the treatment begins—
  - (i) the land has not been frozen for 12 hours or more during the preceding 24 hours, and
  - (ii) the land is not waterlogged, flooded or snow-covered;
- (e) the operation is carried out in accordance with any requirement imposed by an action programme under the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998<sup>(33)</sup>;
- (f) the land is treated at a rate of no greater than 50 cubic metres of the diluted waste per hectare per 24 hours;
- (g) in any period of 4 weeks the land is treated only once; and
- (h) the quantity of total nitrogen added to the soil as a result of the treatment does not exceed 250 kilogrammes per hectare in any period of twelve months.

(2) Secure storage or dilution of waste intended to be used for such treatment.

#### **Pet burial**

**48.** Burial of a dead domestic pet in the garden of a domestic property where the pet lived unless

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<sup>(31)</sup> S.I. 2005/2530, to which there are amendments not relevant to this instrument.

<sup>(32)</sup> S.I. 2006/1643 (W.158).

<sup>(33)</sup> S.I. 1998/1202, amended by S.I. 2002/2614, 2003/1852 (W. 202).

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- (a) the dead domestic pet may prove hazardous to anyone who may come into contact with it; or
- (b) the burial is carried out by an establishment or undertaking and the pet did not die at the property.