



Background

In 2009, the Hazardous Waste Regulations¹ (the Regulations) were amended so that **all** places where hazardous waste is produced, collected or removed from should be considered to be “premises”. Premises in England and Wales where, in any 12 month period, more than 500 kg of hazardous waste is produced, collected, or removed from, must be registered with us. Similarly, when waste is collected from premises and taken to another location a consignment note is required.

This guidance statement allows certain places to be exempt from registration. In some cases these specified sites will also be allowed to move waste without a consignment note or the requirement for consignee returns in respect of those movements

Our approach

As indicated in Table 1, we will not pursue the need for the following:

- A premises registration for certain locations.
- A consignment note for the removal of hazardous waste from these locations.
- A consignee return (other than for self disposal) from the ‘collection point’ to which this waste is first taken (we will treat this place as the place of production for the purposes of the Regulations).

All other aspects of the Regulations will apply including for example, the prohibition on mixing, the duty to separate and classify hazardous waste correctly and the need for the hazardous waste to be moved according to the requirements of the Duty of Care.

Notification, consignment note, and consignee return requirements apply from the ‘Collection Point’ (which is treated as the premises of production) onwards.

¹ The Hazardous Waste (England and Wales) Regulations 2005 and The Hazardous Waste (Wales) Regulations 2005

Enforcement

In not pursuing these aspects of the Regulations, this means we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health.

This regulatory position applies only to the Regulations and to the specific circumstances listed in Table 1. It may not be applied to other situations.

Further advice

Further advice on dealing with hazardous waste can be found on the Natural Resources Wales Website

Table 1: Application of this regulatory position statement

| Location | Position statement applies to: | Position statement does not apply to: |
|----------------------|--|---|
| Highways maintenance | Places where highways authorities carry out routine maintenance of the highway (e.g. gully cleaning following a spillage) | <p>Planned construction/demolition activities.</p> <p>Highways authorities or contractors carrying out construction works other than works that can properly be described as maintenance (which would be completed very quickly).</p> <p>Constructions works, that are not simple maintenance, can be registered as a single premise even if they extend several miles and include small interruptions in continuity.</p> |
| Highway spillages | Parts of the highway where clean-up of spillages occur. | Clean-up of spillages at factories, business premises, retail premises or other non-highway premises. |
| Railway track | <p>Places where maintenance works on a railway track and its associated land are carried out.</p> <p>Organisations and contractors carrying out such works on the railway track must notify their depot to which the hazardous waste is moved from the railway track. This is the collection point.</p> <p>If hazardous waste from track maintenance is not moved to their depot but to another consignee through a point of access from the rail track, for example, a highway (the access point), this access point is the collection point.</p> | <p>Capital works of construction and demolition not properly described as maintenance.</p> <p>Stations, depots and other buildings.</p> |

| Location | Position statement applies to: | Position statement does not apply to: |
|--|--|---|
| Waterways | <p>Places where maintenance or pollution control activities are carried out along rivers, canals and other waterways.</p> <p>Organisations and contractors carrying out works on a river, canal or other waterway should notify their depot to which the hazardous waste is moved from the waterway. This is the collection point. If the hazardous waste from maintenance of the waterway is not moved to their depot but to another consignee through a point of access from the waterway to, for example, a highway (the access point), this access point is the collection point.</p> | Capital works of construction and demolition not properly described as maintenance. |
| Forests and other areas of countryside | <p>A defined area of forest can be regarded as a single premise for notification purposes, in accordance with our existing guidance and require registration. The movement and storage of waste within the boundaries of that forest by the owner/occupier of that forest would not be subject to consignment or consignee return requirements.</p> <p>The removal of hazardous waste from the defined area of forest (e.g. from the access point) is subject to full regulatory controls including notification, consignment and consignee returns.</p> <p>However, where the location is remote and unoccupied², the carrier may complete Parts A, B and D on</p> | <p>Any area of land that forms part of another premise for example a farm.</p> <p>In any circumstance, the carrier may only complete Parts A and B of the consignment note on behalf of the producer, holder where the producer or holder has authorised them to do so, and provided the information for completion of Parts A and B.</p> <p>The carrier can only sign Part D, on behalf of the consignor, where specifically indicated in this RPS. This is limited to remote and unoccupied areas of countryside.</p> |

² Remote and unoccupied: for the purposes of this RPS, not within 10 minutes travel time or 5 mile radius of the nearest consignors premises (whichever is less) where staff are located at any time during the normal working day.

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| | <p>behalf of the producer, holder and consignor provided that they have:</p> <ul style="list-style-type: none"> - given written authorisation in advance - the producer or holder has provided the information necessary for completion of Parts A and B - the carrier has sufficient information to enable them to make the declaration in Part D. | |
| Utility infrastructure | Utility services infrastructure such as lamp posts, telegraph poles, phone boxes, pylons, pipelines and cables. | Electricity sub-stations, pumping stations, or the equivalent. |
| Roadside vehicle maintenance | Vehicles being maintained or repaired by a roadside breakdown service on the highway or at any other place not designed or adapted for that purpose. | Vehicles being serviced, maintained or repaired at a place designed or adapted for that purpose or by someone other than a roadside breakdown service or the domestic owner of the vehicle. |
| Ambulances and other mobile healthcare providers | <p>Mobile healthcare providers (e.g. ambulances, midwives, community nurses, general practitioners and vets) who produce hazardous waste during their treatment of people/animals at any location, including the patient's place of residence, in the vehicle, while in transit, and during delivery of the patient to the practice/hospital.</p> <p>Mobile healthcare providers may return this waste to either the place (e.g. ambulance station) from which their vehicle operates or, in the case of ambulances, the hazardous waste may be left with the patient at the destination hospital or practice. The ambulance station, hospital or practice premises should be notified (as the collection point).</p> | Ambulance stations, hospitals or any other medical practice premises. |

