Appropriate measures for permitted facilities that take chemical waste - response form

We welcome your views on our proposed guidance on the appropriate measures for permitted facilities that take chemical waste for treatment or transfer. Please use this form if you are responding by email or post rather than online.

Please complete the questions and where there is a free text field, give as much information as possible to support your answer.

**How we will use your information**

1.1 A summary of responses to this consultation will be published on [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency). An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.

1.2 The Environment Agency will look to publish the content of your response to this consultation to make it available to the public excluding your personal name and private contact details, for example your home or email address.

1.3 If you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)).  We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances.   In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality.  If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

1.4 If you don’t request your response to be kept confidential, we will be able to release the content of your response to the public, but we won’t make any of your personal details publicly available.

1.5 The Environment Agency is the data controller for the personal data you provide. For further information on how we deal with your personal data please see our Personal Information Charter on gov.uk (<https://www.gov.uk/government/organisations/environment-agency/about/personal-information-charter>) or contact our Data Protection team.

Address: Data Protection team, Environment Agency, Horizon House, Deanery Road, Bristol, BS1 5AH

Email: dataprotection@environment-agency.gov.uk

1.6 This consultation is being conducted in line with the Cabinet Office’s “Consultation Principles” which can be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>

1.7 If you have any comments or complaints about the consultation process, please address them to:

Consultation Coordinator
Lucy Payne
Environment Agency
Orchard House
Endeavour Park
Addington
West Malling
Kent
ME19 5SH

Or email: lucy.payne@environment-agency.gov.uk

Returning your response

The consultation will run for 9 weeks from 3 February 2020 to 6 April 2020.

The closing date for responses is 6 April 2020. Any responses we receive after this date will not be included in the analysis.

We would like you to use this form if you are not submitting your response online. You can return it by email to wastetreatment@environment-agency.gov.uk using the heading Chemical Waste Guidance. Please use this email address if you have any questions regarding this consultation.

Or by post to:

Waste Treatment and Transfer
Environment Agency
Units 10 and 11 Greyfriars Business Park
Frank Foley Way
Stafford
ST16 2ST

**Section 1: About you**

1. Are you responding as an individual or on behalf of an organisation or group?

To help us analyse the responses we receive we’d like to understand more about you and type of business you own, operate or represent.

Please select one of the following options:

□ Responding as an individual

□ Responding on behalf of an organisation or group

□ Other

If you're responding on behalf of an organisation or group, please tell us who you are responding on behalf of.

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If you selected other, please specify.

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2. What is your email address?

The Environment Agency would like to keep you informed about the chemical waste guidance. If you would like to receive updates about the guidance, please give us your email address below.

By providing us with your email address you consent for us to email you with updates about the chemical waste guidance. We will keep your details until the project is closed or until you withdraw your consent.

You can withdraw your consent to receive these emails at any time by contacting us at wastetreatment@environment-agency.gov.uk .

We will not share your details with any other third party without your explicit consent unless required to by law.

Email address:

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3. Can we publish parts of your response that are not personally identifiable?

(Required)

 □ Yes

 □ No

 If you do not want us to publish your response, you need to tell us why.

**Section 2: Your views**

**Questions on Appropriate measures for permitted facilities that transfer or treat** chemical **waste:**

Clarifying which sites need to follow the guidance

The chemical waste guide is one of a series of appropriate measures guides for waste treatment and transfer. Guides have been or will be produced for waste sectors including healthcare waste, biological treatment of waste, waste electrical and electronic equipment, batteries and metal shredding. When you apply for a new permit you will be asked to look at the relevant guidance document and either apply the standards given or describe the alternative standards you will meet that fulfil the same environmental protection as those in the guidance. If you have a permit we will review it and ask you which standards from the relevant guides are appropriate to your site. You will be asked if you can meet the standards or what alternative standards you have in place to meet the relevant environmental criteria. Until the permit review is complete you must follow the standards indicated in your current permit.

In the introduction to the chemical waste guide (page 4), the sites that need to follow the standards are those sites permitted for the treatment or transfer, by recovery or disposal, of:

* hazardous chemical wastes (for example sulphuric acid)
* wastes that contain, or are contaminated with, hazardous chemicals (for example contaminated soils)
* non-hazardous chemical wastes (for example non‑hazardous sludges from physico-chemical treatment) that are treated chemically

**4. Is it clear which types of waste site have to follow the guidance?**

 □ Yes

 □ No

 □ I don't know

Please provide further information to explain your answer.

Fire prevention plan

Sites which take non-hazardous combustible waste must have a fire prevention plan. Sites which take hazardous combustible or flammable waste do not need a separate fire prevention plan but must put in place an accident management plan that includes fire prevention measures.

Our guidance on Fire Prevention Plans can be found [here](https://www.gov.uk/government/publications/fire-prevention-plans-environmental-permits/fire-prevention-plans-environmental-permits).

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**Relevant guidance text (page 4 of the proposed guidance)**

We consider the accident and fire prevention measures specified in this guidance are appropriate measures for managing the fire risks of hazardous chemical waste. If you have a permit to carry out an activity that involves storing other non-hazardous combustible wastes, you may need a [fire prevention plan](https://www.gov.uk/government/publications/fire-prevention-plans-environmental-permits/fire-prevention-plans-environmental-permits) (FPP). This must meet the requirements of our FPP guidance and you must send it to us for approval.

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5**. Do you think that the** Fire Prevention Plan (FPP) **guidance should apply to the storage of flammable and hazardous** **combustible wastes at permitted chemical waste facilities?**

 □ Yes

 □ No

 □ I don't know

Please provide further information to explain your answer.

Management system

Every permitted site must have an environmental management system (EMS). The standards for the management system are the same for all waste treatment and transfer sites whichever waste sector they are in.

6. Are there any additional measures that you think we should include in the management system section to protect people and the environment for the chemical waste sector?

 □ Yes

 □ No

 □ I don't know

Please provide further information to explain your answer.

7. Are there any measures included in the management system that you feel are not relevant to the chemical waste sector?

 □ Yes

 □ No

 □ I don't know

Please provide further information to explain your answer.

Wastes requiring lower technical appraisal standards for pre-acceptance

Some wastes listed in the guidance require a Higher National Certificate chemist (or equivalent) to carry out a pre-acceptance assessment. For a few listed wastes, however, the pre-acceptance technical appraisal only needs to be done by a person who has had enough training to determine the suitability of the waste for the site.

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**Relevant guidance text (page 7 of the proposed guidance)**

The person carrying out the technical appraisal of a waste’s suitability for receipt at pre‑acceptance must have the minimum of a [Higher National Certificate](https://www.gov.uk/what-different-qualification-levels-mean/list-of-qualification-levels) (HNC) in chemistry (or equivalent qualification). For the following wastes, technical appraisals can be carried out by a person who has had enough training to determine the suitability of the waste for the site:

* asbestos
* non‑chemical healthcare waste
* contaminated clothing and rags
* ‘articles’, for example waste electronic equipment or batteries
* contaminated wood
* solid non‑hazardous waste other than ‘mirror entries’ (where waste may be allocated to a hazardous entry or to a non‑hazardous entry according to the European List of Waste)

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**8. Is the list of waste types that do not need to be assessed specifically by a chemist appropriate?**

 □ Yes

 □ No

 □ I don't know

Please provide further information to explain your answer. If you selected no, please propose which wastes should be added or removed.

Qualifications required for pre-acceptance and acceptance

A Higher National Certificate in chemistry qualification is the proposed minimum standard required to pre‑accept or accept most hazardous wastes. Equivalent qualifications to chemistry are also considered to be acceptable.

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**Relevant guidance text (page 7 of the proposed guidance)**

6. The person carrying out the technical appraisal of a waste’s suitability for receipt at pre‑acceptance must have the minimum of a [Higher National Certificate](https://www.gov.uk/what-different-qualification-levels-mean/list-of-qualification-levels) (HNC) in chemistry (or equivalent qualification). For the following wastes, technical appraisals can be carried out by a person who has had enough training to determine the suitability of the waste for the site:

* asbestos
* non‑chemical healthcare waste
* contaminated clothing and rags
* ‘articles’, for example waste electronic equipment or batteries
* contaminated wood
* solid non‑hazardous waste other than ‘mirror entries’ (where waste may be allocated to a hazardous entry or to a non‑hazardous entry according to the European List of Waste)

7. If you need to sample, check (other than visually), or test a hazardous waste when you accept it, acceptance must be supervised by someone with the minimum of an HNC in chemistry (or equivalent qualification). At sites where the waste needs only a visual check, the person who receives the waste must have had enough training to be able to identify and manage any non‑conformances in the load received.

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**9. Do you think that equivalent qualifications to Higher National Certificate (HNC) chemistry are** **acceptable?**

 □ Yes

 □ No

 □ I don't know

Please provide further information to explain your answer. If you selected yes, please propose which qualifications you consider are equivalent to a minimum of a HNC in chemistry.

Contingency plan and procedures

Each site must have a contingency plan that they share with their customers which explains how they will manage waste if there is a problem at their site or at sites where they send waste for onward treatment.

10. Do you think that having and implementing a contingency plan that meets the requirements of the proposed guidance represents best practice and is an appropriate measure?

 □ Yes

 □ No

 □ I don't know

Please explain your answer. If you selected no, please propose alternative measures that would ensure wastes are managed safely and securely, and achieve an equivalent level of protection for people and the environment.

Waste pre-acceptance and characterisation

Before a waste can be sent to a waste facility the operator of the site must get information about the waste producer, how the waste is produced and full details about the waste. If this information is not available the operator must not accept the waste.

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**Relevant guidance text (page 12 of the proposed guidance)**

When you receive a customer query, and before the waste arrives at the facility, you must obtain the following in writing or in an electronic form:

* details of the waste producer including their organisation name, address and contact details
* the source of the waste (the process that gives rise to the waste)
* information on the nature and variability of the waste production process and the waste

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**11. Do you think that obtaining details about who the waste producer is should be an appropriate measure?**

 □ Yes

 □ No

 □ I don't know

Please explain your answer. If you selected no, please identify why this detail is not required.

Requirement to sample waste at pre-acceptance

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**Relevant guidance text (page 13 of the proposed guidance)**

You may not need a representative sample where, for example, the waste is:

* asbestos
* a pure product chemical or aerosol where the chemical composition and hazardous properties are available in a REACH‑compliant safety data sheet
* packaged cosmetics and pharmaceuticals
* contaminated clothing, packaging or rags
* an 'article', for example batteries, lighting tubes, waste electrical or electronic equipment, end‑of‑life vehicles or parts of vehicles, metal waste and scrap metal
* solid non‑hazardous waste except for mirror entries when the waste composition is unknown
* contaminated wood and roofing material
* produced in an emergency ‑ such wastes must remain quarantined until you have completed a full characterisation
* laboratory smalls
* waste oils for treatment

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The guidance requires that an operator identifies the composition of a waste during pre‑acceptance. For many wastes, this can only be done by taking a representative sample of the waste and sending the sample for analysis. The sampling can be done by the producer or the waste operator and the analysis carried out by a competent person. The guidance gives examples of waste that may not need to be sampled to identify their composition.

12. Do you think that there are other wastes that should be included as examples?

 □ Yes

 □ No

 □ I don't know

Please explain your answer. If you think that other general or specific wastes should be added to the list, give details about their composition, and how it can be fully determined without sampling and analysis.

Deciding parameters will be checked at acceptance

The waste received by the site should match the waste that was pre-accepted. The guidance requires that the parameters that will be checked at acceptance must be decided at the pre-acceptance stage.

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**Relevant guidance text (page 15 of the proposed guidance)**

When you agree that you will accept waste from a customer, you should decide and record what parameters you will check at the acceptance stage. The checks could be visual (for example colour, phase, fuming), physical (for example pumpability, form), chemical (for example pH range, maximum acceptable metals content) or odour‑based parameters. You should also record the criteria for non‑conformance or rejection. The person checking the waste for acceptance can also decide on their own additional parameters.

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13. Do you think that this requirement is an appropriate measure to protect people and the environment?

 □ Yes

 □ No

 □ I don't know

Please explain your answer. If you selected no, please detail how alternative measures make sure that the pre-acceptance information is properly used and that only wastes that match those pre-accepted will be accepted onto site.

Reception storage times

When a containerised waste is received on site, a check is made that the right number of containers are present and that the contents on the label match the wastes expected. If required, the containers then go into reception storage to be more thoroughly checked, possibly including sampling and analysis. Reception is a temporary storage area. The guide requires that acceptance checks must be done within one working day following receipt, after which the waste must be moved into quarantine or general storage.

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**Relevant guidance text (page 16 of the proposed guidance)**

You must check, and where appropriate sample and analyse, the contents of all containers in the reception area within 1 working day of receipt. You must then transfer compliant containers to the relevant general storage area on site. You must move non-compliant containers to quarantine unless you can safely store the waste in a general storage area with other compatible wastes whilst you investigate the non‑conformance. You must record all non‑conformances.

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**14. Do you think one working day is sufficient time to complete the acceptance checks?**

 □ Yes

 □ No

 □ I don't know

Please explain your answer. If you think that the waste can be stored in reception for longer than one working day, how much longer is required and why is the additional time required? Please explain how a longer reception storage time can achieve an equivalent level of environmental protection.

Acceptance sampling

In order for a waste to be accepted onto site it must be verified that the waste is the same as the waste that was pre-accepted. In many cases, this can only be done by taking a representative sample of the waste and sending that sample for analysis. The guidance gives examples of waste that may not need to be sampled to identify the composition of the waste at acceptance. These wastes can be confirmed as matching the pre-acceptance information by a visual check. Note that the excluded examples given are different to those that do not need to be sampled at pre‑acceptance.

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**Relevant guidance text (page 17 of the proposed guidance)**

You must representatively sample all wastes, bulk or containerised (including from every container) at the acceptance stage and carry out verification and compliance testing. You must not just rely on the written information supplied. The requirement to sample does not apply to some wastes, for example:

* pure product chemicals
* asbestos
* contaminated clothing, packaging or rags
* 'articles'
* laboratory smalls
* packaged cosmetics and pharmaceuticals
* solid non‑hazardous waste (except for mirror entries when the waste composition is unknown)
* contaminated wood and roofing material
* green wastes and food wastes

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15. Do you think that there are other wastes that should be included in the list?

 □ Yes

 □ No

 □ I don't know

Please explain your answer. If you think that other general or specific wastes should be added to the list, give details about their composition and how it can be fully determined without sampling and analysis.

Storage of self-heating wastes (page 20)

Oily rags and filter materials have been associated with a number of fires in recent years. The presence of metal particles, and their storage in open-topped plastic containers, have been contributing factors to the fires and their severity. The guidance requires that these, and other self-heating or self-reactive wastes, should be stored in sealed, ventilated metal containers to minimise the risk of fire setting and spreading. Additionally, the temperature of the waste in the containers should be monitored to identify self-heating.

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**Relevant guidance text (page 17 of the proposed guidance)**

You should store wastes in sealed, ventilated metal containers if they have the potential for:

* self-heating,
* self-reactivity
* reactivity to moisture or air

You should monitor the containers for heat build‑up.

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16. Do you think that this is an appropriate measure?

 □ Yes

 □ No

 □ I don't know

Please explain your answer. If you answer 'no', please explain how alternative measures can achieve an equivalent level of environmental protection.

Under cover storage

Wastes must be stored safely and securely. Standards on packaging, storage and warehousing are given in guidance from the HSE and sites must, as a minimum, conform to the relevant storage standards. For example, peroxides should be stored in small quantities at set temperatures in dedicated stores. In the guide some wastes, for example those sensitive to light, must be stored under cover. For other wastes the operator can be decide whether to store them under cover or in the open.

17. Do you think that storage of all chemical waste must be under cover regardless of waste type or packaging?

 □ Yes

 □ No

 □ I don't know

Please provide further detail to explain your answer.

**Section 3: Other comments**

18. We really value your feedback on the proposed guidance. Please let us know if there any other sections that are unclear and say how we can improve them. Please provide as much information as possible to support your answer.

Thank you for responding to this consultation.

We will make your response publically available (excluding personal information and financial data) on our online tool whilst the consultation is running, unless you have requested that we do not publish your response.

Following the end of the consultation we will produce a consultation response document and this will be published on this consultation’s web page. If you have given us your email address, we will email you to let you know when this has been published.

In the meantime, if you have any additional questions or comments, please email us at wastetreatment@environment-agency.gov.uk.

Thank you,

Hazardous Waste Treatment, Environment & Business