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## **GUIDANCE NOTE: Agricultural Waste Regulations 2006**

### **THE REGULATIONS**

Waste generated by the farming industry has been excluded from the waste management controls applied to other industries since the 1970's. From 15 May 2006 these controls will be extended to agricultural waste.

The new Agricultural Waste Regulations will come into force on **15 May 2006**. The main purpose of the new regulations is to repeal section 75(7) (c) of the Environmental Protection Act 1990. The effect of doing so will be to extend to agricultural waste and to non-mineral waste from mines and quarries, the national controls already in place to fulfil the requirements of the Waste Framework Directive (WFD) and the Landfill Directive. These controls have applied to all other sectors of industry and types of waste since May 1994 in the case of WFD; and since June 2002 in the case of the Landfill Directive.

### **INDUSTRY ENGAGEMENT**

The CLA represents its members on the development of the Regulations and related issues through the Defra Agricultural Waste Stakeholders Forum (AWSF) which meets every 2 to 3 months in London. This forum includes representatives from a wide range of Government and industry organisations including Defra, Environment Agency (EA), the Chartered Institute of Wastes Management and the Crop Protection Association. The CLA also sit on two sub-groups to the main forum, namely the licensing and exemptions sub-group and the information and communications sub-group.

### **FROM MAY 15 2006 INCLUSIVE YOU HAVE TO:**

#### **1. Stop burning**

You must stop burning waste in the open air before the regulations come into force, particularly plastics and tyres. You will only be allowed to burn waste like crop residues (these are residues from linseed, cereals, oil seed rape, peas and beans), hedge trimmings and other untreated wood in the open.

If you use a drum incinerator to burn rinsed polyethylene pesticide containers you will have another 12 months (until 15 May 2007) before you will have to stop doing this.

#### **2. Stop burying**

You must stop putting waste on your farm tip/dump. You must also stop burying waste on the farm. Farm tips have to be closed. There is however no stipulation to say you have to fill them in. EA will assume that a farm tip has been closed from 15 May inclusive unless there is direct evidence to show otherwise.

#### **3. Employ the duty of care**

The duty of care is a law which says that you must take all reasonable steps to keep waste safe. If you give waste to someone else, you must be sure they are authorised to take it and can transport, recycle or dispose of it safely. The duty of care applies to anyone who produces or imports, keeps or stores, transports, treats or disposes of waste. It also applies if you act as a broker and arrange these things.

## **THE TRANSITIONAL YEAR**

The Regulations contain transitional provisions which allow farmers 6 months from 15 May 2006 to register with the Environment Agency to transport agricultural waste on a professional basis or as a dealer or broker; and allow farmers 12 months from 15 May 2006 to apply to the Agency for waste management licences, to dispose of or recover agricultural waste on-farm, or to register licensing exemptions.

### **Things to consider during this period:**

There are five basic options that can be used to deal with waste after 15 May 2006;

**1. Store waste for up to 12 months and store it securely** - storing waste securely depends on the waste type. The bottom line is that it cannot escape from control - e.g. become windblown - or cause pollution. Store wastes in suitable containers if necessary. Storing wastes properly is also an important factor in reducing costs. It also allows wastes to be separated avoiding contamination. Mixed wastes cost more to dispose of and contaminated wastes are more difficult to recycle.

**2. Take the waste to a recovery or disposal site yourself.**

**3. Give the waste to someone else** – the Duty of Care must apply by making sure they are authorised to carry waste. A Duty of Care transfer note should be completed and kept as records.

**4. Register for licence exemptions** – Nearly every holding will require a few exemptions. The majority of day to day minor waste activities have an exemption from the requirement to have a licence. Farms need to register exemptions with the EA by 15 May 2007. The transitional year should be used to decide what exemptions are relevant to business activities.

There are currently 26 exemptions that will be of benefit to farmers. Examples include;

- The beneficial use of waste e.g. use of tyres on a silage clamp
- Burning in the open of plant matter e.g. wood and bark

Each exemption has certain conditions – for example on the types and quantities of waste it applies to.

Land managers can register for as many exemptions as they deem necessary for their business. It is not advised to make a blanket registration to all exemptions if a number are not likely to be required. If no exemptions are registered, the holding will be at higher risk from an inspection.

The most effective way to register exemptions is to call the EA Agricultural Waste helpline after 15 May 2006 and they will send out an exemptions form. The number to call is; **0845 603 3113**

**5. Obtain a Waste Management Licence (WML) or a Pollution Prevention and Control (PPC) Permit** - obtaining a waste management licence or a PPC Permit is for people who are seriously thinking about diversifying into professional waste management activities. These are administered by the Environment Agency. Call; **08708 506 506**

## **REGISTER AS PROFESSIONAL TRANSPORTERS BY 15 NOVEMBER 2006**

This **only** applies to farmers who collect agricultural waste on a professional basis and The Normal Registration of Carriers does not apply to agricultural waste. Instead the Government will apply the low-level system of Professional Transporters etc. This registration system is one-off, it cannot be refused or revoked and there is no fee. Register with the Environment Agency after 15 May. Call; **0845 603 3113**

## **HAZARDOUS WASTE CONTROLS**

Agricultural waste will be excluded from the Hazardous Waste Regulations 2005 for one year after 15 May 2006. After this time land managers need to comply with the Hazardous waste controls in the same way as other business sectors. It should be noted that there is no need to register if less than 200kg of hazardous waste is produced in a year.

## **WASTE RECYCLING DIRECTORY**

A Waste Recycling Directory for land managers and businesses has been developed. By logging onto a web-site and entering a postcode, waste management companies in a local area can be identified. Go to [www.wasterecycling.org.uk](http://www.wasterecycling.org.uk). Farmers who do not have internet access will be able to contact the EA's National Customer Contact Centre, who will be able to carry out a search on the farmer's behalf.

## **TIMETABLE FOR IMPLEMENTING THE AGRICULTURAL WASTE REGULATIONS**

|                          |   |
|--------------------------|---|
| <b>Pre – 15 May 2006</b> | <ul style="list-style-type: none"><li>- Final date for ending the use of farm tips</li><li>- Final date for burning waste other than plant tissue</li></ul>   |
| <b>15 May 2006</b>       | <ul style="list-style-type: none"><li>- Regulations come into force</li><li>- Duty of care applies</li><li>- One - year transitional provision for licensing and exemptions begins</li><li>- One – year transition for drum incinerators starts</li></ul> |
| <b>15 November 2006</b>  | <ul style="list-style-type: none"><li>- Deadline of Schedule 12 registration for carriers and brokers</li></ul>   |
| <b>15 May 2007</b>       | <ul style="list-style-type: none"><li>- Waste management licensing and exemptions take effect</li><li>- Hazardous waste controls take effect</li><li>- One - Year transition for drum incinerators finishes</li></ul>                                     |

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