

REOPENING HOUSEHOLD WASTE RECYCLING CENTRES

1. Background

- 1.1 SEPA has issued a [COVID -19 Philosophy](#) that confirms that SEPA's focus will be to make our best contribution to helping our nation get through this public health emergency in a way that protects and improves Scotland's environment.
- 1.2 SEPA recognises that during a significant outbreak of COVID-19 the ability of operators to run their operations may be compromised by a lack of available staff, and/or the need to protect staff and minimise transmission of the COVID-19 virus.
- 1.3 SEPA is clear we expect everyone we regulate to make their best endeavours to meet their environmental obligations. We expect operators to be ensuring that the impacts of COVID- 19 on the environment are minimised. We recognise, however, that in some cases operators may be unable to comply for reasons beyond their control.
- 1.4 SEPA has adopted [overarching guidance](#) setting out our position on compliance, enforcement, monitoring and permitting during the COVID-19 outbreak. This guidance applies to all regulated businesses. We recognise however that in some cases, more specific temporary regulatory positions may also be needed. For such cases we have developed [principles](#) for determining where a specific temporary regulatory position statement may be necessary.

1.5 We have adopted this temporary regulatory position (RPS) to support local authorities to reopen household waste recycling centres. This temporary regulatory position statement will be published on [SEPA's COVID-19 hub](#) on our website.

2. SEPA position

2.1 This position applies only to the operation of household waste recycling centres by local authorities or their contractors.

2.2 Subject to the operator complying with the conditions set out in Section 3 of this temporary regulatory position statement, any failure to comply with the following requirements of its SEPA licence, permit or other authorisations (“permit”) or other environmental regulatory requirements will not be treated as a non-compliance for compliance assessment or enforcement purposes:

- operating outside the authorised opening hours;
- storing waste in excess of the authorised limits.

To discuss any other compliance issues related to your permit, contact us at nationalwaste@sepa.org.uk

2.3 This temporary regulatory position statement only applies to those matters set out in paragraph 2.2 and covered by conditions set out in Section 3. It does not apply to any other regulatory requirements and does not detract from any other statutory requirements applicable to the operator or their operations. All other conditions of the permit or other environmental regulatory requirements not referred to in paragraph 2.2 in this temporary regulation position statement continue to apply as

normal.

- 2.4 This temporary regulatory position applies from **1 June 2020**.
- 2.5 The operators should provide confirmation to SEPA in writing, via nationalwaste@sepa.org.uk, when returning to compliance with the requirements of the permit or other environmental regulatory requirements as set out in paragraph 2.2 above, within five days of having done so.

3. Conditions that apply

Specific conditions

- 3.1 The following specific conditions apply where waste is stored at a site in excess of the limits authorised by the permit:
- Only wastes specified in permit may be accepted at the site.
 - All waste must be stored within the authorised site boundary.
 - Take all reasonable measures to segregate and manage waste in line with the waste hierarchy to ensure compliance with Section 34 of the Environmental Protection Act 1990.
 - All hazardous waste (e.g. WEEE, batteries, fluorescent tubes), liquid waste (e.g. waste oils), biodegradable waste (e.g. wood, cardboard, garden waste) and mixed wastes must be stored in containers on impermeable surfaces.
 - All non-hazardous, non-biodegradable waste (e.g. metal, rubble) must be stored on impermeable surfaces or hardstanding areas.

- Waste accepted at the site must be managed on a strict rotation basis so waste received on the site first is removed from the site first.

General conditions

- 3.2 You must put in place and implement a written contingency plan to ensure that the conditions of this temporary regulatory position statement are met.
- 3.3 You must notify SEPA without delay if you cannot comply, or think you may not be able to comply, with the conditions in this temporary regulatory position statement.
- 3.4 You must take all such measures as are reasonably practicable to prevent and, where prevention is not possible, minimise and mitigate any impacts on the environment which result from the non-compliance with the requirements specified in paragraph 2.2.
- 3.5 You must make sure that the management of waste does not endanger human health or the environment. You must not:
- 3.5.1 cause a risk to water, air, soil, plants or animals;
 - 3.5.2 cause a nuisance through noise or odours;
 - 3.5.3 adversely affect the countryside or places of special interest.
- 3.6 You must keep records to show that you have complied with the conditions in this temporary regulatory position statement for 12 months from 1 June 2020, these must be made available to SEPA on request.

- 3.7 In the event that, due to changing circumstances, you become able to comply with the requirements of your permit or other regulatory requirements as set out at paragraph 2.2 above, you must return to compliance as soon as possible, notwithstanding that this temporary regulatory position statement remains in place.
- 3.8 This position statement applies only in Scotland.
- 3.9 This temporary regulatory position statement only applies where non-compliance is unavoidable and solely as a direct result of emergency resulting from COVID-19 outbreak.
- 3.10 The terms of this temporary regulatory position statement may be subject to periodical review and may be varied or withdrawn at any time.
- 3.11 SEPA reserves its discretion to depart from this temporary regulatory position statement and to take appropriate action as necessary.