

WASTE MANAGEMENT

1. Background

- 1.1 Having regard to our **Principles for Regulatory Approach to EU Exit and COVID-19** of December 2020, as part of our commitment to support everyone we regulate during EU Exit and COVID-19 in ways that maintain protection for Scotland's environment, we are issuing more specific guidance where necessary. This COVID-19 guidance covers waste management. It will be published on [SEPA's Regulatory Approach hub](#) on our website.
- 1.2 This Temporary Regulatory Guidance replaces SEPA's Temporary Regulatory Guidance on Waste Management (version 4), which applied from July 2020.

2. SEPA guidance

- 2.1 SEPA recognises there may be disruption to waste management services during the response to COVID-19. Limited availability of staff and vehicles, difficulty accessing export markets and the need for 'social distancing' means the whole industry, including SEPA, will have to adapt.
- 2.2 SEPA is working with local authorities, NHS Scotland and the waste industry to support these vital services.

Recycling services

- 2.3 Recycling services should be maintained for as long as possible in line with the

Waste (Scotland) Regulations 2012. SEPA welcomes the waste industry's
coronavirus.sepa.org.uk
December 2020

commitment to keep recycling and waste services operating as normal. We recognise that this requires a whole supply chain approach and we want to understand any compliance issues you may have. If you are unable to maintain a compliant recycling service, please contact SEPA at nationalwaste@sepa.org.uk.

General arrangements at authorised waste management facilities.

2.4 We recognise waste facilities may struggle with reduced staffing levels during this period and may have limited access to equipment, contractors, laboratories and other support functions. With respect to the rules on social distancing, operators may not wish Certificate of Technical Competence (CoTC) holders to travel from site to site and we accept this means some facilities may not receive a visit during the response period. Where possible a competent person should still provide assistance via telephone or other means.

2.5 We understand waste operators may also struggle with the following;

- Operating hours
- Maximum waste storage limits (tonnage capacity and throughput)
- Maximum waste storage timescales
- Availability of equipment or chemicals
- Management of process outputs
- Environmental monitoring
- Reporting deadlines

If these issues affect your ability to comply with your licence or permit and Scotland's environmental laws, please contact your local SEPA contact or scc@sepa.org.uk.

Duty of care and transfer notes

- 2.6 All waste producers and managers must comply with their Duty of Care obligations. Waste criminals must not be allowed to take advantage of the current circumstances. Some business waste collection costs might increase in the short term. Where new collectors emerge offering cheap collection services, be vigilant and ask for their waste carrier authorisation and for confirmation of where your waste is going. If it seems too good to be true, it probably is. Contact SEPA at www.sepa.org.uk/report if you have any suspicions.
- 2.7 The need for social distancing means you may not wish to pass paper waste transfer notes between parties (e.g. at weighbridges) or have waste producers sign driver's electronic devices on collection. As far as possible, use remote electronic systems, such as email correspondence, to record waste transfers.
- 2.8 Where carriers use handheld electronic devices during collection rounds, drivers may sign on behalf of waste producers.
- 2.9 Where paper notes are the only option, both parties should keep their own copy of the transfer note containing the relevant details including the name of the person who would normally sign it and mark it with 'CV19' instead of a physical signature.
- 2.10 All parties involved in a waste transfer must retain their transfer notes, whether electronic or paper, for the statutory period of two years.

Hazardous waste and special waste consignment notes (SWCN)

- 2.11 For further information on SWCN please see the 'Regulatory position statement on special waste consignment notes' which can be found on the [Managing waste during COVID-19 SEPA webpage](#).

Transfrontier Shipment of Waste (TFS)

- 2.12 Regulatory agencies across Europe are implementing temporary changes to processes to limit the impact of COVID-19 on the movement of waste shipments.
- 2.13 **Green List waste:** The law requires that hardcopy paperwork accompany the waste. As an interim measure, the paperwork that would normally accompany waste shipments may be made available electronically. The person arranging the shipment must ensure all carriers on the route have access to the required documents.
- 2.14 The person who arranges shipment must continue to submit Annex VII forms to Transfrontier@sepa.org.uk or upload shipments on to National Packaging Waste Database.
- 2.15 **Amber List waste (notification controls):** The law requires hardcopy paperwork for amber list applications. However, staff are unable to accept hardcopy paperwork due to limited office access and home working arrangements. This also makes it difficult for SEPA to accept payment by cheque.
- 2.16 As an interim measure, please submit all new TFS applications and supporting documents to SEPA electronically. Sign, scan and email the documentation to Transfrontier@sepa.org.uk. We will not require the original documents with original signatures during the response period. All payments should be via BACS or credit card and not by cheque. Remittance advice should be included in your application package and the payment reference should include your notification number.
- 2.17 Financial guarantees should be sent from the provider directly to Transfrontier@sepa.org.uk

- 2.18 We will also accept signed and scanned movement forms (Annex 1Bs) at the same email address but would encourage notifiers to use the International Waste Shipment portal.
- 2.19 SEPA will provide acknowledgements, consents and objections electronically. Please note that 'properly carried out' assessments periods will be increased to five working days due to limited staff availability.
- 2.20 If unable to send a hard copy with the shipment, the carrier must produce an electronic copy (via phone, tablet) where requested. The notifier is responsible for ensuring all carriers involved in a shipment have access to an electronic copy of the Annex 1B movement document.
- 2.21 Please note the notifier/person who arranges the shipment is responsible for ensuring waste shipments are compliant with the requirements of the competent authorities for transit and destination.
- 2.22 In the event that shipments cannot proceed as intended due to the impact of COVID-19 (e.g. recovery facility closed, border/road closure), please send details immediately to Transfrontier@sepa.org.uk

General

- 2.23 If you are unable to comply with any aspect of this guidance then please contact us.
- 2.24 This guidance will be kept under review. It may be varied or withdrawn at any time. SEPA reserves its discretion to depart from this guidance and to take appropriate action as necessary.
- 2.25 This guidance applies only in Scotland.