

Waste Data Practitioners

Updates:

1. Environmental Authorisation (Scotland) Regulations 2018
2. Sampling & Reporting at Materials Facilities



Environmental Authorisation (Scotland) Regulations 2018

Overview

- “EASR 2018” came into force in September 2018.
- Integrates radioactive substances, water, waste management and industrial activities – the Integrated Authorisation Framework (“IAF”).
- Standardises, simplifies, and streamlines permitting processes.
- Same types of authorisation levels for all regimes, one way of doing things.
- Provides an opportunity to overhaul waste permitting (exemptions & carriers)
- To extend the framework to the regulation of waste management, water and industrial activities, the Regulations need to be amended.
- Consolidation of the waste legislation and re-transposition of six EU directives

Environmental Authorisation (Scotland) Regulations 2018

In Scope

- ✓ Part II of the EPA 1990
- ✓ Waste Management Licensing Regulations 2011
- ✓ PPC (Scotland) Regulations 2012
- ✓ Waste Carriers Regulations
- ✓ ELV, WEEE, Batteries and MRF COP Regulations
- ✓ Landfill and Incineration Regulations
- ✓ Sludge (Use in Agriculture) Regulations 1989

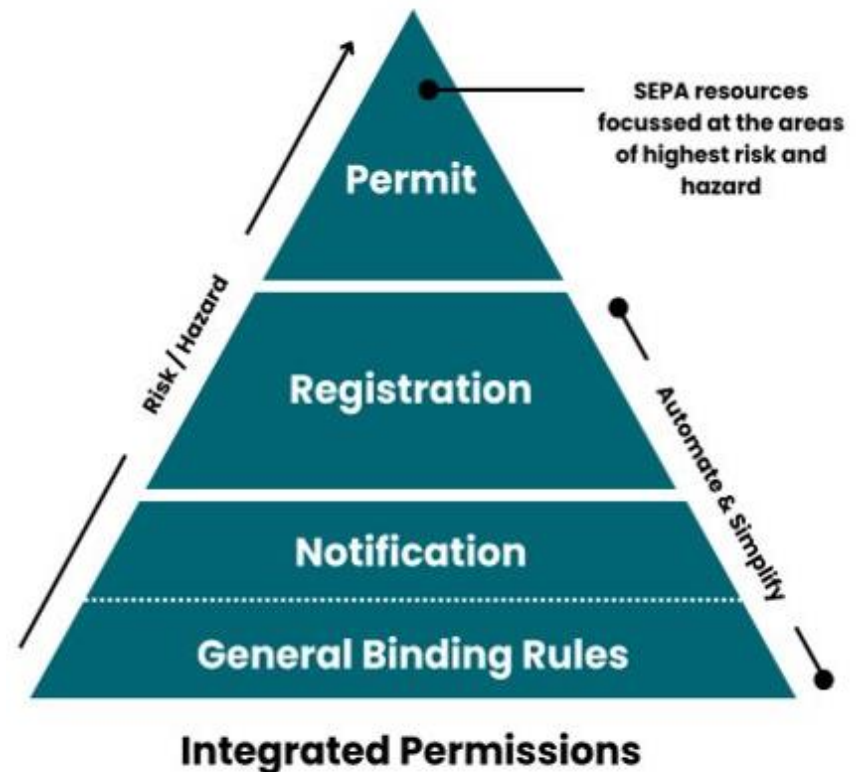
Out of Scope

- ✗ Duty of Care
- ✗ Waste Classification
- ✗ Special Waste Regulations 1996
- ✗ Producer Responsibility
- ✗ Transfrontier Shipment (TFS)
- ✗ By-Products & End-of-Waste

Environmental Authorisation (Scotland) Regulations 2018

Authorisation Tiers

- **GBRs:** for simple low risk activities – as long as you comply with the GBRs you need no interaction with SEPA
- **Notification:** similar to GBRs – you will need to comply with GBRs (in most cases) and tell us what activity you are carrying on, who you are and where you are
- **Registration:** for medium risk and complexity – there will be a simple application process and only standard rules
- **Permit:** for the highest risk or complex activities – can have standard and bespoke conditions



Environmental Authorisation (Scotland) Regulations 2018

Other Key Changes

- Merging of activities - e.g.: new Registration replacing two or more exemptions
- Registration for waste carriers – new standard rules, potential for fit and proper test, refusal and revocation.
- Enhanced fit & proper person test
- Use of standard rules

All changes subject to public consultation

Environmental Authorisation (Scotland) Regulations 2018

Other Key Changes

- Regulatory notices can be issued even where an authorisation is not in place.
- Regulatory notices can be served:
 - for a non-compliance with an authorisation;
 - where harm has occurred or is likely to occur; and
 - where the person is deemed as no longer fit and proper
- Bringing sludge into permitting for the first time

**All changes subject to public consultation*

Environmental Authorisation (Scotland) Regulations 2018

Waste Data Implications

- Some activities which don't currently require waste data returns to be submitted may need to do so (e.g. some para 11 & 17 exemptions)
- Some activities which currently submit quarterly data returns may only need to submit annually (e.g. storage of <10 ELVs)
- Recommend reviewing previous consultation for changes to authorisation tiers
- Keep an eye out for upcoming consultations (particularly proposed standard conditions)

Environmental Authorisation (Scotland) Regulations 2018

Previous consultation links

- Scottish Govt consultation on amendments to EASR - <https://www.gov.scot/publications/environmental-authorisations-scotland-regulations-2018-proposed-amendments-consultation-draft-regulations/>
- SEPA consultation on tiers of authorisation – https://consultation.sepa.org.uk/regulatory-services/better-regulation-consultation-types-of-authorisation/supporting_documents/240208_Consultation_EASR2018_Types_of_authorisation.pdf

Changes to Sampling & Reporting at Materials Facilities

Overview

- Code of Practice on Sampling & Reporting at Material Facilities 2024 will replace the Code of Practice on Sampling & Reporting at Material Recovery Facilities 2015.
- New requirements introduce enhanced sampling and reporting for materials facilities (MFs) to support the additional data necessary for packaging Extended Producer Responsibility (pEPR).
- SG consultation ran February – April 2024
- New requirements due to come into force 1st October **2024**
- In-scope operators to begin sampling and recording from this point and submit first quarterly data return by 28th January 2025.



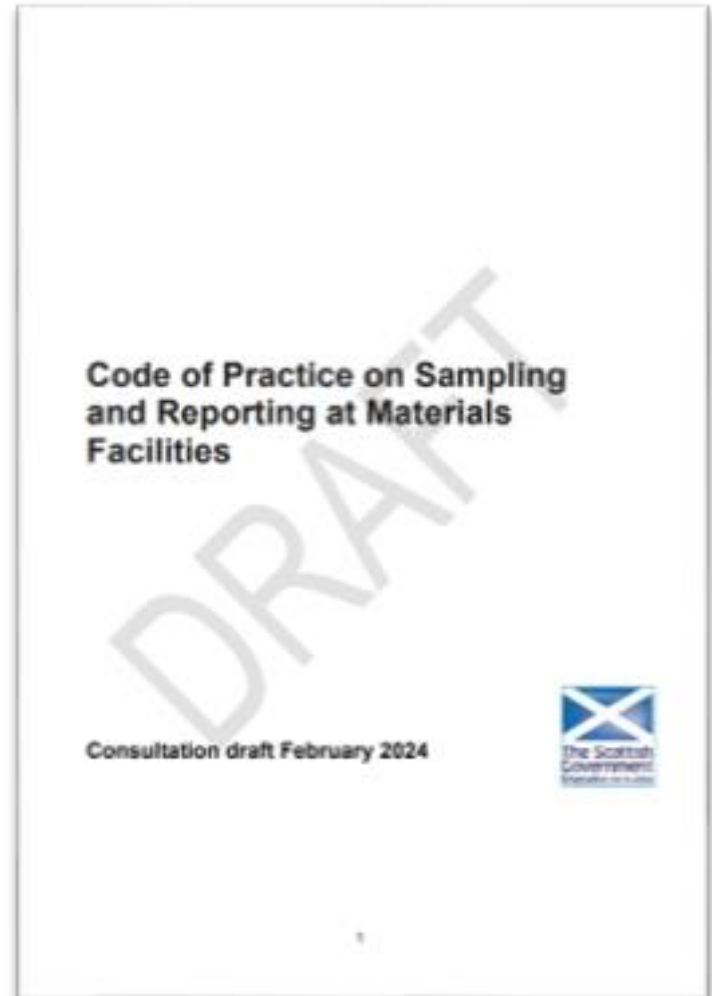
Changes to Sampling & Reporting at Materials Facilities

Key Changes

General requirements of the existing Code still apply: Materials Recovery Facilities handling >1,000 tonnes/year of dry recyclable waste must sample this material and report quarterly to SEPA, detailing proportions of target, non-target and non-recyclables in waste input & outputs (by supplier at input stage; by grade at output stage)

In Addition:

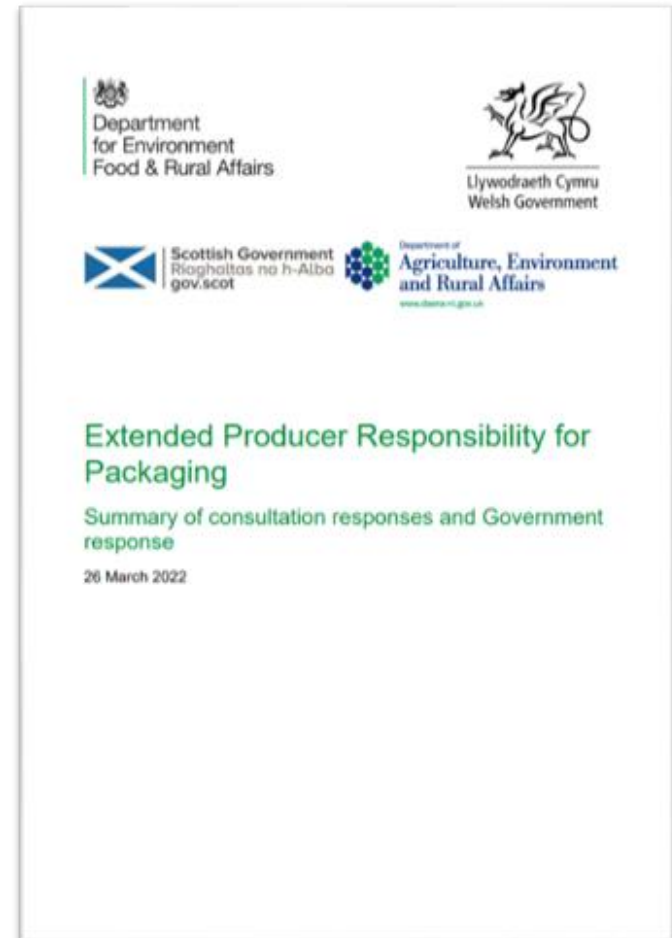
- Sites operating under paragraph 11 or 17 exemptions are no longer excluded
- Sites acting as single points of consolidation for two or more suppliers are now in scope
- Sampling analysis requirements expanded, including whether or not material is packaging
- Sampling obligations vary depending on type of MF
- Input sampling frequency increased from every 125 tonnes to every 75 tonnes



Changes to Sampling & Reporting at Materials Facilities

Driver for Change

- pEPR policy intent is to ensure packaging producers are financially liable for full net cost of recovery once material becomes waste
- DEFRA establishing UK-wide scheme administrator (“SA”) to oversee this work
- SA responsible for calculating packaging producer financial obligations, collecting fees from them and distributing to local authorities
- Materials facilities considered critical for relevant data collation on volumes and types of packaging flowing through waste system
- Regulators collect data on behalf of SA & submit to them
- SA combines materials facility data with other relevant information to determine local authority payouts for household packaging waste management



Changes to Sampling & Reporting at Materials Facilities

Milestones

- Materials Recovery Code to be laid in parliament
- SEPA Charging scheme consultation issued
- SEPA stakeholder training rolled out
- Regulations due to take effect 01 October 2024
- Materials facilities to begin sampling and recording from 01 October 2024
- Deadline for submission of first quarterly return 28 January 2025
- First SEPA site visits due to begin from Spring 2025

Changes to Sampling & Reporting at Materials Facilities

Waste Data Implications

- If you already submit sampling returns for an in-scope facility, the spreadsheet you use will be changing substantially
- If you work for a newly in-scope site, you will be required to collate and submit quarterly sampling returns via excel spreadsheet
- SEPA has already contacted operators likely to be in scope and made existing ones aware of impending changes
- SEPA will be delivering training to affected operators when Scottish Government's Code has been laid, to ensure in-scope operators understand the new reporting requirements
- If this affects you, and you haven't already heard from us, get in touch
- This includes anyone carrying out in-scope activities under paragraph 11 or 17 exemptions

Waste Data Practitioners

Thank you

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