

## SEPA Regulatory Guidance Note

### Waste regulation and the transport and storage of End of Life Vehicles

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#### Introduction

This position statement describes how SEPA will apply waste regulatory controls to:

- (a) the removal and temporary storage of vehicles which have been involved in a road accident or abandoned on the highway,
- (b) the onward transfer from a temporary storage site to an Authorised Treatment Facility (ATF)<sup>1</sup>
- (c) the transfer of domestic and commercial end of life vehicles (ELVs) from the owner to an ATF.

This guidance replaces SEPA's Technical Guidance Note on End of Life Vehicles and Special Waste and describes how SEPA will apply the requirements of the Special Waste Regulations and the Waste Management Licensing Regulations 1994 (as amended) to the transfer and storage of ELVs. This guidance does not change the licensing requirements contained in the End of Life (Storage and Treatment) (Scotland) Regulations 2003.

#### 1. Damaged and abandoned vehicles removed from the highway

Vehicles which have been involved in a road traffic accident or have been abandoned will need to be removed from the highway. These vehicles are often stored temporarily at a local authority / police depot or garage yard pending investigations or enquiries. Vehicles must be stored in a manner that will not cause pollution. As damaged or abandoned vehicles could leak fluids, in order to prevent pollution, storage must be on an impermeable surface with a sealed drainage system.

SEPA has adopted the following regulatory positions:

- A Special Waste Consignment Note (SWCN) or Waste Transfer Note (WTN) will not be required for the initial movement of any accident damaged or abandoned vehicle from the roadside or highway to a temporary storage facility or directly to an ATF and the haulier need not be a registered waste carrier.

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<sup>1</sup> Defined in the ELV(Producer Responsibility) Regulations 2005 as "any establishment or undertaking carrying out treatment operations which holds a site licence that meets the requirements of regulations 3 to 6 of the End-of-Life (Storage and Treatment)(Scotland) Regulations 2003"

- An accident damaged vehicle will not be regulated as waste until the insurer has written it off. If the vehicle is being held by the police it will also have to be released by them before it is regulated as a waste.
- Temporary storage of the vehicles must comply with the requirements of Regulation 17 and paragraph 41 of Schedule 3 to the Waste Management Licensing Regulations 1994 (as amended) (WMLR)<sup>2</sup>.

The vehicles may subsequently be sent for depollution and dismantling at an ATF.

- Subsequent movements of such vehicles from the temporary storage site to an ATF must be accompanied by a SWCN or a WTN and the haulier must be a registered waste carrier.

## **2. Domestic and Commercial ELVs removed from the place of production**

ELVs may arise from both domestic households and commercial / industrial premises.

Privately owned vehicles used by a household are domestic waste and so are not subject to the Special Waste Regulations 1996 (as amended). The first movement of a domestic ELV from the owner (either directly to the ATF or to a temporary storage site, such a local garage) will not require a SWCN and need not be done by a registered waste carrier haulier. Any subsequent transfers of the vehicle from the ATF or the temporary storage site will need a SWCN and the haulier will require to be registered as a waste carrier.

Commercial and industrial ELVs arising during the operation of a business are subject to the Special Waste Regulations 1996 (as amended). The business is required to raise a SWCN when the ELV is removed from their premises. Storage of the ELV at the business premises must comply with the requirements of Regulation 17 and paragraph 41 of Schedule 3 to the WMLR.

## **3. Vehicles being dismantled**

Vehicles that are being 'broken' for parts or materials will be regulated as waste.

- An operator of a site that accepts or dismantles un-depolluted<sup>3</sup> ELVs will need a waste management licence (WML) and any operations must be done in accordance with its terms.

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<sup>2</sup> Including the requirements of Part 2 to the Schedule of the ELV Regulations 2003; having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser degreasers, and a sealed drainage system.

<sup>3</sup> Depollution is defined in the ELV (Storage and Treatment) (Scotland) Regulations 2003 as the removal of the battery or batteries, the liquefied gas tank, potentially explosive components, all oils, and components containing mercury

- Previously depolluted vehicles may be dismantled under an exemption from Waste Management Licensing under Regulation 17 and Schedule 3 to the WMLR. A 'Paragraph 45' exemption allows up to 40 depolluted vehicles to be dismantled in a seven day period. If more than 40 depolluted vehicles are dismantled in seven days, a WML would be needed.

#### **4. The Restoration of Vehicles as a hobby**

Restoration of a vehicle, e.g. a classic car, by an individual will not be regulated as a waste management operation. SEPA recommends that all efforts are made to prevent pollution. Any unwanted fluids and damaged parts will be regulated as waste and must be disposed of responsibly and not cause pollution.

However, where several vehicles are brought onto a site to strip them for parts for sale, to repair/restore another vehicle (e.g. for stock car racing) or a mixture of the two, this would be viewed as a 'vehicle breaking' operation. The activity will be regulated as set out in point 3 above.

#### **5. Exporting damaged vehicles**

Damaged and un-roadworthy vehicles being exported are considered waste. There are restrictions on the export of ELVs (and used parts); these vary according to the proposed destination country and the condition of the ELV/parts i.e. in the case of ELVs, whether they have been fully depolluted or not.

If you are planning to export ELVs (or used vehicle parts) from Scotland, we advise that you contact our Transfrontier Shipment of Waste Unit at an early stage and we will help you understand the controls or restrictions that apply.

#### **Further information**

##### **Consignment Notes**

SWCNs are available from all SEPA offices during normal working hours and cost £15. Full details about consigning special waste arising in Scotland can be found at [http://www.sepa.org.uk/waste/waste\\_regulation/special\\_waste.aspx](http://www.sepa.org.uk/waste/waste_regulation/special_waste.aspx)

##### **Vehicle Storage**

Any sites temporarily storing ELVs must comply with the provisions of Regulation 17 and paragraph 41 of Schedule 3 to the Waste Management Licensing Regulations 1994 (as amended).

Among other conditions, this requires that the vehicles are stored in a manner that does not cause pollution by constructing and maintaining impermeable surfaces where required, keeping a spillage kit on site and having a sealed drainage system. [http://www.sepa.org.uk/waste/waste\\_regulation/application\\_forms/exempt\\_activities/paragraph\\_41.aspx](http://www.sepa.org.uk/waste/waste_regulation/application_forms/exempt_activities/paragraph_41.aspx)

### **ELV Storage and Treatment Legislation**

Comprehensive information on the ELV regulations is available on SEPA's website:  
[http://www.sepa.org.uk/waste/waste\\_regulation/producer\\_responsibility/end\\_of\\_life\\_vehicles.aspx](http://www.sepa.org.uk/waste/waste_regulation/producer_responsibility/end_of_life_vehicles.aspx)

This statement applies only in Scotland and is based on current understanding. The terms of this statement may be subject to periodical review and be changed or withdrawn in light of technological developments, regulatory or legislative changes, future government guidance or experience of its use. SEPA retains its discretion to depart from the position outlined in this statement and to take appropriate action to avoid any risk of pollution or harm to human health or the environment.