

Position Statement

Portable/Chemical Toilet Wastes

Background

This interim regulatory position applies to the acceptance at Scottish Water sewage works of wastes generated from portable and chemical toilets.

Waste management activities are regulated by SEPA under the Environmental Protection Act 1990 and the Waste Management Licensing (Scotland) Regulations 2011¹ (WMLR). The WMLR contain a list of activities that can be exempted from the requirement to hold a waste management licence (WML), known as 'waste exemptions' and described in Schedule 1 to the WMLR. Paragraph 10 of this schedule allows the reception and treatment, including storage, of certain listed waste types within the curtilage of sewage treatment works. Details of the requirements of the regulations and appropriate forms and guidance can be found on SEPA's website.²

Utilising the Guidance on the classification and assessment of waste (Technical Guidance WM3)³ it is apparent that the proper coding for wastes generated from chemical and portable toilets is likely to be 16 10 XX (most likely 16 10 02, if there are no hazardous substances present). This code is not included under the list of acceptable wastes in paragraph 10. Therefore the law currently requires a Waste Management Licence to be held for any sewage treatment works to which these wastes are transported to for storage and treatment.

However, SEPA considers that the requirement for a WML would be disproportionate for the acceptance of this type of waste at a sewage treatment works which is designed to accept it via the sewage pipe network. The environmental and human health risks from such activities could be adequately controlled under the same conditions and restrictions as those applying to a paragraph 10 waste exemption including the relevant objectives detailed in Schedule 4 of the WMLR and the total quantity of waste brought into the site for recovery not exceeding 100,000 cubic metres in any 12 month period. The discharge from any such works is already controlled under separate legislation.

Until the forthcoming introduction of a single permitting regime when, it is intended, sewage treatment works, their inputs and their discharges will all be controlled under one permit, this Regulatory Position Statement sets out circumstances in which SEPA will not take enforcement action when portable/chemical toilet wastes are accepted, stored and treated at a sewage treatment works which is not covered by a waste management licence.

¹ <http://www.legislation.gov.uk/ssi/2011/228/made/data.pdf>

² <http://www.sepa.org.uk/regulations/waste/activities-exempt-from-waste-management-licensing/>

³ <http://www.sepa.org.uk/media/162490/waste-classification-technical-guidance-wm3.pdf>

Regulatory position on the acceptance of portable/chemical toilet wastes at sewage treatment works

SEPA will not take enforcement action when portable/chemical toilet wastes are accepted, stored and treated at a sewage treatment works which is not covered by a waste management licence where -

- (1) The sewage treatment works holds a current registered exemption under paragraph 10 of Schedule 1 to the WMLR and;
- (2) The acceptance of such wastes does not cause the total quantity of wastes brought into the site for treatment to exceed 100,000 cubic metres in any 12 month period.
- (3) Storage and treatment of the wastes must be consistent with ensuring the attainment of the relevant objectives as specified in paragraph 6 of Schedule 4 of the WMLR.
- (4) Any annual data returns for exempt activities made by the operator of the works must include details of the wastes from portable/chemical toilets⁴.
- (5) Wastes from portable/chemical toilets should be properly assessed and coded although it is expected that 16 10 02 will be the most appropriate code from the European Waste Catalogue⁵.
- (6) For sites which currently have a waste management licence, a variation application will not be required. At the time of the next licence review the waste acceptance condition will be modified appropriately. Licence holders must report the relevant waste data in licensed site returns as detailed in their licence.

Note - Operators of sewage treatment works should ensure that the rate of input of wastes to the works is controlled so as to avoid any breach of their Controlled Activities Regulations authorisation. Anyone transporting, storing or treating controlled waste including portable/chemical toilet waste should ensure that they comply with the requirements of Section 34 Environmental Protection Act 1990 (the Duty of Care Obligations⁶). However where portable/chemical toilet waste is transferred to a site registered as exempt under paragraph 10 in line with this regulatory position, SEPA will not seek to take enforcement action for failure to transfer wastes to an authorised person.

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

⁴ waste data form is available from the SEPA website: <http://www.sepa.org.uk/environment/waste/waste-data/guidance-and-forms-for-operators/exempt-activities/>

⁵ Codes referred to in the European Waste Catalogue – <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2000D0532:20020101:EN:PDF>

⁶ Further information on the Duty of Care is available on the Scottish Government website: <http://www.gov.scot/Resource/0040/00404095.pdf>

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