

Storage of WUDS containing POPs at Authorised Facilities

Reference: WST-G-67

## Issued December 2023

# ​Temporary Regulatory Position Statement (tRPS) in relation to storage of Waste Upholstered Domestic Seating (WUDS) containing Persistent Organic Pollutants (POPs) at authorised sites.

1. Background

* 1. Waste Upholstered Domestic Seating (WUDS*)* is deemed a POPs waste due to the presence of POP-BDEs and HBCD, at or above relevant threshold limits, unless proven otherwise.  POPs WUDS must be collected and stored in a way that prevents the contamination of other wastes or the release of POPs. POPs WUDS must be managed in such a way as to destroy or irreversibly transform the POPs content. For POPs WUDS this is currently limited to incineration (HTI or EfW).
	2. Some operators of authorised sites (“authorised operators”) may need extra storage capacity or longer storage times to allow them to continue accepting and storing POPs WUDS. This will give them time to establish compliant disposal routes. In order to ensure the necessary transitions within the waste industry this Temporary Regulatory Position Statement has been developed to outline the interim steps which authorised operators can take to enable them to collect and store POPs WUDS.
	3. This Temporary Regulatory Position Statement should be read in conjunction with the SEPA guidance document [‘Guidance on the management of Waste Upholstered Domestic Seating (WUDS) containing Persistent Organic Pollutants (POPs)](https://www.sepa.org.uk/media/tnoa12he/waste-upholstered-domestic-seating-containing-pops-guidance.pdf)’.
	4. If you wish to operate under the terms of this Temporary Regulatory Position Statement you must notify SEPA of your intention by contacting nationalwaste@sepa.org.uk.
	5. It is currently SEPA’s intention to remove this Regulatory Position Statement in 18 months from the date of issue.

## SEPA Position

* 1. This position statement will only apply to specific authorised sites as agreed in writing by SEPA as set out in Section 1.
	2. Subject to the conditions set out in your authorisation, a breach of licence conditions relating to maximum quantity of waste / waste storage time limits as a consequence of storing POPs WUDS will not be treated as a non-compliance for compliance assessment or enforcement purposes, provided that:
* the total quantity of waste stored on the site at any one time must not exceed the maximum permitted quantity of waste specified in the site authorisation by more than 20%
* the waste storage time limit, as specified in the site authorisation, must not be exceeded for a period of more than 10 days.
	1. This Temporary Regulatory Position Statement only applies to those matters set out in paragraph 2.2 and covered by the conditions set out in Section 4. It does not apply to any other regulatory requirements such as the Duty of Care obligations in section 34 Environmental Protection Act 1990 or the Special Waste Regulations 1996 and does not detract from any other statutory requirements applicable to the authorised waste activity, such as any need to obtain planning permission or building regulations approval or any responsibilities under legislation for health, safety and welfare in the workplace. All other conditions of the site authorisation not referred to in paragraph 2.2 of this Temporary Regulation Position Statement continue to apply as normal.
	2. This Temporary Regulatory Position applies from the date SEPA confirms its agreement in writing.

## Utilising this Temporary Regulatory Position Statement

* 1. You must notify SEPA at nationalwaste@sepa.org.uk of your intention to utilise this Temporary Regulatory Position Statement, detailing the site name, address and site authorisation number (i.e. PPC/WML/WMX number).
	2. Please include ‘WTS-G-66’ and your organisation’s name in the subject heading.
	3. Details of how you will comply with the requirements of this Temporary Regulatory Position Statement should be submitted with the notification.

## Conditions that apply

* 1. The following conditions apply:
* You must store POPS WUDS separately from other waste and only store waste within the authorised site boundary.
* You must notify SEPA (at nationalwaste@sepa.org.uk ) without delay if you cannot comply, or think you may not be able to comply, with the conditions of this Temporary Regulatory Position Statement.
* You must keep records to show that you have complied with the conditions in this Temporary Regulatory Position Statement for Two years from the date the record was made. These must be made available to SEPA on request.
	1. The terms of this Temporary Regulatory Position Statement may be subject to periodical review and may be varied or withdrawn at any time.
	2. SEPA reserves its discretion to depart from this Temporary Regulatory Position Statement and to take appropriate action as necessary.
	3. Note – if you are storing or intend to store POPS WUDS you should ensure you have all other necessary consents and permissions to carry out this activity.

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If you are a user of British Sign Language (BSL) the Contact Scotland BSL service gives you access to an online interpreter enabling you to communicate with us using sign language.

<http://contactscotland-bsl.org/>

[www.sepa.org.uk](http://www.sepa.org.uk/)

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