



**Cyfoeth
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Natural
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Wales**

Regulatory Decision

Regulatory Decision - RBB-C19-017: Coronavirus response - exceeding waste storage limits at permitted sites

This decision applies as a temporary emergency contingency measure only. It is subject to review.

This regulatory decision (RD) applies to the temporary exceedance of waste storage limits at a Permitted waste operation without applying for a permit variation as a result of the Coronavirus pandemic only.

You usually need to meet the conditions laid out in your environmental permit regarding storage of waste materials. However, if you follow the conditions in this RD you can temporarily exceed these limits.

Conditions you must comply with

If we agree to you using this RD, you may temporarily exceed waste storage limits without applying for a permit variation.

You must continue to comply with the other requirements in your permit and the conditions in this RD.

You can only exceed existing storage limits until 30 June 2020 when this RD will be reviewed.

This RD only applies when you need to ask to exceed the storage limits specified in your permit as a result of Coronavirus. You must demonstrate that you have taken all reasonable steps to comply with the storage limits in your permit. Reasonable steps include:

- contingency planning to maintain compliance with regulatory requirements and to avoid or minimise disruption to your business because of Coronavirus
- emergency response planning to minimise how far you exceed waste storage limits and to minimise the impact and duration of not complying with your permit or licence

This RD only applies to non-compliance with permitted storage limits which have occurred as a direct result of the coronavirus pandemic after the date of adoption of this RD and does not apply to existing non-compliances pre-dating the pandemic.

Before you use this RD, you must obtain written agreement that you can do so from Natural Resources Wales:

Please contact your regulatory officer.

This RD only applies:

- if we have agreed you can use it
- where you can demonstrate that you need to store waste above permit limits because of disruption caused by Coronavirus
- to waste types you are authorised to store under your permit
- to the temporary storage of waste above the limits specified in your permit - it does not apply to any other regulated facilities or regulatory requirements

You must make sure that your activity does not endanger human health or cause harm to the environment. You must not:

- cause a risk to water, air, soil, plants or animals
- cause a nuisance through noise or odours
- adversely affect the countryside or places of special interest

You must also:

- have written permission from the landowner for your proposed increased storage
- have prior written agreement from Natural Resources Wales to use this RD – including written agreement for the types and quantities of waste you want to store temporarily and the storage locations
- store all waste within the permitted site boundary.

- keep all storage areas secure to prevent unauthorised access
- make sure that the waste you receive on site is managed on a strict rotation basis so that waste received on site first is removed from the site first and that you separate waste of different storage age
- carry out a written review of the risks and how they will affect existing relevant plans, for example, your management system and Fire Management and Prevention Plan (FPMP) - if you change your fire prevention plan you must make sure that the plan still meets the objectives in [our guidance](#).
- make a record of any changes to relevant plans and comply with the revised plans, including changes made to your Environmental Management System (EMS) and FPMP – you must make the record of change available to all staff and to Natural Resources Wales on request
- keep records to show that you have complied with the conditions in this RD for 12 months – these must be available to Natural Resources Wales on request
- make sure all waste above the limits in your permit is removed from the site within 3 months of arriving - and in all cases, by 30 June 2020 when this RD will be reviewed.

You must not:

- at any one time, store more waste of a type allowed under your permit than the total quantity allowed by your permit - any additional amount must be agreed in writing by Natural Resources Wales
- store waste for more than 3 months

When you have removed all of the waste above your permit limits, you must operate your permit in compliance with all of the following:

- your EMS
- your FPMP
- any other written system stated in your permit that was in place immediately before you used this RD

Enforcement

This RD means that Natural Resources Wales will not normally take enforcement action against you provided:

- your activity meets the description set out in this RD
- you comply with the conditions set out in this RD
- your activity does not, and is not likely to, harm human health or cause environmental pollution
- you have taken all reasonable steps to carry out the activity under your permit

If you think you may not be able to comply with the conditions you must tell Natural Resources Wales immediately.

Natural Resources Wales will monitor how operators use and comply with this RD through its proportionate, risk-based inspection and monitoring activity.

When we consider whether to exercise our enforcement discretion and allow you to operate under this RD we will look at:

- whether the permit conditions and site are suitable - including the infrastructure in place and location of the site
- the activities being carried out at the site
- the operational management of the site including your previous performance history
- any other relevant factors

Use of this RD will be recorded as a non-compliance with the conditions of your permit, however any score will be suspended and will not impact on your compliance rating providing you comply with the conditions laid out in it.

When to check back

This RD will be reviewed by 30 June 2020.