

COVID-19 - WASTE MANAGEMENT

Background

SEPA is committed to supporting everyone it regulates during the Covid-19 outbreak, whilst maintaining protection of Scotland's environment. SEPA will listen, and quickly respond to challenges as they emerge and welcomes early discussions with operators to achieve shared solutions.

SEPA recognises there may be disruption to waste management services during the response to Covid-19. Limited availability of staff and vehicles, difficulty accessing export markets and the need for 'social distancing' means the whole industry, including SEPA, will have to adapt.

SEPA is working with Local Authorities, NHS Scotland and the waste industry to support these vital services.

Understanding the Impacts

We need to understand how Covid-19 is affecting the waste industry. We are in regular contact with trade bodies but we also want to hear from individual businesses in the industry. It is important that you contact SEPA early if you have any emerging compliance challenges. Further, subject to availability of our own staff, officers will be in touch to understand the current state of operations. SEPA will treat any information confidentially and anonymise it before sharing with partners.

Health Protection Scotland Guidance

SEPA continues to receive queries regarding the health risks from Covid-19. Health Protection Scotland (HPS) leads on public health and provides [guidance](#) for a number of healthcare and non-healthcare settings including on how to protect workers. This guidance represents the national position.

SEPA's position

SEPA expects everyone it regulates to take all reasonable steps to comply with Scotland's environmental laws. SEPA also expects operators to be preparing themselves as far as practical for the challenges of the Covid-19 outbreak to ensure impacts on the environment are minimised.

SEPA recognises that the consequences of the outbreak may mean it is not possible for operators to comply fully with their environmental obligations for reasons beyond their control. SEPA will take account of the challenges faced by operators in its approach to compliance assessment and enforcement during this exceptional period.

This position will be kept under review and may be varied or withdrawn by SEPA, for example in light of changes in circumstances during the outbreak; technological, regulatory or legislative changes; future government guidance; or experience of its use.

SEPA reserves its discretion to depart from this position at any time for example in order to take appropriate action to avoid any risk of pollution or harm to human health or the environment.

SEPA will generally provide notice in advance of its intention to vary or withdraw any temporary regulatory positions, but may also do so without providing notice.

1. Recycling Services

Recycling services should be maintained for as long as possible in line with the Waste (Scotland) Regulations 2012. SEPA welcomes the waste industry's commitment to keep recycling and waste services operating as normal. We recognise that this requires a whole supply chain approach and we want to understand any compliance issues you may have.

If you are unable to maintain a compliant recycling service, please contact SEPA at nationalwaste@sepa.org.uk.

2. General arrangements at authorised waste management facilities

We recognise waste facilities may struggle with reduced staffing levels during this period and may have limited access to equipment, contractors, laboratories and other support functions.

With respect to the rules on social distancing, operators may not wish Certificate of Technical Competence (CoTC) holders to travel from site to site and we accept this means some facilities may not receive a visit during the response period. Where possible a competent person should still provide assistance via telephone or other means.

We understand waste operators may also struggle with the following;

- Operating hours
- Maximum waste storage limits (tonnage capacity and throughput)
- Maximum waste storage timescales
- Availability of equipment or chemicals
- Management of process outputs
- Environmental monitoring
- Reporting deadlines

If these issues affect your ability to comply with your licence or permit and Scotland's environmental laws, please contact your local SEPA contact or scc@sepa.org.uk.

SEPA will shortly publish an overarching statement on permit compliance, enforcement and monitoring.

3. Duty of Care & Transfer Notes

All waste producers and managers must comply with their Duty of Care obligations.

Waste criminals must not be allowed to take advantage of the current circumstances.

Some business waste collection costs might increase in the short term. Where new collectors emerge offering cheap collection services, be vigilant and ask for their waste carrier authorisation and for confirmation of where your waste is going. If it seems too good to be true, it probably is. Contact SEPA at www.sepa.org.uk/report if you have any suspicions.

The need for social distancing means you may not wish to pass paper Waste Transfer Notes between parties (e.g. at weighbridges) or have waste producers sign driver's electronic devices on collection.

As far as possible, use remote electronic systems, such as email correspondence, to record waste transfers.

Where carriers use handheld electronic devices during collection rounds, drivers may sign on behalf of waste producers.

Where paper notes are the only option, both parties should keep their own copy of the transfer note containing the relevant details including the name of the person who would normally sign it and mark it with “CV19” instead of a physical signature.

All parties involved in a waste transfer must retain their transfer notes, whether electronic or paper, for the statutory period of 2 years.

4. Hazardous Waste & Special Waste Consignment Notes (SWCN)

During the response, it remains important to maintain secure hazardous waste management. This includes the requirement for a SWCN to accompany every movement.

SEPA recognises the current system relies on paper consignment notes and physical signatures, which may not be practicable due to social distancing requirements.

Even if you have a stock of paper SEPA issued SWCNs, you may not wish to use them, as they require signing and passing physically between people. You should retain them as you will be able to use them in the future

You are legally required to include a SEPA issued SA/SB/SC code on your note or buy pre-coded printed notes directly from SEPA. However, SEPA is currently unable to sell you codes or pre-coded printed notes due to the reduced use of SEPA offices and advent of home working for staff who would normally issue these. We are working to address this and resume our service as a priority.

As an interim measure, SEPA recommends the following as a means of complying with your legal obligations.

Bespoke SWCNs & SA/SB/SC Codes

You can create and use your own SWCN paperwork and many businesses already do this.

An editable PDF version of the SEPA SWCN will be made available as soon as possible on our Covid-19 response hub to support businesses who do not already create their own paperwork.

As an interim measure, SEPA will allow you to pass SWCN paperwork electronically (via email or other means) between parties. Each person involved in the movement must retain a copy as normal, with all required details completed. Where signatures are not possible, you must ensure that all parties are clearly identifiable on the form alongside “CV19” instead of a signature.

For example, the carrier could complete all sections on behalf of the parties and include “CV19” instead of the relevant signatures. The carrier would then email the completed note to all the relevant parties and SEPA.

For special waste movements which take place before 13 April 2020 you can create your own consignment note code. Your code should use the following format:

- CV/XXXXXX/YYYYY
- ‘XXXXXX’ is the waste carrier’s registration number including the prefixes followed by ‘/’
- ‘YYYYY’ is exactly 5 numbers or letters (not symbols or spaces) of your choice.

Each code can only be used once from the address in part A2. You must change the ‘YYYYY’ to create a different code each time waste is consigned from those premises. If your company name has less than six letters or numbers you must assign the letter ‘Q’ to remaining characters.

From 13 April 2020 onwards, SEPA will be able to supply codes and you will be required to ensure you have purchased and are using a SEPA issued code on your SWCN.

Submission of Deposit Copies

Do not submit physical deposit copies to SEPA, as there is no one to receive them at SEPA offices. Please email a copy of the completed deposit copy to nationalwaste@sepa.org.uk with "Special Waste Consignment Note" in the subject heading.

5. Transfrontier Shipment of Waste

Regulatory agencies across Europe are implementing temporary changes to processes to limit the impact of Covid-19 on the movement of waste shipments.

Green List Waste

The law requires that hardcopy paperwork accompany the waste.

As an interim measure, the paperwork that would normally accompany waste shipments may be made available electronically. The person arranging the shipment must ensure all carriers on the route have access to the required documents.

The person who arranges shipment must continue to submit Annex VII forms to Transfrontier@sepa.org.uk or upload shipments on to National Packaging Waste Database.

Amber List Waste (notification controls)

The law requires hardcopy paperwork for amber list applications. However, staff are unable to accept hardcopy paperwork due to limited office access and home working arrangements. This also makes it difficult for SEPA to accept payment by cheque.

As an interim measure, please submit all new TFS applications and supporting documents to SEPA electronically. Sign, scan and email the documentation to Transfrontier@sepa.org.uk. We will not require the original documents with original signatures during the response period. All payments should be via BACS or credit card and not by cheque. Remittance advice should be included in your application package and the payment reference should include your notification number.

Financial guarantees should be sent from the provider directly to Transfrontier@sepa.org.uk

We will also accept signed and scanned movement forms (Annex 1Bs) at the same email address but would encourage notifiers to use the [International Waste Shipment portal](#).

SEPA will provide acknowledgements, consents and objections electronically. Please note that 'properly carried out' assessments periods will be increased to five working days due to limited staff availability.

If unable to send a hard copy with the shipment, the carrier must produce an electronic copy (via phone, tablet) where requested. The notifier is responsible for ensuring all carriers involved in a shipment have access to an electronic copy of the Annex 1B movement document.

Please note the notifier / person who arranges the shipment is responsible for ensuring waste shipments are compliant with the requirements of the competent authorities for transit and destination.

In the event that shipments cannot proceed as intended due to the impact of Covid-19 (e.g. recovery facility closed, border/road closure), please send details immediately to Transfrontier@sepa.org.uk