

waste – you can handle it

New rules on agricultural waste

Get ready and stay within the law

What's going to happen?

New agricultural waste regulations will affect whether or not you can burn, bury, store, use your waste on the farm or send it elsewhere. We will provide more information soon, so watch out for it.

When will it happen?

You need to stop using your farm tip and burying your waste before the regulations come into force.

Some of the new rules will start early in 2006 including your Duty of Care.

Others will start later in 2006 such as registering for exemptions and applying for licences.

What are the new rules?

Burying waste

You must **stop putting waste on your farm dump/tip**. You must also **stop burying waste** on the farm. If you stop using your dump/tip now you won't need to take any further action unless your site is causing pollution or harm.

Burning waste

You must also **stop burning waste** in the open air before the regulations come into force – particularly plastics and tyres. You will only be allowed to burn waste like crop residues (these are residues from linseed, cereals, oil seed rape, peas and beans), hedge trimmings and other untreated wood in the open.

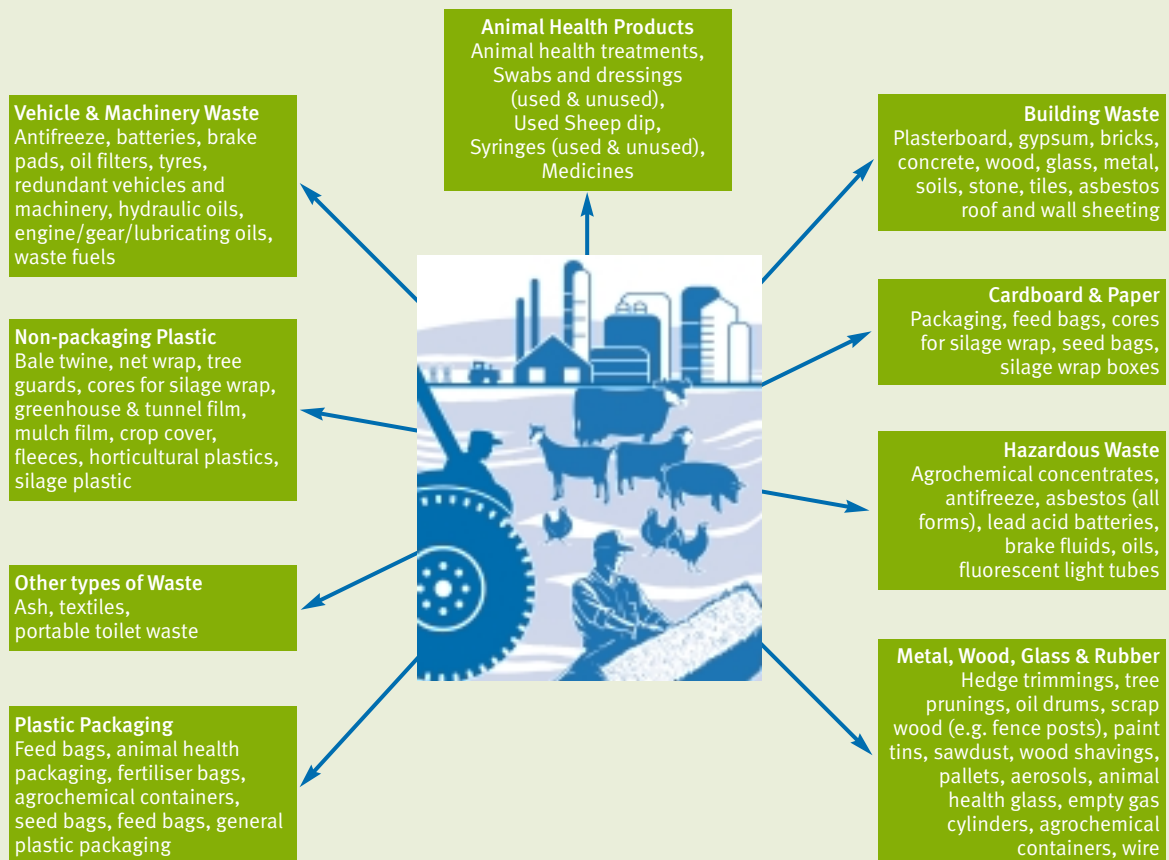
If you use a drum incinerator to burn rinsed polyethylene pesticide containers you will have another 12 months (until early 2007) before you will have to stop doing this. For more information visit our website at: www.environment-agency.gov.uk and follow this route;

Agriculture»Regulations, Licences and Guidance»Environment Agency's position on the use of 'drum incinerators' for the burning of waste

What is ‘waste?’ Do I produce it on my farm?

As householders and businesses we all produce waste in one form or another. The EC Waste Framework Directive defines waste as: “any substance or object,...which the holder discards or intends or is required to discard.”

You **do** produce waste on your farm. There is no definitive list of agricultural waste but below are some common examples that can be waste when you get rid of them (or need to get rid of them, for example, out of date medicines).



Are manures and slurries waste?

There has been a recent court decision that manures and slurries are **not** waste when used as a fertiliser on agricultural premises – this includes when they are used on other agricultural premises that did not produce the manures and slurries. However other legal controls such as the NVZ Action Programme and Groundwater Regulations still need to be complied with.

Even as a fertiliser, manures and slurries still need to be managed properly. The Code of Good Agricultural Practice (COGAP) for the protection of water recommends:

- That you make an allowance for the available nitrogen, total phosphate and total potash in manures and slurries when working out fertiliser requirements
- Manures and slurries should not be spread:
 - within 10 metres of a ditch or watercourse;
 - within 50 metres of a spring, well or borehole;

- when the land is frozen hard (that is, the soil surface has been frozen for at least 12 hours during the preceding 24 hours) or snow covered; or
- when the land is waterlogged or flooded

Minimise your waste

Of course it's much better not to produce waste in the first place and many farmers are already doing this. We have prepared some hints on minimising waste where it is produced and how to recycle. A short leaflet with 20 cost saving ideas is available free by calling our National Customer Contact Centre on **0845 603 3113**.

What can I do with my waste when the new rules come in?

There are 5 basic options that you can use individually or together when dealing with your waste. This is how they work:

1. Storing your waste for up to 12 months – You should only store your waste for up to 12 months and store it securely. Storing things securely depends on the waste type, but the bottom line is that it cannot escape from your control – e.g. become windblown – or cause pollution, so store wastes in suitable containers if necessary. Storing wastes properly is also an important factor in reducing costs. It allows you to separate wastes and to avoid contamination. Mixed wastes cost more to dispose of and contaminated wastes are more difficult to recycle.

2. Take the waste yourself to a recovery or disposal site – The first questions here are where are the sites and what can they take? To help we have joined with others including the NFU to develop a **Waste Recycling Directory** – a free system that allows you to use your postcode and waste type to find the nearest facility to you. It covers all types of facilities, not just recycling sites. We hope to launch this system soon.

You will also need to know how the site you are taking waste to operates. It's a good idea to ring first to ask –

- If you can take the waste in your vehicle – some sites won't allow a tractor and trailer on-site for health & safety reasons;
- How much it is going to cost and what payment methods are there – some sites don't accept money at the gate;
- What paperwork you will need to take – Duty of Care transfer notes etc;
- What wastes can they legally accept under their licence or exemption; and
- What is the best way of delivering the wastes – bales, loose etc.

3. Giving the waste to someone else – This is straight forward, most local waste carriers advertise in the yellow pages or you can use the Waste Recycling Directory. You will need to comply with your Duty of Care, which is very important, by making sure they are authorised to carry waste. You will also have to complete a Duty of Care transfer note and keep a copy for your records. We will be producing more detailed guidance on the Duty of Care soon, but also look at the section below.

4. Registering licence exemptions – Most farms will need to register one or more exemptions. **But don't panic** the Government has given you 12 months in which to register these exemptions. They are **free** for activities involving agricultural waste. Together with Defra we are developing a number of simple ways in which you can register. A step-by-step guide on how to register will be provided once the system is available.

5. Obtaining a Waste Management Licence or a Pollution Prevention and Control (PPC) Permit – Obtaining a waste management licence or a PPC Permit is for people who are seriously thinking about diversifying into professional waste management activities.

Warning – This option is not for someone who wants to continue to operate a farm dump/tip. **All farm dumps/tips should be closed before the regulations come into force.** To attempt to convert your farm dump/tip into a modern landfill will cost a lot of money (tens of thousands of pounds). We simply don't think it's a cost-effective option for farmers.

That said some farmers might be looking to get into other forms of waste management as a new business opportunity. This could involve operating a transfer station, a waste recycling business or a waste treatment business e.g. composting. Licences and permits involve certain basic requirements:

- You will have to pay an application fee and an annual subsistence fee;
- You may need to get planning permission for your proposed scheme;
- You will need to meet certain tests to ensure you are a 'fit and proper person' – this will mean you will have to make financial provisions and become or employ a technically competent person to operate a site.

If you are thinking of doing this, the best thing to do is to contact your local Environment Agency office to discuss your specific proposals. To contact your nearest office call **0845 603 3113**.

Your Duty of Care – Giving your waste to other people

This is important – if you have waste you have a legal 'Duty of Care'. The Duty of Care applies to everyone involved in handling the waste, from the person who produces it, to the person who finally disposes of or recovers it. The Duty of Care is one of the main ways to combat flytipping.

There are some simple rules to follow including keeping your waste secure so it doesn't leak or blow away and if you give your waste to someone else (like a waste contractor) it is your duty to make sure that:

1. The person can take it – check that they are authorised. You can ask them to produce evidence that they are authorised to carry waste. If they can't do this – don't give your waste to them – contact the Environment Agency.
2. The waste goes to a proper site – licensed or exempt; and
3. You give the person a transfer note – this needs to include a description of the waste and be signed by both of you. You have to keep copies of your transfer notes for a minimum of 2 years.

The Government has produced statutory guidance for the Duty of Care – see below for details.

Want to know more?

After the new regulations have been released we will give you more detailed guidance on: What is Agricultural Waste, Stop Tipping/Stop Burning, Duty of Care and Waste Diversification Opportunities.

For more information on the Agricultural Waste Stakeholders' Forum go to:

<http://www.defra.gov.uk/environment/waste/agforum/>

To order a copy of "Waste Management – The duty of care – A Code of Practice" (ISBN 0-11-753210-X) contact The Stationery Office bookshops, phone **0870 600 5522**.

For a copy of our waste minimisation leaflet "Agricultural waste – Opportunities to Save Money (version 2)" contact our National Customer Contact Centre on **0845 603 3113**.

This information is also available bilingually at

<http://publications.environment-agency.gov.uk/epages/eapublications.storefront>