Glossary of terms - Waste exemptions

"the 1991 Act" means the Water Resources Act 1991.

"aerobic composting" means the autothermic and thermophilic biological decomposition and stabilisation of biodegradable waste under controlled conditions that are aerobic.

"aerosol cans treatment equipment" - The manual crushing of a single type* of aerosol cans at the place of production using equipment which ensures:

- 1. the collection and secure storage of the cans for recycling;
- 2. the collection and secure storage of residues for disposal or recycling; and
- 3. the filtering of gas and solvents through carbon filters which are approved to a suitable British standard.
- * 'a single type' of can refers to the can contents and propellants. All the contents and propellants of all the cans crushed must be the same to ensure incompatible contents are not mixed.

"agricultural land" has the meaning given by section 109 of the Agriculture Act 1947 and includes land for the production of timber and non-food agricultural crops.

"anaerobic digestion" means the mesophilic and thermophilic biological decomposition and stabilisation of biodegradable waste which:

- (a) is carried on under controlled anaerobic conditions; and
- (b) results in stable sanitised material that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land.

"associated storage" means storage of waste that:

- (a) is associated with the use, treatment or disposal of waste; and
- (b) takes place at the place where the use, treatment or disposal is carried on;

"bank" means a bank, wall or embankment adjoining or confining, or constructed for the purposes of or in connection with, any channel and includes all land between the bank and low-watermark.

"catering waste" means 'all waste food including used cooking oil originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens'.

"cetane rating" (also known as cetane number) is measurement of diesel fuel ignition quality - the performance rating of a diesel fuel, expressed as the percentage of cetane in a mixture with 1-methylnaphthalene that shows the same ignition properties. The higher the cetane number, the better the performance.

"collection" under the revised Waste Framework Directive, means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility.

"collection point" means a place that is used for the collection of waste by an establishment or undertaking where the establishment or undertaking does not receive payment for collecting the waste or collect waste as its main business activity.

"compost" means a solid particulate material that is the result of composting, which has been sanitised and stabilised, and which confers beneficial effects when added to soil, used as a component of growing media or used in another way in conjunction with plants.

"composting" means the biological decomposition of organic materials, under conditions that are predominantly aerobic and that allow the development of thermophilic temperatures as a result of biologically produced heat and that result in compost.

"construction" means the carrying on of building or engineering work which includes the repair, alteration, maintenance or improvement of an existing work and preparatory or landscaping works.

"controlled drug" means a controlled drug specified in Schedules 1 to 5 of the Misuse of Drugs Regulations 2001.

"dangerous substance" has the meaning given in regulation 2(1) of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2009.

"depolluted" (in relation to an end-of-life vehicle) means that the vehicle has been subjected to all of the operations described in paragraph 3 of Annex 1 of the End-of-Life Vehicles Directive.

"digestate" is the final output from the treatment of organic and biodegradable waste either anaerobically or aerobically. The digestate may be whole digestate, separated fibre or separated liquor and can be used in compost as an input material or process additive or spread to land as a soil nutrient and conditioner.

"discharge consent" means a consent issued under Chapter II of Part 3 of the Water Resources Act 1991.

"dredgings" or "dredging spoil", in terms of this exemption, includes plant matter that is removed from inland waters.

"establishment or undertaking" includes any organisation, whether a company, partnership, authority, society, trust club charity or other organisation but not private individuals.

"finished goods" means goods that are ready for use by an end consumer without any further processing.

"hazardous waste", except in Section 5.1 of Part 2 of Schedule 1—

- (a) in relation to England, has the meaning given in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005,
- (b) in relation to Wales, has the meaning given in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.

Guidance on what is hazardous waste can be found at:

http://www.environment-agency.gov.uk/business/topics/waste/32200.aspx

"impermeable lining" means a containment system that is constructed and maintained so that liquids are fully contained and cannot leak through it.

"impermeable surface" means a surface or pavement constructed and maintained to a standard sufficient to prevent the transmission of liquids beyond the surface.

"inland waters" means the whole or any part of:

- (a) any river, stream or other watercourse (within the meaning of Chapter II of Part II of the Water Resources Act 1991), whether natural or artificial and whether tidal or not;
- (b) any lake or pond, whether natural or artificial, or any reservoir or dock, in so far as the lake, pond, reservoir or dock does not fall within paragraph (a) of this definition; and

(c) so much of any channel, creek, bay, estuary or arm of the sea as does not fall within paragraph (a) or (b) of this definition.

"invasive non-native species" is any non-native animal or plant that has the ability to spread causing damage to the environment, the economy, our health and the way we live.

"net rated thermal input" means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal. This information should be available from the manufacturers plate on the appliance or from the manufacturer.

"place" means:

- (i) in relation to farms and linear networks is described in this separate <u>farms and linear</u> network guidance.
- (ii) for the majority of exemption that can be easily defined as a distinct area of land where the exempt activity takes place or is planned to take place;
- (iii) in the case of exemptions D1, D2 and U12:

A place can be a distinct area of land where the exempt activity takes place or is planned to take place. However we recognise that this particular exemption may be applicable to network or linear activity (for example, a rail, road or water network). In these situations the definition of place can vary due to nature and type of organisation, with different organisations being able to identify different operational areas or places to be registered. See farms and linear network guidance.

(iv) in the case of exemption U1:

A place can be a distinct area of land where the exempt activity takes place or is planned to take place. However we recognise that this particular exemption may be applicable to the maintenance of a network or linear activity (for example, the maintenance of a rail, road or water network or the maintenance of a flood defence). In these situations the definition of place for these maintenance operations can vary due to nature and type of organisation, with different organisations being able to identify different operational areas or places to be registered. See farms and linear network guidance.

"place of production" means in relation to any waste, the place where the waste was originally produced.

"Plant Health notice" means meaning a notice served under:

- (a) article 12 of the Plant Health (Phytophthora ramorum) (England) Order 2004,
- (b) article 13 of the Plant Health (Phytophthora ramorum) (Wales) Order 2006,
- (c) article 31 of the Plant Health (Forestry) Order 2005,
- (d) article 32 of the Plant Health (England) Order 2005,
- (e) article 32 of the Plant Health (Wales) Order 2006.

"plant tissue waste" includes all materials of plant origin such as trees, shrubbery, branches with or without foliage, leaves or foliage wood and vegetation.

"port" means a port appointed by order made under section 19 of the Customs and Excise Management Act 1979.

"pursuant to" in an exemption means that a waste can be used if that waste has been produced either from:

- the exempt operation stated; or
- a permitted site which:
- carries out exactly the same type of treatment process as the exemption with the same conditions; and
- (ii) is permitted to handle only exactly the same types of waste as the exemption.

These sites are usually permitted instead of being exempt only because they process greater quantities of waste.

Further information is available in our position statement on <u>The meaning of pursuant to in exemptions U10 and U11.</u>

"railway sanitary convenience" means a sanitary convenience or sink forming part of a vehicle used for the carriage of passengers on a railway.

"sealed drainage" means a drainage system with an impermeable surface which ensures that:

- (a) no liquid will run off the surface otherwise than via the system, and
- (b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump.

"secondary containment" means a bund or any other system for preventing waste which has leaked from the primary container from escaping from the place where it is stored or treated.

Where a bund is used as secondary containment:

- (a) the bund must:
 - (i) have a capacity of not less than 110% of the original container's storage capacity, or
 - (ii) if there is more than one container within the containment system, have a capacity of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater, and
 - (iii) have an impermeable lining; and
- (b) reasonable precautions must be taken to ensure that the capacities specified in paragraph (a) are maintained at all times.

"secure" - a container, lagoon, location or other place is secure in relation to waste kept in it if:

- (a) all reasonable precautions are taken to ensure that the waste cannot escape from it; and
- (b) members of the public are unable to gain access to the waste.

"secure container" - see secure above.

"secure lagoon" - see secure above.

"secure location" - see secure above.

"secure place" - see secure above.

"secure storage" means storage where waste cannot escape and members of the public do not have access to it.

treated wood/timbers include any timber or timber product, which may have been treated. Treatments may include applying oils, tar oil preservatives, waterborne preservatives, organic based preservatives, boron and organo-metallic based preservatives, boron and halogenated flame retardants and surface treatments.

"vermicompost" (also called `worm compost`, vermicast, worm castings, worm humus or worm manure) is the end-product of the breakdown of organic matter by some species of earthworm. Vermicompost is a nutrient-rich, natural fertilizer and soil conditioner.

"waste code" means the six digit code referable to a type of waste in accordance with the List of Wastes (England) Regulations 2005, or List of Wastes (Wales) Regulations 2005, as appropriate, and in relation to hazardous waste, includes the asterisk.

"weatherproof covering" may, in some circumstances, simply involve a lid or cover over a container but in others a roofed shelter or building may be more appropriate. What's adequate should be judged against the purpose of providing cover.