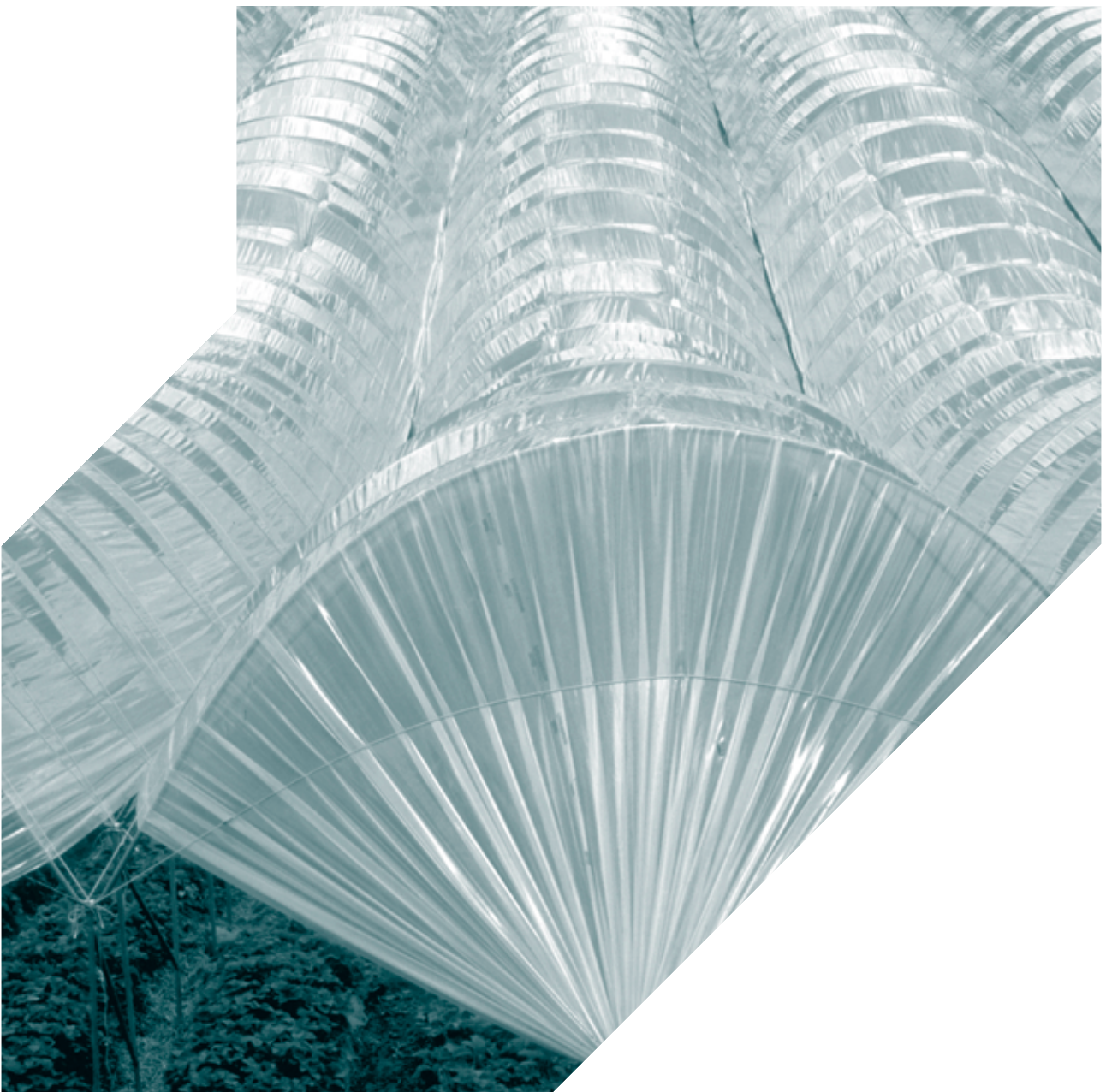


Agricultural Waste





Agricultural Waste

Waste management legislation now prohibits the uncontrolled burning of waste on farms and the use of unauthorised farm tips.

Agricultural waste is subject to new rules. This leaflet highlights how farmers must deal with their waste and covers key areas of interest such as waste production in agriculture; manure and slurry; burning agricultural waste; and farm tips. Further information on a wide range of waste issues is available from the Scottish Environment Protection Agency website at: www.sepa.org.uk and www.netregs.gov.uk.

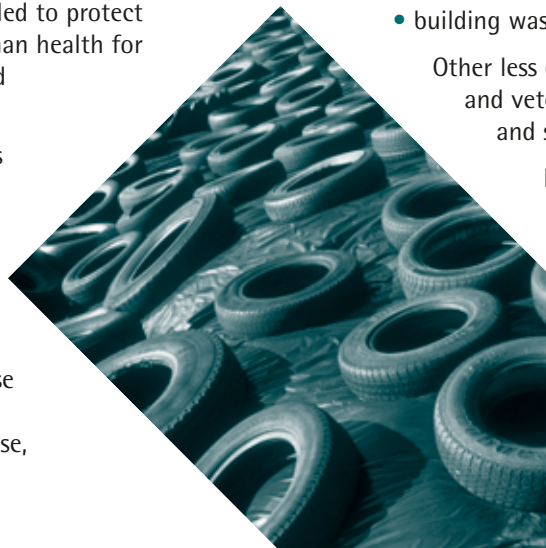
Introduction

For many years agricultural waste was excluded from the regulations that controlled the management of household, commercial and industrial waste in the United Kingdom. On 21 January 2005 the Waste (Scotland) Regulations 2005 brought agricultural waste under the same regulatory regime as other commercial activities.

This means that farmers have a duty to ensure that they do not treat, keep or dispose of agricultural waste in a manner likely to cause pollution of the environment or harm to human health.

The environment, human health and agricultural practices are intrinsically linked: environmental quality is crucially important to agricultural production and the management of agricultural waste has potential to harm human health and the environment. Waste legislation is intended to protect the environment and human health for the benefit of farmers and consumers.

The new legislation means farmers need to understand their legal obligations and to know about the local services available to help meet them. It is best to minimise waste at source and to organise recovery for re-use, wherever practicable.



Waste production in agriculture

The types and quantities of wastes vary between farms.

Common agricultural wastes include:

- packaging;
- silage plastics;
- redundant machinery;
- tyres;
- netwrap;
- oils;
- batteries;
- old fencing;
- scrap metal; and
- building waste.

Other less common wastes include unused pesticides and veterinary medicines, horticultural plastics and spent sheep dip.

Further advice on specific agricultural waste issues is given over:

Manure and slurry

Manure and slurry can still be spread on a farm on the condition that it is produced and used to deliver agricultural benefit. SEPA recommends that its application should be made in accordance with the code of practice provided through *Prevention of Environmental Pollution From Agricultural Activity Code of good practice* – the PEPFAA Code – and with the guidance contained in *The 4 Point Plan*. The 4 Point Plan can be obtained from the Scottish Executive at www.scotland.gov.uk and at SEPA offices or online at the SEPA website: www.sepa.org.uk/pdf/publications/4point/plan.pdf

If a farmer has more slurry or farm yard manure than can be used on their own farm, for example where there is more than the nutrient needs of the crops or where the farm is in a nitrate vulnerable, the material can still be spread on another farm in accordance with the PEPFAA code and the 4 Point Plan and is not deemed to be waste. Excess manure and slurry may be waste if it is not used for agricultural or ecological benefit, in such circumstances the material must be disposed of to a suitably licensed site, or utilised in an exempt activity. Please contact your local SEPA Office for further information on what to do with waste material or how to register an exempt activity.

Burning agricultural waste

The open, uncontrolled burning of agricultural waste is no longer acceptable. Farmers can, register an exempt activity for either the burning of plant tissue in the open, e.g. for burning brash, or for burning other wastes, such as cardboard, in a drum incinerator. This can be carried out but requires to be registered on notification forms available from local SEPA offices. In accordance with the PEPFAA Code burning of plastics, rubber tyres or other material which may produce black smoke should be avoided.



Farm tips

Waste can no longer be disposed of to a farm tip, without first obtaining a permit, under the Pollution Prevention and Control (Scotland) Regulations 2000.

Farm tips have significant potential to cause pollution, particularly through their impact on groundwater and the generation of landfill gas. If not properly managed, landfill gas can catch fire or explode, as well as having potentially detrimental effects on both human health and the environment. Farm tips are now classified as landfill sites. Therefore, they are already covered by specific legislation which sets stringent technical and procedural requirements that must be met if they are to continue operating. The majority of farm tips would need to be heavily re-engineered in order to obtain an authorisation from SEPA and it anticipated that few, if any, farm tips will be able to meet the necessary standards. If you have any doubt about whether your farm tip can be engineered to meet landfill standards, please contact your local SEPA office for further information.

Waste produced on a farm can be stored on that farm for up to 12 months, provided no pollution results from the material and it is stored in accordance with the Waste Management Licensing Regulations 1994. If the material is to be taken off site for recovery or recycling, it may be stored on the farm for up to three years, again providing it is stored in accordance with the Waste Management Licensing Regulations 1994. This does not apply to waste vehicles, such as cars and tractors.

Old cars and tractors

If a car or tractor has reached the end of its working life, it must be placed immediately on a concrete pad with a sealed drainage system. All the oils, fluids and dangerous substances must be removed – depolluted – as soon as possible. This must be carried out at a suitably authorised treatment facility. To find your nearest authorised treatment facility contact your local SEPA office. Old cars, at the end of their life, should not be used on farms, for example as bird scarers, unless they have been depolluted.

Hazardous/special agricultural waste

Special waste is waste which has hazardous properties and is subject to additional controls to protect the environment and human health. Examples of special waste include: asbestos roofing material; waste pesticides and chemicals which have hazardous properties; waste oils from farm machinery; infectious waste arising from animal healthcare; and electrical equipment containing cathode ray tubes.

Special waste disposal requires completion of a standard consignment note. There is a charge for these consignment notes which can be obtained from your local SEPA office. SEPA must also be given 72 hours prior notice of where the waste is to be moved to, and by whom, before the waste is moved off-site for all special waste disposals. More information on how to consign special waste can be found at:
www.sepa.org.uk/pdf/guidance/waste/consigning_special_waste.pdf



Existing waste management activities

Agricultural waste practices which existed before 21 January 2005 are exempt from the proposed controls on agricultural waste for a period of 12 months only. Farmers have until 20 January 2006 to apply for a licence for the activity, register an exemption from licensing with SEPA or to stop the activity.

Notification forms to register the more common exempt activities can be found at:
www.sepa.org.uk/regulation/waste/exemptions.htm.

Advice on licensing can be obtained from your local SEPA office. It should be noted that even during this transitional period there is a legal duty not to treat, keep or dispose of agricultural waste in a manner likely to cause pollution of the environment or harm to human health.

Changing waste practices

Most farmers are keen to see improvements to the way in which wastes are managed. Many have changed their practices in some way in recent years, for example, by reducing waste handling by transferring it to suppliers or to waste contractors. In the absence of services for agricultural waste collection and recovery in many areas, a large proportion of the waste is still dealt with on farm. Some previously common practices are not now allowed, for example:

- burning waste in the open;
- using unlicensed farm tips or burying waste;
- putting farm waste in the household dust-bin.

Agricultural waste can be avoided or minimised through product design, recycling schemes for waste silage plastics and pesticide packaging, 'take-back' services for veterinary and machinery wastes, and improved management practices.

In summary, to manage wastes effectively farmers should:

- minimise waste wherever practicable;
- use up-to-date and dedicated on-farm waste storage facilities;
- use products designed to enable cost effective waste reuse and recovery
- use products manufactured with minimal resource consumption in the first place;
- use products efficiently and according to best practice;
- get guidance on legal obligations which is widely available and used (www.netregs.gov.uk¹ is a key source and, if in doubt, use the NFUS members' legal helpline);
- reuse and recover materials where feasible;
- consult good practice guidance (e.g. PEPFAA Code)
- comply with waste legislation;
- aim to minimise waste;
- identify sources of information, e.g. Netregs and Envirowise²
- participate in take-back schemes, e.g. packaging; and
- utilise waste recovery services (e.g. scrap metal dealers and registered waste contractors).

¹NetRegs uses plain language and provides practical steps to help farmers comply with environmental law. It lists current legislation that affects farming and explains the likely impact of future legislation. It's free, easy to use, anonymous and regularly updated. It also offers farmers advice on sound environmental practices like energy efficiency and waste minimisation that can save money.

²Envirowise offer a free advisory service on how to improve waste management, their Helpline contact number is 0800 585 794. As well as the telephone advice service, free site visits up to half a day are offered. Envirowise is managed on behalf of UK Government (DTI and DEFRA) by Momenta, an operating division of AEA Technology, and Technology Transfer and Innovation LTD (TTI), a wholly-owned subsidiary of Serco Limited.

The Duty of Care and farm waste

As a business, you have a duty to ensure that any waste you produce is managed and handled safely and in accordance with the law. This 'Duty of Care' applies to anyone who produces, imports, carries, keeps, treats or disposes of controlled waste from business or industry or acts as a waste broker.

You are responsible for ensuring the safe and proper disposal or recovery of waste that you produce, even after you have passed it on to another party such as a waste contractor, scrap metal merchant, recycler, local authority or skip hire company.

The Duty of Care has no time limit, and extends until the waste has either been finally and properly disposed of, or it has been fully recovered.

The Duty of Care specifically requires that:

- all waste is stored and disposed of responsibly;
- waste is only handled or dealt with by individuals or businesses that are authorised to deal with it;
- a record is kept of all waste received or transferred through a system of signed Waste Transfer Notes.

A Waste Transfer Note is a document which must be completed for the transfer of any waste between different holders. A Waste Transfer Note must be created for each load of waste that leaves your farm. For repetitive transfers, there is provision to use one transfer note which will cover multiple transfers over a given period of time of up to 12 months. Its use is only permissible where the parties involved in each transfer are the same and where the description of the waste transferred remains the same.

A Waste Transfer Note must contain enough information about the waste to enable anyone coming into contact with it to handle it safely and either dispose of it or allow it to be recovered within the law. On the Waste Transfer Note, the waste should be described, along with the quantity and types of each different waste being transferred. SEPA may ask to see a Waste Transfer Note and you have seven days in which to provide it to SEPA after the request.



Fly tipping

Many farms in Scotland have been victims of fly-tipping on in recent years. Under present law the

fly-tipped waste may become the responsibility of the occupier if the offender is not identified and the occupier of the land knowingly permits the fly-tipping (e.g. tolerating persistent fly-tipping on land). Further information on fly tipping can be found at: www.sepa.org.uk/flytipping/index.htm

To help avoid responsibility for fly tipped material, report it. If you see anyone dumping rubbish illegally then call the Dumb Dumpers Stop Line on 0845 2 30 40 90 or visit www.dumbdumpers.org.



Table 1: Summary of the changes to Agricultural Waste instigated by the Waste (Scotland) Regulations 2005

Section of the Waste (Scotland) Regulations 2005	Effect	Guidance
3 (4)	Amends section 75(7) of the Environmental Protection Act 1990 to include within the phrase "commercial waste" waste from premises used for agriculture within the meaning of the Agricultural (Scotland) Act 1948.	<p>The 1948 Act defines "agriculture" as including:</p> <ul style="list-style-type: none"> • Horticulture • Fruit growing • Seed growing • Dairy farming • Livestock breeding and keeping • Use of land as grazing land • Meadow land • Osier land • Market gardens and nursery grounds • Use of land for woodlands where that is use is ancillary to the farming of land for other agricultural purposes. <p>The definition of agricultural waste also includes waste from any dwelling house or other building situated within the agricultural premises that is occupied by a person/persons for the purpose of farming that land.</p>
4 (2)	Amends the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 ('the 1991 Regulations') to provide that any person transporting only waste which comprises animal by-products collected and transported in accordance with Article 7(1) or 7(2) of the Community Regulation (as defined in regulation 2(1) of the Animal By-Products (Scotland) Regulations 2003) does not need to be a registered carrier of controlled waste.	Any person who transports only waste which comprises animal by-products collected and transported in accordance with Article 7(1) or 7(2) of the Community Regulation (as defined in regulation 2(1) of the Animal By-Products (Scotland) Regulations 2003) does not need to be a registered carrier of controlled waste.
4 (3)	Amends the 1991 Regulations so that any person transporting only agricultural waste does not need to be a registered carrier of controlled waste.	Any person, i.e. could be a contractor, who transports only agricultural waste does not need to be a registered carrier of controlled waste.
5 (2)	Revokes the exclusion of agricultural waste from the Controlled Waste Regulations 1992.	Agricultural wastes are now controlled wastes

Section of the Waste (Scotland) Regulations 2005	Effect	Guidance
6 (4)	Excludes agricultural waste controlled under an authorisation under regulation 18 of the Groundwater Regulations 1998 from the waste management licensing regime.	Sheep dip disposal does not require a waste management license if it is carried out under an authorisation granted under regulation 18 of the Groundwater Regulations 1998.
6 (6)	Amends the Waste Management Licensing Regulations 1994 to exempt dealers or brokers arranging for the disposal or recovery of solely agricultural waste from requiring to be registered brokers of controlled waste.	Dealers or brokers arranging for the disposal or recovery of solely agricultural waste are not required to be registered brokers of controlled waste
5 (3)	This has the effect that waste comprising animal by-products collected and transported in accordance with Article 7(1) or 7(2) of the Community Regulations (as defined in regulation 2(1) of the Animal By-Products (Scotland) Regulations 2003) shall not be treated as industrial waste or commercial waste for the purposes of section 34 of the Environmental Protection Act 1990.	Animal By-Products collected and transported in accordance with Article 7(1) or (2) of the Community Regulation (as defined in regulation 2(1) of the Animal By-Products (Scotland) Regulations 2003) are NOT to be regarded as commercial or industrial waste for the purpose of the duty of care provisions of section 34 of the Environmental Protection Act. Such animal by-products remain, however, subject to the other aspects of the controlled waste regime. Animal By-Products are controlled waste except whole carcasses arising from farming operations that are buried or burned on farm.

www.netregs.gov.uk

NetRegs uses plain language to help farmers understand their environmental obligations.

It's free, easy to use, anonymous and newly updated. It provides practical steps on how to comply with environmental law, lists current legislation and explains the likely impact of future legislation.

New features include:

- Full update of all Scottish legislation relevant to agriculture
- Cross references to the new PEPFAA code
- Additional links to other sources of information, guidance and advice
- Latest information on the Water Environment (Controlled Activities) (Scotland) Regulations 2005.

SEPA Offices

Corporate Office

Erskine Court,
Castle Business Park,
Stirling FK9 4TR
t: 01786 457700
f: 01786 446885

Aberdeen Office

Greyhope House, Greyhope Road,
Torry, Aberdeen, AB11 9RD
t: 01224 248338
f: 01224 248591

Arbroath Office

62 High Street, Arbroath, DD11 1AW
t: 01241 874370
f: 01241 430695

Ayr Office

31 Miller Road, Ayr, KA7 2AX
t: 01292 294000
f: 01292 611130

Dingwall Office

Graesser House, Fodderty Way,
Dingwall Business Park,
Dingwall, IV15 9XB
t: 01349 862021
f: 01349 863987

Dumfries Office

Rivers House, Irongray Road,
Dumfries, DG2 0JE
t: 01387 720502
f: 01387 721154

East Kilbride Office

5 Redwood Crescent, Peel Park,
East Kilbride, G74 5PP
t: 01355 574200
f: 01355 574688

Edinburgh Office

Clearwater House,
Heriot Watt Research Park,
Avenue North, Riccarton,
Edinburgh, EH14 4AP
t: 0131 449 7296
f: 0131 449 7277

Elgin Office

28 Perimeter Road, Pinefield,
Elgin, IV30 6AF
t: 01343 547663
f: 01343 540884

Fort William Office

Carr's Corner Industrial Estate,
Lochybridge, Fort William,
PH33 6TL
t: 01397 704426
f: 01397 705404

Fraserburgh Office

Shaw House, Mid Street,
Fraserburgh, AB43 9JN
t: 01346 510502
f: 01346 515444

Galashiels Office

Burnbrae, Mossilee Road,
Galashiels, TD1 1NF
t: 01896 754797
f: 01896 754412

Glasgow Office

Law House,
Todd Campus,
West of Scotland Science Park
Maryhill Road,
Glasgow, G20 0XA
t: 0141 945 6350
f: 0141 948 0006

Glenrothes Office

Pentland Court,
Saltire Centre,
Glenrothes, KY6 2DA
t: 01592 776910
f: 01592 775923

Lochgilphead Office

2 Smithy Lane, Lochgilphead,
PA31 8TA
t: 01546 602876
f: 01546 602337

Newton Stewart Office

Penkiln Bridge Court,
Minnigaff, Newton Stewart,
DG8 6AA
t: 01671 402618
f: 01671 404121

Orkney Office

Norlantic House, Scott's Road,
Hatston Industrial Estate, Kirkwall,
Orkney, KW15 1RE
t: 01856 871080
f: 01856 871090

Perth Office

7 Whitefriars Crescent,
Perth, PH2 0PA
t: 01738 627989
f: 01738 630997

Shetland Office

The Esplanade, Lerwick,
Shetland, ZE1 0LL
t: 01595 696926
f: 01595 696946

Stirling Office

Bremner House,
Castle Business Park,
Stirling, FK9 4TF
t: 01786 452595
f: 01786 461425

Thurso Office

Thurso Business Park,
Thurso,
Caithness, KW14 7XW
t: 01847 894422
f: 01847 893365

Western Isles Office

2 James Square,
James Street,
Stornoway,
Isle of Lewis, HS1 2QN
t: 01851 706477
f: 01851 703510