

SPECIAL WASTE REGULATIONS 1996 (AS AMENDED)
SPECIAL WASTE EXPLANATORY NOTE



Description: **RADIOACTIVE WASTE (REGULATION 3)**

Scope/Interpretation:

Whilst Section 30(5) COPA is still extant, then the radioactivity of a substance need not be taken into account in determining whether a waste is special. The Special Waste Regulations 1996 (as amended) (SWR) can be said to succeed the Control of Pollution (Special Waste) Regulations 1980 for the purposes of Section 40 of the Radioactive Substances Act 1993 (RSA 93). The 1996 Regulations can, therefore, be read in place of the 1980 Regulations in Schedule 5 paragraph 11 of RSA 93.

Radioactivity itself will not, therefore, be sufficient to make a substance/waste special waste.

However such wastes may possess other properties in addition to radioactivity which would make it special waste. Uranium and uranium compounds are classified by the ASL as "very toxic" and that waste containing more than 0.1% uranium by weight will need to be treated as special waste.

Regulation 17 of the 1996 Regulations prohibits carriers and disposers or recovery operators from mixing of special waste with other wastes or materials, except when the mixing is:

- authorised by a waste management license or Environmental Protection Act 1990 Part 1 authorisation; or
- exempt from waste management licensing by virtue of Regulation 17 of the Waste Management Licensing Regulations 1994.

Notwithstanding the above regulation, the Agency would not normally prosecute where waste carriers or waste managers who mix special waste with non-special waste under the terms of an authorisation granted under the RSA 93. This policy, which is intended to avoid dual control and promote the continued responsible management of wastes already controlled under RSA 93, would not apply where the Agency considers the waste is managed in such a way as to endanger human health or harm the environment.

Prescription only medicines are special waste by virtue of Regulation 2(2)(b). Regulations under the Medicines Act (SI 1996 No. 1514) make all Radioactive Medicinal Products 'prescription only medicines'(PoMs).

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IMPORTANT NOTES PLEASE READ

This explanatory note is intended for SPECIFIC INTERNAL ENVIRONMENT AGENCY use to assist officers to interpret and enforce the 1996 Special Waste Regulations (as amended) the explanatory note is based on information contained in the SWR and on current understanding. This explanatory note may be subject to change in the light of regulatory changes, future Government guidance or experience of regulating this type of waste. However, in the interests of transparency, this explanatory note is available to others. It must be stressed that the explanatory note has no status other than as internal Agency guidance to its staff and that it remains the responsibility of the waste producer or holder to establish the waste's status as "special".

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Interpretation Continued:

Notwithstanding the general classification of such wastes as special wastes and compliance with the requirements of the SWR it will not be the normal Agency practice to prosecute where waste carriers, recoverers or disposers transfer, accumulate or dispose of small quantities of waste radio pharmaceuticals under the terms of an authorisation granted under RSA 93. However this will not apply where the Agency considers that waste is being managed in such a way as to endanger human health or harm the environment.

CONSIGNMENT NOTES

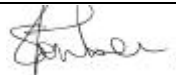
GENERAL

The issue of dual regulation in particular the inter-relationship of the regimes under RSA93 and the SWR has been considered. With the exception of small quantities of waste PoMs shipments of radioactive waste which are also special waste external to any undertaking will in addition to the full requirements of RSA93 be required to be accompanied by consignment notes meeting the requirements of the SWR. Any such notes will be required carry a code unique to that consignment note assigned (or supplied) by the Agency. The Agency when it assigns or supplies a code for a consignment note will require the payment of a fee of £15.

REPETITIVE MOVEMENTS

A simplified system exists for repetitive consignments and only single prenotification notice to the consignee's local Agency office is required prior to the movement of the initial consignment. The remainder of the consignment note system is then followed for each movement.

The control system under RSA93 regulates radioactive waste by the prior authorisation of the disposal of radioactive waste. Both the producer and ultimate disposer of the waste require authorisation.

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Interpretation Continued:

The Agency considers that this system is very similar to that under the SWR for repetitive movements of special waste. Currently the RSA93 regime does not require the Agency to receive notification details directly, providing that a document travels with each consignment setting out the information required under the SWR.

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