

Overview of Legislation & Regulations

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What is waste?

WFD Article 1 "Discard Test"

"waste" shall mean any substance or object in the categories set out in Annex I [of WFD] which the holder discards or intends or is required to discard

Annex I: Categories of Waste

- Q1 Production or consumption residues not otherwise specified below
- Q2 Off-specification products
- Q3 Products whose date for appropriate use has expired
- Q4 Materials spilled, lost or having undergone other mishap, including any materials, equipment, etc., contaminated as a result of the mishap,.....
- Q14 Products for which the holder has no further use (e.g. agricultural, household, office, commercial and shop discards, etc.)
- Q15 Contaminated materials, substances or products resulting from remedial action with respect to land
- Q16 Any materials, substances or products which are not contained in the above mentioned categories.**

End of Waste

- Waste can cease to be waste when it is fully recovered
- Case-by-case consideration



The End of Waste Test

1. What is the non-waste material it will be substituting for and is it a suitable substitute
2. Will the material actually be used in the same way as the non-waste it is being compared with
3. Is further processing required before use? If yes, the substance or object may still be waste.
4. Can it be used under the same conditions of environmental protection as the non-waste without any greater danger of harm to human health
5. Is there certainty of use
6. Is the person accepting the waste being paid to accept it?

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End of Waste

Can become waste again if discarded
(i.e. disposal or fails to meet the tests)

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Examples of waste scenarios developed by SEPA.

- 12. Goods given to charity shops are generally waste. They may be considered to be fully recovered when they are sorted and put on the shelf for re-sale.
- 13. Goods 'donated' to charitable organisations for refurbishment or reuse are generally waste. They may be considered to be fully recovered only when they are refurbished, treated and/or sorted and made available for (re)sale.

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Summary Guidance

- Discarded or donated used paint would be classified as waste.
- The storage and use of non-hazardous waste paint would be viewed as an exempt activity under paragraph 15 of the amended 1994 regulations. Registration under this particular exemption is free and can be notified on-line: <http://www.sepa.org.uk/wmxreg>
- The storage and use of waste paint that is labelled as hazardous, and therefore special waste, would be a licensable activity.

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Contacts

- **Scottish Environment Protection Agency – SEPA local team**
- Local Council planners – use of land to store non-hazardous paint
- Local fire brigade – fire safety advice (fire risk assessment)

Also:

- Health & safety, COSHH assessment... (see Community RePaint Manual)

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Duty of Care

- Must take all reasonable steps to keep waste safe (keep it secure)
- Must only give waste to those who are authorised to take it.
- Describe the waste etc in a Transfer Note

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Registration as a Waste Carrier

- Register with SEPA Regional Office
- No charge for charities or voluntary organisations – SEPA's Register of Waste Transporters.

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Thanks for listening

Any questions?

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