

SHORT GUIDE FOR FARMERS ON THEIR RESPONSIBILITIES IN RELATION TO AGRICULTURAL WASTE

Introduction

This guidance outlines the Duty of Care regulatory requirements for the management of agricultural waste. For additional information on Duty of Care, please find the link to the Code of Practice in the useful links section below. Please note that each element of the waste hierarchy has to be applied to agricultural waste in the following order; prevention, preparing for re-use, recycling, other recovery and disposal, to ensure protection of the environment. The waste hierarchy ranks waste management options according to what is best for the environment.

Agricultural Waste

- material which is left over, unwanted or a burden on you, e.g. building rubble from knocking down farm buildings. N.B. If the knocked down buildings are being used for infill then the material is considered a waste and the activity would require a waste authorisation.
- material which can no longer be used for its original purpose, it's out of date or has become damaged or unsuitable for use, e.g., agricultural machines beyond repair, agricultural items past their use by dates.
- once material is deemed to be waste, even if it has a commercial value to other people, it will remain a waste until it is turned into a new product and achieves End of Waste e.g., agricultural scrap metal remains waste until it is recycled into new product. Information on achieving End of Waste is available at the End of Waste link in the "Useful Links" section below.

Examples of Non-Hazardous Agricultural Waste

Building rubble from knocking down farm buildings, feed bags, fertiliser bags, silage wrap, silage covers, bale twine, net wrap, poly tunnel film, crop covers and fleeces, textiles, light bulbs etc.

Examples of Hazardous Agricultural Waste

Agrochemical concentrates, oil, oil filters, brake fluids, asbestos (all forms), antifreeze, redundant vehicles and machinery with engines and or gearboxes, fluorescent light tubes, batteries, surplus or out of date medication and syringes, needles, swabs and dressings which a farmer cannot be completely sure are non-hazardous should be treated as hazardous etc.

Responsibilities For Farmers As Waste Producers

- You must present your agricultural waste correctly for collection, in accordance with your waste collectors' instructions and in accordance with waste legislation. Hazardous waste for example must be packaged correctly to comply with the Hazardous Waste Regulations (Northern Ireland) 2005 and the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010.
- You must ensure that anyone collecting your agricultural waste is a current registered carrier with NIEA. (Link to public register below)
- You must have waste transfer notes for all inert and non-hazardous waste removed from your premises or site under your control and you must retain these for a minimum of two years. All waste must be appropriately described with the correct EWC Code.
- You must have consignment notes for all hazardous waste removed from your premises or site under your control and you must retain these for three years, or as prescribed. Please note the length of time that consignment notes need to be retained maybe more or less than three years, dependant on the destination of the waste. All waste must be appropriately described with the correct EWC Code.
- Your agricultural waste must only be transferred to an appropriately authorised waste management facility that can receive your material. You must obtain a copy of the sites' authorisation (PPC Permit, Waste Management Licence, Waste Management Exemption) and where required (if the EWC Codes are not listed in the sites' authorisation) their working plan, to examine the EWC Codes specified. You should obtain this from the operator of the appropriately authorised facility.

Responsibilities For Farmers As Waste Carriers

- If you wish to carry your agricultural waste yourself, you must be a current registered waste carrier with NIEA. If you wish to carry only agricultural waste, you can register as a lower tier carrier. Please note, if you carry construction and or demolition waste, including that produced on a farm, you **must** always be registered as an upper tier waste carrier.
- You must ensure that the method of transport is appropriate in relation to your agricultural waste. For example, the waste must be appropriately contained to ensure it does not leak and impact on the environment or cause nuisance with regard to odour or dust etc.
- You must fully understand the types of agricultural waste that a waste treatment facility can accept.
- You must have waste transfer notes for the waste you carry. They must accompany the waste during transport and you must retain these for two years. Hazardous Waste must be accompanied by consignment notes and these must be retained for three years, or as otherwise prescribed. Please note the length of time that consignment notes need to be retained maybe more or less than three years, dependant on the destination of the waste. All waste must be appropriately described with the correct EWC Code. A sample waste transfer note is shown in Annex 2 of the Duty of Care Code of Practice.
- You must carry agricultural waste appropriately. For example hazardous agricultural waste must be carried in accordance with the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010.

N.B. Agricultural waste carrier registrations, previously notified to NIEA using the Single Farm Payment form or other means, remain in place.

Responsibilities For Farmers Wishing To Accept Waste Onto Their Farm

- You must hold an appropriate waste authorisation for the acceptance of waste (PPC Permit, Waste Management Licence, Waste Management Exemption).
- You must ensure that anyone delivering waste to your farm is a current registered carrier with NIEA.
- You must discuss with suppliers, the type of waste to be delivered to your farm, to ensure that the material you receive complies with your waste authorisation.
- You must assess all waste delivered to your farm, to ensure you can accept the material.
- You must develop critical limits for the acceptance of waste at your farm, to ensure you will comply with the storage limits and times detailed on your waste authorisation.
- You must inspect all incoming loads of waste and reject those that contain materials which are not compliant with the waste authorisation in place at your farm.
- You must notify NIEA of all rejected loads of waste, which are not in accordance with the waste authorisation in place at your farm.
- You must have waste transfer notes for all inert or non-hazardous waste transferred to your farm and these must be retained for two years.

Short Enforcement Guide

- You will be committing an offence, if you give agricultural waste to an unregistered waste carrier.
- You will be committing an offence, if you do not have valid waste transfer notes for the movement of agricultural waste.
- You will be committing an offence, if you do not have valid consignment notes for the movement of hazardous agricultural waste.
- You will be committing an offence, if you transport agricultural waste and you are not registered with NIEA to do so.
- You will be committing an offence, if you transport agricultural waste and do not have a complete waste transfer note with you.
- You will be committing an offence, if you accept agricultural waste without holding the relevant waste authorisation.
- You will be committing an offence, if you keep, treat or dispose of agricultural waste without the relevant waste authorisation.

Useful Links

The Duty of Care - A Code of Practice

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/duty-of-care-code-of-practice-june2016.pdf>

The Waste Hierarchy

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-guidance-applying-waste-hierarchy-2015.pdf>

End of Waste

<https://www.daera-ni.gov.uk/articles/end-waste-regulations>

Registration of Carriers Guidance

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-guidance-june2016.pdf>

Lower Tier Carrier Application Form

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-form-application-lower-tier-waste-carrier-september-2016.pdf>

Upper Tier Carrier Application Form

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-form-application-upper-tier-waste-carrier-august2017.pdf>

Waste Carriers/Transporters Public Register

<https://www.daera-ni.gov.uk/articles/registered-waste-carriers-transporters>

Waste Management Licences Public Register

<https://www.daera-ni.gov.uk/services/waste-management-licensing-public-register>

Waste Management Exemptions Public Register

<https://www.daera-ni.gov.uk/services/exemptions-waste-management-licensing-public-register>

Waste Management Exemptions Guidance

<https://www.daera-ni.gov.uk/landing-pages/waste-management-licensing-exemptions-new-registrations>

Waste Management Licence Application Information

<https://www.daera-ni.gov.uk/publications/general-guidance-applying-waste-management-licence>

Paragraph 19 Exemption – The use and/or storage of waste for the purpose of construction, maintenance or improvement of relevant work
<https://www.daera-ni.gov.uk/articles/use-and-or-storage-waste-purpose-construction-maintenance-or-improvement-relevant-work>

Low Risk Construction Activities

<https://www.daera-ni.gov.uk/sites/default/files/publications/doe/waste-guidance-rps-separate-low-risk-construction-activities-2016.pdf>

EWC Codes – The List of Wastes Regulations (Northern Ireland) 2005

http://www.legislation.gov.uk/nisr/2005/301/pdfs/nisr_20050301_en.pdf

Hazardous Waste Regulations (Northern Ireland) 2005 and the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010.

http://www.legislation.gov.uk/nisr/2010/160/pdfs/nisr_20100160_en.pdf

http://www.legislation.gov.uk/nisr/2011/365/pdfs/nisr_20110365_en.pdf

Further Information

Further information related to waste can be obtained from <https://www.daera-ni.gov.uk/topics/waste> or by contacting Tel No. 02890 569359.