

WMX 45 - Guidance notes

**Waste Management Licensing Regulations (Northern Ireland) 2003 (as amended),
Schedule 2, Part I, Paragraph 45.**

**Guidance for registering an exempt activity: Recovery of Scrap Metal or Dismantling
of Depolluted End-of-Life vehicles.**

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Interpretation

“Shearing” means the cold cutting of metal by purpose-made shears.

Read the guidance notes and application form carefully before you start to fill in the application form.

About the Regulations

Most waste management activities are regulated by The Waste Management Licensing Regulations (Northern Ireland) 2003, (as amended). These Regulations determine whether activities need a waste management licence or meet the criteria to allow the activity to be registered as exempt. You can find a list of the exempt activities in Schedule 2, Part I, of the 2003 Regulations. The 2003 Regulations have subsequently been amended. Please see the following link:-

<http://www.legislation.gov.uk/nisr/2003/493/contents/made>

For an activity to be considered exempt, it must be undertaken without endangering human health and without using processes or methods which could harm the environment, and in particular without:

- risk to water, air, soil, plants or animals;
- causing nuisance through noise or odours; and
- adversely affecting the countryside or places of special interest.

This guidance relates to the exemption for the storage and recovery of scrap metal or dismantling of depolluted end-of-life vehicles under **Paragraph 45** schedule 2, Part 1 of the Waste Management Licensing Regulations (Northern Ireland) 2003 (as amended). See Tables 9 and 10 in Appendix 1 for a list of specified wastes.

For certain exemptions, including Paragraph 45 you must register the exemption with the Resource Efficiency Division – Regulation Unit of the Northern Ireland Environment Agency (NIEA) acting on behalf of the Department of Agriculture, Environment and Rural Affairs (DAERA). The exemption lasts for 12 months from the start date of the registration. You will then have to renew it if you want to continue the activity. **It is an offence to carry out a Paragraph 45 exempt activity without being registered.**

When to use this application form

Use the application form WMX45 to:

- register an exemption for the first time;
 - renew an exemption; or
 - vary the details of an existing exemption.
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Registering an exemption

Before you submit your application, make sure you:

- read through the guidance notes and application form;
- answer all the questions on the application form (if any of the questions do not apply, write ‘Not Applicable’ on the application form);
- send the correct fee with your application form; and
- send all the documents asked for on the checklist in Section 7 of the application form.

New Registration

NIEA must receive the completed application form and all relevant documentation at least 28 days before you want to commence the activity. Without these the application will not be processed and the fee may be retained.

Renewal

NIEA will invite you to renew your exemption two months before the current registration expires. If you wish to renew your exemption, you must submit the completed application form and all relevant documentation at least 28 days before the expiry date. A renewal application received after a registration has expired will be treated as a new application.

Variation

Complete the application form if you wish to vary an existing registration. NIEA will review the information and decide if a variation is appropriate or if a new application is required. If a new application is appropriate you will be required to submit a fee.

Format of maps and plans

Any maps or plans you send NIEA should:

- be at a scale of at least 1:8000;
- be at least an A4 sheet;
- show the individual fields and areas of land covered by your application;
- identify public rights of way, houses, schools, workplaces and recreation facilities;
- indicate road/street names; and
- use colour or hatching to highlight specific areas.

Fees

For details of fees see the 'Fees and Charges' document. Cheques should be made payable to the department of Agriculture, Environment and Rural Affairs and crossed 'a/c payee'. **You must include the correct fee with the application, otherwise, all documentation will be returned to you without further processing.**

Where to send your application

Check that you have filled in all the relevant parts of the application form. Send it and the checklisted documents (see Section 7 of the application form) to:

Northern Ireland Environment Agency
Resource Efficiency Division
Regulation Unit
1st Floor
Klondyke Building,
Cromac Avenue,
Gasworks Business Park
Lower Ormeau Road,
Belfast BT7 2JA

What happens when your application is received?

NIEA will normally give you a decision within 28 days of receiving your **fully completed** application, by sending you either confirmation of your registration or a notice of refusal. In some cases it may be necessary to extend the determination period. In this case NIEA will contact you. If your application is refused NIEA will tell you why. There is no appeal process.

Letting NIEA know about changes during the exempted period

If there are any changes to the activity for which you have received the exemption, you must notify NIEA immediately. You may need to make a new application.

Disclosing information you provide in this application

NIEA has a regulatory responsibility to make certain information available on the public register for all activities that it registers as exempt.

This includes details about:

- the name, address and telephone number of the establishment or undertaking;
- the activity which constitutes the exempt activity; and
- the place or places where the activity is undertaken.

When you are registered

Inspections

NIEA will carry out an inspection at the time when the activity commences. Thereafter, periodic inspections shall be carried out at intervals not exceeding 12 months.

Record Keeping

As a requirement of this exemption and in accordance with the **Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 (as amended)**

<http://www.legislation.gov.uk/nisr/2002/248/contents/made>

you must complete a waste transfer note detailing the:

- nature of the waste;
- quantity of the waste;
- name and address of the producer of the waste;
- name and address of waste carrier;
- waste carrier licence number;
- name and address of destination;
- destination reference number e.g. waste management licence/exemption number, permit number;
- method of waste containment during transport e.g. loose or in a container;
- type of container e.g. skip or tanker; and
- date and time of transfer.

Waste Transfer notes must be retained for at least 2 years and you must make them available, on request, to NIEA.

You are also obliged, under The Waste Management Licensing Regulations (Northern Ireland) 2003, (as amended), to keep the following information:

- frequency of collection;
- mode of transport; and
- treatment method of any waste which is disposed of or recovered.

Breach of the Regulations

NIEA may revoke your exemption and your details may be removed from the public register if you are carrying out your activity in breach of the Regulations. NIEA will send you a notice and explain why your registration has been revoked. You may also be liable to enforcement action.

Filling in the application form

Paragraph numbers in these guidance notes correspond to question numbers on the application form WMX 45.

Continuation sheets

If you have used continuation sheets for any of your answers, you should tell NIEA how many sheets you are enclosing. Make sure that you label each sheet clearly with:

- the question number it applies to; and
- the number of the sheet, for example 3 of 5.

1 Contact details

1.1 Are you?

Tick appropriate box.

1.2 Applicant details

Provide contact details of the person, company, partnership or other organisation that wishes to register the exempt activity.

1.3 Operator details

Provide contact details of the person, company, partnership or other organisation that will be carrying out the exempt activity.

If the operator is also the applicant, write "As applicant".

1.4 Further contact details

Provide contact details of the person, company, partnership or other organisation NIEA can contact with questions about this application.

This can be someone acting as a consultant or an agent for the applicant.

2 About the application

2.1 Type of application

*Tick appropriate box. **New***

Registration

You must notify NIEA using this form **at least 28 days** before you wish to commence the activity. In this time NIEA will assess your application and decide whether the activity can be registered as exempt.

Renewal

NIEA will invite you to renew your exemption 2 calendar months before the current registration expires and NIEA must receive the completed application form and all relevant information **at least 28 days** before the current registration expires. An application received after a registration has expired will be deemed a new application.

Variation

Complete the application form and provide all relevant information if you wish to vary an existing registration.

2.2 Details of the current registration

Complete both boxes, if appropriate.

2.3 Records (if applicable)

When applying to renew your exemption you must submit the following waste records showing the:

- Total quantity of each kind of waste recovered at that place during that month; and
- Details of the quantity of each kind of waste recovered at that place during the preceding 12 months.

3 About the site

3.1 Site Location

Complete as appropriate

Provide details of the address of the site where you want to operate. Also provide an accurate Ordnance Survey Irish grid reference.

3.2 Site Plan

Provide a site plan with the site boundaries marked in red. Mark the following on the plan:-

- Where you propose to carry out the activities of sorting, grading, baling, shearing by manual feed, compacting, crushing, cutting by hand-held equipment;
- Where you will store the depolluted vehicles;
- Where you will store any secure containers for waste liquids or batteries;
- Areas of hardstanding, impermeable pavements and their drainage systems

4 Details of the waste(s) you propose to store and treat

4.1 Scrap metal waste

Storage

Complete as appropriate

You must tell us how much waste you propose to store on site at any one time. This should be split into the amount of ferrous metals (or alloys), non-ferrous metals (or alloys) and turnings, shavings or chippings (or ferrous or non-ferrous metals or their alloys) you wish to store.

Treatment

You must provide details of how you intend to treat the waste.

Tick appropriate box

You must also state the maximum amount of waste that you will treat in any 7-day period.

4.2 Depolluted waste motor vehicles

Do you intend to dismantle depolluted end-of-life vehicles?

Tick appropriate box

Waste motor vehicles may only be received at the site if they have already been depolluted. Depolluted End-of-life vehicles (ELVs) are vehicles that have had the following removed:

- Batteries, liquefied gas tanks, filters and condensers;
- Airbags/seat belt pretensioners i.e. removal or neutralisation of potentially explosive components;
- Components known to contain mercury;
- Liquids including fuel, motor oil, transmission oil, gearbox oil, hydraulic oil, cooling liquids, antifreeze, brake fluids, air-conditioning system fluids and any other fluid contained in the ELV.

4.3 Number of waste motor vehicles

Complete as appropriate.

You must tell us how many end of life vehicles you intend to store on the site at any one time. (The maximum number of end of life vehicles permitted on the site at any one time is 40)

4.4 Non-scrap waste

Tick appropriate box

Non-scrap waste is any non-metallic waste that is present in a load of scrap metal or in a consignment of waste motor vehicles e.g. glass, plastic, paper, fabric etc. It is only acceptable on site where it is part of a consignment of waste of which:-

- At least 70% was waste consisting of waste motor vehicles; or
- At least 95% of that load was scrap metal

This waste must be capable of being removed from the scrap metal or vehicle either by sorting or by hand dismantling.

4.5 Will you be storing any of the following wastes?

Tick appropriate boxes

Indicate whether or not you have an impermeable pavement with a sealed drainage system on which to store your scrap metal or non-scrap waste. Advice regarding this can be found at the following website: <https://www.daera-ni.gov.uk/topics/pollution> Scrap metal and non-scrap metal are required under this exemption to be stored on an

impermeable pavement such as concrete with a sealed drainage system. This means that any water or liquids on the floor are collected and are either discharged to sewer under the relevant consent from Northern Ireland Water – for an application form, see the following link <http://www.niwater.com/home/>

or are collected in a sealed tank for disposal off site. If your site does not have a suitable surface required under this exemption, your exemption application cannot be granted.

4.6 Will all waste motor vehicles be stored on an impermeable pavement?

Tick appropriate box

If you wish to store depolluted ELVs on a hardstanding rather than on an impermeable pavement, you must ensure that this does not cause pollution of the ground or surface water. You must have a plan of action to ensure that pollution does not occur from your site and indicating what monitoring of the site's surface and the local environment you intend carrying out.

If your site is in a sensitive location relative to groundwater or surface water you may not be able to store vehicles on hardstanding. Instead, you may have to store on an impermeable pavement with a sealed drainage system. You can get more information about sensitive sites by contacting the Water Management Unit (Groundwater Team) of NIEA (028 92 623486) **before** you submit your application.

4.7 Will all the treatment activities be carried out on an impermeable pavement with a sealed drainage system?

Tick appropriate box

Treatment of scrap and non-scrap metal includes: Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment

Treatment of end-of-life vehicles means dismantling.

All treatment of waste under this exemption must be carried out on an impermeable pavement with a sealed drainage system. If you do not have this area for the waste treatment your application will be refused.

5 Occupancy of the land

NIEA can only register an exemption if either:

- the activity is undertaken by, or with the consent of the occupier or owner of the land where the activity is carried out; or
- the person carrying out the activity is otherwise entitled to do so on that land.

You must have the written consent of the occupant or owner before carrying out the activity unless you have any other rights that allow you to do this. If you are not the owner or occupier, you must tell the NIEA why you are allowed to undertake this activity.

Proof of occupancy may be one of the following:

- site deeds;
- rates invoice/payment;
- rent invoice/payment; or
- mortgage payment.

5.1 Do you occupy the land where the activity is to be carried out?

Tick and complete as appropriate

5.2 Do you have the occupant's consent to use the land?

Tick and complete as appropriate

5.3 Occupant's details

Complete as appropriate

6 Pollution risk assessment

Complete as appropriate.

This application must be accompanied by a risk assessment that identifies;

- the source of any hazards associated with the activity;
- the receptors likely to be affected;
- the pathway between the two;
- the magnitude of the risk; and
- the steps that will be taken to minimise or mitigate the risks.

A risk assessment template, along with notes on completing it, is included in appendix 2 of these notes. If this is correctly filled out, it will provide sufficient information to assess whether or not your proposed activity is likely to endanger human health or use processes or methods which could harm the environment. You may need to make additional copies of the template to address all issues.

7 Checklist

Complete the check list and provide details of any continuation sheets used.

8 Declaration

Read and complete as appropriate.

9 Data protection notice

Read the entire section.

Sources of further information and guidance

WML Regs - Schedule 2

<http://www.legislation.gov.uk/nisr/2003/493/schedule/2/made>

WML Regs - Schedule 3

<http://www.legislation.gov.uk/nisr/2003/493/schedule/2/made>

DAERA Home Page

<https://www.daera-ni.gov.uk/>

Legislation

The Waste Management Licensing Regulations (Northern Ireland) 2003

The Waste Management Licensing Regulations (Northern Ireland) 2006

Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002

Environment (Northern Ireland) Order 2002 The Hazardous Waste Regulations (Northern Ireland) 2005

The End-of-Life Vehicles Regulations 2003

The Hazardous Waste Regulations (Northern Ireland) 2005

Appendix 1

Table 9, Waste Management Licensing Regulations (Northern Ireland) 2003, Schedule 2, Part I, Paragraph 45.

Kind of Waste	Activities	7 day limit
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	8,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	400 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	Sorting; grading; baling; shearing by manual feed; compacting; crushing; cutting by hand-held equipment	300 tonnes
Depolluted end-of-life vehicles and their components	Dismantling and selling depolluted components	7 day limit not applicable – see Table 10 for maximum storage quantity

Table 10

Kind of Waste	Maximum total quantity
Ferrous metals or ferrous alloys in metallic non-dispersible form (but not turnings, shavings or chippings of those metals or alloys)	50,000 tonnes
The following non-ferrous metals, namely copper, aluminium, nickel, lead, tin, tungsten, cobalt, molybdenum, vanadium, chromium, titanium, zirconium, manganese or zinc, or non-ferrous alloys, in metallic non-dispersible form, of any of those metals (but not turnings, shavings or chippings of those metals or alloys)	1,500 tonnes
Turnings, shavings or chippings of any of the metals or alloys listed in either of the above categories	1,000 tonnes
Depolluted end-of-life vehicles	40 vehicles

Appendix 2

Guidance on completing the risk assessment template.

Examples are given of some of the common receptors, sources etc. that you may need to consider. These are not exclusive lists and you may need to consider others that are relevant to your particular circumstances.

Receptors to consider should include: surface waters, groundwater, wells and boreholes, soil, humans, wildlife and their habitats. A single receptor may be at risk from several different sources and all must be addressed separately. Any receptor identified in the risk assessment must be marked on the map or plan (see question 5.1).

The source of hazard will be the material proposed to be used because its characteristics could, in certain circumstances, cause harm e.g. potentially toxic elements or compounds, pathogens, excessive acidity or alkalinity, or malodorous substances.

Harm could include: human health effects, noise nuisance, dust nuisance, odour nuisance, plant disease or toxic effects, deterioration of water quality, or fish deaths.

Pathways to consider include: direct run-off or infiltration of liquids or soluble components, transport via land-drains or water (e.g. surface water or groundwater that is a receptor may also be a pathway to a different receptor such as an environmentally sensitive site or water supply borehole), airborne transport of fine or volatile materials, ingestion and direct contact.

Probability of exposure is the likelihood of the receptors being exposed to the hazard. Example definitions:

- High - exposure is probable: direct exposure likely with no/few barriers between hazard source and receptor;
- Medium - exposure is fairly probable: barriers to exposure less controllable;
- Low - exposure is unlikely: several barriers exist between hazard source and receptors to mitigate against exposure; and
- Very low - exposure is very unlikely: effective, multiple barriers in place to mitigate against exposure.

The consequences of a hazard being realised may

be actual or potential harm. Example definitions:

- High – the consequences are severe: sufficient evidence that short or long-term exposure may result in serious damage;
- Medium – consequences are significant: sufficient evidence that exposure to hazard may result in damage that is not severe in nature and reversible once exposure ceases (e.g. irritant);
- Low – consequences are minor: damage not apparent though reversible adverse changes may occur; and
- Very low – consequences are negligible: no evidence of adverse changes following exposure.

Magnitude of the risk is determined by combining the probability with the magnitude of the potential consequences. Use the matrix below to categorise as high, medium, low or very low.

High risks require additional assessment and active management; medium risks require additional assessment and may require active management/ monitoring; low and very low risks require periodic review.

Risk management techniques to consider may include: only carrying out the activity at certain times, and avoiding using the waste close to sensitive receptors.

		Consequences			
		Very Low	Low	Medium	High
Probability	High	Low	Medium	High	High
	Medium	Low	Medium	Medium	High
	Low	Low	Low	Medium	Medium
	Very Low	Very Low	Low	Low	Low

Appendix 2 (continued)

Risk Assessment template

Risk assessment for proposed activity at.....

Risk assessment carried out by..... Date.....

Data				Judgement				Action	
Receptor What is at risk? What do I wish to protect?	Source The agent or process with potential to cause harm	Harm The harmful consequences if things go wrong	Pathway How the receptor might come into contact with the source	Probability of Exposure How likely is this contact?	Consequence Severity of the consequences if this occurs	Magnitude of risk The overall magnitude of the risk	Justification for Magnitude Basis of my judgement	Risk management How I can best manage the risk to reduce the magnitude	Residual risk Magnitude of the risk after management
EXAMPLE <i>Waterways</i>	<i>Residual oil from heating oil storage tank</i>	<i>Contamination of surface water and potential contamination of ground water</i>	<i>Leakage from oil tank</i>	<i>Medium</i>	<i>Medium</i>	<i>Medium</i>	<i>Nature of waste</i>	<i>Storage on an impermeable pavement with a sealed drainage system</i>	<i>Low</i>

Northern Ireland Environment Agency
Klondyke Building
Cromac Avenue
Gasworks Business Park
Malone Lower
Belfast BT72JA
T. 0845 302 0008

Our aim is to protect, conserve and promote the natural environment and built heritage for the benefit of present and future generations.



<https://www.daera-ni.gov.uk/topics/waste>