

WMX 51 – Guidance notes

**Waste Management Licensing Regulations (Northern Ireland) 2003 (as amended),
Schedule 2, Part I, Paragraph 51.**

**Guidance for registering an exempt activity: The Crushing of Waste Gas Discharge
Lamps.**

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/schedule/2/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 crushing of waste gas discharge lamps (including fluorescent tubes which are hazardous waste within category 20 01 21*) under **Paragraph 51**, Schedule 2, Part I of The Waste Management Licensing Regulations (Northern Ireland) 2003 (as amended).

For certain exemptions, including Paragraph 51, 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. 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 51 exempt activity without being registered.**

When to use this application form

Use the application form WMX 51 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 6 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 area 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.
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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 6 of the application form) to:

Northern Ireland Environment Agency
Resource Efficiency Division
Regulation Unit
Klondyke Building
Cromac Avenue
Gasworks Business Park
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

An initial inspection may be carried out by NIEA within one month of the exemption being granted. Thereafter periodic inspections shall be carried out at intervals not exceeding 12 months. The periodic inspections shall verify the types and quantities of waste, the general technical requirements to be complied with, and the safety precautions to be taken.

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 this guidance correspond to question numbers on the application form WMX 51.

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, e.g. 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.

3. About the waste

General technical requirements

The activity must be carried on for the purpose of volume reduction prior to collection, where the material is intended for recovery or reuse.

The activity must be carried on in equipment designed for the purpose of volume reduction prior to collection.

The mercury concentration in emissions must not exceed 50 micrograms per cubic metre.

Only waste gas discharge lamps (including fluorescent tubes which are hazardous waste within category 20 01 21*) may be treated. Waste descriptions can be found at: <http://www.opsi.gov.uk/sr/sr2005/20050301.htm>

An asterisk against an EWC code indicates that the waste may be hazardous. If you handle hazardous waste under this exemption you may have additional obligations under [The Hazardous Waste Regulations \(Northern Ireland\) 2005](#)

3.1 Details of the storage and treatment

Sites for storage of lamps must have:

- secure storage for lamps prior to crushing;
- secure containers for storage of lamps after crushing;
- weatherproof covering.

Treatment

The total quantity of lamps processed in any period of 24 hrs must not exceed 3 tonnes.

Complete as appropriate

4. About the site

4.1 Where will the activity be carried out?

Give the address and the Ordnance Survey Irish grid reference of the location where the treatment and storage will be carried out.

4.2 Site plan or map

Provide an appropriate map or plan with your application.

You must provide a map or plan of the location of the waste treatment and storage showing;

- the boundaries of that place marked in red; and
- the locations within that place at which the exempt activity is to be carried out.

If you are both storing and treating waste you only need to supply one map or plan provided it shows details of both activities.

You must also show all of the following that are within 250 metres of the location where the waste is to be stored and/or used:

- the locations of any surrounding/nearby buildings;
- the locations of public rights of way; and
- road/street names.

For information on how you should format maps and plans see 'Format of maps and plans' on page 2.

Minimising risk

To make sure your activity does not have any adverse impacts, you will need to consider the risks and take steps to prevent or minimise their effect upon sensitive receptors.

Further advice on pollution prevention can be found at: <https://www.daera-ni.gov.uk/topics/pollution/pollution-prevention-and-control> or by contacting the NIEA.

4.3 Pollution Risk Assessment

Provide an appropriate risk assessment with your application.

The application must be supported by a risk assessment that identifies:

- the source of any hazards associated with the activity e.g. mercury vapour from fluorescent tubes.
- the receptors likely to be affected e.g. humans
- the pathway between the two e.g. airborne
- the magnitude of the risk; and
- the steps that will be taken to minimise or mitigate the risks e.g. Provide secure containment and spillage collection facilities.

A risk assessment template, along with notes on completing it, is included in Appendix 1 of these guidance 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. A guide to risk assessment is available on DEFRA's website at: <https://www.gov.uk/government/publications/guidelines-for-environmental-risk-assessment-and-management-green-leaves-iii>

Any receptor identified in the risk assessment must be marked on the map or plan (see question 4.2).

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 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 treatment or storage is to be carried out?

Complete as appropriate.

5.2 Do you have the occupant's consent to carry out the treatment or storage?

Complete as appropriate.

5.3 Occupant's details

Complete as appropriate.

6 Checklist

Complete the checklist and provide details of any continuation sheets used.

7 Declaration

Read the entire section and complete as appropriate.

8 Data protection notice

Read the entire section.

Sources of further information and guidance

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

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

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

[Directive 2002/96/EC of 27 January 2003 on waste electrical and electronic equipment \(WEEE\)](#)

Legislation

Waste Electrical and Electronic Equipment (Waste Management Licensing) Regulations (Northern Ireland) 2006

The Hazardous Waste Regulations (Northern Ireland) 2005

The Waste Management Licensing Regulations (Northern Ireland) 2003

The Waste Management Regulations (Northern Ireland) 2006

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

The Environment (Northern Ireland) Order 2002

Appendix 1

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.

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 under certain weather conditions or at certain times, avoiding using the waste close to sensitive receptors, and appropriate choice of storage method.

		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 1 (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>Human Health</i>	<i>Mercury</i>	<i>Poisoning</i>	<i>Release of mercury from a broken lamp</i>	<i>Medium</i>	<i>Medium</i>	<i>Medium</i>	<i>Nature of the waste</i>	<i>Provide secure containment and prevent breakage</i>	<i>Low</i>

Northern Ireland Environment Agency
Klondyke Building
Cromac Avenue
Gasworks Business Park
Belfast BT7 2JA

T. 0845 302 0008

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

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

