

2008 No. 18

ENVIRONMENTAL PROTECTION

**The Waste Management (Miscellaneous Provisions) Regulations
(Northern Ireland) 2008**

Made - - - - - *17th January 2008*

Coming into operation- - - - - *13th February 2008*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Article 4(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997(a) and, by Article 4(3) of the Clean Air (Northern Ireland) Order 1981(b).

The Department of the Environment has had regard in exercising its powers under Article 4(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997 to the matters referred to in Article 4(4) of that Order.

Citation and commencement

1. These Regulations may be cited as the Waste Management (Miscellaneous Provisions) Regulations (Northern Ireland) 2008 and shall come into operation on 13 February 2008.

Amendment of Part I of Schedule 2 to the Waste Management Licensing Regulations (Northern Ireland) 2003

2. Part I of Schedule 2 (Activities exempt from waste management licensing) to the Waste Management Licensing Regulations (Northern Ireland) 2003(c) is amended as follows.

Plant Tissue

3. —(1) In paragraph 47B delete “and” at the end of sub paragraph (b).
(2) At the end of sub-paragraph (c) insert—
“; and
(d) the deposit is carried out in accordance with any requirements specified under a notice served under Article 32 of the Plant Health Order (Northern Ireland) 2006(d).”

New Exemptions

4. After paragraph 47B insert—

(a) S.I.1997/2778 (N.I.19)
(b) S.I.1981/158 (N.I.4)
(c) S.R. 2003 No. 493 as amended by S.R.2006 No.280 and S.R.2006 No. 489
(d) S.R. 2006 No.82

“47C.—(1) The disposal of agricultural waste consisting of non-hazardous pesticide solution or washings in a lined biobed at the place of production of that waste if—

- (a) every part of the place upon which the disposal is carried out is surfaced with an impermeable pavement provided with a sealed drainage system so that all liquids are directed into the biobed;
- (b) the biobed is located at a secure place at least—
 - (i) 10 metres from a waterway;
 - (ii) 50 metres from a spring, well or borehole; and
 - (iii) 250 metres from a borehole used for a public water supply;
- (c) the lining of the biobed is impermeable;
- (d) the biobed is suitable for treatment of the waste;
- (e) the biobed is covered with turf;
- (f) the total quantity of waste being treated does not exceed 15,000 litres in any period of 12 months;
- (g) the input of rainfall is limited by a temporary impermeable cover during times when—
 - (i) the soil is waterlogged;
 - (ii) the land is flooded or likely to flood; or
 - (iii) heavy rain or snow is forecast within 48 hours; and
- (h) the biobed is at least 1 metre in depth and at least 1 cubic metre of biobed material is used to treat 1000 litres of liquid.

(2) The secure storage within covered secondary containment of not more than 1500 litres of waste at the place where it is intended to be treated in a biobed in reliance on the exemption in sub-paragraph (1).

(3) The treatment of land used for agriculture with agricultural waste consisting of biobed material where such treatment results in benefit to agriculture or ecological improvement if —

- (a) the biobed material is stored securely for 12 months before it is spread;
- (b) the biobed material consists of a mixture of straw, compost and biologically active soil;
- (c) the treatment shall be carried out in accordance with the Nitrates Action Programme Regulations (Northern Ireland) 2006(a); and
- (d) the total quantity of waste used does not exceed 50 tonnes per hectare in any period of 12 months.

(4) The secure storage at the place of production of waste that is intended to be used in reliance of the exemption in sub-paragraph (3) if—

- (a) no more than 50 cubic metres of waste is stored at any one time; and
- (b) no waste is stored more than 3 years.

(5) For the purposes of this paragraph “secondary containment” means an area surrounded by a bund or any other system for preventing a liquid which is no longer in its container from escaping from the place where it is stored.

47D.—(1) The mixing of ash from the incineration of pig or poultry carcasses at its place of production with manure for use in land treatment as specified in sub-paragraph (2).

(2) The treatment of land used for agriculture with agricultural waste produced on that land where such treatment results in benefit to agriculture or ecological improvement if—

(a) S.R. 2006 No.489

- (a) the waste consists of ash from the incineration of pig or poultry carcasses or such ash mixed with manure in reliance of the exemption in sub-paragraph (1);
 - (b) the treatment shall be carried out in accordance with the Nitrates Action Programme Regulations (Northern Ireland) 2006;
 - (c) where the waste consists only of ash from the incineration of pig or poultry carcasses the waste is incorporated into the soil as soon as possible; and
 - (d) the total quantity of ash incorporated into the soil does not exceed 150 kilogrammes per hectare in any period of 12 months.
- (3) The secure storage of not more than 100 tonnes of waste intended to be used to treat land as specified in sub-paragraph (2).

47E.—(1) The treatment of land used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste consists of dredgings (other than those containing dangerous substances) from farm ditches;
 - (b) the treatment shall be carried out in accordance with the Nitrates Action Programme Regulations (Northern Ireland) 2006; and
 - (c) the total quantity of waste used per hectare does not exceed 150 tonnes per hectare in any period of 12 months.
- (2) The secure storage of not more than 200 tonnes of waste intended to be used to treat land as specified in sub-paragraph (1).

47F. The treatment of land used for agriculture with agricultural waste where such treatment results in benefit to agriculture or ecological improvement if—

- (a) the waste consists only of spent mushroom compost;
- (b) the treatment shall be carried out in accordance with the Nitrates Action Programme Regulations (Northern Ireland) 2006;
- (c) the total quantity of waste used per hectare does not exceed 50 tonnes per hectare in any period of 12 months; and
- (d) the total quantity of waste stored at any one time does not exceed 200 tonnes.”.

Amendment to the Clean Air (Emission of Dark Smoke) Regulations (Northern Ireland) 1981

5. Item 6 in the table in Schedule 1 to the Clean Air (Emission of Dark Smoke) Regulations (Northern Ireland) 1981(a) is revoked.

Sealed with the Official Seal of the Department of the Environment on 17 January 2008



Wesley Shannon
A senior officer of the Department of the Environment

(a) S.R.1981 No.340

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Regulations 2 to 4 amend the Waste Management Licensing Regulations (Northern Ireland) 2003 (“the 2003 Regulations”). The 2003 Regulations implement (in part), in relation to Northern Ireland, Council Directive 75/442/EEC on waste and Council Directive 1999/31/EC on the landfill of waste.

Regulation 3 amends paragraph 47B of Part I of Schedule 2 to the 2003 Regulations so that under this exemption any application of plant tissue to land must be made in accordance with any conditions that may have been imposed by a notice served under the Plant Health Order (Northern Ireland) 2006.

Regulation 4 inserts new sub-paragraphs into Part 1 of Schedule 2 to the 2003 Regulations to provide for exemptions from waste management licensing for activities involving the disposal of pesticide solution into a lined biobed and treatment of the land with the biobed itself, the treatment of land with ash from the incineration of pig or poultry carcasses, the treatment of land with dredgings from farm ditches and the treatment of land with spent mushroom compost.

Regulation 5 revokes item 6 in the table in Schedule 1 to the Clean Air (Emission of Dark Smoke) Regulations 1981. This amendment removes an exemption for the emission of dark smoke caused by the burning of containers which are contaminated by a pesticide or by any toxic substance used for veterinary or agricultural purposes.

A Regulatory Impact Assessment in relation to these Regulations has been placed in the library of the Northern Ireland Assembly and copies can be obtained from Planning and Environmental Policy Group, 20-24 Donegall Street, Belfast BT1 2GP.

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