



Fire Industry Association

Thames House, 29 Thames Street
Kingston upon Thames, Surrey, KT1 1PH
Phone: +44 (0) 20 8549 5855
Website: www.fia.uk.com

Environmental Guidance – Waste Issues for fire protection companies

This Fact File is intended to give a brief overview of the current legislative controls on waste issues that affect Fire Protection companies. It is not intended to be a full and complete list of possible legislative requirements. It is the responsibility of all companies to ensure that they discharge their legal requirements under these and other applicable legislation. It is written from an Environmental Protection standpoint, and does not include requirements related to the Health and Safety at Work Act. It should be read in conjunction with Fact Files 25, 26 and 27.

The legislation referred to below applies to England and Wales, different legislation applies in Scotland more information can be found on the Scottish Executive website (WWW.Scotland.gov.uk).

1. General waste

1.1. Environmental Protection (Duty of Care) Regulations 1991

These regulations implement the requirements of section 34 of the Environmental Protection Act 1990, and require anyone who is the holder of controlled waste (commercial and industrial waste) to:

- Store it appropriately,
- Only transfer it to authorised persons (holders of a waste management license),
- Keep records associated with the carriage (transfer notes) for at least 2 years.

1.2. Control of pollution (Amendment) Act 1989/ Controlled waste (registration of carriers & seizure of vehicles) Regulations 1991

These regulations require carriers of controlled waste to be registered with the EA and to keep associated records with the carriage and onward disposal of all controlled waste.

1.3. Hazardous Waste Regulations (2005)

Under these regulations controlled or special waste is deemed hazardous waste and therefore requires premises that handle 200kg of waste in one year must register that site as a producer. They must not remove hazardous waste from any site without an approved hazardous waste consignment note, which must be kept and must be reported to the Environment Agency. The Environment Agency charge a fee of £10 per consignment note.

Fact File No 0024

2. Packaging waste

2.1. Producer Responsibility (Packaging waste) Regulations 1997

These regulations require obligated companies (handling over 50 Tonnes of packaging waste and >£2 million turnover) to take financial responsibility for the recovery and recycling of specific tonnages of packaging waste related to the amount they handle.

3. Discharges to water

3.1. The Groundwater Regulations 1998 (SI 1998 2746)

These regulations are a precautionary instrument designed to prevent certain dangerous substances from causing direct or indirect pollution to groundwater. Anyone who disposes of “listed substances” onto or into land must apply for authorisation from the EA. The listed substances are contained in List 1 and 2 in the schedule to the regulations (see annex A) and will include firefighting foams under organohalogens. These regulations also set out the requirement to control substances found to be persistent, toxic and bioaccumulative in aquatic environments.

3.2. Water Resources Act 1991

This is the main statute that controls water pollution. Under this Act all discharges to controlled waters (any water course other than the sewerage system, including most above and below ground water bodies) must be authorised by the EA. Under this act it is an offence to cause or knowingly permit any poisonous, noxious or polluting matter to enter any controlled water.

3.3. Water Industries Act 1991

Under this act all discharge to the foul sewer requires authorisation from the sewerage undertaker. If the effluent contains substances listed in the Trade Effluent Regulations 1989, then a trade effluent consent is required.

4. Radioactive substances

4.1. Radioactive substances Act 1993

This act controls the keeping and use of radioactive materials and the accumulation and disposal of radioactive wastes.

4.2. The Radioactive Material (Road Transport) Regulations 2002

These regulations regulate all road transport of radioactive material and are based on the International Atomic Energy Agency’s (IAEA) Regulations for the Safe Transport of Radioactive Materials 1996 Safety Guide TS-G-1.1 (ST-2). RAM Road 2002 is regulated by the Department for Transport.

5. Ozone depleting substances

5.1. Montreal Protocol and Ozone Depleting Substances EC regulation 2037/2000

These require the phase out of supply and usage of ozone depleting substances (ODS). Key substances under control include fire fighting fluids such as Halon 1211 and 1301.

5.2. Ozone Depleting Substances Minimum Qualifications Regulations 2006

These establish the minimum qualifications required for personnel to be allowed to work with the ODS substances still allowed for critical uses.

5.3. F Gas Regulations 2006

The principal objective of the F Gas Regulation is to contain, prevent and thereby reduce emissions of f-gases covered by the Kyoto Protocol. It entered into force on 14 July 2006 and the requirements applied from 4 July 2007.

5.4. ENVIRONMENTAL PROTECTION The Waste Electrical and Electronic Equipment Regulations 2006 (SI 2006 3289) (WEEE)

This regulation deals with the increasingly rapid growth of waste electrical and electronic equipment and its impact on the environment, due to its hazardous content and “ecological baggage”. It sets out measures to prevent WEEE with regard to the reuse, recycling and recovery of such wastes so its disposal is reduced. The Regulations include lighting equipment (category 5 in the Directive) and monitoring and control instruments, which includes smoke detectors (category 9 in the Directive) in its scope. The Regulations were published in December 2006 and came into force in April 2007.

6. Sources of Further information

The following websites provide more information on environmental issues and legislation.

- Department of Trade and Industry
<http://www.dti.gov.uk/>
- Environment Agency
<http://www.environment-agency.gov.uk/>
- Environment Agency NetRegs
<http://www.netregs.gov.uk/>
- Envirowise
<http://www.envirowise.gov.uk/>
- Scottish Regulations
<http://www.scotland.gov.uk/>
- Scottish Environment Agency
<http://www.sepa.org.uk>

Water Environment (Controlled Activities) (Scotland)
Regulations 2005 Guidance document
<http://www.sepa.org.uk/wfd/index.htm>

Annex A

Groundwater Regulations 1998 Schedule List 1 & 2

LIST 1

1. - (1) Subject to sub-paragraph (2) below, a substance is in list I if it belongs to one of the following families or groups of substances-

- (a) organohalogen compounds and substances which may form such compounds in the aquatic environment;
- (b) organophosphorus compounds;
- (c) organotin compounds;
- (d) substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment (including substances which have those properties which would otherwise be in list II);
- (e) mercury and its compounds;
- (f) cadmium and its compounds;
- (g) mineral oils and hydrocarbons;
- (h) cyanides.

(2) A substance is not in list I if it has been determined by the Agency to be inappropriate to list I on the basis of a low risk of toxicity, persistence and bioaccumulation.

LIST II

2. - (1) A substance is in list II if it could have a harmful effect on groundwater and it belongs to one of the following families or groups of substances-

- (a) the following metalloids and metals and their compounds:

Zinc	Tin
Copper	Barium
Nickel	Beryllium
Chromium	Boron
Lead	Uranium
Selenium	Vanadium
Arsenic	Cobalt
Antimony	Thallium
Molybdenum	Tellurium
Titanium	Silver.

- (b) biocides and their derivatives not appearing in list I;

- (c) substances which have a deleterious effect on the taste or odour of groundwater, and compounds liable to cause the formation of such substances in such water and to render it unfit

for human consumption;

(d) toxic or persistent organic compounds of silicon, and substances which may cause the formation of such compounds in water, excluding those which are biologically harmless or are rapidly converted in water into harmless substances;

(e) inorganic compounds of phosphorus and elemental phosphorus;

(f) fluorides;

(g) ammonia and nitrites.

(2) A substance is also in list II if-

(a) it belongs to one of the families or groups of substances set out in paragraph 1(1) above;

(b) it has been determined by the Agency to be inappropriate to list I under paragraph 1(2); and

(c) it has been determined by the Agency to be appropriate to list II having regard to toxicity, persistence and bioaccumulation.

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DISCLAIMER

The information set out in this document is believed to be correct in the light of information currently available but it is not guaranteed and neither the Fire Industry Association nor its officers can accept any responsibility in respect of the contents or any events arising from use of the information contained within this document.