

An Introduction to Environmental Regulations

Business Information Factsheet
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Introduction

Every business operator must comply with environmental regulations intended to protect the natural environment and public health. Activities governed by the various regulations include the management of trade waste, disposal of trade effluent, and air, water and noise pollution.

Managing environmental impact can bring various business benefits such as increased efficiency, reduced expenses, enhanced business reputation and customer loyalty.

This factsheet provides a summary of the main environmental regulations that business operators need to know about and explains what they must do to comply with them.

Environmental regulators

The Environment Act 1995 established the Environment Agency (EA) as the environmental regulator for England and Wales and the Scottish Environment Protection Agency (SEPA) as the environmental regulator for Scotland.

The Natural Resources Body for Wales (Establishment) Order 2012 established Natural Resources Wales (NRW) as the environmental regulator for Wales, replacing the EA.

Go to www.gov.uk/government/organisations/environment-agency, <https://naturalresources.wales/?lang=en> and www.sepa.org.uk for more information about the EA, NRW and SEPA respectively.

In Northern Ireland, the environmental regulator is the Northern Ireland Environment Agency (NIEA), which is an Executive Agency within the Department of Agriculture, Environment and Rural Affairs. Go to www.daera-ni.gov.uk/northern-ireland-environment-agency for more information.

What are the key environmental regulations?

General regulations

- The Environmental Protection Act 1990 applies in England, Wales and Scotland. The Act places a duty on business operators to ensure that waste produced by their business is properly and safely disposed of. See BIF060, A Guide to the Environmental Protection Act 1990, for more information.
- The Environmental Permitting (England and Wales) Regulations 2016 require business operators who carry out potentially polluting activities to hold an environmental permit or registered exemption issued by their appropriate national environmental regulator.

Activities governed by the Regulations are those that pose a risk to the environment and public health. Examples include running a dry cleaning service or a car body shop, as both activities involve using airborne pollutants, such as spray paints, containing volatile organic compounds (VOCs) that can damage the ozone layer.

- The Environmental Damage (Prevention and Remediation) Regulations (England) 2015, the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009, the Environmental Liability (Scotland) Regulations 2009 and the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009 empower environmental regulators to issue prevention notices to business operators who are at risk of damaging the natural environment. The regulations also enable regulators to force business operators to remedy environmental damage caused by their activities.

Regulations relating to air and water quality

- The Clean Air Act 1993 applies in England, Wales and Scotland. The Act bans the emission of dark smoke and restricts smoke emissions within smoke control areas.
- The Clean Air (Northern Ireland) Order 1981 bans the emission of dark smoke and restricts the emission of smoke within smoke control areas.
- The Water Industry Act 1991 requires business operators in England and Wales to obtain formal consent from their local water company before disposing of trade effluent at their premises.
- The Sewerage (Scotland) Act 1968 requires business operators in Scotland to obtain formal consent from Scottish Water before disposing of trade effluent at their premises.
- The Water and Sewerage Services (Northern Ireland) Order 2006 requires business operators in Northern Ireland to obtain formal consent from Northern Ireland Water before disposing of trade effluent at their premises.
- The Pollution Prevention and Control (Scotland) Regulations 2012 and the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 require business operators who carry out certain potentially polluting activities to hold a pollution prevention and control (PPC) permit or a registered exemption issued by the appropriate national environmental regulator.

Regulations relating to the handling and disposal of waste

- The Hazardous Waste (England and Wales) Regulations 2005, the Hazardous Waste (Wales) Regulations 2005 and the Hazardous Waste Regulations (Northern Ireland) 2005 control the management and disposal of hazardous waste.
- The Special Waste Regulations 1996 control the management and disposal of hazardous waste in Scotland, where it is referred to as 'special waste'.
- The Environmental Protection Act 1990 applies in England, Wales and Scotland. The Act places a duty on business operators to ensure that waste produced by their business is properly and safely disposed of.
- The Waste and Contaminated Land Order 1997 applies in Northern Ireland and places a duty on business operators to ensure that their trade waste is properly and safely disposed of.

- The Controlled Waste (England and Wales) Regulations 2012 define what is meant by 'controlled waste'. In Scotland and Northern Ireland, the Controlled Waste Regulations 1992 and the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013 apply respectively.
- The Waste (England and Wales) Regulations 2011 and the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 require business owners and operators who regularly carry controlled waste, including waste produced by their own business, to be registered as a waste carrier with their appropriate national environmental regulator. This includes the self-employed and employees carrying waste produced by their own or their employer's business.
- The Waste Management Licensing (Scotland) Regulations 2011 require business owners and operators carrying waste produced by their own business to be registered as a professional collector and transporter of waste with Scotland's environmental regulator.
- The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 require business owners and operators who carry waste produced by other businesses to be registered as a waste carrier with Scotland's environmental regulator.
- The Waste Management Licensing (Scotland) Regulations 2011 and the Waste Management Licensing Regulations (Northern Ireland) 2003 require business operators who carry out certain waste management activities to hold a waste management licence (WML) or a registered exemption issued by their appropriate national environmental regulator.
- The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 apply in England, Wales and Scotland. The Regulations require business operators who place more than 100 tonnes of packaging on the market in a year and have an annual turnover exceeding £200 million to join a producer compliance scheme, or register directly with their appropriate national environmental regulator. See BIF327, A Guide to Product Packaging Regulations, for more information.
- The Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007 require business operators who place more than 100 tonnes of packaging on the market and have an annual turnover exceeding £200 million to join a producer compliance scheme, or register directly with the NIEA. See BIF327, A Guide to Product Packaging Regulations, for more information.
- The Waste Electrical and Electronic Equipment Regulations 2013 apply across the UK and place duties on business operators who use, sell or manufacture electrical and electronic equipment.
- The Waste Batteries and Accumulators Regulations 2009 apply across the UK and place duties on business operators who sell batteries or accumulators, including a requirement to operate a take back scheme.

Complying with the regulations

- Duty of care regarding controlled waste - Every business operator in the UK has a legal duty of care to properly and safely dispose of any controlled waste produced by their business. The duty also applies to business owners and operators carrying controlled waste produced by a third party.

- Waste storage and record-keeping - Each type of waste must be stored separately and, in some cases, in a particular type of container. For example, offensive waste must be stored in a tiger bag (a yellow bag with a black stripe) prior to disposal. Business operators running their business from home must keep waste produced in the course of business separate from household waste.
- Waste transport and disposal - Anyone who regularly carries controlled waste, including business operators transporting waste produced by their own business, must be registered with the appropriate national environmental regulator. This includes business operators transporting waste produced at customers' premises to their own premise, prior to collection by a licensed waste carrier. The exact requirements for registering as a waste carrier depend on the type of waste and where in the UK the business is located. See BIF487, A Guide to Registering as a Waste Carrier, for more information.
- Waste management and polluting activities - Every business operator in the UK who carries out a waste management or other type of polluting activity must hold an environmental permit, a PPC permit, a WML or a registered exemption, depending on the business location and the type and scale of the activity. Permits, licences and exemptions are administered by national environmental regulators.
- Water pollution - In England and Wales, business operators can only discharge anything other than clean, uncontaminated water into a surface water drain if they have an environmental permit or a registered exemption issued under the Environmental Permitting (England and Wales) Regulations 2016. A permit or exemption is also required before discharging any liquid directly into surface water or ground water - into a lake, well or borehole, for example. In Scotland and Northern Ireland, equivalent requirements apply.
- Trade effluent consent - Business operators in the UK must obtain formal consent before disposing 'trade effluent' into a foul or combined sewer at their premises. Trade effluent means any liquid waste produced in the course of business, including liquid waste produced by mobile businesses. For example, driveway and patio cleaners must obtain consent before disposing of water contaminated with cleaning chemicals down the sewer at their premises. However, it does not include domestic waste, such as waste water produced in office kitchens when preparing food and washing dishes.
- Air quality - It is an offence for a business operator to cause or allow the emission of any smoke from a building within a smoke control area, unless the smoke is produced by an authorised fuel or exempt fireplace. An offence is also committed where dark smoke is emitted from a building chimney, or in any way from industrial or trade premises. The offence is committed by the building occupier and, in relation to industrial and trade premises, by anyone who causes or permits the emission of dark smoke.
- Electrical and electronic equipment - Producers and distributors of electrical and electronic equipment must register, report and provide return services for this equipment. There are 14 categories of electrical and electronic equipment that are covered by the Waste Electrical and Electronic Equipment (WEEE) Regulations 2013. See BIF472, A Guide to the Waste Electrical and Electronic Equipment Regulations 2013, for more information.

Hints and tips

- Training should be provided to all workers in storing and disposing of different types of controlled waste.

- A business operator must be registered or licensed to carry waste before starting to transport any waste produced by their business.
- It is important to check whether a waste collection service is correctly licensed or registered before entering into a contract for its services.
- Certain types of liquid waste, such as waste oil, cannot be disposed of down drains, regardless of whether trade effluent consent has been obtained.
- If operating a take back scheme, returned items must be stored safely prior to disposal. For example, waste batteries should not be stored near heat sources or in direct sunlight.

Further information

BIF060 A Guide to the Environmental Protection Act 1990

BIF089 A Guide to the ISO 14001 Environmental Management Standard

BIF327 A Guide to Product Packaging Regulations

BIF472 A Guide to the Waste Electrical and Electronic Equipment Regulations 2013

BIF487 A Guide to Registering as a Waste Carrier

Useful contacts

The Environment Agency, Natural Resources Wales, the Scottish Environmental Protection Agency and the Northern Ireland Environment Agency are environmental regulators responsible for protecting and improving the water, land and biodiversity in the corresponding parts of the UK. Each organisation is responsible for administering permits, licences and exemptions relating to waste management and polluting activities and registering waste carriers. They also provide advice and guidance to help business owners protect the environment and manage waste more efficiently.

Environment Agency (EA)

Tel: 0370 850 6506

Website: www.gov.uk/government/organisations/environment-agency

Natural Resources Wales (NRW)

Tel: 0300 065 3000

Website: <https://naturalresources.wales/?lang=en>

Scottish Environment Protection Agency (SEPA)

Tel: 0300 099 6699

Website: www.sepa.org.uk

Northern Ireland Environment Agency (NIEA)

Tel: 0300 200 7856

Website: www.daera-ni.gov.uk/northern-ireland-environment-agency

NetRegs is a partnership between SEPA and NIEA that provides free guidance on environmental regulations for small business owners in Scotland and Northern Ireland.

Website: www.netregs.gov.uk

WRAP (the Waste and Resources Action Programme) helps business owners, public bodies and communities to reduce waste, increase recycling and make better use of resources. It publishes

sector-specific advice and guidance for businesses and also maintains a Business Resource Efficiency Hub specifically tailored for small firms.

Tel: (01295) 819900

Website: www.wrap.org.uk

The Department for Environment, Food & Rural Affairs (Defra) is responsible for protecting the natural environment and supporting farming, the rural economy and the food industry in England. Defra's powers originally extended to Wales, Scotland and Northern Ireland. However, these have since been devolved to national governments.

Tel: 0345 933 5577

Website: www.gov.uk/government/organisations/department-for-environment-food-rural-affairs

The Department for Environment of the Welsh Government is the part of the Welsh Government that exercises powers devolved from Defra.

Tel: 0300 060 4400 (Welsh Government)

Website: <http://gov.wales/topics/environmentcountryside/?lang=en>

The Environment & Forestry Directorate is the part of the Scottish Government responsible for powers devolved from Defra.

Tel: 0300 244 4000 (Scottish Government)

Website: <https://beta.gov.scot/about/how-government-is-run/directorates/environment-and-forestry/>

The Department of Agriculture, Environment and Rural Affairs (DAERA) is the department of the Northern Ireland Executive responsible for powers devolved from Defra.

Tel: 0300 200 7842

Website: www.daera-ni.gov.uk

The Institute of Environmental Management and Assessment (IEMA) is an international membership body that represents individuals and organisations working in the environment and sustainability sector.

Tel: (01522) 540069

Website: www.iema.net

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