

Regulatory position statement

The dewatering of street sweepings

If you comply with the requirements set out below, we will allow the dewatering of street sweepings, without an environmental permit.

Background

The Environmental Permitting (England and Wales) Regulations 2010 introduced an exemption from permitting for the temporary storage of waste at a place controlled by the producer. This allows the temporary storage of waste at a site pending disposal or recovery elsewhere, subject to certain conditions. The exemption is for storage and does not allow treatment.

Local Councils or the Highways Agency are able to make use of this exemption by bringing waste arising from street sweeping back to their yards pending collection for recovery or disposal. Contractors employed by a local authority or the Highways Agency can also use this exemption where they also have control over the yard to which the waste is taken. There is likely to be a certain amount of water mixed in with the waste when it is deposited at the site. Dewatering of this waste is a treatment operation and requires an environmental permit.

In some cases contractors are employed to carry out street sweeping and deposit the wastes at a yard controlled by the local authority or the Highways Agency. That activity would not come within the scope of the exemption and would require a permit.

Our approach

We will not pursue an application for an environmental permit for the activity where:

- Street sweepings only are deposited either by the local authority or by a contractor working for a local authority at a site controlled by the local authority, the Highways Agency or the contractor (this position does not apply to gully wastes).
- Street sweepings only are dewatered (this position does not apply to gully wastes).
- Any dewatering is carried out on an impermeable¹ surface that has a sealed drainage² system.

¹ “impermeable surface” means a surface or pavement constructed and maintained to a standard sufficient to prevent the transmission of liquids beyond the surface.

² “sealed drainage” means a drainage system with an impermeable surface which ensures that—
(a) no liquid will run off the surface otherwise than via the system, and (b) except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump.

- The conditions set out in Annex 1 are met.
- You meet the relevant objectives of the Waste Framework Directive;
 - '... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours; and
 - (iii) without adversely affecting the countryside or places of special interest.'

Enforcement

In not pursuing an application for a permit, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please see our [Enforcement and Sanctions](#) statement. This can be found on the '[How we regulate you](#)' page in the Business & Industry section of our web site.

This regulatory position will be reviewed by June 2014.

MWRP RPS 065 Version: 3

Issued: October 2012

Annex 1

The conditions are:

- (a) The local authority, the Highways Agency or the contractor has control over the waste and the storage place.
- (b) The waste does not contain or consist of unbonded asbestos or any substance with a flash point of less than 21 degrees Celsius.
- (c) The operation is not carried on in the course of providing a waste management service to another person.
- (d) The waste is stored in a secure³ place.
- (e) The street sweepings are not stored or mixed with other wastes.
- (f) No waste is stored for longer than 3 months.
- (g) For non-liquid waste, the total quantity stored at any one time does not exceed 50 cubic metres.
- (h) For liquid waste, the total quantity stored at any one time does not exceed 1,000 litres and the waste is stored in a container with secondary containment.

³ a place is secure in relation to waste kept in it if— (a) all reasonable precautions are taken to ensure that the waste cannot escape from it; and (b) members of the public are unable to gain access to the waste.