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# Do I need to notify my premises?

A guide to the Hazardous Waste Regulations

We are the Environment Agency. It's our job to look after your environment and make it **a better place** - for you, and for future generations.

Your environment is the air you breathe, the water you drink and the ground you walk on. Working with business, Government and society as a whole, we are making your environment cleaner and healthier.

The Environment Agency. Out there, making your environment a better place.

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# Contents

<a href="#"><u>Aims</u></a>	3
<a href="#"><u>What are premises?</u></a>	4
<a href="#"><u>Are there any exclusions or exemptions from notification?</u></a>	4
<a href="#"><u>I share my site and / or my waste storage area with others - do I need to notify my premises?</u></a>	6
<a href="#"><u>I'm operating a transfer station - do I need to notify my premises?</u></a>	9

## Aims

You should read this guide if you want to find out if you are required to notify (register) your premises because of the Hazardous Waste Regulations (HWR).

If you are required to notify your premises but do not, you will be breaking the law if you produce any hazardous waste or have any hazardous waste removed from your premises.

When you notify your premises in accordance with the HWR, the details are placed on a register and you will be given a hazardous waste producer registration number called a 'premises code'.

The whole notification process is often referred to as 'registration'. In this document the terms notify or notification and register or registration are used interchangeably and mean the same thing.

The term consignment means to move hazardous waste from one premises to another.

This guide only applies to hazardous waste producers and holders in England and Wales. It is part of a series of documents that explain how the HWR work.

This guide explains whether you might be excluded or exempt from notification. If you are required to notify your premises you should read our guide [HWR02B: "How to notify your premises"](#).

The information in this guide is based on what we know at the moment. It may change in the future if there is a change in Law, guidance from the Government changes or as a result of our experience in regulating hazardous waste.

## What are premises?

The HWR define premises to include land and any ship and any other means of transport from which a mobile service is operated.

This means that any place or vehicle from which a mobile service is operated can be premises and will need to register unless excluded or exempt.

## Are there any exclusions or exemptions from notification?

### Domestic premises

The HWR do not apply to domestic waste except where that waste is:

- asbestos produced by a contractor. In this case, the contractor may have to notify the place where the waste is collected from (if those premises are not exempt); or
- “separated domestic fractions” (other than asbestos). In this case, the premises it is collected from will not need to be notified. The place where this waste is taken to must be notified (unless those premises are exempt).

### Flytipped waste

The HWR state that where waste has been flytipped, it may be removed from those premises without those premises being notified. For example, where waste has been flytipped on land, that waste may be removed without the site being registered.

### Where mobile service operators produce all of your hazardous waste

Premises may have all of their waste produced during construction, repair or maintenance by one or more mobile services. In this case you may not need to notify your premises. There are rules about what a mobile service is - you should check our guide HWR07 Mobile Services to find out more. You can find this document on the “Register or renew as a hazardous waste producer” link: [www.environment-agency.gov.uk/hazwaste](http://www.environment-agency.gov.uk/hazwaste)

### Any premises identified in a Regulatory Position Statement of premises notification

We may decide that in particular circumstances there is no requirement to notify premises. You can find details of these regulatory position statements on our website: [www.environment-agency.gov.uk/hazwaste](http://www.environment-agency.gov.uk/hazwaste)

## Other exemptions

If a premises can comply with conditions 1 **and** 2 below then it will be exempt.

**Condition 1:** Does a registered carrier or an exempt carrier collect all the hazardous waste?

The HWR state that all hazardous waste must be collected by either a [registered carrier](#) or exempt carrier. If not, the premises must be notified. There are other environmental regulations that require anyone who carries waste must be registered with the Environment Agency before they can do so. (This is a different sort of registration to notifying premises).

Exempt carriers include:

- a waste collection authority, waste disposal authority or waste regulation authority;
- the waste producer carrying their own waste, except where it is building or demolition waste;
- a charity or voluntary organisation.

If you use an unregistered carrier or one who is not exempt from registration to move your waste, you will be breaking the law (and so will the carrier).

**Condition 2:** How much hazardous waste do you produce in any 12 month period?

The HWR state that premises may only be exempt if the “qualifying limitation is observed”. This limit is 500kg of hazardous waste in any 12 month period”. If you plan to, or actually do produce, collect or remove 500 kg or more you will need to notify those premises.

Where hazardous waste is removed from a ship, the ship does not need to be registered. There is no limit on the amount of hazardous waste that can be produced on, or removed from, a ship.

Note: Waste that is collected from your premises using a mobile service provider does not count towards the 500 kg limit for the wastes at your premises. However these collections must comply with the requirements set out in our guidance document [HWR07 Mobile Services](#).

There is no requirement for an exempt hazardous waste producer to inform the Environment Agency. It is a hazardous waste producer’s responsibility to show that he is properly exempt. We do not maintain a list of these exemptions so you should not contact us to check this.

Even if a producer does not need to notify their premises, they still need to follow other parts of the HWR. This includes any requirement to use consignment notes. For example an office, removing up to 500 kg hazardous waste, must prepare hazardous waste consignment notes in the normal way even if the premises do not need to be registered.

# I share my site and / or my waste storage area with others - do I need to notify my premises?

Defra, the Government department responsible for the environment, has said:

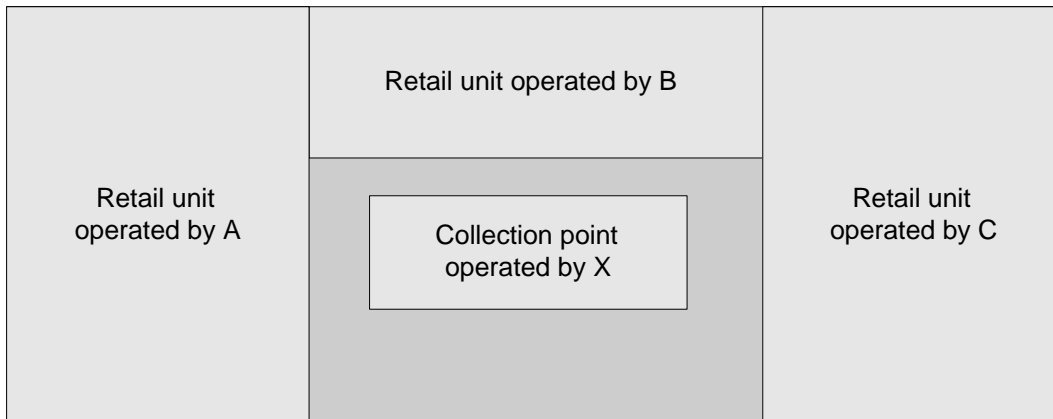
*“Where organisations have multiple premises, each premises will need to be notified to the Environment Agency, unless exempt, although a central office may do this on behalf of the individual premises if they wish. If single premises are occupied by a number of different organisations producing hazardous waste, the part of the premises occupied by each organisation should be individually notified.”*

Example A Where a site **consists of several buildings all within the control of the same operator / business unit** the buildings taken together will generally constitute a single premises. It will be a question of fact whether two buildings occupied by the same person will be on the same site and can properly be regarded as the same premises. If there is no obvious common boundary around the two buildings it will be unlikely that they are the same premises and more likely that each will have to be notified separately. Where there would be a single boundary for a site, but for a public or other highway dividing that site, the Environment Agency will treat the separate parts of the site on each side of the highway as comprising the same premises.

Similarly, in a **tower block** two adjacent floors occupied by the same producer may constitute the same premises. However, if two floors are separated by a floor occupied by a different producer, then they cannot be treated as single premises and will have to be notified separately.

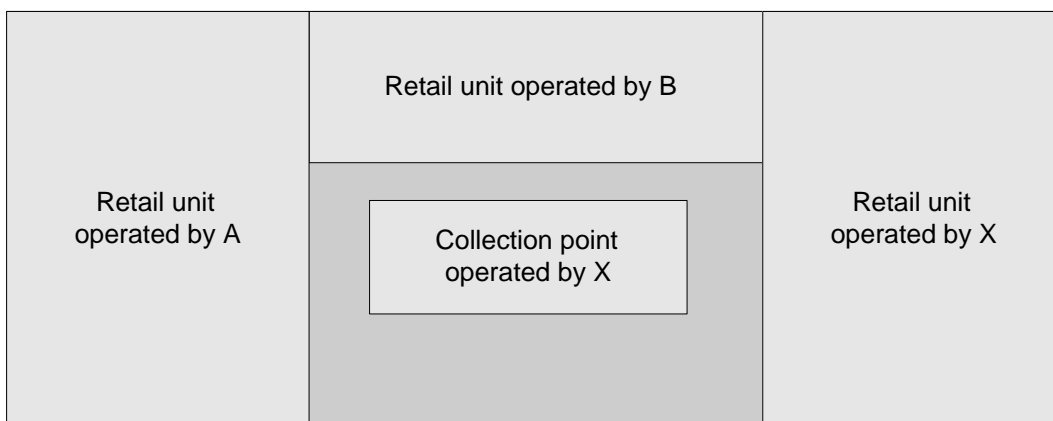
Example B Where there **are several discrete units within a site**, such as retail units within a shopping centre, each of those units will be separate premises and need to be notified separately. This would apply even if the shopping centre arranges for general waste collection to be taken to a separate central collection point within the centre. That separate collection point would also need to be notified as premises. We would not expect there to be consignment from the retail premises to the collection point, but we would expect consignment from the collection point. We would expect that the operator of the collection point to have a system in place that enables them to properly complete (including full description of the waste, identification of the producer of the waste, and the hazardous properties) the consignment note when the waste is removed from the collection point.

### Scenario 1



Each of the retail units operated by A, B and C would have to be notified separately and the collection point operated by X would also have to be separately notified.

### Scenario 2



The retail units operated by A and B would have to be notified separately and X would have to notify both the retail premises and the collection point as separate premises.



### Scenario 3



The retail units operated by A and B would have to be notified separately and X would have to notify the retail premises / collection point in a single notification.

Example C The same principles concerning notification of premises set out in Example B can be applied to **hospital sites occupied by multiple organisations**. If there is a discrete unit operated by a producer of hazardous waste that unit is likely to be separate premises and should be notified.

Example D Where there is an **open yard and several operators** each have responsibility for and use of a clearly defined part of that yard each part should be notified. Where there is no clear distinction the entire premises should be notified. The total amount of hazardous waste produced by all the producers at the site should be taken into account in deciding whether the premises are exempt or not. If there is any doubt whether the premises are exempt or not, it is open to any of the operators of the yard to notify the premises. If the premises are not notified and the exemption limit is exceeded, all the producers maybe liable to enforcement action.

Example E A **contaminated land site** where more than one producer may be operating at any one time (unless there is a genuinely discrete area operated as separate premises from the contaminated land site) can be treated as single premises and notified once. The obligation for the notification should generally be arranged by the main contractor for the site. We would not expect each sub-contractor to notify the premises separately.

## **I'm operating a transfer station. Do I need to notify my premises?**

Yes. Waste transfer stations or collection points will be required to notify because they are premises which hold hazardous waste. Notification is not only to do with production of waste.

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