

Waste issues for Fire Protection Companies.

This paper is intended to give a brief overview of the current legislative controls on waste issues that affect Fire Protection companies, based on current knowledge of the author. It is not intended to be a full and complete list of possible legislative requirements. It is written from an Environmental Protection standpoint, and does not include requirements related to the Health and Safety at Work Act.

General waste

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 to authorised persons (holders of a waste management licence),
- Keep records (transfer notes) for at least 2 years.

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.

Packaging waste

Producer Responsibility (Packaging waste) Regulations 1997

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

Discharges to water

The Groundwater Regulations 1998

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 of the schedule and include organohalogens and fluorides. These regulations also set out the requirement to control substances found to be persistent, toxic and bioaccumulative in aquatic environments.

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.

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.

Radioactive substances

Radioactive substances Act 1993

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

Ozone depleting substances

Montreal Protocol and EC regulation 2037/2000

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

Future legislation

Directive 2002/96/EC on waste electrical and electronic equipment (WEEE)

This directive 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 directive is intending to include lighting equipment and monitoring and control instruments in its scope.

PFOS risk reduction strategy

Whilst it is clear that legislation intended to phase out all PFOS based AFFF foams is underway, there is still much debate on the long-term future for Telomer based foams. These have been found to be persistent in the environment but work is still being undertaken to ascertain the levels of toxicity and bioaccumulation. Should Telomer based AFFF be found to be Persistent, Bioaccumulative and Toxic, then these are likely also be subject to legislation to phase them out under the requirements of the Groundwater Regulations 1998.